

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 27 JANUARY 2010 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

ATTENDING: Director of Development Services; Acting Director of Law and Administration; Development Manager; Development Management Co-ordinator (B Whittle); Transport Planning Officer (K Short); Roads Development Officer (B Raeburn); and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST: Councillor MacDonald declared a non-financial interest in agenda item 4 (minute P159 relating to application P/09/0354/FUL) as an objector to an application for the grant of a new House in Multiple Occupation Licence at this location. Councillor MacDonald took no part in the consideration of this item of business.

Councillor McNeill advised that he would not take part in consideration of agenda item 4 (minute P159 relating to application P/09/0354/FUL) as he had concluded that he may be perceived as having pre-judged the matter.

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

- Councillor MacDonald informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/09/0687/FUL (minute P162).
- Councillor Carleschi informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0804/FUL, P/09/0128/FUL, P/09/0356/FUL, P/09/0687/FUL and P/09/0373/FUL (minute P157, P158, P161, P162 and P164) but that he would take part in consideration of planning applications P/09/0354/FUL and P/09/0214/FUL (minute P159 and P160) as he was sufficiently familiar with the sites.
- Councillor Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0356/FUL and P/09/0687/FUL (minute P161 and P162) but that he would take part in consideration of planning applications P/08/0804/FUL, P/09/0128/FUL, P/09/0354/FUL, P/09/0214/FUL and P/09/0457/OUT (minute P157, P158, P159, P160 and P163) as he was sufficiently familiar with the sites.
- Councillor Oliver informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/09/0687/FUL (minute P162) but that he would take part in consideration of planning applications P/09/0128/FUL, P/09/0354/FUL, P/09/0214/FUL, P/09/0356/FUL,

P/09/0457/OUT and P/09/0373/FUL (minute P158, P159, P160, P161, P163 and P164) as he was sufficiently familiar with the sites.

- Councillor Mahoney informed the Committee that that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0214/FUL and P/09/0356/FUL (minute P160 and P161) but that he would take part in consideration of planning applications P/08/0804/FUL and P/09/0128/FUL (minute P157 and P158) as he had attended the previous site visits and was sufficiently familiar with the sites.
- 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/08/0804/FUL, P/09/0128/FUL, P/09/0214/FUL and P/09/0356/FUL (minute P157, P158, P160 and P161) but that he would take part in consideration of planning application P/09/0373/FUL (minute P164) as he was sufficiently familiar with the site.

P155. OPENING REMARKS

Prior to the commencement of business, the Convener welcomed the new Depute Convener, Councillor McLuckie, and thanked the former Depute Convener, Councillor Nicol, for his service and commitment to the role. The Convener also welcomed Councillor Thomson as a new member of the Committee.

P156. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 2 December 2009;
- (b) Minute of Meeting of the Planning On Site held on 11 January 2010; and
- (c) Minute of Meeting of the Planning Committee On Site held on 12 January 2010, with the addition of Councillor Oliver to the sederunt, having intimated that he had attended part of the site visit to application P/08/0804/FUL (minute P157).

P157. CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE), ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AND FORMATION OF NEW VEHICULAR ACCESS AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR AND MRS S RAE - P/08/0804/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 17 June and 2 December 2009 (Paragraphs P44 and P136 refer), Committee gave further consideration to Reports (circulated) dated 10 June and 25 November 2009 by the Director of Development Services and an additional Report (circulated) dated 20 January 2010 by the said Director 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 a temporary staff office and toilet accommodation and for the erection of temporary manager's living accommodation at Riverside Farm, Denny.

The initial proposals now incorporated the formation of a new vehicular access to the Farm.

Councillor Constable, seconded by Councillor Oliver, moved that the application be refused on the grounds that it would be contrary to:-

- Policy RURAL B, being detrimental to the visual and landscape amenity of the area; and
- Policy RURAL I, in not establishing the necessity for a development of this nature at this location.

By way of an Amendment, Councillor Buchanan, seconded by Councillor Martin, moved that the application be granted as detailed in the Report, together with the additional condition that the manager's living accommodation would only be used as living accommodation and should not at any future time later be sold or rented out for any other purpose and that this should be the subject of a Section 75 Agreement.

On a division, 4 Members voted for the Motion and 6 voted for the Amendment.

AGREED that Committee is **MINDED** to **GRANT** planning permission subject to the satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997. The purpose of the agreement will be to restrict occupation of the living accommodation to a person employed as manager of the stables, livery and riding school or a dependant of such a person residing with him or her. Thereafter, on conclusion of the agreement, permission shall be granted subject to the following conditions:-

- (1) The manager's living accommodation shall be granted for a limited period until 31 December 2011 and at that time, unless further permission is granted, the site should be reinstated in accordance with an approved reinstatement plan. Within 1 month of occupation of the manager's living accommodation, the site office and toilet accommodation shall be removed from the site and the site shall be reinstated in accordance with as approved reinstatement plan.
- (2) Within 3 months of the date of the permission, a scheme of soft landscaping works shall be submitted to and approved in writing by the 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;
 - (ii) The location of new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density; and
 - (iv) A programme for completion and subsequent maintenance.

- (3) All approved landscaping works shall be implemented in accordance with the approved scheme of landscaping by the end of the first planting and seeding session following the date of the decision.
- (4) Within 3 months of the date of the permission, a contaminated land assessment shall be submitted to and approved in writing by the Planning Authority. Within 6 months of the date of this decision, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by the Planning Authority.
- (5) The hours of opening of the stables, livery and riding school shall be restricted to 10:00 to 20:00 hours.
- (6) The number of show jumping events per annum shall be restricted to no more than 9 unless otherwise agreed in writing by the Planning Authority by grant of an application to amend the condition.
- (7) The use of any PA system or any other amplification system shall require the written approval of the Planning Authority.
- (8) Prior to the operation hereby approved being brought into use, the new vehicular access shall be formed from the B818 and shall be a minimum of 6m wide, with 10.5m radius to the east and 6m radius to the west to form a bellmouth access, constructed at right angles to the public carriageway and at a gradient no greater than 1:10 in accordance with details approved in writing by the Planning Authority. The details shall include cross section, gradient and retaining structure details; the existing access to the site shall be closed to all vehicles simultaneously to the new access being brought into use.
- (9) The vehicular access shall be constructed in a manner to ensure that no surface water or loose material is discharged on to the public carriageway.
- (10) Within 3 months of the date of this permission, the applicant shall install a kerb line on the opposite side of the B818 to the vehicular access and a delineation kerb for the B818 across the vehicular access, in accordance with details to be approved in writing by the Planning Authority.
- (11) Within 3 months of the date of the permission, a 2.4 metre by 125 metre visibility splay shall be provided of either side of the new vehicular access, to the extent practicable within the confines of the site, within which there shall be no obstruction in visibility greater than 1 metre in height above existing carriageway level.
- (12) The 9 car parking spaces indicated on approved plan 03A shall be maintained free of obstruction at all times.
- (13) Two car park spaces shall be provided for the manager's accommodation in accordance with details approved in writing by the Planning Authority within 3 months of the date of the permission. Thereafter the approved spaces shall be maintained free of obstruction at all times.

- (14) The overflow car park indicated on approved plan 10 shall be made available for use on such occasions as necessary in order to avoid parking on the verge of the B818 and obstruction of access to the car parking spaces detailed in conditions 12 and 13 of the permission.
- (15) Before any work is commenced on the site a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of any trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.

P158. CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT SCHOOLING AREA (RETROSPECTIVE) AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR AND MRS RAE - P/09/0128/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 17 June and 2 December 2009 (Paragraphs P45 and P137 refer), Committee gave further consideration to Reports (circulated) dated 10 June and 25 November 2009 by the Director of Development Services and an additional Report (circulated) dated 19 January 2010 by the said Director 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 **GRANT** planning permission, subject to the following conditions:-

- (1) The hours of operation of the outdoor arena shall be restricted to 10:00 and 20:00 hours.
- (2) Within one month of the date of the decision, details of the luminance (brightness) and light spill generated by the portable floodlighting unit shall be submitted to and approved in writing by the Planning Authority. Thereafter the floodlighting shall be operated in accordance with the approved details, including any necessary measures to mitigate light nuisance. For the avoidance of doubt, the portable floodlighting unit shall be sited in accordance with approved plan 01, unless otherwise agreed in writing by the Planning Authority.

Reason(s):-

- (1) To safeguard the amenity of the area.
- (2) To safeguard the amenity of the area and the interests of the users of the public highway.

Informative:-

- (1) For the avoidance of doubt, the plans to which this decision refers bear the references 01, 02, 03 and 04.

In accordance with their declarations of interest, Councillors MacDonald and McNeill left the meeting prior to consideration of the following item of business.

P159. TWO STOREY EXTENSION AND ALTERATIONS TO HOTEL TO PROVIDE ADDITIONAL BEDROOMS, LOUNGE AND KITCHEN AREA AT 35 KERSE ROAD, GRANGEMOUTH FK3 8HY FOR MR DHILLON - P/09/0354/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 2 December 2009 (Paragraph P141 refers), Committee gave further consideration to Report (circulated) dated 25 November 2009 by the Director of Development Services and an additional Report (circulated) dated 20 January 2010 by the said Director on an application for detailed planning permission for a two-storey extension at first floor level and alterations to the existing 48 bedroom hotel to provide 20 additional bedrooms, lounge and kitchen areas at 35 Kerse Road, Grangemouth.

AGREED to **REFUSE** planning permission on the basis that:-

- (1) The proposed development would represent a loss of amenity in the area from overshadowing adjacent residential properties and would be incompatible with the surrounding residential area; and
- (2) The lack of adequate parking to serve the development would have an adverse impact on road safety.

Councillors MacDonald and McNeill re-entered the meeting following consideration of the foregoing item of business.

Councillor Mahoney left and re-entered the meeting during consideration of the following item of business.

P160. MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF SHOP /STORE TO HOT FOOD TAKEAWAY, AND EXTENSION TO REAR OVER TWO FLOORS TO PROVIDE TWO MAISONETTE FLATS FOR 234 GRAHAM'S ROAD, FALKIRK FK2 7BH FOR MR J AKTHAR - P/09/0214/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 2 December 2009 (Paragraph P142 refers), Committee gave further consideration to Report (circulated) dated 25 November 2009 by the Director of Development Services and an additional Report (circulated) dated 20 January 2010 by the said Director on an application for detailed planning permission for a mixed use development comprising the change of use of a shop/store to a hot food takeaway, and an extension to the rear, over two floors, to provide two maisonette flats at 234 Grahams Road, Falkirk.

AGREED to **CONTINUE** consideration of this item of business to allow a further inspection of the site by Committee and to request that the applicant provide access to the rear of the property in order to view this area.

Councillor Constable left the meeting prior to consideration of the following item of business.

Councillor Carleschi left the meeting during consideration of the following item of business

P161. EXTENSION TO HOT FOOD TAKEAWAY, THE WILLOW, GLEBE STREET, DENNY FK6 6AA FOR MR S M LI - P/09/0356/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 2 December 2009 (Paragraph P144 refers), Committee gave further consideration to Report (circulated) dated 25 November 2009 by the Director of Development Services and an additional Report (circulated) dated 20 January 2010 by the said Director on an application for detailed planning permission for an extension to the front and rear of the existing property, operating as a hot food takeaway, and the replacement of the flat roof with a pitched roof at the Willow, Glebe Street, Denny.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Details of a ventilation system capable of dispersing cooking odours shall be submitted to and approved by the Planning Authority in writing prior to the commencement of the approved use. The approved ventilation system shall be installed and operational before the hot food unit commences trading.

Reason(s):-

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

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear the reference number(s) 01, 02 and 03A.
- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

NOTED that the condition of the premises would be overseen by Environmental Health.

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

Councillor Oliver left the meeting prior to consideration of the following item of business.

Councillor MacDonald left the meeting during consideration of the following item of business.

P162. EXTENSION TO DWELLINGHOUSE (CONSERVATORY TO REAR) AT 8 COLONSAY AVENUE, POLMONT, FALKIRK FK2 0UZ FOR MRS DUNNING - P/09/0687/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 2 December 2009 (Paragraph P145 refers), Committee gave further consideration to Report (circulated) dated 25 November 2009 by the Director of Development Services and an additional Report (circulated) dated 19 January 2010 on an application for detailed planning permission for a single storey extension by way of a conservatory to the rear of the existing extension operating as a dining room on the one and a half storey dwellinghouse at 8 Colonsay Avenue, Polmont, Falkirk.

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

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

Reason:-

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

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear the reference number(s) 01, 02 and 03.
- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (3) The builder shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:-

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

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

Councillors Constable, MacDonald and Oliver re-entered the meeting following consideration of the foregoing item of business.

P163. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON LAND TO THE NORTH EAST OF BURNSIDE, VELLORE ROAD, MADDISTON FOR MANOR FORREST LTD - P/09/0457/OUT (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 2 December 2009 (Paragraph P147 refers), Committee gave further consideration to Report (circulated) dated 25 November 2009 by the Director of Development Services and an additional Report (circulated) dated 20 January 2010 by the said Director on an application for outline planning permission for the development of farmland (approximately 1.2 hectares) for residential purposes on land to the north east of Burnside, Vellore Road, Maddiston.

Councillor McLuckie, seconded by Councillor Nicol, moved that the application be granted subject to clarification from the applicant on the type of tenure having regard to the clear need for affordable housing in the area which supported Government guidance, that appropriate consultation with the statutory consultees on the proposals and the satisfactory negotiation, determination and conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the provision of education for the required improvements.

By way of an Amendment, Councillor Constable, seconded by Councillor MacDonald, moved that the application be refused on the grounds as detailed in the Report.

On a division, 6 Members voted for the Motion and 6 Members voted for the Amendment.

In accordance with Standing Order 21.6, in the case of an equality of votes, the Convener used his casting vote for the Motion.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission subject to:-

- (1) Clarification that there is no objection from statutory consultees, or
- (2) If statutory consultees maintain objections to the proposal, referral of the application to the Scottish Government in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009;
- (3) The satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997. The purpose of the agreement will be to regulate the nature, including type and tenure, of affordable housing provision within the site and, to secure the provision of financial contributions from the applicant to the Council towards education provision and the upgrade of nearby play facilities; and
- (4) Thereafter, on conclusion of the foregoing matters remit to the Director of Development Services to grant planning permission, subject to appropriate conditions.

P164. USE OF LAND FOR OUTDOOR SPORTS (AIRSOFT) AND ERECTION OF ANCILLARY SHELTERS AND FORMATION OF CAR PARK ON LAND TO THE SOUTH OF GREENRIGG FARM, FALKIRK FOR PLAYERS OF WAR AIRSOFT - P/09/0373/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 4 November and 2 December 2009 (Paragraphs P116 and P131 refer), Committee gave further consideration to Reports (circulated) dated 27 October and 25 November 2009 by the Director of Development Services and an additional Report (circulated) dated 19 January 2010 by the said Director on an application for detailed planning permission to increase the frequency of use of the application site for war gaming to a maximum of once a week and a minimum of twice a month, and for the erection of ancillary shelters and the formation of a car park on land to the south of Greenrigg Farm, Falkirk.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) The development shall operate on not more than one day of a week and within the hours of 08.30 and 18.00 hours only.
- (3) The locations of the structures indicated on approved plan 5A are hereby not approved. Within 2 months of the date of this decision, the new locations for the game structures and their design shall be agreed in writing by the Planning Authority.
- (4) The No Play/exclusion zone indicated hatched on approved plan 10A shall be enforced during the operation of all war games and shall be demarcated in accordance with details approved in writing by the Planning Authority.
- (5) Warning signs shall be posted along the adjoining core path during the operation of all war games. The exact location and details of the signs shall be subject to the written approval of the Planning Authority; the no play/exclusion zone shall come into force within 2 months of the date of the permission.
- (6) Within 2 months of the date of this decision, the existing Safe Zone shall be reinstated in accordance with an approved restoration plan and the new Safe Zone, car park and vehicular access indicated on approved plan 5A shall be fully completed in accordance with details approved in writing by the Planning Authority. Once completed, the new car park and vehicular access shall provide the sole means of access and parking facility for the operation.
- (7) The 30 metre exclusion zones around the two badger setts indicated on approved plan 10A shall be enforced during the operation of all war games and shall be demarcated by high-visibility tape of a height at least one metre above the ground.
- (8) The unsurveyed area of the site indicated on approved plan 11 shall be subject to a badger survey. Any necessary mitigation measures shall be agreed in writing by the Planning Authority in consultation with Scottish Natural Heritage. This area shall not be used for war games until the approved measures have been fully

implemented. Thereafter, the approved measures shall be enforced during the operation of all war games.

- (9) The ping area No Play Zone indicated on approved plan 5A shall be enforced during the operation of all war games and shall be demarcated in accordance with details approved in writing by the Planning Authority.
- (10) The vehicular access to the site shall have a minimum width of 6 metres, with a 12 metre radii to form a bellmouth, and shall extend at a minimum width of 6 metres for at least 15 metres as measured from the edge of the carriageway.
- (11) The vehicular access shall be constructed at right angles to the carriageway, at a gradient of 1 in 10, and in a manner to ensure that no surface water run-off or loose material is discharged onto the public road.
- (12) There shall be no obstruction to visibility greater than one metre in height above the carriageway for a minimum distance of 65 metres east of the vehicular access.
- (13) Notwithstanding the provisions of Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), any use of the site for war games or associated development, following the date of grant of the permission, shall be carried out in accordance with the conditions of the permission.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-6) To safeguard the environmental amenity of the area.
- (7-8) To safeguard the interests of a protected species.
- (9) To preclude an area which is not suitable for use.
- (10-12) To safeguard the interests of the users of the highway.
- (13) To ensure proper control over the use of the site.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which this decision refers bear the reference numbers 01, 02, 03, 04, 05A, 06, 07, 08, 09, 10A, 11 and 12.
- (2) The vehicular access will require a Minor Roadworks Consent, issued and approved by Roads Services, Earls Road, Grangemouth.
- (3) The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) regulate the disposal of sewage effluent to the water environment. The applicant should contact the SEPA local area team to ensure that any proposals for foul drainage are agreed and can be authorised under CAR.

- (4) Surface water drainage is required to comply with General Binding Rules (GBRs) 10 and 11 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR).
- (5) Any noise or odour complaints would be investigated by the Environmental Health Unit and acted upon as appropriate under Statutory Nuisance Legislation contained in the Environmental Protection Act.
- (6) Any tree thinning or felling that would disturb badgers or damage their setts would require a licence from the Scottish Government's Habitats and Species Unit.
- (7) That the applicants provide biodegradable pellets only and ensure that those bringing their own pellets only use these pellets.

The Convener agreed a 5 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt.

P165. CHANGE OF USE OF UNIT 5 FROM CLASS 4 (BUSINESS) TO CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES) AT 80 WALLACE STREET, GRANGEMOUTH FK3 8JU FOR MR ALEX MILLER - P/09/0737/FUL

There was submitted Report (circulated) dated 19 January 2010 by the Director of Development Services on an application for detailed planning permission for the change of use of Unit 5, located in a row of 3 Class 4 units with residential accommodation on the first floor at the corner of Jackson Avenue and Wallace Street, at 80 Wallace Street, Grangemouth, from Class 4 (Business) to Class 2 (Financial, Professional and other Services).

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

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

Reason:-

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

Informative:-

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

P166. CHANGE OF USE OF UNIT 1 FROM CLASS 4 (BUSINESS) TO CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES) AT 80 WALLACE STREET, GRANGEMOUTH FK3 8JU FOR MR ALEX MILLER - P/09/0738/FUL

There was submitted Report (circulated) dated 19 January 2010 by the Director of Development Services on an application for detailed planning permission for the change of use of Unit 1, located in a row of 3 Class 4 units with residential accommodation on the first floor at the corner of Jackson Avenue and Wallace Street, at 80 Wallace Street, Grangemouth, from Class 4 (Business) to Class 2 (Financial, Professional and other Services).

AGREED to GRANT planning permission, subject to the following condition:-

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

Reason:-

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

Informative:-

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

P167. ALTERATIONS TO SHOPFRONT AT 4 – 6A YORK ARCADE, GRANGEMOUTH FK3 8BA FOR FALKIRK COUNCIL - P/09/0841/FUL

There was submitted Report (circulated) dated 19 January 2010 by the Director of Development Services on an application for detailed planning permission for alterations to the existing shopfront, with the removal of a glazed panel and the installation of a new glazed entrance door, within the Town Centre at 4 to 6A York Arcade, Grangemouth.

AGREED to GRANT planning permission, subject to the following condition:-

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

Reason:-

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

Informative:-

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

P168. ERECTION OF DWELLINGHOUSE ON LAND AT WHINNIE MUIR WOOD WEST OF TORWOOD HEAD COTTAGE, LARBERT FOR MR R MCCLURG - P/09/0519/FUL

There was submitted Report (circulated) dated 19 January 2010 by the Director of Development Services on an application for detailed planning permission for the erection of a dwellinghouse constructed over two floors, comprising a basement, wine cellar and two double garages and on the ground floor comprising one bedroom, a swimming pool, a lounge, a dining room, a study, a kitchen, a breakfast room, a family room and a play room (with potential for a further bedroom), a utility room, a pool plant room, a hall and a vestibule and including access to a veranda, and on the upper floor comprising five bedrooms and a library. The site is adjacent to a commercial fishery which has been excavated for a pond with a grassed island feature. The applicant had also installed a temporary caravan and related outbuilding, with roadway access, all on land at Whinnie Muir Wood, west of Torwood Head Cottage, Larbert.

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

P169. CHANGE OF USE FROM SOCIAL CLUB TO PUBLIC HOUSE AT 2 DUNDAS STREET, GRANGEMOUTH FK3 8BX FOR MR ROBERT DOUGLAS HANNIGAN - P/09/0785/FUL

There was submitted Report (circulated) dated 19 January 2010 by the Director of Development Services on an application for detailed planning permission for the change of use of an existing social club to a public house, at the edge of the Town Centre, bounded to the west by a railway, to the south by a further social club, to the north by a public car park and across Dundas Street to the east by a block of three storey flats at 2 Dundas Street, Grangemouth.

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

- (1) The application being referred to Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
- (2) And thereafter, provided the matter is not referred to Scottish Ministers for determination, on conclusion of the foregoing matter, remit to the Director of Development Services to grant planning permission subject to the following condition:-
 - (a) The development to which the permission relates must be begun within three years of the date of the permission.

Reason:-

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

Informative(s):-

- (1) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear the reference number(s) 01, 02A and 03.
- (3) That appropriate disabled access be included in the building design as required by Building Standards Regulations.

Councillor Thomson left the meeting during consideration of the foregoing item of business.

P170. DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT CANAL BANK, STATION ROAD, BRIGHTONS, FALKIRK FOR MR WILLIAM SCOBIE - P/08/0923/OUT

There was submitted Report (circulated) dated 19 January 2010 by the Director of Development Services on an application for outline planning permission for the development of land for housing purposes at a site bounded to the north by the Polmont Burn and to the south by the Union Canal, at Canal Bank, Station Road, Brightons, Falkirk.

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

P171. WORKS TO IMPROVE PEDESTRIAN CIRCULATION IN CHURCHYARD INCLUDING RELAYING OF SETTS, NEW STONE-WALL SEATING PROVISION, NEW CAR PARKING, IMPROVED LIGHTING FOR MEMORIALS AND CHURCH, RE-SITING OF ROTARY CLOCK ON UPPER NEWMARKET STREET TO ALLOW IMPROVED BUS SHELTER PROVISION, INCLUDING NEW BUS SHELTERS WITH REAL TIME INFORMATION SIGNS, HANDRAILS FOR STEPS AND CAST IRON FENCES WILL ALSO BE REPLACED THROUGHOUT THE SITE FOR ST MODANS AND FALKIRK OLD PARISH CHURCH, MANSE PLACE, FALKIRK FK1 1JN FOR MS GILLIAN SMITH - P/09/0757/FUL

There was submitted Report (circulated) dated 19 January 2010 by the Director of Development Services on an application for detailed planning permission for alteration works to ensure improved pedestrian access and safety with enhanced access to monuments and to the history of the site, church and church yard both being listed surrounding St Modans and Falkirk Old Parish Church.

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

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

Reason:-

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

Informative(s):-

- (1) This application was submitted on-line, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear the on-line reference number(s) 01, 02, 03, 04, 05, 06, 07 and 08.
- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

P172. CHANGE OF USE FROM SOCIAL CLUB TO PUBLIC HOUSE AT WARRIORS SOCIAL CLUB, TRYST ROAD, STENHOUSEMUIR, LARBERT FOR OCHILVIEW BAR – P/09/0769/FUL

There was submitted Report (circulated) dated 19 January 2010 by the Director of Development Services on an application for detailed planning permission for the change of use from a social club to a public house forming part of the Stenhousemuir Football Club group of buildings at the Warriors Social Club, Tryst Road, Stenhousemuir, Larbert.

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

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 15 FEBRUARY 2010 commencing at 9. 30 a.m.

PRESENT: Councillors Buchanan, Constable, Carleschi (for application P/09/0769/FUL); Lemetti, A MacDonald, McLuckie and McNeill (for applications P/08/0923/OUT, P/09/0214/FUL and P/09/0769/FUL).

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Mahoney, Nicol and Thomson.

ATTENDING: Development Manager; Senior Planning Officer (J Milne) (for applications P/09/0769/FUL and P/09/0519/FUL); Planning Officer (S McClure) (for application P/09/0214/FUL); Roads Development Officer (B Raeburn); Solicitor (K Quin); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: None.

P173. DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT CANAL BANK, STATION ROAD, BRIGHTONS, FALKIRK FOR MR WILLIAM SCOBIE - P/08/0923/OUT

With reference to Minute of Meeting of the Planning Committee held on 27 January 2010 (Paragraph P170 refers), Committee gave further consideration to Report (circulated) dated 19 January 2010 by the Director of Development Services on an application for outline planning permission for the development of land for housing purposes at a site bounded to the north by the Polmont Burn and to the south by the Union Canal, at Canal Bank, Station Road, Brightons, Falkirk.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

The applicant was heard in support of the application.

Mr Boyle, a neighbouring resident, was heard in relation to the application on the need for the safe disposal of asbestos by qualified removers from the existing buildings on site.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 24 February 2010.

P174. MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF SHOP /STORE TO HOT FOOD TAKEAWAY, AND EXTENSION TO REAR OVER TWO FLOORS TO PROVIDE TWO MAISONETTE FLATS FOR 234 GRAHAMS ROAD, FALKIRK FK2 7BH FOR MR J AKTHAR - P/09/0214/FUL

With reference to Minutes of Meetings of the Planning Committee held on 2 December 2009 and 27 January 2010 (Paragraphs P142 and P160 refer), Committee gave further consideration to Reports (circulated) dated 25 November 2009 and 20 January 2010 by the Director of Development Services on an application for detailed planning permission for a mixed use development comprising a change of use of a shop/store to a hot food takeaway, and an extension to the rear, over two floors, to provide two maisonette flats at 234 Grahams Road, Falkirk.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

No objectors or supporters were present at the site visit. The objections had been noted and minuted at the site visit on 12 January 2010 (minute P154).

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 24 February 2010.

P175. CHANGE OF USE FROM SOCIAL CLUB TO PUBLIC HOUSE AT WARRIORS SOCIAL CLUB, TRYST ROAD, STENHOUSEMUIR, LARBERT FOR OCHILVIEW BAR – P/09/0769/FUL

With reference to Minute of Meeting of the Planning Committee held on 27 January 2010 (Paragraph P172 refers), Committee gave further consideration to Report (circulated) dated 19 January 2010 by the Director of Development Services on an application for detailed planning permission for the change of use from a social club to a public house forming part of the Stenhousemuir Football Club group of buildings at Warriors Social Club, Tryst Road, Stenhousemuir, Larbert.

The Convener introduced the parties present.

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

Mr Sannachan, the applicants' representative, was heard in support of the application.

Mr Sannachan also spoke as an individual in support of the application.

The Convener read a letter from a supporter Mr Stevenson, who had submitted apologies for the meeting.

Mr Jenkins, a supporter, was heard in relation to the application.

The supporters highlighted the following issues:-

- That the proposal would be an asset to the local community;
- The lack of noise issues in the past; and
- That the property had been extensively refurbished to an acceptable degree.

The Convener read a letter from an objector Mr Serafini, who had submitted apologies for the meeting.

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

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

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

Mr Coyne, Russell and Aitken, Solicitors, provided clarification in relation to their representation, land related issues and access to the Tryst.

The objectors highlighted the following issues:-

- The road safety, access and parking issues;
- The increased risk of anti-social behaviour, noise, loud music, disturbance and public nuisance;
- The extended hours of operation;
- The lack of identified dedicated vehicular access for servicing or parking provision;
- That younger age of clients with no membership control over behaviour; and
- That the existing parking practices and use of land to the north had not been agreed with the landowner.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 24 February 2010.

P176. ERECTION OF DWELLINGHOUSE AT LAND AT WHINNIE MUIR WOOD WEST OF TORWOOD HEAD COTTAGE, LARBERT FOR MR R MCCLURG - P/09/0519/FUL

With reference to Minute of Meeting of the Planning Committee held on 27 January 2010 (Paragraph P168 refers), Committee gave further consideration to Report (circulated) dated 19 January 2010 by the Director of Development Services on an application for detailed planning permission for the erection of a dwellinghouse constructed over two floors, comprising a basement, wine cellar and two double garages and on the ground floor comprising one bedroom, a swimming pool, a lounge, a dining room, a study, a kitchen, a breakfast room, a

family room and a play room (with potential for a further bedroom), a utility room, a pool plant room, a hall and a vestibule and including access to a veranda, and on the upper floor comprising five bedrooms and a library. The site is adjacent to a commercial fishery which has been excavated for a pond with a grassed island feature. The applicant has also installed a temporary caravan and related outbuilding, with roadway access, all on land at Whinnie Muir Wood, west of Torwood Head Cottage, Larbert.

The Convener introduced the parties present.

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

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

Ms Stevenson, on behalf of Torwood Community Woodland Group, an objector, was heard in relation to the application.

Mr Robertson, on behalf of Larbert, Stenhousemuir and Torwood Community Council, an objector, was heard in relation to the application.

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

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

The objectors highlighted the following issues:-

- That the application was contrary to the Local Plan, as there is no requirement for additional housing land in the Rural North area in the Local Plan period to 2012 and outwith the village limit;
- That the proposal was contrary to Policy Rural 1 'New Development in the Countryside';
- That the application would encroach on the protected woodland area;
- The loss of trees, existing woodland and no replanting;
- The loss of green space for walking, cycling and for wildlife and the loss of amenity in the area;
- That the development was detrimental to the local environment.
- That the dwelling was out of place and not conducive to a small business;
- That the size of the development would add to the ongoing creeping development and infrastructure constraints within the area;
- That there was no requirement for additional housing in the area and the backland development was excessively large for a manager's house; and
- That site access was from the dangerous A9.

Mr McLeod, a supporter, was heard in relation to the application on the value of the fishery and tourism in the area.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 24 February 2010.

FALKIRK COUNCIL

Subject: MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF SHOP / STORE TO HOT FOOD TAKEAWAY, AND EXTENSION TO REAR OVER TWO FLOORS TO PROVIDE TWO MAISONETTE FLATS AT 234 GRAHAMS ROAD, FALKIRK, FK2 7BH FOR MR J AKTHAR - P/09/0214/FUL

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Provost Pat Reid
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn

Community Council: Grahamston, Westfield and Middlefield

Case Officer: Stephen McClure (Planning Officer), ext 4702

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 2nd December 2009 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 12th January 2010.
2. After further consideration at the meeting of the Planning Committee on 27th January 2010 (copy of previous update report appended), it was agreed to undertake a further site visit to allow Members the opportunity to view the area to the rear of the property as this was not possible at the site meeting of 12th January 2010. A second site visit took place on 15th February 2010.
3. Members were advised on site of the extent of the proposed extension to the rear, and how far it would protrude from the existing building. It was also pointed out that the distance between the rear of the proposed extension and existing dwellings was acceptable with regard to privacy.
4. Members also raised the issue of an access point which has been formed to the rear, and whether this would allow access to the rear. It was however highlighted to Members that this was actually located outwith the applicant's site, on the neighbouring plot of land, and outwith the applicant's control. The neighbouring site already benefits from planning consent and is being developed as a similar mixed use development, with a commercial and residential element.

5. RECOMMENDATION

5.1 It is recommended that planning permission be granted subject to the following condition(s):-

- (1) The development to which this permission relates must be begun within three 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 11A 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 details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority.**
- (4) Before any work is commenced on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority.**
- (5) Before any work is commenced on site, details of all materials to be used on the exterior of the building, including roof shall be submitted to and approved by the Planning Authority.**

Reason(s):

- (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 -5) To safeguard the visual amenity of the area.**

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02, 03, 04 and 06.



Pp

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Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Letter of objection dated 13 May 2009 from Mrs Jessie Woods, 8 Castings Avenue, Falkirk, FK2 7BJ.
4. Letter of objection dated 23 April 2009 from Mr Kenny Murray, 250 Grahams Road, Falkirk, FK2 7BH.
5. Letter of objection dated 23 April 2009 from Helen McCabe, 2 Castings Avenue, Falkirk, FK2 7BJ.
6. Letter of objection dated 06 May 2009 from William Thompson, 23 Ewing Avenue, Falkirk, FK2 7LS.
7. Letter of objection dated 15 April 2009 from J I Bian, 226 Grahams Road, Falkirk, FK2 7BH.
8. Letter of objection dated 30 April 2009 from Dhillon's, 264 - 266 Grahams Road, Falkirk, FK2 7BH.
9. Letter of objection dated 24 April 2009 from Mr Scott Murray, 19 Ewing Avenue, Falkirk, FK2 7LS.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

FALKIRK COUNCIL

Subject: MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF SHOP / STORE TO HOT FOOD TAKEAWAY, AND EXTENSION TO REAR OVER TWO FLOORS TO PROVIDE TWO MAISONETTE FLATS AT 234 GRAHAMS ROAD, FALKIRK, FK2 7BH FOR MR J AKTHAR - P/09/0214/FUL

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Provost Pat Reid
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn

Community Council: Grahamston, Westfield and Middlefield

Case Officer: Stephen McClure (Planning Officer), ext 4702

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 2 December 2008 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 12 January 2010.
2. At the site visit it was highlighted by Provost Reid and Councillor Meiklejohn that lack of parking provision was an issue at the site and in the residential estate adjacent. It was considered that the introduction of the proposed hot food takeaway, as well as two flatted dwellings without dedicated parking, would exacerbate the present situation.
3. The Roads Development Unit has confirmed that the recommended parking spaces for the flatted dwellings could not be achieved on-site. However, given the location of the site this would be acceptable to the Roads Development Unit, as there are accessible public transport links along Grahams Road and on-street parking available to address the issue.
4. The on-street parking at this section of Grahams Road was also not considered to be a problem for the Roads Development Unit, with parking being available at all times of the day. The availability of parking at the time of the site visit was noted.
5. It was also pointed out that this site is established as a retail unit and, although currently vacant, it could re-open for certain uses without the benefit of planning consent. These uses would potentially generate as much traffic as the business proposed, which the Roads Development Unit has taken into consideration.

6. With regard to parking issues highlighted within the adjacent residential estate, it was explained that this would not be taken into consideration when assessing the current application. The adjacent residential estate is an established estate, with parking designed into the layout. The parking issues directly related to the application site were seen to be satisfactory and it was not considered by officers that this proposal would exacerbate any parking difficulties in the residential estate.
7. With regard to the proposed use of the unit as a hot food takeaway, it was advised that the applicant has co-operated with the Council during the application period and the Environmental Protection Unit is satisfied with the proposal. The control of the hours of operation is a matter which the licensing board could consider.
8. The issue raised of the potential for anti-social behaviour at the proposed hot food takeaway was also discussed. It was explained that this was not a material planning consideration, as the actions of individuals who may use the proposed hot food takeaway, or any premises on Grahams Road, cannot be controlled through planning legislation. The use as a hot food takeaway would not introduce a new use to this area of Graham's Road, as it already contains a mixture of commercial premises, including hot food takeaway premises.
9. With regard to the building itself, as an older property, it was explained that the property is not listed and the area is not a Conservation Area. The building façade has in the past had security measures installed, which are unsympathetic to the original design. However, the proposed design would retain the existing façade and is sympathetic to the original design. It would also meet the requirements of the Council's Shopfront Guidance, and bring this currently vacant section of retail frontage back into use.

RECOMMENDATION

10. **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 three 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 11A 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 details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority.
- (4) Before any work is commenced on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority.
- (5) Before any work is commenced on site, details of all materials to be used on the exterior of the building, including roof shall be submitted to and approved by the Planning Authority.

Reason(s):

- (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 -5) To safeguard the visual amenity of the area.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02, 03, 04 and 06.



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For Director of Development Services

Date: 20 January 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Letter of objection dated 13 May 2009 from Mrs Jessie Woods, 8 Castings Avenue, Falkirk, FK2 7BJ.
4. Letter of objection dated 23 April 2009 from Mr Kenny Murray, 250 Grahams Road, Falkirk, FK2 7BH.
5. Letter of objection dated 23 April 2009 from Helen McCabe, 2 Castings Avenue, Falkirk, FK2 7BJ.
6. Letter of objection dated 06 May 2009 from William Thompson, 23 Ewing Avenue, Falkirk, FK2 7LS.
7. Letter of objection dated 15 April 2009 from J I Bian, 226 Grahams Road, Falkirk, FK2 7BH.
8. Letter of objection dated 30 April 2009 from Dhillon's, 264 - 266 Grahams Road, Falkirk, FK2 7BH.
9. Letter of objection dated 24 April 2009 from Mr Scott Murray, 19 Ewing Avenue, Falkirk, FK2 7LS.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

FALKIRK COUNCIL

Subject: MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF SHOP / STORE TO HOT FOOD TAKEAWAY, AND EXTENSION TO REAR OVER TWO FLOORS TO PROVIDE TWO MAISONETTE FLATS AT 234 GRAHAMS ROAD, FALKIRK, FK2 7BH FOR MR J AKTHAR - P/09/0214/FUL

Meeting: PLANNING COMMITTEE

Date: 2 December 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn
Councillor Pat Reid

Community Council: Grahamston, Westfield and Middlefield

Case Officer: Stephen McClure (Planning Officer), ext 4702

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises a shop unit located on Grahams Road with a large yard to the rear. The unit is currently vacant and the yard is overgrown and disused. It is proposed to renovate and extend the existing premises to accommodate a hot food takeaway at street level with two flats above.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Provost Pat Reid.

3. SITE HISTORY

- 3.1 Planning Application ref: P/08/0969/FUL comprising a Hot Food Takeaway and Flatted Dwellings, was withdrawn.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has stated that there is no scope to provide any parking. Therefore, there would be no roads conditions to be attached to any permission to be granted.
- 4.2 Scottish Water has no objection to the proposal.

- 4.3 The Environmental Protection Unit is satisfied that the applicant provided further detailed specifications in regards to odour and noise. This now satisfies the requirements. A site investigation to establish if contamination (as defined by Part 11a of the Environmental Protection Act 1990) is present on site is required.

5. COMMUNITY COUNCIL

- 5.1 Grahamston, Westfield and Middlefield Community Council did not comment.

6. PUBLIC REPRESENTATION

- 6.1 7 letters of objection have been received. The salient issues are summarised below.

- Will affect neighbouring hot food takeaway businesses by taking away customers.
- Too many hot food takeaways already exist on Grahams Road.
- Will add to the existing smells that come from Hot Food Takeaways.
- Will cause more noise.
- Will create extra litter on the streets.
- Will attract intoxicated persons.
- The street is not suitable for parking.
- Will attract more people to the area late at night.
- The unit in question would benefit from being used for another business not related to food.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 There are no relevant policies within the Falkirk Structure Plan.

Falkirk Local Plan

7a.2 The relevant policies against which assessment was made are:

7a.3 Policy FAL 3.7 'Shopfront Design' states:

"The design of new or altered shopfronts should be well-proportioned and sympathetic to the character of the building of which they are part. Where possible, the preservation or restoration of existing traditional shopfront features such as stallrisers, pilasters, cornices, friezes and mouldings will be encouraged."

7a.4 The proposed shop front is well-proportioned and sympathetic to the character of the building of which it is part. Where possible, existing features are being preserved and/or restored. It is therefore considered that the proposal accords with Policy FAL 3.7.

7a.5 Policy FAL 5.1 'New Residential Development' states:

"The Council will support residential development on sites H1 to H28 as identified in the Policies, Proposals and Opportunities Map. Other brownfield sites which become available within the Urban Limit will also be considered favourably for housing, subject to other Local Plan policies and proposals, provided that:

- (i) the proposed housing use is compatible with neighbouring uses;*
- (ii) a satisfactory level of residential amenity can be achieved;*
- (iii) access, parking, drainage and other infrastructure can be provided to a standard acceptable to the Council; and*
- (iv) essential community services such as schools, shops and public transport are available and easily accessible.*

The reuse of upper floors in Falkirk Town Centre for residential purposes will be encouraged, subject to access and amenity considerations."

7a.6 The proposed flatted dwellings are surrounded by residential dwellings, including flatted dwellings. The properties have been designed to allow a satisfactory level of residential amenity to be achieved, by both being adequately sound-proofed against exterior noise at this location, and from any odours created by the proposed ground floor use as a hot food takeaway. The proposed properties would not have dedicated parking but, due to the location near the town centre and on main bus routes, the Roads Unit has not asked for parking spaces. There are parking spaces available on the road to the front of the properties. All other infrastructure proposed is to an adequate standard. Due to the central location, the properties will have access to a range of community services and public transport options. It is therefore considered that the proposal accords with Policy FAL 5.1.

7a.7 Policy FAL 7.8 ‘Food and Drink Outlets’ states:

“Proposals for food and drink outlets (Class 3 as defined by the Town and Country Planning (Use Classes)(Scotland) Order 1997), public houses and hot food takeaways will only be permitted where:

- (i) there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (ii) the proposal meets the terms of Policy FAL 7.9 on protected shopping frontages; and*
- (iii) the proposal is satisfactory in terms of parking, access and traffic generation.”*

7a.8 The proposed hot food takeaway would not be introducing a new use to this area. Grahams Road is a main access into the Town Centre and contains a mix of commercial uses, including existing hot food takeaways. It is not considered that this further proposal would have an adverse impact on the amenity of the surrounding area or adjacent residential properties. The Environmental Protection Unit is satisfied that odour and noise attenuation has been adequately addressed nor would there be any significant additional disturbance, noise or litter, as the street is already a busy thoroughfare. The proposal would not exacerbate parking, access and traffic generation issues. It is therefore considered that the proposal accords with Policy FAL 7.8.

7a.9 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

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

- Falkirk Council Local Plan Finalised Draft (Deposit Version).
- Public Representations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EQ11 ‘Shopfronts’ states:

- “(1) The design of new or altered shopfronts should be well-proportioned and sympathetic to the character of the building of which they are part. The retention and restoration of existing traditional shopfront features such as stallrisers, pilasters, cornices, friezes and mouldings will be required; and*
- (2) External security measures should not detract from the character of the building or the area in general. Where such measures are necessary, there will a presumption in favour of perforated shutters and grilles, as opposed to solid roller shutters.”*

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 Policy SC8 ‘Infill Development and Subdivision of Plots’ states:

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

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

7b.5 Policy EP9 – 'Food And Drink' states:

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

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

7b.6 The relevant policies contained within the Falkirk Council Local Plan – Finalised Draft (Deposit Version), reinforce and affirm policies FAL 3.7, 5.1, 7.8. The proposed shop front is well - proportioned and sympathetic to the character of the building, and the housing element is compatible with neighbouring uses. It is also considered that a satisfactory level of residential amenity can be achieved and the site is well served by community facilities as well as good access to public transport. All other physical infrastructure is in-place at the site and it satisfies Policy SC8 for Infill Developments and Sub-division of Plots. The proposed hot food takeaway element would also be satisfactory, as there will be no adverse impact on the amenity of surrounding residential properties, including those proposed above or the surrounding area in general by virtue of noise, disturbance, litter and odour. The Roads Unit is satisfied with the parking, access and traffic generation at the location. It is therefore considered that the proposal accords with Policy EQ11, SC2, SC8 and EP9.

7b.7 Accordingly the proposal accords with the provisions of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Summary of Public Representations

- The increased competition to existing hot food takeaways in the vicinity is not a material planning consideration.
- Grahams Road is not a protected retail (shop frontage) location. There are several other similar businesses on Grahams Road, but due to the amount of units and variety of uses, it would not be considered that there is an accumulation of this use.
- The proposed hot food takeaway has satisfied Environmental Protection in relation to odour control, especially as there are proposed flatted dwellings above the unit.
- It is not considered that the addition of this establishment would exacerbate noise at this location. There are already similar businesses nearby in the Grahams Road area. There is no evidence to show that the addition of this establishment would increase traffic, both pedestrian and vehicular to any great degree at this location, therefore not increasing existing noise levels. The Environmental Protection Unit is satisfied that the proposed noise measures in relation to equipment are adequate.
- There is no evidence to show that litter would increase at this location due to the proposed hot food takeaway. It is already a busy street that contains existing hot food units and therefore this would not be a new use to the area. In any case, this is not a material planning consideration.
- Anti-social behaviour arising from the proposed hot food takeaway is not a material planning consideration.
- There are already existing parking opportunities to the front of the proposed hot food takeaway on Grahams Road and the Roads Unit are satisfied with this proposal.

7c Conclusion

7c.1 It is considered that the proposal is acceptable development, is in accordance with the Development Plan, and the Falkirk Council Local Plan Finalised Draft (Deposit Version). There are no other material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three 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 11A 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 details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority.
- (4) Before any work is commenced on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority.
- (5) Before any work is commenced on site, details of all materials to be used on the exterior of the building, including roof shall be submitted to and approved by the Planning Authority.

Reason(s):

- (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 -5) To safeguard the visual amenity of the area.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02, 03, 04 and 06.



.....
Director of Development Services

Date: 25th November 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Letter of objection dated 13 May 2009 from Mrs Jessie Woods, 8 Castings Avenue, Falkirk, FK2 7BJ.
4. Letter of objection dated 23 April 2009 from Mr Kenny Murray, 250 Grahams Road, Falkirk, FK2 7BH.
5. Letter of objection dated 23 April 2009 from Helen McCabe, 2 Castings Avenue, Falkirk, FK2 7BJ.
6. Letter of objection dated 06 May 2009 from William Thompson, 23 Ewing Avenue, Falkirk, FK2 7LS.
7. Letter of objection dated 15 April 2009 from J I Bian, 226 Grahams Road, Falkirk, FK2 7BH.
8. Letter of objection dated 30 April 2009 from Dhillon's, 264 - 266 Grahams Road, Falkirk, FK2 7BH.
9. Letter of objection dated 24 April 2009 from Mr Scott Murray, 19 Ewing Avenue, Falkirk, FK2 7LS.

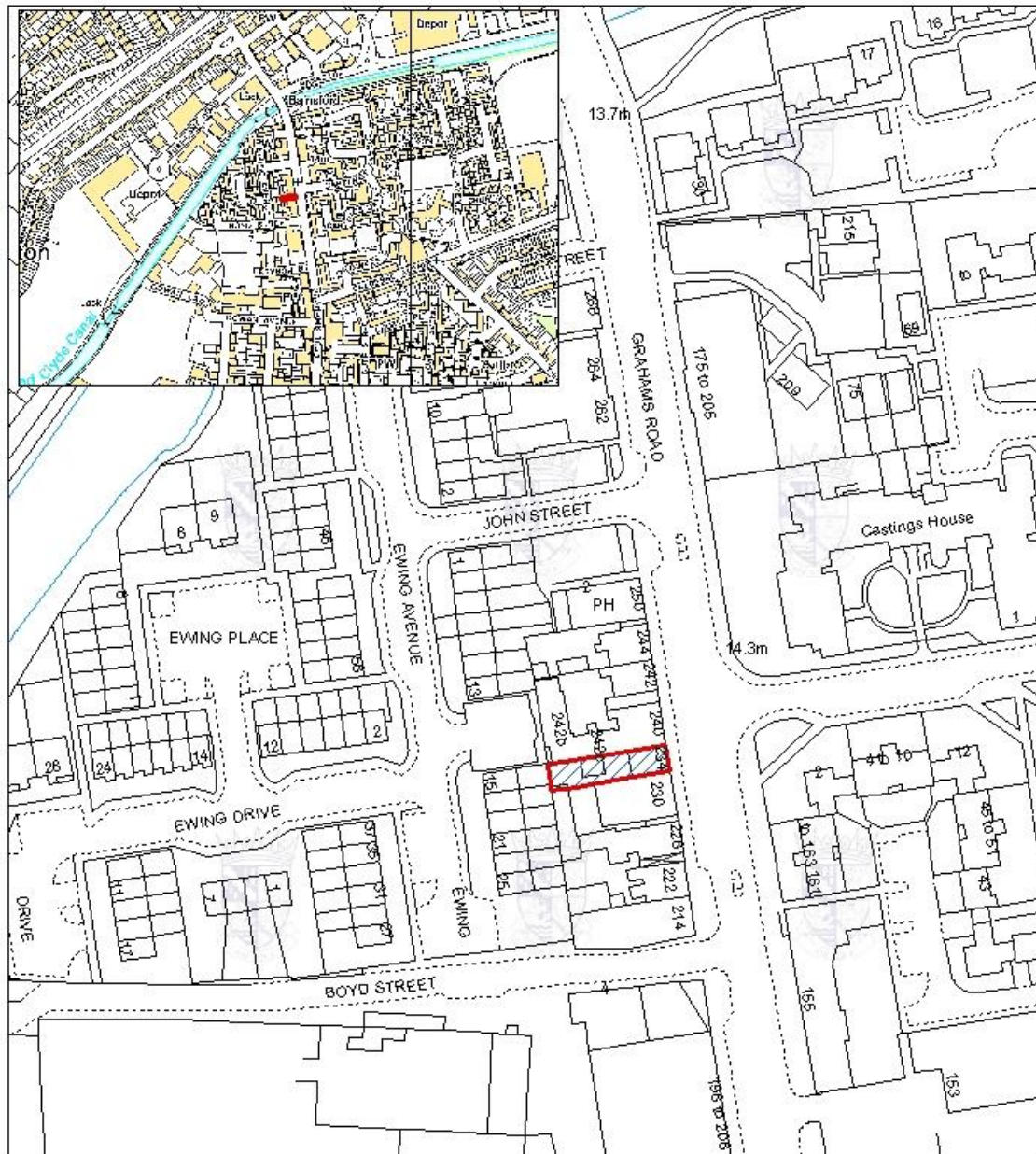
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0214/FUL

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



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FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND AT WHINNIE MUIR
WOOD WEST OF TORWOOD HEAD COTTAGE, LARBERT FOR MR R
MCCLURG - P/09/0519/FUL

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne (Senior Planning Officer), 4815

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 27 January 2010 (copy of previous report attached), when it was agreed to continue the application and to undertake a site visit. This visit took place on 15 February 2010.
2. The agent, acting on behalf of the applicant, raised a number of points, most notably:-
 - the 'Goalposts have been moved' on the issue of a new dwellinghouse since the previous approval of planning permission for the commercial fishery;
 - the issue of the size, scale and massing of the dwellinghouse (notably the size of the dwelling in terms of accommodation) was not a significant consideration.
 - if planning permission was not granted, the commercial fishery may close;
 - the applicant has amended the business plan for the fishery to include an element where members of the public would be able to fish.
3. Various representations in support of and objection to the proposal were made by members of the public:
 - the proposal would encourage tourism in the area;
 - the proposal would detract from the visual amenity of the area, along with points already made in the planning officer's report;

- Larbert, Stenhousemuir and Torwood Community Council reiterate their objections;
 - the dwellinghouse is not of a size relative to the operation of a small commercial fishery;
 - a history of unauthorised felling within the protected woodland has occurred.
4. Councillor Tom Coleman commented on the scale and visual impact of the proposed dwelling and the previous felling of trees.
5. In response to these contributions, the following comments should be considered:-

- The previous planning report dealt with the issue of temporary accommodation under part 7b.5.

A permanent dwelling on the site of the commercial fishery is not justified. No financial or other justification has been presented to support the principle of development on this site, and the justification was not secured through the previous planning application for the fishery business.

- The agent has submitted the proposal “to provide staff accommodation in association with the operation of the commercial fishery”.
- The size, scale and massing of the proposed dwellinghouse is a material consideration of the application and forms a principal reason for the recommendation to refuse the planning application.
- The applicant is not the current occupant of the temporary caravan placed on site, nor have issues of major site security been raised. It is therefore unclear as to why the refusal of the proposed 7 bedroom dwelling would lead to the closure of a private fishery.
- The change in operation of the fishery business would have no impact on the current proposal beyond a change in the business plan presented. However, the business plan for the proposed fishery envisaged an income of £100,000 per year from a private consortium, over a 5 year period.

The income over the last 3 years has been £60,000 per year and, given the costs of establishing the fishery and employing an on-site manager, the project remains financially ‘fragile’, even with the limited opening of the fishery to members of the public.

- The previous felling of trees is not a material planning consideration in respect of this proposal.
- Representations are noted, with the following considerations:-
 - > No written representation regarding the tourism element has been received, but the inclusion or exclusion of a dwellinghouse would have no material change to the current fishery provision;

- > Other points have been addressed through the previous report;
- > For clarification, 2 letters of representation have been received from the same author, representing both the author and the Woodlands Trust;
- > The list of contributors has been amended accordingly.

4. RECOMMENDATION

4.1 It is recommended that Committee refuse planning permission for the following reasons:-

- (1) It is considered that the proposal is contrary to Falkirk Council Structure Plan Policy ENV.1 (Countryside and Protected Areas), Rural Area Local Plan Policy Rural 1 (New Development in the Countryside) and Falkirk Council Local Plan Finalised Draft Deposit Version Policy SC3 (Housing Development in the Countryside) in that the essential justification for the dwelling to serve the existing fishery business has not been established nor that the business as a whole is capable of providing the main source of income for the occupant.
- (2) The proposal is considered contrary to the Planning Advice Note 72 (New Housing in the Countryside), Rural Area Local Plan Policy Rural 1 (New Development in the Countryside) and Falkirk Council Local Plan Finalised Draft Deposit Version Policy EQ19 (Countryside), in that the size, scale and design of the dwellinghouse is not sympathetic to vernacular building style in the area and the siting potentially injurious to visual amenity.

Informatives:

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02, 03, 04, 05, 06, 07 & 08.



Pp

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For Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

1. Planning Advice Note 72 – New Housing in the Countryside.
2. Falkirk Council Structure Plan.
3. Falkirk Council Rural Local Plan.
4. Falkirk Council Finalised Draft (Deposit Version).
5. Letter of objection received from Gordon Millar, Rowandale Glen Road Torwood, Larbert on 21 August 2009.
6. Letter of objection received from Larbert, Stenhousemuir & Torwood Community Council, Norvia c/o 92 Stirling Road, Larbert FK5 4NF on 14 September 2009.
7. Letter of objection from Ms Joanna Stevenson, Yew Bank, Central Park Avenue, Larbert, FK5 4GR on 1 September 2009.
8. Letter of objection from Woodland Trust, Yew Bank, Central Park Avenue, Larbert FK5 4GR on 1 September 2009.

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

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND AT WHINNIE MUIR
WOOD WEST OF TORWOOD HEAD COTTAGE, LARBERT FOR MR R
MCCLURG - P/09/0519/FUL
Meeting: PLANNING COMMITTEE
Date: 27 January 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne (Senior Planning Officer), 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is adjacent to an existing commercial fishery. The commercial fishery comprises an area excavated for a pond with a grassed island feature, which has been flooded and stocked. The applicant has also installed a temporary caravan and related outbuilding, with roadway access.
- 1.2 The site of the dwellinghouse is an area of sloping ground, leading up to a landscaped ridgeline. Existing mature landscaping is augmented by introduced planting, yet to reach maturity.
- 1.3 The proposed dwellinghouse would be constructed over 2 floors and a basement, with the following provision: -
 - Basement, wine cellar and 2 double garages,
 - Ground floor comprising 1 bedroom, swimming pool, lounge, dining room, study, kitchen, breakfast room, family room and play room (potential further bedroom), utility room, pool plant room, hall and vestibule. Access to a verandah is also proposed.
 - Upper floor comprising 5 bedrooms and library.
- 1.4 The dwellinghouse would provide a security measure overseeing the function of the fishery business.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 05/0853/FUL - Formation of Wetland Pond – Granted.
- 3.2 05/0422/FUL – Formation of Wetland Pond – Withdrawn.
- 3.3 06/1116/FUL – Change of Use of Wetland Pond to Class 11 (Assembly and Leisure) Fishery, Erection of Temporary Residential Unit and Storage Building and Formation of Access Road and Car Park – Granted.
- 3.4 F/2005/0009 – Formation of Commercial Fishery Pond, associated Car Parking and Manager's Accommodation – Withdrawn.

4. CONSULTATIONS

- 4.1 The Scottish Environmental Protection Agency considers the proposal relatively minor and has raised no objections.
- 4.2 The Roads Development Unit raise concerns that the car parking provision proposed through a previous planning permission has not been formed.
- A junction assessment for the access to the A9 roadway will be required, if the property is to be used in conjunction with commercial activity.
 - Foul drainage and effluent disposal requires to be satisfied.
- 4.3 Scottish Water raise no objections.
- 4.4 Environmental Protection Unit advise that, if unexpected contamination is encountered following commencement of development, all works on the affected part of the site should cease. Development should not recommence without the prior written approval of the planning authority.
- 4.5 An economic justification has been submitted where the applicant identifies that the fishery is under contract to a consortium of individuals who have a 5 year tenure. Economic Development have reviewed the supporting financial information and are concerned that the financial projections are already into year 2 of a 5 year forecast, where the current consortium client could disband and the proposed house remain without economic support from the fishery provision.
- The financial success of the fishery operation is extremely limited.

5. COMMUNITY COUNCIL

5.1 Larbert, Stenhousemuir and Torwood Community Council object to the application based on the following: -

- The application is contrary to the Local Plan, as there is no requirement for additional housing land in the Rural North area in the Local Plan period to 2012.
- Given the size of the proposed development, this would add to the ongoing creeping development and resulting infrastructure constraints within the area.
- In addition, the Community Council also has serious concerns with the application which will encroach on the woodland area which is understood to be protected.

6. PUBLIC REPRESENTATION

6.1 Two letters of objection have been received, commenting that:-

- The application site is in ground outwith the village limits, where there is a presumption against proposals for development.
- There is no need for additional housing in Torwood.
- Access to the proposed development is from the A9, which is already dangerous and further traffic will exacerbate this problem.
- The proposal is backland development and seems excessively large for a Manager's house.
- The proposal is contrary to Policy Rural 1 'New Development in the Countryside'.
- Existing woodland would be destroyed.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

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 is considered that permanent residential occupation of the site has not been established to be essential to the associated fishery business, given the financial background to the enterprise and limited tenure of current clients.

Rural Area 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 In this instance, the applicant has failed to demonstrate that the proposed housing element is absolutely essential to the pursuance of the economic activities of the commercial fishery.
- 7a.5 In terms of design, too grand a character is evident through the window and chimney details and the structure lacks authenticity both in its appearance and location. A landscaped country estate would seem more appropriate in terms of setting, rather than dedicated to a functioning fish farm. Overall, the building cannot be considered sympathetic to vernacular architectural form in the area.
- 7a.6 Accordingly, the proposed development does not accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be addressed are National Planning Advice, the Falkirk Council Local Plan Finalised Draft (Deposit Version), points raised by objectors and consultees and planning history.

National Planning Advice

- 7b.2 Planning Advice Note 72 – New Housing in the Countryside – advocates that there is a sturdy quality to much of the scale and shape of Scotland's domestic rural architecture. This is derived largely from the simplicity of the form and proportion, and in the arrangement of doors and windows. The main objective should be to adopt the best from the local elements and interpret traditional shapes and sizes into a modern context. Overall, the envelope (the width, height and depth of the walls) together with the roof pitch (angle) determine a building's proportions. In this instance, the size, scale and design of the dwelling does not evoke an impression of local vernacular or style and would, if presented on an unbiased basis, be difficult to identify as having as a traditional form as be identified as Scottish or, indeed, local to Torwood. Planning Advice Note 72 identifies that while there will be a continuing need for new houses in the countryside, changes in our landscape can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short-term thinking can have a long term impact on the landscape.

Planning History

- 7b.3 It is acknowledged that the applicant previously achieved the benefit of planning permission for the introduction of a fishery business on 5 June 2007 (reference 06/1116/FUL).

7b.4 On submission of planning application 06/1116/FUL, the applicant offered a supporting statement and business plan which indicated that a private consortium would generate an annual income of £100,000 per year. The supporting information provided by Howiestoun Fishery suggested that the provision of a chalet style fishing lodge with toilet and washing facilities would be advantageous, to oversee the arrival and departure of clients, provide coaching and instruction. It was envisaged that the facility would provide employment for 1 manager.

7b.5 The planning report accompanying the recommendation to approve application reference 06/1116/FUL notes: -

"It is noted that the proposal includes a temporary residential unit for the purposes of management and security. In this respect the Economic Development Unit has been advised that, although the supporting business plan demonstrates that the proposed fishing business will be viable and of a high quality, there accommodation for a fishery manager is essential for the operation of the business. Evidence over and above the information included in the business plan is required."

"It is noted that the residential unit proposed is temporary in nature, the purpose of which is to provide an on-site managerial/ security presence whilst the proposed business is afforded the opportunity to become established."

7b.6 As part of this permission, it was considered reasonable by the planning authority to include consent for temporary accommodation (expires 31 May 2010) to allow a manager to oversee the construction and stocking of the fishery.

Points raised through objection and consultation

7b.7 The area of land subject to application is not a designated housing site and is outwith the village of nearway Torwood. However, Local Plan policies do support single dwellings in rural areas where considered appropriate and necessary.

7b.8 The application site has already been subject to development through the installation of the commercial fishery and no major tree loss is envisaged. However, the site is not covered by a Tree Preservation Order or any other status which would prevent any felling of trees.

7b.9 The Roads and Development Unit raises concern about the proposals in that the utilization of the potential 7 bedroom dwelling for commercial purposes would have an uncertain impact on the existing junction access. In addition, concern is raised over the drainage strategy and, for the avoidance of doubt, foul drainage and efficient disposal should be entirely separate from any drainage linked to the existing pond.

7b.10 The proposal is not considered backland development as there are no additional houses between the application site and the nearby roadway.

7b.11 The dwelling is considered to have a high level of occupancy capacity and provision, outwith that normally associated with the requirements of a fishery manager.

7b.12 Falkirk Council's Economic Development Unit does not consider the introduction of a permanent dwellinghouse to have a clear financial basis on the profit forecasts of the fishery business.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.13 Policy SC3 - 'Housing Development In The Countryside' states:

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

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - The operational need for the additional house in association with the business*
 - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
 - The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - The restored or converted building is of comparable scale and character to the original building*
 - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7b.14 In this instance, the applicant has failed to demonstrate that the proposed dwelling is essential to the pursuance of the fishery business through operational need and that the fishery business as a whole is capable of providing the main source of income for the occupant.

7b.15 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.16 It is the opinion of the planning authority that the applicant has not demonstrated that a rural location for a new dwellinghouse is required, given the lack of financial justification or operational need associated with the adjoining fishery business.

7b.17 In terms of physical form, the proposed dwelling could be considered visually intrusive and the building scale, massing and design is not considered sympathetic to vernacular building styles in the area.

7c Conclusion

7c.1 It is considered that the applicant has not demonstrated that the economic state of the existing fishery business is capable of providing the main source of income for the occupant, nor is the proposed dwelling essential for the operational need of the fishery. The scale, massing and design of the dwellinghouse is not considered to represent a sympathetic design to the countryside location.

8. RECOMMENDATION

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

- (1) **It is considered that the proposal is contrary to Falkirk Council Structure Plan Policy ENV.1 (Countryside and Protected Areas), Rural Area Local Plan Policy Rural 1 (New Development in the Countryside) and Falkirk Council Local Plan Finalised Draft Deposit Version Policy SC3 (Housing Development in the Countryside) in that the essential justification for the dwelling to serve the existing fishery business has not been established nor that the business as a whole is capable of providing the main source of income for the occupant.**
- (2) **The proposal is considered contrary to the Planning Advice Note 72 (New Housing in the Countryside), Rural Area Local Plan Policy Rural 1 (New Development in the Countryside) and Falkirk Council Local Plan Finalised Draft Deposit Version Policy EQ19 (Countryside), in that the size, scale and design of the dwellinghouse is not sympathetic to vernacular building style in the area and the siting potentially injurious to visual amenity.**

Informatives:

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02, 03, 04, 05, 06, 07 & 08.



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For Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Planning Advice Note 72 – New Housing in the Countryside.
2. Falkirk Council Structure Plan.
3. Falkirk Council Rural Local Plan.
4. Falkirk Council Finalised Draft (Deposit Version).
5. Letter of objection received from Gordon Millar, Rowandale Glen Road Torwood, Larbert on 21 August 2009.
6. Letter of objection received from Larbert, Stenhousemuir & Torwood Community Council, Norvia C/o 92 Stirling Road, Larbert FK5 4NF on 14 September 2009.
7. Letter of objection from Ms Joanna Stevenson, Yew Bank, Central Park Avenue, Larbert, FK5 4GR on 1 September 2009.

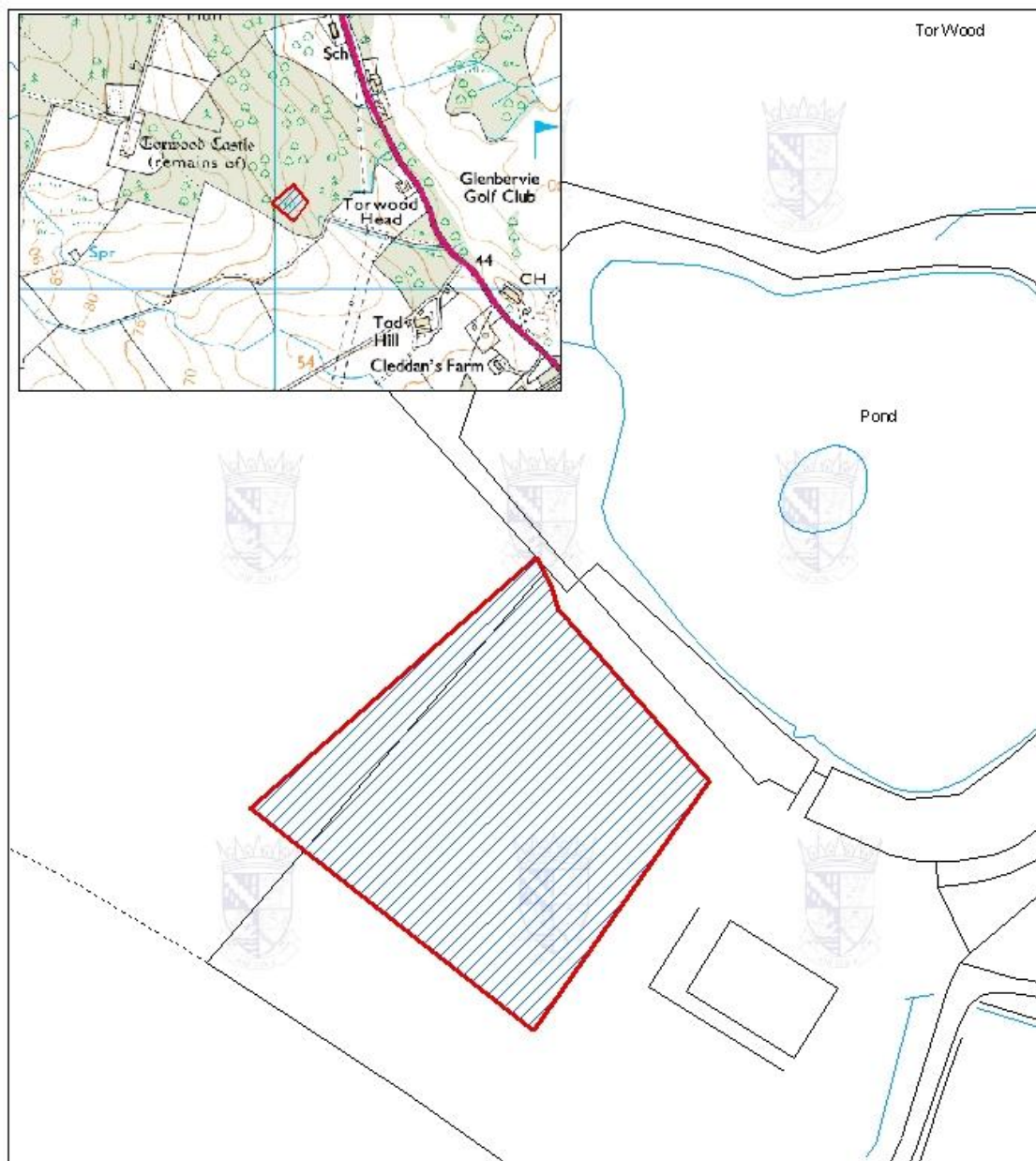
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne (Senior Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0519/FUL

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



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FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT CANAL BANK, STATION ROAD, BRIGHTONS, FALKIRK, FK2 0UE FOR MR WILLIAM SCOBIE - P/08/0923/OUT

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Brightons

Case Officer: Ian Dryden (Development Manager), ext 4756

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 27 January 2010 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 15 February 2010.
2. In support of the planning application the applicant summarised the proposal, which comprises residential development in principle. An indicative layout plan reveals 3 detached dwellings being accessed from Station Road, via an existing private road which presently serves three residential dwellings. The site comprises a vacant building that was previously in use as an MOT Testing Centre. The previous occupier leased these premises and has now moved the business to Whitecross. The prior use of the site was as a workshop. In planning terms the site could be used for workshop use without the need for further planning permission. The applicant also stated that the traffic generation associated with the proposed residential development will be substantially less.
3. Comments from a neighbour were raised on site in respect of the issue of safe disposal of the asbestos from the existing buildings on site. Although this is not a material planning consideration, the applicant confirmed that the required precautionary measures in respect of asbestos removal would be undertaken.

4. RECOMMENDATION

4.1 It is recommended that planning permission be granted subject to the following condition(s):-

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced.
 - (a) the siting, size, height, design and external appearance of the proposed development;
 - (b) details of the access arrangements
 - (c) details of landscaping of the site
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of outline permission; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed, whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.
- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of 5 years from the date of the grant of this outline planning permission; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final of the last such matter to be approved.
- (4) For the avoidance of doubt the layout and elevation details on approved plan 03 (Drawing Number GB7013/02a) are for indicative purposes only and are not approved as part of this planning permission.
- (5) (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 11A 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 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.
- (6) A shared turning head, formed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Area shall be provided within the application site.
- (7) In-curtilage parking shall be provided within each plot, in accordance with the Design Guidelines and Construction Standards for Roads in Falkirk Council Area.

Reason(s):

- (1) To comply with paragraph 4 (1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To allow the planning authority to give future consideration to and control the layout and elevational details.
- (5) To ensure the ground is suitable for the proposed development.
- (6) To safeguard the interests of the users of the highway.
- (7) To ensure that adequate car parking is provided.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02 and 03.



Pp

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Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Polmont and District Local Plan
3. Falkirk Council Finalised Local Plan
4. Letter of comment dated 28 November 2008 from Mr Joseph Boyle, 4 Heriot Gardens, Brightons, Falkirk, FK2 0WR

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

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT CANAL BANK, STATION ROAD, BRIGHTONS, FALKIRK, FK2 0UE FOR MR WILLIAM SCOBIE - P/08/0923/OUT

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Brightons

Case Officer: Kirsty Hope (Assistant Planning Officer), ext 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site comprises a former MOT test centre and two garages. The site is relatively flat and is bounded to the north by the Polmont Burn and to the south by the Union Canal.
- 1.2 The application seeks planning permission in principle for the development of land for housing purposes. A supporting statement has been submitted with the application as well as an indicative layout plan.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objections.
- 4.2 No comments were received from Scottish Water.
- 4.3 The Environmental Protection Unit has no objections, however a request has been made for a condition to be attached to any consent requiring a contaminated land survey to be carried out.

- 4.4 SEPA were consulted and raised objections. However, after further negotiations following the submission of a more detailed Flood Risk Assessment, SEPA removed their objection to the proposal.
- 4.5 No comments were received from British Waterways Board.
- 4.6 The Museum Service has no objections.
- 4.7 Historic Scotland has no objections.

5. COMMUNITY COUNCIL

- 5.1 Brightons Community Council has made no comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 1 Letter of comment has been received. The salient issues are summarised below.
- Concerns were raised in relation to appropriate safeguards to be taken as the existing structure on site contains asbestos within the roof.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

- 7a.1 The proposed development was assessed against the undernoted Development Plan Policies POL 2.2 - Urban Limit, Policy POL 3.1 – New Residential Development and Policy 3.6 – Infill Development and Subdivision of Plots.

Falkirk Council Structure Plan

- 7a.2 There are no relevant policies within the Falkirk Council Structure Plan.

Polmont Local Plan

- 7a.3 Policy POL 2.2 ‘Urban Limit’ states:

“The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of the urban and village areas of Polmont and District for the period of the Plan. Accordingly, there will be a general presumption against development proposals which would extend the urban area beyond this limit or which would constitute sporadic development in the countryside.”

7a.4 Policy POL 3.1 ‘New Residential Development’ states:

“New residential development is directed towards sites H1 to H28, as identified on the Policies, Proposals and Opportunities Map. Other brownfield sites which become available within the Urban Limit will also be considered favourably for housing, subject to other Local Plan policies and proposals, provided that:

- (i) the proposed housing use is compatible with neighbouring uses;*
- (ii) a satisfactory level of residential amenity can be achieved;*
- (iii) access, parking, drainage and other infrastructure can be provided to a standard acceptable to the Council; and*
- (iv) essential services and community facilities such as shops, public transport and schools are readily accessible and can accommodate any increase in use associated with the proposed new development (see also POL 2.4).”*

7a.5 Policy POL 3.6 ‘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 functioning 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.6 The existing brownfield site is within close proximity to residential uses and is considered to be compatible with the surrounding area. The proposed access to the site has been assessed and is considered to be satisfactory in road safety terms and the proposal would not result in the removal of any trees, vegetation or walls such that the character or amenity of the area would be adversely affected. The application site is considered large enough to accommodate adequate levels of residential amenity including garden ground provision. The proposed site is in close proximity to local shops and the railway station. The proposal is considered to be in accordance with the terms of POL 2.2, POL 3.1 and POL 3.6 of the Polmont and District Local Plan and therefore is in accordance with the Development Plan.

7b Material Considerations

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

- Falkirk Council Local Plan Finalised Draft (Deposit Version).
- Assessment of Public Representations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The emerging Local Plan affirms the position of the Polmont and District Local Plan specifically in relation to Policy SC8 Infill Developments and Subdivision of Plots and SC 2 Windfall Housing Development within the Urban/Village Limit. The proposal is therefore in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Assessment of Public Representations

7b.3 The concern raised in respect of asbestos removal is not a material planning consideration.

7c Conclusion

7c.1 The proposal represents an acceptable form of development which is in accordance with the terms of the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in these circumstances.

8. RECOMMENDATION

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

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced.
 - (a) the siting, size, height, design and external appearance of the proposed development;
 - (b) details of the access arrangements
 - (c) details of landscaping of the site
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of outline permission; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or

- (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed, whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of 5 years from the date of the grant of this outline planning permission; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final of the last such matter to be approved.
- (4) For the avoidance of doubt the layout and elevation details on approved plan 03 (Drawing Number GB7013/02a) are for indicative purposes only and are not approved as part of this planning permission.
- (5)
 - (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 11A 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 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.
- (6) A shared turning head, formed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Area shall be provided within the application site.
- (7) In-curtilage parking shall be provided within each plot, in accordance with the Design Guidelines and Construction Standards for Roads in Falkirk Council Area.

Reason(s):

- (1) To comply with paragraph 4 (1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To allow the planning authority to give future consideration to and control the layout and elevational details.
- (5) To ensure the ground is suitable for the proposed development.
- (6) To safeguard the interests of the users of the highway.
- (7) To ensure that adequate car parking is provided.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02 and 03.



.....
Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Polmont and District Local Plan
3. Falkirk Council Finalised Local Plan
4. Letter of comment dated 28 November 2008 from Mr Joseph Boyle, 4 Heriot Gardens, Brightons, Falkirk, FK2 0WR

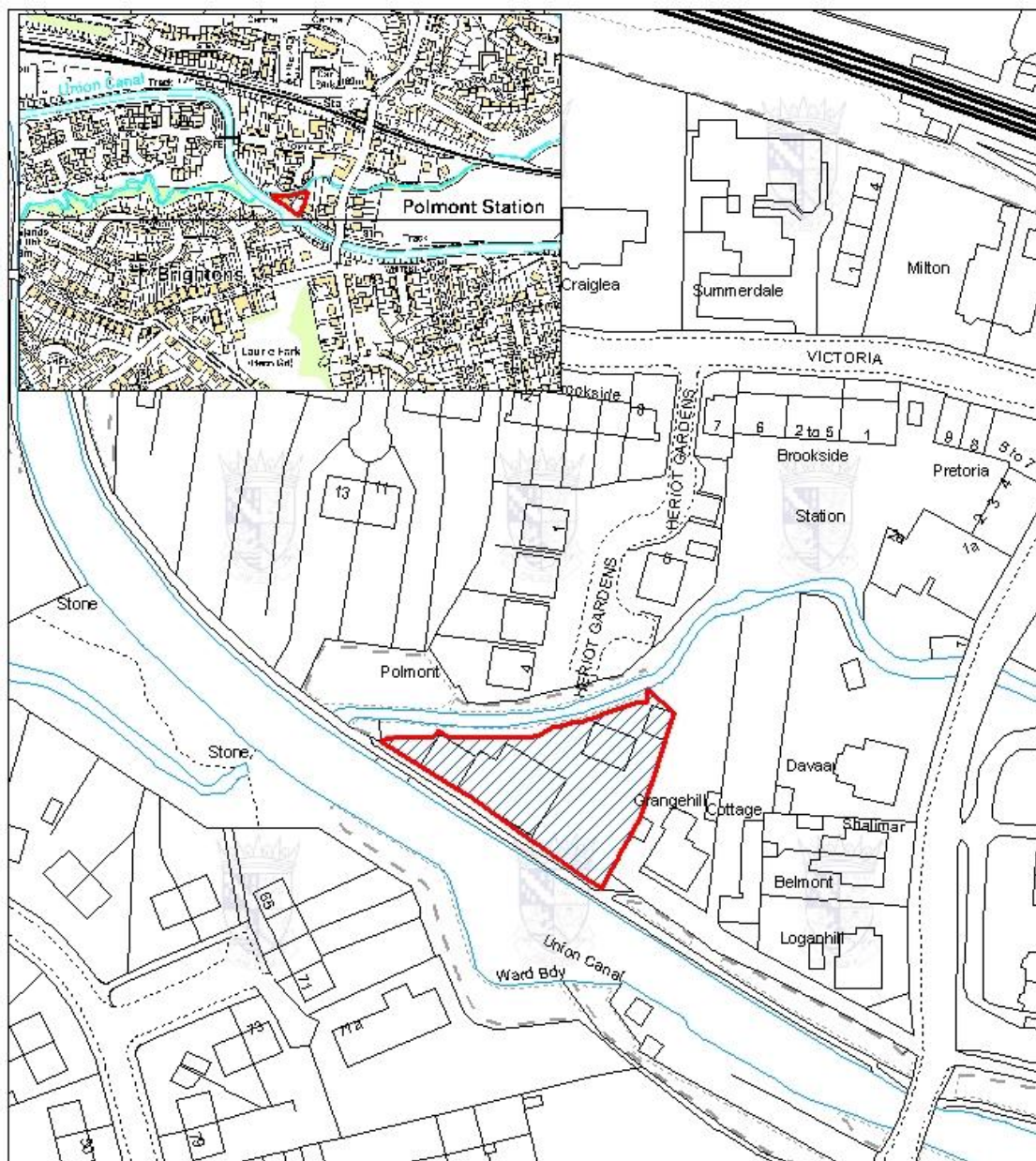
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope (Assistant Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/08/0923/OUT

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FALKIRK COUNCIL

Subject: CHANGE OF USE FROM SOCIAL CLUB TO PUBLIC HOUSE AT
WARRIORS SOCIAL CLUB, TRYST ROAD, STENHOUSEMUIR,
LARBERT, FK5 4QJ FOR OCHILVIEW BAR (P/09/0769/FUL)

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Carleschi
Councillor Lynda Kenna
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne, (Senior Planning Officer) Ext 4815

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 27 January 2010 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 15 February 2010.
2. At the meeting of 15 February 2010, the Planning Convener read out one letter of support and one letter of objection to the application, which raised no new issues in respect of the determination of the application. In addition, a member of the public informed the meeting that a further e-mail had been sent to the Planning Authority, clarifying that:-
 - No parking provision for the Warriors Social Club/Ochilview Bar is available through Stenhousemuir Football Club. Access provision exists for goods deliveries only.
3. While various representations were made at the meeting, a summary of the points raised are as follows:-
 - No legal basis has been established to utilize the adjacent open space area for car parking provision,
 - Concern continues to be raised as to the potential anti-social elements associated with the operation of a public house.
 - The applicant has offered to provide stewards to monitor pedestrian/traffic issues during organised events, along with providing written instruction to visitors indicating nearby parking opportunities away from Tryst Road.

4. In light of the discussions about parking requirements, the Roads Development Unit will clarify the details and advise Members at the Committee meeting.
5. It is confirmed that, if the current planning application is refused, the premises could revert to a Social Club without further recourse to the Planning Authority. However, it should be noted that such reversal would also require approval through other bodies, such as the Licensing Board, which the applicant would require to secure.

6. RECOMMENDATION

It is recommended that the Planning Committee approve planning permission subject to the following condition: -

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

Reason(s):

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

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01a, 02, 03, 04, 05, 06 & 07.**
- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.**



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For Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

1. Larbert and Stenhousemuir Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).

	Name	Address	Received
3.	Letter of Support from Mr and Mrs David Cowan	43 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
4.	Letter of Representation from Mr and Mrs S Butler	56 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
5.	Letter of Support from Lee Stevenson	Ochilview 123 Tryst Road Stenhousemuir Larbert	18 November 2009
6.	Letter of Support from Mr and Mrs B Johnston	52 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
7.	Letter of Representation from Mr and Mrs Richard Young	64 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
8.	Letter of Support from Mr and Mrs E Donaldson	107 Tryst Road Stenhousemuir Larbert FK5 4QJ	18 November 2009
9.	Letter of Objection from Mr Steven Falconer	84 Tryst Road, Stenhousemuir, Larbert FK5 4QJ	15 November 2009
10.	Letter of Objection from Craigmacadam@tesco.net	111 Tryst Road Stenhousemuir Larbert FK5 4QJ	9 November 2009
11.	Letter of Objection from Mrs Claire Dickson	113 Tryst Road, Stebhousemuir FK5 4QJ	19 November 2009
12.	Letter of Support from Mrs A Donaldson	68 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
13.	Letter of Support from David Moffat	80 Tryst Road Stenhousemuir Larbert FK5 4QJ	23 December 2009
14.	Letter of Support from M McGregor	72 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
15.	Letter of Support from Jim Sannachan	70 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
16.	Letter of Objection from Mrs Yvonne Weir	Larbert, Stenhousemuir _ Torwood Community Council C/o 92 Stirling Road Larbert FK5 4NF	3 December 2009
17.	Letter of Objection from John and Elizabeth Aitken	82 Tryst Road Stenhousemuir Larbert FK5 4QJ	11 November 2009
18.	Letter of Objection from Larbert, Stenhousemuir & Torwood Community Council	c/o Norvia 92 Stirling Road Larbert FK5 4NF	8 December 2009

19.	Letter of Objection from Mr and Mrs Colin and Julie Kennedy	115 Tryst Road, Stenhousemuir, Larbert FK5 4QJ	13 November 2009
20.	Letter of Objection from Mr Paul Serafini	90 Tryst Road Stenhousemuir Larbert FK5 4QJ	17 November 2009
21.	Letter of Representation from Russel & Aitken	Kings Court High Street Falkirk FK1 1PQ	30 November 2009
22.	Letter of Support from R Graham	42 Park Avenue Stenhousemuir Larbert FK5 3JA	29 December 2009
23.	Letter of Support from Jane Auld	15 Valeview Stenhousemuir Larbert FK5 3JE	29 December 2009
24.	Letter of Support from Mr David Robertson	435 King Street Stenhousemuir Larbert FK5 4HT	29 December 2009
25.	Letter of Support from Mr Kenneth MacLennan	22 The Meadows Carron Falkirk FK2 8QD	29 December 2009
26.	Letter of Support from Louise Malcolm	83 Kennedy Way Airth Falkirk FK2 8GG	29 December 2009
27.	Letter of Support from Angela Hunter	3 St. David's Court Larbert FK5 3AE	29 December 2009
28.	Letter of Support from Mr Philip Christie	65 McLachlan Street Stenhousemuir Larbert FK5 3HW	29 December 2009
29.	Letter of Support from Mr Simon Lewandowski	3 Bruart Avenue Stenhousemuir Larbert FK5 4DF	29 December 2009
30.	Letter of Support from Mr Norman Laird	477 Main Street Stenhousemuir Larbert FK5 4EX	29 December 2009
31.	Letter of Support from Mr William Gibson	5 Evans Street Larbert FK5 4RQ	29 December 2009
32.	Letter of Support from Tracy Newell	10 Grange View Stenhousemuir Larbert FK5 3DF	29 December 2009
33.	Letter of Support from Margaret MacCormick	19 Balmoral Place Stenhousemuir Larbert FK5 4LJ	29 December 2009
34.	Letter of Support from Susie Leggate	Flat 1/1 282 Woodlands Road G3 6NE	29 December 2009
35.	Letter of Support from Mr David Anderson	16 Ashley Hall Gardens Linlithgow EH49 7DN	29 December 2009
36.	Letter of Support from Hari Lai	85 Milverton Road Giffnock G46 7LG	29 December 2009
37.	Letter of Support from Chloe O'Beirne	212 90 Great George Street G12 8RY	29 December 2009
38.	Letter of Support from Rosemary Cuning	Flat 1/1 282 Woodlands Road Glasgow G3 6NE	29 December 2009
39.	Letter of Support from Seema Luthra	41 Craw Road Paisley PA2 6AD	29 December 2009
40.	Letter of Support from Mrs L Robertson	435 King Street Stenhousemuir Larbert FK5 4HT	29 December 2009
41.	Letter of Support from Mr David Welsh	23 Craigleith Road Grangemouth FK3 0AH	29 December 2009
42.	Letter of Support from Mr Alan Westwater	31 Jamieson Avenue Stenhousemuir Larbert FK5 4TX	29 December 2009

43.	Letter of Support from Mr Jim Simpson	1 School Walk Stenhousemuir Larbert FK5 4QN	29 December 2009
44.	Letter of Support from Sucha Dhillon	50-64 Main Street Larbert FK5 3AR	23 December 2009
45.	Letter of Support from Elizabeth Grugen	32 Clyde Crescent Larbert FK5 4NL	23 December 2009
46.	Letter of Support from Margaret and Duncan Laird	16 Ormond Court Larbert FK5 4PE	23 December 2009
47.	Letter of Support from Mr Gordon Donaldson	30 Clyde Crescent Larbert FK5 4NL	23 December 2009
48.	Letter of Support from Mr Henry Somerville	2 Ormond Court Larbert FK5 4PE	23 December 2009
49.	Letter of Support from Bob and Una Wilshaw	1 Glenbervie Crescent Larbert FK5 4NS	23 December 2009
50.	Letter of Support from R Thomson	20 Hunter Place Falkirk FK2 8QS	23 December 2009
51.	Letter of Support from Phyllis Wilson	10 Redpath Drive Falkirk FK2 8QL	23 December 2009
52.	Letter of Support from Cali Grugen	43 Bruce Drive Stenhousemuir Larbert FK5 4DD	23 December 2009
53.	Letter of Support from John McKenzie	98 Tryst Road Stenhousemuir Larbert FK5 4QJ	23 December 2009
54.	Letter of Support from Alaina Lemetti	46 Sunnyside Street Falkirk FK1 4BH	23 December 2009
55.	Letter of Support from Mark Gatanery	55 Torlea Place Larbert FK5 4QY	23 December 2009
56.	Letter of Support from James and Annie Philip	15 Crownest Loan Stenhousemuir Larbert FK5 3BU	23 December 2009
57.	Letter of Support from Charles Ross	50 Braeview Stenhousemuir Larbert FK5 3DT	23 December 2009
58.	Letter of Support from Joan Barnett	52 Rae Street Stenhousemuir Larbert FK5 4QP	23 December 2009
59.	Letter of Support from John McKinlay	315 Main Street Stenhousemuir Larbert FK5 4BL	23 December 2009
60.	Letter of Support from Scott Robertson		23 December 2009
61.	Petition received enclosing 60 names of support	15 Chapel Drive Stenhousemuir Larbert FK5 4JH	23 December 2009
62.	Letter of Support from Mr B Jenkins	50 Tryst Road Stenhousemuir Larbert FK5 4QH	29 December 2009
63.	Letter of Support from Mrs A Whitehead	109 Tryst Road Stenhousemuir Larbert FK5 4QJ	18 November 2009
64.	Email from Terry Bulloch	Stenhousemuir Football Club	15 February 2010

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

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM SOCIAL CLUB TO PUBLIC HOUSE AT
WARRIORS SOCIAL CLUB, TRYST ROAD, STENHOUSEMUIR,
LARBERT, FK5 4QJ FOR OCHILVIEW BAR (P/09/0769/FUL)

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Carleschi
Councillor Lynda Kenna
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne, (Senior Planning Officer) Ext 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises an existing single storey structure. The applicant seeks to internally and externally refurbish the property and operate as a public house.
- 1.2 The existing structure forms part of the Stenhousemuir Football Club grouping of buildings, occupying the south west corner of the football ground. Changes in ownership now means that the premises will work partly in partnership with Stenhousemuir Football Club but, for all relevant purposes, will operate largely independently as a public house.
- 1.3 The premises have no dedicated car parking, are served by pedestrian access via Tryst Road and have servicing access from the east.
- 1.4 Previously, it has been the custom for visiting patrons/fans to utilise land to the north for parking provision, but no legal basis exists for this continued practice.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application has been referred to the Planning Committee due to the potential impact of the lack of car parking provision to the premises.

3. SITE HISTORY

- 3.1 P/09/0580/FUL – Internal alterations to form disabled toilet, formation of disabled access ramp and external metal cladding – approved.
- 3.2 F/2003/0527 – Erection of Social Club – withdrawn 21 August 2003.
- 3.3 F/2001/0620 – Erection of 20 metre telecom mast and associated infrastructure – withdrawn 19 November 2001.

4. CONSULTATIONS

- 4.1 The Roads Development Unit raises concern that:-
- The premise appear to only have footpath access from Tryst Road and no access to the adjoining public land;
 - The cellar door facility seems to be in football club property;
 - There seems no definitive access/servicing arrangements;
 - Current requirements would mean provision of a minimum of 82 parking spaces.
- 4.2 Environmental Protection Unit advise that the applicant should have regard to controlling any musical entertainment noise produced by the operation of the premises.

5. COMMUNITY COUNCIL

- 5.1 Larbert, Stenhousemuir and Torwood Community Council objects to the application, on the basis:-
- There are potential road safety, access and parking issues; and
 - There is an increased risk of anti-social behaviour, noise and public nuisance.

6. PUBLIC REPRESENTATION

- 6.1 A petition with 60 signatories and, 58 letters of support have been received, commenting that:-
- The proposal will be an asset to the Community;
 - No noise issues have arisen in the past;
 - The property has been extensively refurbished to an acceptable degree.

6.2 7 letters of objection have been received, commenting that:-

- Loud music and noisy disturbance will increase;
- Hours of operation will extend from what is currently experienced;
- No dedicated vehicular access for servicing or parking provision has been identified;
- Clientele may be younger, with no membership control over behaviour;
- Existing parking practices and use of land to the north has not been agreed with the landowner.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 The application raises no issues of strategic importance and therefore there are no policies in the Falkirk Council Structure Plan that require to be addressed.

Larbert and Stenhousemuir Local Plan

7a.2 Policy LAR 10 - 'Non Housing Uses in Residential Areas' states:

"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate ancillary services (e.g. surgeries, nurseries and corner shops) will be welcomed where it can be demonstrated that the quality of the residential environment would be safeguarded."

7a.3 It is considered that, while the application premises are in close proximity to the residential dwellings, the premises form part of the larger Stenhousemuir Football Stadium cluster of buildings. It could, therefore, be considered that the area is of mixed use. In addition, it is recognised that the application premises currently has an existing use of social club and given the existing use, the material consideration is what impact on residents will occur as a consequence of change of use from social club to public house.

7a.4 It is considered that the effective operation of the premises may not significantly alter i.e. visiting members of the public attending social events through which there may be consumption of alcohol.

7a.5 The matter of what hours the premises operate and the issue of addressing anti-social behaviour are matters best controlled by the Licensing Board and Police Authority.

7a.6 Policy LAR 26 - 'Food and Drink Outlets, Public Houses and Hot Food Takeaways' states:

"Proposals for food and drink outlets (Class 3 as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997), public houses and hot food takeaways will only be permitted where:-

- (i) there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (ii) the proposal meets the terms of the Stenhousemuir Shopping Frontage Policy, as appropriate (see Policy LAR 28); and*
- (iii) the proposal is satisfactory in terms of parking, access and traffic generation."*

7a.7 It is considered that, by effective control of noise emissions from the premises, there would be no adverse impact on the amenity of adjacent residential properties. This is also in recognition of the current use of the premises as a social club, although the perceived intensification of use (and relaxation of membership constraints) as a public house would rely on appropriate management of the facility.

7a.8 It is recognised that the existing parking strategy employed on site is without legal basis, that the applicant does not own or have access to land adjoining the site which is currently used by visitors to the social club, fans visiting Stenhousemuir Football Club and residents accessing garage provision.

7a.9 However, given that many urban public houses have less than standard parking provision, it is considered that in this instance it is unreasonable to request the applicant to secure such parking provision on what could be considered a relatively small change in operation of the existing premises.

7a.10 However, the proposed development does not accord with the Development Plan in that expected parking provision cannot be achieved.

7b Material Considerations

7b.1 The material considerations are the relevant policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version) and points made by contributors.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EP9 - 'Food And Drink' states:

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

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

- 7b.3 The issues of noise, disturbance, litter and odours are largely outwith the control of the planning authority and depend on the good management of the premises and behaviour of the clientele. However, given the relatively uncontentious nature of the existing social club operation, it is envisaged that the change of classification to public house is unlikely to give rise to any new issues not previously arising.
- 7b.4 The parking provision required by the introduction of a new public house of a similar floor area is acknowledged to be about 82 spaces. However, given that the premises currently operate as a social club with parking contribution from Stenhousemuir Football Club, and pedestrian access from Tryst Road, it is considered that the proposal is acceptable.

Letters of comment

- 7b.5 It is recognised that the change occurring as a result of change of use from social club to public house would remove any membership controls over visiting members of the public. However, the matter of unsociable licensing hours and potential unsociable behaviour are matters best addressed through the licensing board and police authority and are, in part, dependent on the management of the premises and behaviour of clientele.
- 7b.6 Given that there are opposing opinions to whether the change of use to public house is likely to give rise to increased nuisance, there is no quantifiable evidence to support either statement and the planning authority must consider what material change will occur as a consequence of the application:-
- A change in practice of car parking will arise.
 - Effective control of noise emissions from the premises.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version) in that an expected level of car parking provision cannot, at this time, be met.
- 7c.2 Regarding the lack of dedicated car parking provision, it should be noted that the premises currently operate as a social club.
- 7c.3 In terms of protecting the amenity of nearby residents, it is considered that the change from the existing social club to more general public house should not increase nuisance behaviour or noise. However, this is largely dependent on the good management of the facility and behaviour of the patrons which are non planning related matters.

8. RECOMMENDATION

- 8.1 It is recommended that the Planning Committee approve planning permission subject to the following condition: -
- (1) The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):

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

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01a, 02, 03, 04, 05, 06 & 07.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.



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For Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1.	Larbert and Stenhousemuir Local Plan.		
2.	Falkirk Council Local Plan Finalised Draft (Deposit Version).		
	Name	Address	Received
3.	Letter of Support from Mr and Mrs David Cowan	43 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
4.	Letter of Representation from Mr and Mrs S Butler	56 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
5.	Letter of Support from Lee Stevenson	Ochilview 123 Tryst Road Stenhousemuir Larbert	18 November 2009
6.	Letter of Support from Mr and Mrs B Johnston	52 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
7.	Letter of Representation from Mr and Mrs Richard Young	64 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
8.	Letter of Support from Mr and Mrs E Donaldson	107 Tryst Road Stenhousemuir Larbert FK5 4QJ	18 November 2009
9.	Letter of Objection from Mr Steven Falconer	84 Tryst Road, Stenhousemuir, Larbert FK5 4QJ	15 November 2009
10.	Letter of Objection from Craigmacadam@tesco.net	111 Tryst Road Stenhousemuir Larbert FK5 4QJ	9 November 2009
11.	Letter of Objection from Mrs Claire Dickson	113 Tryst Road, Stebhousemuir FK5 4QJ	19 November 2009
12.	Letter of Support from Mrs A Donaldson	68 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
13.	Letter of Support from David Moffat	80 Tryst Road Stenhousemuir Larbert FK5 4QJ	23 December 2009
14.	Letter of Support from M McGregor	72 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
15.	Letter of Support from Jim Sannachan	70 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
16.	Letter of Objection from Mrs Yvonne Weir	Larbert, Stenhousemuir _ Torwood Community Council C/o 92 Stirling Road Larbert FK5 4NF	3 December 2009
17.	Letter of Objection from John and Elizabeth Aitken	82 Tryst Road Stenhousemuir Larbert FK5 4QJ	11 November 2009
18.	Letter of Objection from Larbert, Stenhousemuir & Torwood Community Council	C/o Norvia 92 Stirling Road Larbert FK5 4NF	8 December 2009
19.	Letter of Objection from Mr and Mrs Colin and Julie Kennedy	115 Tryst Road, Stenhousemuir, Larbert FK5 4QJ	13 November 2009

20.	Letter of Objection from Mr Paul Serafini	90 Tryst Road Stenhousemuir Larbert FK5 4QJ	17 November 2009
21.	Letter of Representation from Russel & Aitken	Kings Court High Street Falkirk FK1 1PQ	30 November 2009
22.	Letter of Support from R Graham	42 Park Avenue Stenhousemuir Larbert FK5 3JA	29 December 2009
23.	Letter of Support from Jane Auld	15 Valeview Stenhousemuir Larbert FK5 3JE	29 December 2009
24.	Letter of Support from Mr David Robertson	435 King Street Stenhousemuir Larbert FK5 4HT	29 December 2009
25.	Letter of Support from Mr Kenneth MacLennan	22 The Meadows Carron Falkirk FK2 8QD	29 December 2009
26.	Letter of Support from Louise Malcolm	83 Kennedy Way Airth Falkirk FK2 8GG	29 December 2009
27.	Letter of Support from Angela Hunter	3 St. David's Court Larbert FK5 3AE	29 December 2009
28.	Letter of Support from Mr Philip Christie	65 McLachlan Street Stenhousemuir Larbert FK5 3HW	29 December 2009
29.	Letter of Support from Mr Simon Lewandowski	3 Bruart Avenue Stenhousemuir Larbert FK5 4DF	29 December 2009
30.	Letter of Support from Mr Norman Laird	477 Main Street Stenhousemuir Larbert FK5 4EX	29 December 2009
31.	Letter of Support from Mr William Gibson	5 Evans Street Larbert FK5 4RQ	29 December 2009
32.	Letter of Support from Tracy Newell	10 Grange View Stenhousemuir Larbert FK5 3DF	29 December 2009
33.	Letter of Support from Margaret MacCormick	19 Balmoral Place Stenhousemuir Larbert FK5 4LJ	29 December 2009
34.	Letter of Support from Susie Leggate	Flat 1/1 282 Woodlands Road G3 6NE	29 December 2009
35.	Letter of Support from Mr David Anderson	16 Ashley Hall Gardens Linlithgow EH49 7DN	29 December 2009
36.	Letter of Support from Hari Lai	85 Milverton Road Giffnock G46 7LG	29 December 2009
37.	Letter of Support from Chloe O'Beirne	212 90 Great George Street G12 8RY	29 December 2009
38.	Letter of Support from Rosemary Cuning	Flat 1/1 282 Woodlands Road Glasgow G3 6NE	29 December 2009
39.	Letter of Support from Seema Luthra	41 Craw Road Paisley PA2 6AD	29 December 2009
40.	Letter of Support from Mrs L Robertson	435 King Street Stenhousemuir Larbert FK5 4HT	29 December 2009
41.	Letter of Support from Mr David Welsh	23 Craigleith Road Grangemouth FK3 0AH	29 December 2009
42.	Letter of Support from Mr Alan Westwater	31 Jamieson Avenue Stenhousemuir Larbert FK5 4TX	29 December 2009
43.	Letter of Support from Mr Jim Simpson	1 School Walk Stenhousemuir Larbert FK5 4QN	29 December 2009
44.	Letter of Support from Sucha Dhillon	50-64 Main Street Larbert FK5 3AR	23 December 2009

45.	Letter of Support from Elizabeth Grugen	32 Clyde Crescent Larbert FK5 4NL	23 December 2009
46.	Letter of Support from Margaret and Duncan Laird	16 Ormond Court Larbert FK5 4PE	23 December 2009
47.	Letter of Support from Mr Gordon Donaldson	30 Clyde Crescent Larbert FK5 4NL	23 December 2009
48.	Letter of Support from Mr Henry Somerville	2 Ormond Court Larbert FK5 4PE	23 December 2009
49.	Letter of Support from Bob and Una Wilshaw	1 Glenbervie Crescent Larbert FK5 4NS	23 December 2009
50.	Letter of Support from R Thomson	20 Hunter Place Falkirk FK2 8QS	23 December 2009
51.	Letter of Support from Phyllis Wilson	10 Redpath Drive Falkirk FK2 8QL	23 December 2009
52.	Letter of Support from Cali Grugen	43 Bruce Drive Stenhousemuir Larbert FK5 4DD	23 December 2009
53.	Letter of Support from John McKenzie	98 Tryst Road Stenhousemuir Larbert FK5 4QJ	23 December 2009
54.	Letter of Support from Alaina Lemetti	46 Sunnyside Street Falkirk FK1 4BH	23 December 2009
55.	Letter of Support from Mark Gatanery	55 Torlea Place Larbert FK5 4QY	23 December 2009
56.	Letter of Support from James and Annie Philip	15 Crownest Loan Stenhousemuir Larbert FK5 3BU	23 December 2009
57.	Letter of Support from Charles Ross	50 Braeview Stenhousemuir Larbert FK5 3DT	23 December 2009
58.	Letter of Support from Joan Barnett	52 Rae Street Stenhousemuir Larbert FK5 4QP	23 December 2009
59.	Letter of Support from John McKinlay	315 Main Street Stenhousemuir Larbert FK5 4BL	23 December 2009
60.	Letter of Support from Scott Robertson		23 December 2009
61.	Petition received enclosing 60 names of support	15 Chapel Drive Stenhousemuir Larbert FK5 4JH	23 December 2009
62.	Letter of Support from Mr B Jenkins	50 Tryst Road Stenhousemuir Larbert FK5 4QH	29 December 2009
63.	Letter of Support from Mrs A Whitehead	109 Tryst Road Stenhousemuir Larbert FK5 4QJ	18 November 2009

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

Regulatory Committee

Planning Application Location Plan

P/09/0769/FUL

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



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FALKIRK COUNCIL

Subject: RELOCATION OF EXISTING TIMBER PRODUCT BUSINESS, RESTORATION FOR GRAZING PURPOSES AND DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT LAND AT FORMER SITE OF DUNMORE MILL, FALKIRK, FOR MARGARET FERNS (OUTLINE) – P/08/0938/OUT

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Carleschi
Councillor Lynda Kenna
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Airth Parish

Case Officer: David Paterson (Planning Officer) ext, 4757

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located on the west side of Moss Road, south of the A905 Airth to Stirling Road, approximately one mile west of Airth.
- 1.2 The site boundary encloses 3.3 hectares of land. The site consists of an existing timber products business and surrounding open grass land to the east, north and west.
- 1.3 It is proposed to relocate the existing timber products business, which occupies an area of 0.78 hectares within the site, to new premises, which are to be developed at an area measuring 0.7 hectares to the west of the existing business sites, within the application site boundary. It is a major application.
- 1.4 The existing 0.78 hectare area on which the current business is located, would be restored to pasture/agricultural land.
- 1.5 It is proposed to develop land measuring 0.68 hectares at the east side of the application site for housing purposes. The housing element of the proposal is presented as 'enabling' development to provide funds for the relocation of the timber products business.
- 1.6 The applicant notes that the proposed new area for the relocated timber products business can accommodate a modernised business and provide a sufficient area for screen planting.

- 1.7 The applicant also notes that although the current business occupies an area of 0.78 hectares, there has historically been a timber business operating in the area which occupied a much larger site of approximately 3 hectares.
- 1.8 The application is accompanied by a supporting statement which states the following:-
- The operator of the existing timber products business requires to modernise the business in order to keep pace with economic conditions.
 - There is concern that the existing timber products business is located close to overhead electricity cables. This is considered to be detrimental to the health of the employees of the business. The supporting statement quotes data from the Radiation Protection Division of the Health Protection Agency and quotes that a cross political party group has requested a moratorium on new dwellinghouses and schools within 60 metres of existing power lines.
 - There has been planning permission granted for developments in the Dunmore area which sets a precedent for approving the proposed development.
 - Relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) can be considered to support the proposed development.
 - The Council's Action Plan for Economic Downturn can be considered to support the proposed development.
- 1.9 The application is accompanied by a statement detailing the costs involved in relocating the timber products business and providing for the proposed residential development.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Craig Martin.

3. SITE HISTORY

- 3.1 F/90/1254 – siting of temporary caravan – granted on 30 January 1991.
- 3.2 F/99/0242 – use of land and building for car boot sales (2 days per week Saturday/Sunday) – granted temporary permission on 24 November 1999.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that it is preferable that the development should be served by a single access from Moss Road, which is a derestricted road. It is also noted that, should planning permission in principle be granted, a condition be attached to ensure the submission of detailed drainage proposals as an application, or part of an application, for approval of matters specified in conditions.

- 4.2 The Environmental Protection Unit has advised that an application, or part of an application, for approval of matters specified in conditions should include a site investigation to establish if contamination, as defined by Part 11a of the Environmental Protection Act 1990 is present.
- 4.3 The application site falls within the catchment areas for Airth Primary School, St Francis RC Primary, Larbert High School and St Mungo's RC High School. The RC primary catchment will change from St Francis to Sacred Heart in August 2010. The response of Education Services is based on a possible housing development of 15 units. Airth Primary school is expected to exceed its capacity within the next 5 years. Larbert High School is expected to reach capacity in the next 5-10 years. It is noted that the application site is not identified in the Development Plan as a housing opportunity. Education Services has objected to the proposed development. Should, however, planning permission in principle be granted, the applicant should be requested to make a contribution towards education provision and the rate of contribution should be set at £3,150 per dwelling unit. This contribution constitutes a contribution of £2,150 per dwelling unit towards Airth Primary School and £1,000 per dwelling unit towards Larbert High School. It is noted that there are no capacity issues in respect of RC Schools.
- 4.4 Scottish Water has raised no objection to the proposed development.
- 4.5 Scottish Natural Heritage has advised that the applicant should undertake studies of bats, birds and badgers at and adjacent to the site.

5. COMMUNITY COUNCIL

- 5.1 Airth Parish Community Council has submitted the following comments:-
- The proposed development does not accord with the Development Plan.
 - There is no reason why the present business requires to be relocated to another site.
 - The proposed development would generate a level of traffic which is in excess of the level which Moss Road can safely accommodate.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

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

7a.2 The proposed development is not considered to be agricultural diversification.

7a.3 It is noted that the existing timber business is long established and, in such circumstances, the proposed relocation of the business could be considered to justify the relocation to the adjacent rural site. There is no justification, however, for the proposed housing development, as a rural setting is not essential and the proposed housing is not required in association within the function or operation of the business.

7a.4 The proposed development does not accord with Policy ENV.1.

7a.5 Accordingly the proposed development does not accord with the Falkirk Council Structure Plan.

Rural Local Plan

7a.6 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.7 It is noted that the existing timber products business is long established. In such circumstances the proposed relocation of the business could be considered to fulfil a local need.
- 7a.8 There is, however, no justification for the proposed housing development in terms of the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. There is no connection between the timber products business and the proposed housing development other than to provide funds. There is no provision for enabling development under the terms of Policy Rural 1.
- 7a.9 Accordingly the proposed development does not accord with Policy Rural 1.
- 7a.10 Policy RURAL 2 'Village Limits' states:

"That the boundary of the village areas as indicated on the Village Maps is regarded as the desirable limit to the growth of the villages at least for the period of the Local Plan. Accordingly, there will be a general presumption against proposals for development which would either extend the village areas beyond this limit or which would constitute undesirable sporadic development in the countryside."

- 7a.11 The proposed housing development would constitute sporadic development in the countryside. The housing development would be physically detached from the timber products business and have no connection to the business other than to provide funding.
- 7a.12 Accordingly the proposed development does not accord with Policy Rural 2 and therefore is not in accordance with the Rural Local Plan and consequently the Development Plan.

7b Material Considerations

- 7b.1 The material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the objection from the Community Council, consultation responses, the supporting statements accompanying the application, Scottish Planning Policy (SPP) and the Falkirk Council Economic Downturn Action Plan.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy SC3 - 'Housing Development In The Countryside' states:

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

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - The operational need for the additional house in association with the business*
 - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
 - The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - The restored or converted building is of comparable scale and character to the original building*
 - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7b.3 There is no justification for the proposed housing development in terms of the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. There is no connection between the timber products business and the proposed housing development other than to provide funds. There is no provision for enabling development under the terms of Policy Rural SC3.

7b.4 Accordingly the proposed development does not accord with Policy SC3.

7b.5 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.6 The proposed development would not utilise existing buildings.

7b.7 The proposed development does not constitute infill development.

7b.8 It is noted that the existing timber products business is long established. In such circumstances the proposed modernisation of the business could be considered to justify the relocation to the adjacent rural location.

7b.9 There is however no justification for the proposed housing development in Terms of Policy SC3 "Housing Development in the Countryside".

7b.10 Accordingly, the proposed development does not accord with Policy EQ19.

7b.11 Policy EP5 'Business and Industrial Development in the Countryside' states:

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

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

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

7b.12 It is noted that the timber products business is long established and, although a business of this type could be accommodated in a more urban setting, the business could be considered to justify a relocation to the adjacent rural site. In such circumstances there would be no significant additional adverse impact on the rural environment.

- 7b.13 It is noted, however that there is no justification for the proposed new housing under the terms of Policy EP5.
- 7b.14 The proposed development therefore does not accord with Policy EP5.
- 7b.15 Accordingly, the proposed development does not accord with the provisions of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

The Objection from the Airth Parish Community Council

- 7b.16 It is noted that the proposal does not accord with the Development Plan.
- 7b.17 It is noted that the existing timber products business is long established. In such circumstances it could be considered acceptable that the existing business could relocate to an adjacent rural location.
- 7b.18 It is noted that the Roads Development Unit has raised no objection in terms of increased traffic generation.

Consultation Responses

- 7b.19 It is noted that should planning permission be approved, any application for approval of matters specified in conditions should include a full drainage strategy and a contamination site investigation.
- 7b.20 The consultation response from Scottish Natural Heritage is noted. The application does not accord with the Development Plan. As the application is recommended for refusal it is not considered appropriate to request the applicant to meet the expense of carrying out wildlife surveys of the site. Should the Committee, however, be minded to grant planning permission, a condition should be attached requiring that any application for approval of matters specified in conditions should include any relevant wildlife surveys. In respect of the issue of bats, should the Committee be minded to grant planning permission, a bat survey would require to be submitted for the approval of the planning authority prior to the issue of planning permission in principle.

Supporting Statement

- 7b.21 It is noted that the applicant has advised that the existing business requires a programme of modernisation in order to keep pace with economic conditions. It is also noted that a business of this nature could be accommodated in an urban setting. However, on the basis that the existing business is long established, there could be considered to be justification, under the terms of the Development Plan, to relocate the existing business to the adjacent rural site.
- 7b.22 The concern of the applicant in terms of the close proximity of overhead electricity cables to the existing business is noted. However, the impact of electricity cables on health is not a material planning consideration. In any case, it is noted that research in respect of this matter is ongoing and that there is no conclusive evidence to support the concerns of the applicant.

- 7b.23 The applicant's comments in respect of other developments in the area is noted. Planning applications are considered on their own merits. The planning history of other developments in the area is not relevant to the proposed development.
- 7b.24 It is noted above that the proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7b.25 There is not sufficient detail included in the supporting statement in terms of cost breakdown to assess whether the projected costs and financial provisions would address the costs of the relocation of the timber products business and provide for the development of the proposed housing.

Scottish Planning Policy (SPP)

- 7b.26 It is noted that the SPP advises that authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. The SPP also states that "removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential".
- 7b.27 Section 7a.7 of this report is noted whereby "it is noted that the existing timber products business is long established. In such circumstances the proposed relocation of the business could be considered to fulfil a local need".
- 7b.28 It is noted, however that this application also proposes to develop part of the application site for housing in order to "enable" the relocation of the timber products business. The SPP advises that Development Plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups and new build housing which is linked to a rural business or would support the formation of new businesses by providing funding. The SPP recognises that such an approach is a more relaxed stance in comparison to local planning authority practice to date.
- 7b.29 The SPP also, however, stresses that this more relaxed approach should be part of a structured and coordinated Development Plan process in order that there is adequate provisions for links to public transport and active travel networks, such as footpaths and cycle routes, and good access to community amenities and services. There is no such strategic provision in the Development Plan or the emerging Falkirk Council Local Plan. It is noted that the application site lies in an isolated rural location and that there would be poor access to active travel networks and community amenities and services.
- 7b.30 It is not considered that the proposed development accords with the SPP.

Falkirk Council Economic Downturn Action Plan

- 7b.31 The Economic Downturn Action Plan provides for aid and advice to local businesses in order that they may remain viable in times of economic difficulty. The Action Plan however does not include the consideration of any form of enabling development and/or development which does not accord with the Development Plan.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 It is noted that the existing timber products business is long established and, although a business of this nature could be accommodated in an urban setting, there could be considered to be justification under the terms of the Development Plan to relocate the business to an adjacent rural site.
- 7c.3 The possible impact of electricity cables on health is not a material planning consideration.
- 7c.4 The planning history of other developments in the area is not relevant to the proposed development.
- 7c.5 There is not sufficient detail included in the supporting statement in terms of cost breakdown to assess whether the projected costs and financial provisions would address the costs of the relocation of timber products business and provide for the development of the proposed housing.
- 7c.6 There are no material planning considerations which would justify a departure from the Development Plan in this case.
- 7c.7 Should, however, the Committee be minded to grant planning permission, in principle, this should require to be subject to the conclusion of:
- The approval of bat, breeding birds and badger surveys by the planning authority in writing, in consultation with Scottish Natural Heritage, and
 - A Section 69 Agreement requiring a developer contribution towards the provision of education. The contribution should be at a rate of £3,150 per dwelling and paid prior to the commencement of works on site.

8. RECOMMENDATION

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

- (1) The proposed development is not a form of agricultural diversification and it is not considered that a countryside location is essential. The proposed development does not therefore accord with Policy ENV.1 of the Falkirk Council Structure Plan "Countryside and Protected Areas".**
- (2) The proposed development is not essential to the pursuance of agriculture, horticulture, forestry, the management of a business for which a rural location is essential or any other economic activity for which a rural location is essential. The proposed development does not therefore accord with Policy Rural 1 of the Rural Local Plan "New Development In The Countryside" and Policy SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Housing Development In The Countryside".**

- (3) The proposed development would constitute sporadic development in the countryside and therefore does not accord with Policy Rural 2 of the Rural Local Plan "Village Limits".
- (4) The proposed development does not utilise existing buildings, and does not constitute infill development. The proposed development does not therefore accord with Policy SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Housing Development In The Countryside" or Policy EQ19 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Countryside".
- (5) There is insufficient justification for the proposed new residential development under the terms of Policy EP5 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Business and Industrial Development in the Countryside". The proposed development does not therefore accord with Policy EP5.

Informative(s);

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 01 and 02A.



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Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Planning Application F/90/1254.
5. Planning Application F/99/0242.
6. Scottish Planning Policy.
7. Falkirk Council Economic Downtown Action Plan.

8. Letter of Objection from Airth Parish Community Council.

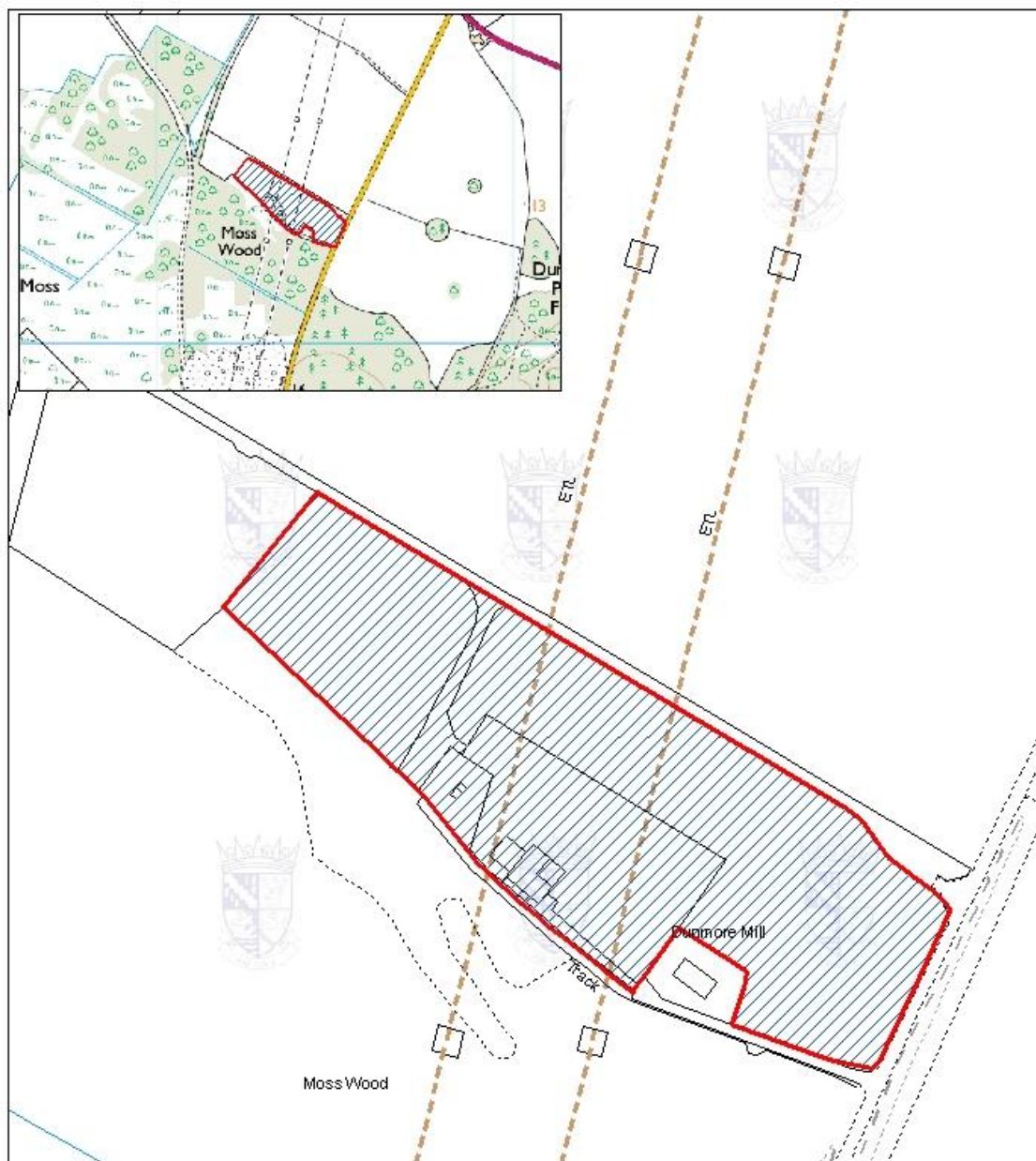
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/08/0938/OUT

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



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FALKIRK COUNCIL

Subject: ERECTION OF 12 FLATTED DWELLINGS AT LAND TO THE SOUTH OF 48 WOOD STREET, CHISHOLM PLACE, GRANGEMOUTH FOR FALKIRK COUNCIL - P/09/0536/FUL

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Depute Provost Allyson Black
Councillor Angus MacDonald
Councillor Alistair McNeill
Councillor Robert Spears

Community Council: Grangemouth

Case Officer: David Paterson (Planning Officer) ext 4757

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises an area of grassed open space measuring 0.3 hectares at the corner of Wood Street and Chisholm Place, Grangemouth. The application site was previously developed as flats.
- 1.2 There are existing public footways which run along the length of both the north and south sides of the site joining Beancross Road to Chisholm Place/Wood Street.
- 1.3 There are mature trees at the site which have a significant impact on the amenity of the environs of the application site.
- 1.4 An underground nitrogen pipeline crosses the site close to the western boundary.
- 1.5 It is proposed to erect 12 flats at the site comprising three blocks of four flats. Two blocks would have a frontage onto Chisholm Place and the third block would back onto the northern boundary, facing into the site.
- 1.6 The three blocks of flats are proposed to be two storey with pitched roofs.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been made by Falkirk Council and, under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 The application site has previously been developed as flats. It is also noted that there are no previous planning applications in respect of the application site.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has raised no objections.
- 4.2 The Transport Planning Unit has raised no objections. It is noted however that part of the existing roadway at Chisholm Place, at the frontage of the site to Chisholm Place, would require to be stopped up.
- 4.3 The Environmental Protection Unit has advised that the applicant should undertake a site investigation to establish if there is contamination (as defined in Part 11A of the Environmental Protection Act 1990) present on site. This survey should be carried out prior to commencement of any work on site.
- 4.4 Education Services has advised that there are no school capacity issues to be addressed.
- 4.5 The Health and Safety Executive in respect of Planning Advice for Developments near Hazardous Installation (PADHI) has raised no objections.

5. COMMUNITY COUNCIL

- 5.1 Grangemouth Community Council has made no comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 Two letters of objection and an email have been received. The following concerns have been raised:
- Residents in the area are subjected to excessive traffic noise at present. The proposed development would result in more vehicles in the area adding to disturbance from traffic noise;
 - Trees at the site should be retained;
 - The footway at the southern boundary of the application site should be closed to protect privacy of adjacent residents;
 - The proposed development would reduce the availability of on street parking at Chisholm Place.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 The proposed development does not raise any strategic issues.

Grangemouth Local Plan

7a.2 Policy Grangemouth Two ‘Development within the Urban Limit’ states:

“That within the Urban Area, urban uses will generally be acceptable provided they accord with all other relevant District Council policies and standards of provision.”

7a.3 The proposed development is compatible with the surrounding area in terms of use, design and character. The consultation process has raised no material considerations which would not accord with Council policies and standards of provision.

7a.4 The proposed development accords with Policy Grangemouth Two.

7a.5 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Supplementary Planning Guidance (SPG) Housing Layout and Design, The Town and Country Planning (Notification of Application)(Scotland) Direction 2009 and letters/email of objection.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy SC1 - ‘Housing Land Provision’ states:

- “(1) Through the Local Plan, the Council will aim to meet the housing land requirements of the Falkirk Council Structure Plan for at least the period up to 2015, as detailed in Table 4.1. Sites contributing towards the requirement are detailed under the relevant Settlement Statements.*
- (2) Within the areas identified as Special Initiatives for Residential-Led Regeneration (SIRRs) on the Proposals Map, housing development in addition to the base requirement will be supported subject to:*
 - the preparation of a satisfactory masterplan or development framework for the area; and*
 - demonstration that the necessary social and physical infrastructure requirements for the area will be met through a co-ordinated approach to developer contributions.”*

- 7b.3 The Falkirk Council Local Plan identifies the site as housing opportunity H.GRA4 and notes it as a redevelopment opportunity on the site of Council Flats, with an approximately capacity of 7 units.
- 7b.4 Although the application proposes 12 flats, this is not considered a significant variance from the capacity suggested in the emerging Local Plan, which is stated as approximate in any case.
- 7b.5 There are no material considerations arising from the consultation process to suggest that the number and tenure of the flats proposed is not suitable for the site.
- 7b.6 The use of the site for the erection of flats accords with the principle of H GRA 4. The proposed development would fit well into the streetscape in terms of design and character.
- 7b.7 The proposed development would not prejudice the operations or maintenance of the underground nitrogen pipeline which crosses the site.
- 7b.8 The proposed development would retain sufficient trees at the site to protect the amenity of the area. It is proposed that the loss of a mature tree adjacent to Chisholm Place would be compensated by suitable replacement planting.
- 7b.9 The proposed development accords with housing opportunity H GRA 4 as identified in the draft plan.
- 7b.10 Accordingly, the proposed development accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

SPG Housing Layout and Design

- 7b.11 The SPG promotes the principles of "frontage" and "harmonious fit".
- 7b.12 It is noted that two of the three blocks of flats would front onto Chisholm Place, maintaining a continuity of the Chisholm Place streetscape.
- 7b.13 It is considered that, in terms of building line, height, scale and character, the proposed development would achieve a harmonious fit, being located between 3 storey flats to west side of Chisholm Place and 2 storey dwellinghouses at Wood Street. It is also noted that the new housing development at the east side of Chisholm Place is two storey in design.
- 7b.14 The proposed development accords with the SPG.

Letters/Email of Objection

- 7b.15 It is not considered that there would be a significant and unacceptable addition to the level of traffic or traffic noise in the area as a result of the proposed development.
- 7b.16 It is noted that the Roads Development Unit and the Environmental Protection Unit have raised no objections. It is further noted that the Environmental Protection Unit has advised that the proposed window specification would be sufficient to protect the proposed flats from the impact of traffic noise.

- 7b.17 The proposed development would retain sufficient trees at the site to protect the amenity of the area. It is noted that the loss of a mature tree adjacent to Chisholm Place would be compensated by appropriate replacement planting.
- 7b.18 No concerns have been raised by the Roads Development Unit in terms of the impact of the proposal on parking in the area.
- 7b.19 It is considered that the retention of both existing footways at the north and south boundaries of the application site are acceptable in terms of pedestrian movement flow and provision. It is noted that Central Scotland Police have raised no concerns in this regard.

The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

- 7b.20 It is noted that the proposed development accords with the Development Plan. There is no requirement therefore to notify the application to Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

7c Conclusion

- 7c.1 The proposed development accords with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 The proposed development would achieve a harmonious fit in the street scene in terms of building line, height, scale and character.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee grant planning permission, subject to the following conditions:**
- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
 - (2) Prior to the commencement of any work on site, a contaminated land assessment shall be approved in writing by the Planning Authority. The contaminated land assessment shall determine the nature and extent of any contamination of 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. Where contamination (as defined by Part 11A of the Environmental Protection Act 1990) is identified, the assessment shall include a detailed remediation strategy, including timescales.**
 - (3) In circumstances where a contaminated land assessment approved in writing by the Planning Authority identifies contamination (as defined by Part 11A of the Environmental Protection Act 1990), and a detailed remediation strategy has subsequently been approved in writing by the Planning Authority, no part of the development shall be occupied until such time as a contamination remediation report as been approved in writing by the Planning Authority.**

- (4) The screen planting the details of which shall be submitted to and approved in writing by the Planning Authority, on the west side of the timber acoustic fence facing Beancross Road shall be planted prior to the occupation of any of the flats.
- (5) Prior to the commencement of works on-site, the tree protective fencing shown on Drawing GRA-6587-002 Revision B shall be erected and remain erected until the completion of the development. The tree protective fencing may only be removed with the written approval of the Planning Authority. During the period when the tree protective fencing is erected at the site, no materials or equipment of any kind shall be located for any purpose within the area bounded by the fencing.
- (6) All new trees to be planted shall be planted prior to the occupation of the first flat by the end of the first planting season following the occupation of the first flat. For the purpose of this condition the planting season shall be considered to end on 31 March.
- (7) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.
- (8) Before any work commences on site, drainage details for the treatment of foul waste and surface water run-off shall be approved in writing by the Planning Authority.

Reason(s)

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3, 5-6) To safeguard the environmental amenity of the area.
- (4) To safeguard the visual amenity of the area.
- (7) To ensure the development is carried out to the satisfaction of the Planning Authority.
- (8) To ensure adequate drainage.

Informative(s)

- (1) The applicant should be aware that part of the existing roadway currently comprising a parking lay-by at Chisholm Place, at the frontage of the site to Chisholm Place, would require to be stopped up.

- (2) For the avoidance of doubt, the plans for which this decision refers bears our reference 01. 02C, 03A, 04, 05, 06A, 07, 08, 09, 10 and 11.



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Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Grangemouth Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. The Town and Country Planning (Notification of Application) (Scotland) Direction 2007
5. Supplementary Planning Guidance "Housing Layout and Design"
6. Letter of objection received from Mr Craig Dodds, 48 Wood Street, Grangemouth FK3 8LW on 24 August 2009
7. Letter of objection received from Mrs Catherine Crooks 24 Chisholm Place Grangemouth FK3 8PB on 10 August 2009.
8. Objection by e-mail from Mr Craig Dodds, 48 Wood Street, Grangemouth FK3 8LW on 12 October 2009.

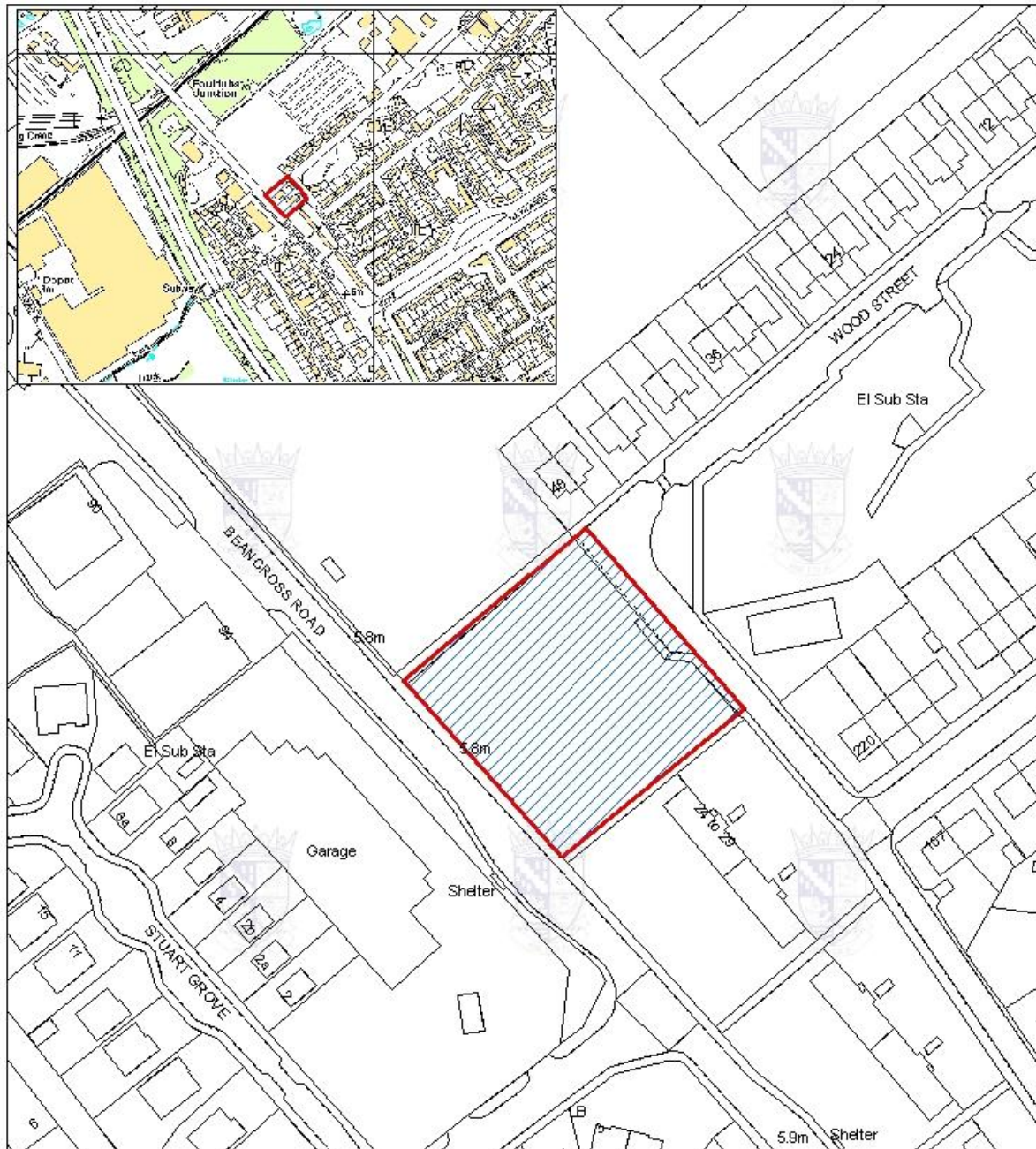
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0536/FUL

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FALKIRK COUNCIL

Subject: REDEVELOPMENT OF FORMER PAPER MILL TO PROVIDE 108 DWELLINGHOUSES AND 65 FLATS; 5700 SQ. FT. OF COMMERCIAL FLOORSPACE; ROADS INFRASTRUCTURE INCLUDING NEW ROUNDABOUT; OPEN SPACE, LANDSCAPING, WOODLAND MANAGEMENT AND PUBLIC PATHWAY PROVISION; CONSTRUCTION OF A FISH LADDER; AND ALTERATIONS TO LISTED BUILDING TO RETAIN BUSINESS USE AT CARRONGROVE PAPER MILL, DENNY FK6 5HJ FOR MCTAGGART & MICKEL - P/08/0296/FUL

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Denny and District

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This is a detailed major application for the redevelopment of the former Carrongrove Paper Mill site to provide for 108 dwellinghouses, 65 flats, 5,700 square feet of commercial floorspace, the alteration of a listed building to retain business use and the construction of a fish ladder. The application also provides for roads infrastructure (including a new roundabout), open space, landscaping, woodland management, a cycleway and pathways.
- 1.2 The application site extends to nearly 15 hectares and lies on the north side of the B818 (Fintry Road), between Stoneywood and Fankerton, which are predominantly residential in character. The River Carron bounds the site to the north and Strathcarron Hospice lies to the south of the site. The site is accessed from Fintry Road.
- 1.3 The site has an attractive setting, being framed by mature woodland, the River Carron where it narrows to a gorge, and the Carron Glen Site of Special Scientific Interest (SSSI), which lies on the opposite side of the River Carron. The site falls steeply from the B818 along part of the road boundary and generally falls in a south to north direction, towards the River Carron. There is a Category B listed building (Carrongrove House) towards the eastern end of the site. The former mill buildings are in an advanced state of demolition.

- 1.4 The proposed development can be seen to comprise two distinct areas. First, a formal arrangement of higher density housing set around the listed building; and second, a suburban layout comprising mainly detached houses to the west of the formal layout. The mix of house types includes affordable housing, townhouses, terraced housing, live-work units, flats and detached dwellinghouses. A cyclepath and a footway are proposed through the site, to link to Stoneywood and Fankerton.
- 1.5 The Council has prepared a Planning Brief for the site, dated March 2007. The brief is a material consideration in determination of the application.
- 1.6 The application originally included a proposal for a small-scale hydro-electric scheme. This proposal has been deleted from the current application and is intended to be the subject of a separate application. In addition, the application originally included a proposal to change the use of the listed building from offices to flats. The proposal is now to retain the business use of the building.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 Listed Building Consent ref : P/08/0488/LBC for internal and external alterations to the Category B listed building (Carrongrove House) was granted in April 2009.

4. CONSULTATIONS

- 4.1 The Roads Development Unit is generally satisfied with the proposed site layout and has accepted that matters of detail such as the location of retaining walls, vehicular access design and the areas to be adopted can be determined through the Roads Construction Consent process. The Roads Development Unit has accepted the findings of the Flood Risk Assessment and the proposals for surface water drainage.
- 4.2 The Transport Planning Unit has agreed with the findings of the Transport Assessment that the Denny Cross junction has insufficient capacity to accommodate the traffic that would be generated by the proposed development. In order to contribute towards measures to mitigate the impact of the development on this junction, the Transport Planning Unit recommend accepting a financial contribution of £550,000 towards the cost of a new roundabout at the junction of Nethermain Road/Glasgow Road as part of the Denny Eastern Access Road (DEAR) proposal and the provision by the applicant of a mini-roundabout at the Nethermain Road/ Stirling Street junction, at an estimated cost of £50,000. These works could facilitate use of Nethermain Road to by-pass Denny town centre. In addition, the Transport Planning Unit has made recommendations for measures to ensure the site is accessible by walking, cycling and public transport. These include the payment of a financial contribution of £20,000 towards the cost of upgrading the former railway path to Denny (as part of the Safer Routes to Schools Programme), the provision of adequate links to the wider footpath and cycle network, and the provision of suitable bus stop infrastructure.

The Transport Planning Unit has advised that there would not be any requirement to contribute towards enhancement to existing bus services along Fintry Road as this has been secured by other development proposals. The Transport Planning Unit has also advised that a Stage 2 Safety Audit will be required in relation to all new road infrastructure to be constructed by the applicant.

- 4.3 The Environmental Protection Unit has reviewed the site investigation reports and environmental risk assessment prepared to date and has noted that further site investigations and gas monitoring are proposed. The results of these works and the resultant remediation strategy will be reviewed at the appropriate time.
- 4.4 Education Services have identified capacity issues at Denny High School and Denny Primary School within the next 5 to 10 years. In order to fund capacity related investment at these schools, a pro-rata financial contribution of £3,150 per dwellinghouse and £1,800 per flat is requested (£457,200 in total).
- 4.5 Community Services (Parks and Recreation) have requested the provision of active recreational facilities calculated at the rate of £750 per residential unit (£129,750 in total). Community Services (Parks and Recreation) have suggested that an acceptable standard of provision for a development of this size would be a toddler/junior play zone and a multi-use games area (MUGA) to the value of £90-100,000. The balance of the figure could contribute towards the provision and enhancement of recreational facilities in the local area.
- 4.6 Community Services (Economic Development) have raised concerns that the proposed development does not incorporate an area of approximately 1.5 hectares for business/ industrial use. This was a requirement of the Council's Planning Brief for the former Paper Mill site. However, Community Services (Economic Development) have accepted that the location of the site is not ideal for certain types of business and, as an alternative to on-site provision, would accept a payment of a financial contribution of £500,000 to fund the provision of business property in the Denny area, at a location to be agreed. Community Services (Economic Development) have estimated the increase in land value from increased residential in lieu of business/ industrial to be circa. £1m to £1.4m. In recognition of the effect of the economic downturn of the present viability of the scheme, Community Services (Economic Development) would accept deferred payment of this contribution to no later than occupation of the 100th unit.
- 4.7 Corporate and Neighbourhood Services have accepted the proposed affordable housing comprising a mix of 18 flats within a 3 storey building, 5 two-storey terraced dwellinghouses and 4 mews flats, but have indicated a preference for the provision of serviced land at affordable land value to accommodate high density low rise units.
- 4.8 Museum Services recognise that the listed building of Carrongrove House is placed as a focal point in the proposed development and consider that the new buildings would be kept at a reasonable distance from the listed building and take suitable cognisance of the contours. Museum Services, therefore, have no objection to the overall layout. It is advised that there is no need for any archaeological work as the earliest complex would appear to have been further to the west and the later re-builds of the Paper Mill removed much of the early evidence for development in these areas.

- 4.9 SEPA has no objection to the application on flood grounds, as it has accepted that suitable arrangements would be made for the diversion of existing pipes/culverts from the Strathcarron Hospital Pond and the Sandyford Burn. SEPA supports the proposed surface water drainage arrangements as reflective of Sustainable Urban Drainage Systems (SUDS) and has advised that works within the vicinity of the River Carron and any other watercourses would require SEPA authorisation under the Water Environment (Controlled Activities) Regulations (CAR). The provision of a fish pass is supported, and information on the feasibility of an eel pass is requested. SEPA has, however, objected to the provision of a small-scale hydro-electric scheme on the grounds that it is likely to lead to an immediate deterioration in the status of the River Carron. SEPA would consider removing its objection to the proposed hydro-electric scheme if the determination process under the CAR regulations concluded that the scheme is "consentable".
- 4.10 Scottish Water has no objection to the application, and has requested the applicant to contact it to discuss phasing and timescales in order to examine all options available to enable connection.
- 4.11 Scottish Natural Heritage has no objection to the application subject to conditions being applied to any permission granted. These conditions relate to otter and breeding bird mitigation, the undertaking of a further badger survey, confirmation of the presence of barn owls and the securing of access provision.
- 4.12 Historic Scotland has not made any comments.
- 4.13 Architecture and Design Scotland has not made any comments.
- 4.14 Central Scotland Police have made recommendations in relation to boundary treatment, natural surveillance, landscaping, the proposed play area and the proposed commercial unit, in order to ensure that the development is designed to minimise the opportunities for crime.
- 4.15 The Scottish Rights of Way and Access Society has advised that there are no public rights of way within the application site boundaries.
- 4.16 The Royal Society for the Protection of Birds is satisfied that there would not be any significant impacts on birds in the area, and has requested the preparation of detailed biodiversity and woodland management plans.
- 4.17 The Scottish Wildlife Trust has requested the retention and management of existing woodland, measures to safeguard protected species, and the monitoring of water quality and measures to control pollution during the construction phase. Discussion is sought regarding access links between the development site and the Carron Glen Wildlife Reserve and the impact of the development on Scottish Wildlife facilities/infrastructures.
- 4.18 The Scottish Civic Trust supports the mix of building scales and house types and the courtyard arrangement around the listed building, and would support enlargement of the courtyard setting, the use of high quality traditional materials and application of the materials and distinctive detailing of the listed building on the buildings forming the courtyard.

- 4.19 The Glenwood Tenants and Residents Association has no objection to the proposed development, and is particularly supportive of the proposed hydro-electric scheme and the plans to link the development to Johnston Park. It has advised that a high priority of the Residents Association is the provision of a play area within Stoneywood, for all ages. It has queried whether a proposal for housing on the opposite side of the B818 has been taken into account in the location of the main entrance to the proposed development.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 Three letters (one objection and two representations) have been received to the application. The concerns raised in these representations can be summarised as follows:-

- The B818 is unsuitable for the amount of traffic that it would be expected to accommodate.
- Could existing schools cope with the increase in students?
- There would be a vast increase in the population of Stoneywood and Fankerton.
- Land contamination issues.
- A footpath link from the development site to the Glenview play area would be objected to.
- Ensure a good distance from Glenview to the proposed footpath link to the B818.
- Clarification sought regarding bus stop provision opposite the main entrance to Strathcarron Hospice.
- Clarification sought regarding any pedestrian crossing proposed to link the development to the grounds of Strathcarron Hospice.

7. DETAILED APPRAISAL

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

Accordingly,

Approved Falkirk Council Structure Plan

- 7a.1 The following (strategic) policies of the approved Falkirk Council Structure Plan are considered to be relevant to this application.

7a.2 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/Bankenock, 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.3 The proposed development includes provision for 480m² of commercial floorspace which would be available for a range of uses such as shops and offices. The potential for up to 480m² of retail development is not considered to be significant within the terms of this policy and would be commensurate with maintaining the hierarchy of shopping centres in the Falkirk Council area. The floor plan submitted with the application indicates 4 units ranging in size from 75m² to 134m². The intention would be to provide for uses to serve local needs. Accordingly, the proposed development is considered to accord with this policy.

7a.4 Policy COM.3 ‘Special Needs and Affordable Housing’ states:

“The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs.”

7a.5 The proposed development includes the provision of 27 affordable housing units consisting of 22 flats and 5 terraced dwellings. This proportion of affordable units relative to the total number of 173 units satisfies the requirement of the Falkirk Council Local Plan Finalised Draft (Deposit Version) for 15% of units in large scale new housing developments in the Denny area to be affordable. The applicant has advised that the proposed affordable housing would transfer to a social registered landlord (Link Housing Association) and arrangements to that effect have been secured. The applicant has also advised that the affordable housing would comprise the first phase of the development. Whilst the preference by Corporate and Neighbourhood Services for serviced land is noted, there is no priority afforded to this type of provision under Development Plan policy, the proposed affordable housing consists of a range of house types and the need for the proposed affordable housing is demonstrated by the advice from the applicant that a transfer arrangement to a social registered landlord has been secured. The proposed development is therefore considered to accord with this policy.

7a.6 Policy COM.5 ‘Developer Contributions’ states:

“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”

7a.7 Developer funding for on and off-site works is considered to be necessary to meet the infrastructure needs of the proposed development and mitigate its impact on the locality. Financial contributions and the provision of facilities and infrastructure by the applicant have been requested by the Transport Planning Unit, Education Services and Community Services as detailed in Section 4 of this report. The agreed level of funding is in the sum of £1,206,950 and is considered to be reasonable and related to the scale and nature of the proposed development and takes account of relevant Council standards.

7a.8 The Planning Brief for the site promotes the provision of 1.5 hectares of business/industrial land. As an alternative to on-site provision, Community Services (Economic Development) have suggested the payment of a financial contribution of £500,000 towards off-site provision, as detailed in paragraph 4.6 of this report. The applicant considers that a contribution of this nature would not meet the criteria outlined in Circular 12/1996 Planning Agreements. This circular states that a planning authority should not treat an applicant's need for planning permission as an opportunity to obtain a benefit, financial or environmental, which is unrelated in nature, scale or kind to the development proposed. The circular states that planning agreements need to achieve a planning purpose, relate to the proposed development, be appropriate in scale and kind, and be reasonable. Circular 12/1996 was replaced by Circular 1/2010 in January 2010. This new circular reiterates and strengthens the criteria of Circular 12/1996.

7a.9 Having regard to Circular 1/2010, it is accepted that the financial contribution suggested by Community Services (Economic Development) would not directly relate to the proposed development, insofar as it is not required to meet the infrastructure needs of the development, mitigate the impact of the development on the locality, or compensate for the loss of business or industrial land allocated in the Development Plan or the emerging Falkirk Council Local Plan to maintain the business and industrial land supply. Balanced against this, a contribution of this nature could be considered as an alternative to satisfy an on-site requirement of the Council's Planning Brief, for business/industrial land. However, concern that the contribution would not directly relate to the proposed development in turn raises concerns regarding its reasonableness and whether it reasonably relates in scale and kind to the proposed development.

7a.10 The proposed development is therefore considered to accord with this policy as all developer funding which is considered to be reasonable and directly related to the proposed development has been agreed with the applicant.

7a.11 Policy COM.6 'Open Space and Recreational Facilities' states:

"The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Accordingly:

- (1) the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole;*
- (2) Local Plans will identify and seek to address any remaining localised deficiencies in provision;*
- (3) resources will generally be concentrated on improving the quality, management and accessibility of existing provision; and*
- (4) all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision. Standards will be set out in Local Plans based on the provision of 2.8ha per 1000 persons."*

7a.12 Item 4 of this policy is relevant to the proposed development. In this instance the applicant has accepted the recommendations of Community Services (Parks and Recreation) as detailed in paragraph 4.5 of this report. Accordingly, qualitative improvements to the area would accrue in the form of the provision of recreational facilities within the local area. In addition, existing open space within the application site including woodland and the riparian margin would be retained and enhanced through arrangements for long term management and maintenance. Subject to the provision and implementation of these facilities and measures, the proposed development accords with this policy.

7a.13 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.14 The application site lies on the opposite bank of the River Carron from the Carron Glen Site of Special Scientific Interest (SSSI). Therefore the proposed development requires assessment against item 1 of this policy. The Carron Glen SSSI is designated for its ancient/long established deciduous woodland and lowland grassland. The Ecological Impact Assessment submitted with the application has identified that any pollution incident, such as windblown dust or debris from the development site, could have the potential for a significant adverse effect on the SSSI. Subject to the implementation of dust containment and arrestment measures, the proposed development would not adversely affect the integrity of the SSSI, and therefore accords with this policy. The proposed development does not affect any site of local or regional importance such as a Wildlife Site or a Site of Importance for Nature Conservation (SINC).

7a.15 Policy ENV.4 'Coastal Planning and Flooding' states:

"The Council will apply the following general principles with regard to coastal planning and flooding issues:

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*
- (3) The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications."*

7a.16 The Flood Risk Assessment submitted with the application has concluded that the proposed development would not be at direct risk of flooding from the River Carron. In addition, it has indicated that existing culverts from the Sandyford Burn and the Strathcarron Hospice pond, which cross the site to the River Carron, would be diverted beneath new roadways. Periodic maintenance of the culvert entrances is recommended in order to avoid blockage. The Roads Development Unit has accepted the findings and recommendations of the Flood Risk Assessment and is satisfied that the required flood level (1 in 200 years with a 20% increase in flood flows to allow for climate change) and the potential for culvert blockage have been taken into account in the design. In addition, the Roads Development Unit is satisfied that land and building levels adjacent to the flood routes over new roadways (in the event of culvert blockage failure) are acceptable.

7a.17 The Roads Development Unit has accepted the proposed surface water drainage arrangements, which include measures such as porous paving, filter trenches, enlarged storage pipes, attenuation tanks and outflow controls on discharge to the River Carron. In addition, the Roads Development Unit is satisfied that the proposed surface water drainage arrangements would be able to cope with a 1:200 year flood.

7a.18 Accordingly, it is considered that the proposed development would not be at risk of flooding or increase the level of risk to existing development, and therefore accords with this policy. As detailed in paragraph 4.9, SEPA has no objection to the application on flood grounds.

7a.19 Policy ENV.16 'Contaminated Land' states:

"The Council will support the rehabilitation of vacant, derelict and contaminated land through the promotion of redevelopment on specific sites and investment, in partnerships with other agencies, in a prioritised programme of site investigation and remediation measures. Detailed proposals will be incorporated in Local Plans."

7a.20 The application site has been vacant since closure of the Carrongrove Paper Mill in November 2005 and the Mill buildings are in the final stages of demolition. Site investigations undertaken to date have indicated sources of contamination in the form of made ground across the site and contaminated soil and groundwater from metals and hydrocarbons. Remedial measures would be required to break the identified pollution linkages between contamination in the soils and the proposed end uses. The Council has supported rehabilitation of this vacant and contaminated site by preparation of the Planning Brief dated March 2007. The proposed development and associated remediation of the site can therefore be seen to support this policy.

7a.21 Policy TRANS.3 'Transport Assessment' states:

"Proposals which could result in a significant increase in travel demand will be required to submit a Transport Assessment and where appropriate a Green Transport Plan. These should demonstrate how the impact of the development on the surrounding traffic network can be minimised and how other modes of travel rather than the car will be encouraged."

7a.22 A Transport Assessment has been submitted with the application, which indicates that Denny Cross would have insufficient capacity to accommodate the traffic generated by the proposed development. In order to mitigate this impact, measures have been agreed with the applicant in the form of financial contributions towards the provision of new roundabouts at the Nethermain Road/Stirling Street and Nethermain Road/Glasgow Road junctions. These will facilitate the use of Nethermain Road instead of Denny Cross, particularly for southbound traffic (by easing two right turning movements). In addition, measures have been agreed in order to encourage sustainable modes of transport. These measures include the provision of a cyclepath and footway through the site and enhancement of the former railway line to Denny as part of the Safer Routes to School Programme. Subject to the payment of the agreed contributions and provision of all proposed transport related infrastructure, the proposed development accords with this policy.

Adopted Denny and District Local Plan

7a.23 The application site lies within the urban limits for Stoneywood/Fankerton under the adopted Denny and District Local Plan. In addition, it is identified as an opportunity site (ED8) for industrial/business development complementary to the Paper Mill. This opportunity arose as a result of technological innovations which significantly reduced the requirement for land and buildings, such that the western part of the Mill site had become surplus. The adopted Denny and District Local Plan dates from June 1996 and is out of date as the Paper Mill closed in November 2005. The Planning Brief for the site, dated March 2007, reflects the Council's current aspirations for development of the site.

7a.24 Policy DEN 1 ‘Urban Limit’ states:

“The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of Denny and District for the period of the Plan. Accordingly there will be a general presumption against development proposals which would extend the urban area beyond this limit. Within the Urban Limit, proposals for development or changes of use will generally be acceptable, provided that:

- (i) they are consistent with the policies and proposals contained in The Local Plan; and*
- (ii) access, car parking, drainage, and other servicing can be provided to a standard acceptable to the District Council.*

Note: Outwith the Urban Limit, development proposals will be subject to the relevant countryside policies of the Rural Local Plan (listed by Appendix 1).”

7a.25 The application site lies within the urban limits as defined in the adopted Denny and District Local Plan. With regard to proviso (i) of this policy, the proposed development is considered to be consistent with the policies and proposals of the adopted Denny and District Local Plan, for the reasons detailed in this report. With regard to proviso (ii), it is considered that access, car-parking and services can be provided to an acceptable standard. The proposed development is therefore considered to accord with this policy.

7a.26 Policy DEN 4 ‘New Residential Development’ states:

“Residential development is directed towards sites H1 to H13 identified on the Policies, Proposals and Opportunities Map, and other brownfield sites which become available within the Urban Limit.”

7a.27 The footprint of the former Paper Mill buildings and associated previously developed land represents a significant brownfield site within the urban limit. The proposed residential development of this land accords with this policy.

7a.28 Policy DEN 7 ‘Special Needs and Affordable Housing’ states:

“The Council will support proposals for special needs housing, the provision of community based health care and affordable housing, provided that:

- (i) the location is suited to the particular group being catered for; and*
- (ii) other local planning criteria can be met.”*

7a.29 The proposed development includes the provision of 27 affordable housing units. For the reasons detailed in paragraph 7a.5, the proposed development is considered to accord with this policy.

7a.30 Policy DEN14 'Development Outwith Allocated Areas' states:

"Proposals for the introduction of Business, General Industrial or Storage and Distribution Uses (Classes 4, 5 and 11), outwith the established industrial areas, will normally be opposed unless it can be demonstrated that:

- (i) the nature and scale of activity would be compatible with the character of the surrounding area; and*
- (ii) there would be no adverse effect upon local amenity, including considerations of visual intrusion, noise, disturbance, generation and environmental pollution."*

7a.31 The proposed development includes alterations to the listed building on the site to retain business use and the erection of 18 live/work units. The nature and scale of these uses would be compatible with the character of the new development and would be unlikely to give rise to any adverse impacts on local amenity. These aspects of the proposed development are therefore considered to accord with this policy.

7a.32 Policy DEN 17 'Roads and New Development' states:

"Road layouts, car parking and access provision in new developments should generally conform with Central Regional Council's standards entitled "Development Roads Guidelines and Specification". In the case of major development proposals likely to generate significant volumes of additional traffic, a traffic impact analysis will be required. Development proposals should make satisfactory provision for cyclists and pedestrian safety, amenity, and convenience."

7a.33 The proposed road layout, carparking and access provision is considered to be acceptable within the terms of the Council's current standards and guidelines for roads and car-parking. The Transport Assessment submitted with the application has detailed capacity issues in the local road infrastructure and mitigation measures in relation to these issues have been agreed, as detailed in paragraph 7a.22. In addition, satisfactory provision would be made for cyclists and pedestrians. Accordingly, the proposed development accords with this policy.

7a.34 Policy DEN 20 'Town Centre Shopping Function' states:

"The Council will exercise a general presumption against significant new retail development, including retail warehousing, which is:

- (i) detached from the Town Centre and likely, by virtue of its size, nature or location, to have an adverse affect on the vitality, viability or convenience of the Town Centre; or*
- (ii) disproportionately large in relation to the Town's role as a local centre within the Council's hierarchy of shopping centres (generally in excess of 2,500 square metres net floorspace in the case of foodstores)."*

7a.35 As detailed in this report, the proposed development includes provision for 480m² of commercial floorspace. It is considered that the potential use of this floorspace for retailing would not have any adverse impact on the viability or vitality of Denny Town Centre. In addition, this scale of development would not be disproportionately large in relation to the role of Denny Town Centre as a Local Centre within the Council's hierarchy of shopping centres. Accordingly, the proposed development is considered to accord with this policy.

7a.36 Policy DEN 22 ‘Townscape’ states:

“The Council will require to be satisfied that development proposals:

- (i) respect the character and appearance of the townscape in terms of form, layout and design;*
- (ii) take cognisance of the architecture of neighbouring properties; and*
- (iii) promote a safe, secure environment through the integration of design principles which would reduce the scope for crime.”*

7a.37 The proposed development is considered to respect the character and appearance of the townscape and respond to its surroundings. In particular, the listed building on the site has dictated the courtyard arrangement around this building and the height and form of the courtyard buildings. As such, the listed building, and views of it, have been integrated sensitively into the proposed development. The detached housing character of the western half of the proposed development is reflective of the general character of the area and the proposed development is considered to respond to its natural surroundings, in particular by fronting the River Carron and the riparian margin. In addition, the proposed development has been designed with due cognisance to the creation of a safe and secure environment by, for example, ensuring that public spaces have a high level of natural surveillance. Within the context of the character of the site and its relationship to its surroundings, the proposed development is considered to accord with this policy.

7a.38 Policy DEN 23 ‘Landscaping’ states:

“Proposals for development should, in general, include a comprehensive landscape scheme as a fundamental and integral part of the submission for planning permission which:

- (i) respects the setting and character of the development site;*
- (ii) retains, where practical, existing vegetation and incorporates natural features;*
- (iii) details proposed planting indicating the number, size and species of trees and shrubs, and;*
- (iv) demonstrates that satisfactory arrangements have been made for the future maintenance and management of areas of landscaping.*

Note : Proposed landscaping should integrate native tree and plant species.”

7a.39 The landscape framework for the site respects the setting and character of the site by retaining to a large extent the existing woodland which contains the site. The landscape framework integrates with the proposed open space and pedestrian and cycleway provision and includes proposals for high quality hard landscaping, street furniture and viewing areas (of the River Carron). In addition, new planting and management and maintenance of all landscaped areas are proposed. The exact details with regard to these matters would be the subject of conditions of any grant of planning permission. Accordingly, the proposed development is considered to accord with this policy.

7a.40 Policy DEN 24 ‘Listed Buildings’ states:

“There will be a presumption against proposals which would demolish, 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 proposed use would have no detrimental impact upon the building, its setting or the amenity of the surrounding area.”

7a.41 The proposed development incorporates a courtyard arrangement around the Category B Listed Building. The scale, design and external finishes of the proposed courtyard buildings are considered to be sympathetic to the character and setting of the listed building. In addition, the proposed development secures the future use of this vacant listed building. Listed building consent has been granted for internal and external alterations to this building to facilitate its re-use, in consultation with Historic Scotland. No detrimental impacts are anticipated as a consequence of its re-use. Accordingly, the proposed development is considered to accord with this policy.

7a.42 Policy DEN 26 ‘Ecological Sites’ states:

“The Council will exercise an overriding presumption against development which could have a detrimental impact upon the ecological, landscape and geological value of sites designated to be of international or national importance (e.g. Special Areas of Conservation, Sites of Special Scientific Interest). Development likely to adversely affect Wildlife Sites or sites considered to be of regional and local significance will not normally be permitted. Other sites of high nature conservation value will be safeguarded wherever possible. Where development proposals are acceptable in principle, measures to mitigate their effects upon the natural environment should be included.”

7a.43 The application site lies in close proximity to the Carron Glen Site of Special Scientific Interest (SSSI). The potential impact of the proposed development on this SSSI has been considered in this report. Subject to the implementation of the measures detailed in paragraph 7a.13, the proposed development would not have any detrimental impact on this SSSI, and therefore accords with this policy. The proposed development would not impact on any Wildlife Site or site considered to be of regional or local significance.

7a.44 Policy DEN 28 ‘Watercourses’ states:

“There will be a general presumption against development which could have a detrimental impact upon aquatic ecosystems. Where necessary, the Council will require applicants to submit supplementary information to assist the determination of planning applications.”

7a.45 The development site adjoins the River Carron and works within the proximity of the river such as bank stabilisation works and construction of viewing platforms are proposed. In addition, surface water discharge to the river is proposed. These proposals would be subject to the Water Environment (Controlled Activities) Regulations (CAR) administered by SEPA. A substantial undeveloped riparian corridor is proposed to be retained, with provision for pedestrian access. Subject to the CAR regulations being complied with, any potential impacts on the aquatic environment should be adequately addressed, thereby ensuring compliance with this policy.

7a.46 Policy DEN 32 'Open Space Provision' states:

"The Council will require the provision of active and passive open space in residential developments, with adequate arrangements made for their future maintenance. The extent of provision should be commensurate with the size, form and density of development, and generally accord with the Council's approved standards. The location, design and landscaping of open space should:

- (i) form an attractive and integral part of the development, contributing to its character and identity;*
- (ii) incorporate existing natural features in, or adjacent to, the site; and*
- (iii) create play areas that are convenient, safe and easily supervised."*

7a.47 The applicant has accepted the requirements of Community Services (Parks and Recreation) with regard to the provision of active open space. In addition, the proposed development incorporates areas of passive open space, such as within the courtyard setting for the listed building, at the main entrance to the development, and potentially within the woodland areas, subject to detailed consideration as part of an Environmental Management Plan. The extent of on-site open space provision is generally considered to be commensurate with the size and character of the proposed development and its location and design is considered to satisfy the requirements of items (i) - (iii) of this policy. The payment of a financial contribution as a partial alternative to on-site provision would fulfil the requirements for active open space provision and lead to qualitative improvements to recreational facilities in the area. The proposed development is therefore considered to accord with this policy.

7a.48 Overall, the proposed development is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in assessment of this application are national planning policy and guidance, the Falkirk Council Local Plan Finalised Draft (Deposit Version), Falkirk Council Supplementary Planning Guidance, the Council's Planning Brief for the Former Carrongrove Paper Mill, the consultation responses, the representations received, the Conservation (Natural Habitats & c) Regulations 1994 (as amended), and planning issues related to the viability of the proposed development.

National Planning Policy and Guidance

7b.2 Scottish Planning Policy (February 2010) sets out the Scottish Government's policy on the supply and delivery of housing and the need for high quality design which contributes to the creation of sustainable places. The proposed development is supported by SPP as it is considered to represent a high quality development of a significant brownfield site within the urban limits that would contribute towards the housing land supply.

7b.3 Scottish Planning Policy (February 2010) sets out the Scottish Government's commitment to increasing the amount of electricity generated from renewable energy sources and supporting low and zero carbon developments. The provision of a small-scale hydro-electric scheme as part of the proposed development would be supported by SPP. In addition, the applicant incorporates design sustainability features into its buildings in order to reduce CO² emissions. Such measures are supported by SPP.

- 7b.4 Scottish Planning Policy (February 2010) sets out the Scottish Government's expectations that new development should not take place if it would be at significant risk of flooding or would materially increase the risk of flooding elsewhere. Flooding issues in respect of the proposed development have been adequately addressed, as detailed in this report. Accordingly, the proposed development is supported by SPP.
- 7b.5 Scottish Planning Policy (February 2010) sets out the Scottish Government's commitment to achieving a high quality integrated transport system that maximises sustainable transport modes. As detailed in this report, the proposed development provides for sustainable transport modes and measures to mitigate traffic impacts of the development on the roads infrastructure have been agreed. Accordingly, the proposed development is supported by SPP.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.6 The application site lies within the urban limits for Stoneywood/Fankerton under the Falkirk Council Local Plan Finalised Draft (Deposit Version). In addition, it is identified as an opportunity site (ED DEN6) for a mixed use development and for access and woodland management. The accompanying text states that redevelopment of the site should conform to the planning brief for the site.
- 7b.7 A number of the policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) of relevance to the proposed development are similar to policies of the approved Falkirk Council Structure Plan and the adopted Denny and District Local Plan, and do not raise any additional issues. These similar policies are detailed as follows:

<u>Falkirk Council Local Plan Finalised Draft (Deposit Version)</u>	<u>Adopted Denny and District Local Plan</u>	<u>Approved Falkirk Council Structure Plan</u>
EQ3 (Townscape Design) and EQ5 (Design and Community Safety)	DEN22 (Townscape)	
EQ4 (Landscape Design)	DEN23 (Landscaping)	
EQ8 (Vacant, Derelict and Contaminated Land)		ENV.16 (Contaminated Land)
EQ14 (Listed Buildings) and EQ15 (Re-Use of Buildings)	DEN24 (Listed Buildings)	
EQ27 (Watercourses)	DEN28 (Watercourses)	
SC4 (Special Needs and Affordable Housing)	DEN7 (Special Needs and Affordable Housing)	COM.3 (Special Needs and Affordable Housing)
SC11 (Developer Contributions to Community Infrastructure)		COM.5 (Developer Contributions)
SC13 (Open Space and Play Provision)	DEN32 (Open Space Provision)	COM.6 (Open space and Recreational Facilities)
SC14 (Education and New Housing)		COM.7 (School Provision)

Development) EP6 (Town Centre Hierarchy)	DEN20 (Town Centre Shopping Function)	ECON.5 (Location of New Retail and Commercial Leisure Development)
ST2 (Pedestrian Travel and Cycling) and ST3 (Bus Travel and New Development) and ST7 (Transport Assessments) ST12 (Flooding)	DEN17 (Roads and New Development)	TRANS.3 (Transport Assessment) ENV.4 (Coastal Planning and Flooding)

7b.8 For the reasons detailed in this report in relation to the above-stated policies of the approved Falkirk Council Structure Plan and adopted Denny and District Local Plan, the proposed development is similarly considered to accord with the above-stated policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version). The relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) that raise additional issues are detailed below.

7b.9 Policy EQ6 'Design and Energy Use' states:

"Developers should demonstrate how they have assessed and pursued opportunities for sustainable energy use in new developments. In particular:

- (1) Local climatic factors should be taken into account, and opportunities taken to maximise solar gain and minimise wind chill in the layout and orientation of buildings;*
- (2) The utilisation of renewable energy sources in meeting the energy needs of developments will be encouraged where appropriate in terms of type, scale and impact; and*
- (3) Combined heat and power and community heating schemes as part of new developments will be encouraged."*

7b.10 The applicant has assessed the viability of providing a hydro-electric scheme, utilising the River Carron, to meet the energy needs of the proposed development and remains committed to this. In addition, the applicant incorporates design sustainability features into its buildings such as high insulation specifications, good standards of air tightness and ventilation and super insulated glazing. The applicant has advised that research indicates that design sustainability features such as these can equate to a 15% reduction in CO² emissions. The applicant has therefore demonstrated the opportunities for sustainable energy use in the proposed development. Subject to the implementation of measures to reduce energy and utilise renewable energy resources, the proposed development accords with this policy.

7b.11 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.12 The main issues in relation to this policy are the impact of the proposed development on the Carron Glen Site of Special Scientific Interest (SSSI) and on species which are protected under the Wildlife and Countryside Act 1981, as amended, or the Protection of Badger Act 1992. The potential impact of the proposed development on the SSSI has been considered in this report. Subject to the implementation of the measures detailed in paragraph 7a.14, the proposed development would not have any detrimental impact on this SSSI.

7b.13 The application site and surrounds have been surveyed for the presence of species protected under the Wildlife and Countryside Act 1981, as amended, and for suitable habitat for these species. The species protected by the Act which were found to be present within the study area are otter and bats. A total of 14 otter resting up sites were found on the banks of the River Carron, 3 non-breeding bat roost sites were found on existing buildings and the presence of low numbers of foraging and commuting bats was evident. In addition, whilst no tree bat roost sites were found, a number of trees were identified as having a high potential for supporting bat roosts.

- 7b.14 The Ecological Impact Assessment has predicted impacts on otter and bats due to the proximity of works to the River Carron and the removal of existing buildings and trees. In consequence, the Ecological Impact Assessment has detailed general measures to mitigate the impact of the proposed development on otter and bats. These measures include the seeking of licences from the Scottish Government where disturbance to these species would be unavoidable, the undertaking of further update surveys and the implementation of an Environmental Management Procedure.
- 7b.15 The applicant intends to prepare a Species Protection Plan for otter in consultation with the planning authority and Scottish Natural Heritage. This Plan would detail the specific measures to mitigate the potential construction and operational impacts identified in the Ecological Impact Assessment, and would include the information required by the Scottish Government in the licensing process. The preparation of this Plan is considered to be an acceptable approach and would be the subject of a condition of any grant of permission.
- 7b.16 The site and surrounds have also been surveyed for the presence of badger. Whilst the surveys found no evidence of badger, the presence of suitable habitat for badger was recognised. An update survey may be required depending on the time lapsed since the last survey. This matter would be the subject of a condition of any grant of permission.
- 7b.17 Subject to the imposition of appropriate conditions and the implementation of an approved Species Protection Plan, the proposed development is considered to accord with this policy. As detailed in this report, Scottish Natural Heritage has no objection to the proposed development subject to the imposition of appropriate conditions, which include conditions in relation to protected species.
- 7b.18 Policy EQ25 'Biodiversity' states:

"The Council will promote the biodiversity of the Council area and ensure that the aims and objectives of the Falkirk Area Biodiversity Action Plan are promoted through the planning process. Accordingly:

- (1) Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*
- (2) The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in 'The Biodiversity of Falkirk' will be given particular attention in the consideration of development proposals;*
- (3) Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design, having reference to the Supplementary Planning Guidance Note on 'Biodiversity and Development'; and*
- (4) Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued."*

- 7b.19 The application site and surrounds have been surveyed for the presence of the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan. The priority habitats found at this location are broadleaved and mixed woodland, grassland and the River Carron. The priority species found are otter, bats and 2 species of flora (ox-eye daisy and wych elm).

- 7b.20 The overall site planning is considered to promote biodiversity interests as it retains the majority of the existing broadleaved, semi-natural woodland and neutral grassland areas. In order to compensate for the loss of priority habitat, new planting and management and maintenance measures are proposed. The management measures proposed for the existing habitats are detailed in a Woodland Management Plan. These measures include removal of non-native and invasive species (e.g. Japanese Knotweed, Snowberry and Rhododendron), woodland thinning, removal of flying tipping and enhancement of grassland habitats. The provision of access and recreational opportunities within the habitat areas would be considered as part of an Environmental Management Plan (incorporating woodland management). This matter would be the subject of a condition of any grant of permission. Measures are also proposed to mitigate the potential impacts of construction activities on the existing habitats within and adjacent to the site (e.g. the River Carron and the Carron Glen SSSI). Potential impacts and mitigation measures in relation to otter and bats have been assessed in this report.
- 7b.21 Subject to the imposition of appropriate conditions and implementation of an approved Environmental Management Plan, the proposed development is considered to promote the biodiversity of the Falkirk Council area and accord with this policy.
- 7b.22 Policy SC6 - ‘Housing Density And Amenity’ states:
- “(1) Overall density in new residential developments should conform to the indicative capacity shown for allocated sites or, in the case of windfall sites, be dictated by the character of the surrounding area and the design objectives for the site, as established in the Design Concept Statement. Higher densities may be allowed where this helps to achieve design excellence.*
 - (2) On large sites, housing density should be varied to create areas of different character, reflecting the structure of streets and spaces in the development. A mix of housing types will be required.*
 - (3) Adequate properly screened private amenity space should be provided for dwellinghouses. In flatted developments, communal space for clothes drying and private amenity should be provided.*
 - (4) Housing layouts should be designed to ensure adequate privacy and to avoid excessive overshadowing of houses or garden ground. A minimum distance between overlooking windows of 18 metres will generally be required.”*
- 7b.23 The overall housing density for the proposed development of 173 units exceeds the housing density of 120 units indicated in the Planning Brief. The proposed housing density has been influenced by the reduction in industrial/business land provision from the 1.5 hectares indicated in the Planning Brief. In addition, the housing density has been informed by the character of the site and the design objectives for the proposed development. An example of this is the provision of higher density development to create a formal courtyard setting for the listed building, which is considered to reflect design excellence. Adequate private amenity space is provided for the proposed dwellinghouses, and the proposed flatted buildings are set within communal amenity areas. The overall housing layout has been designed to ensure adequate privacy and avoid excessive overshadowing. On balance, the proposed development is considered to accord with this policy. Whilst the overall housing density indicated in the Planning Brief is exceeded, the proposed site layout, the mix of house types and the range of densities across the site are considered to achieve design excellence, and can be accommodated whilst retaining the majority of the woodland setting.

Falkirk Council Supplementary Planning Guidance

7b.24 The Council's Supplementary Planning Guidance on Housing Layout and Design, Education and New Housing Development, Biodiversity and Development, Trees and Development and Affordable Housing are relevant to the proposed development. This guidance is intended to assist developers in meeting the requirements of Development Plan policy. The proposed development is considered to be supported by this guidance and accords with the relevant policies of the Development Plan and Falkirk Council Local Plan Finalised Draft (Deposit Version) for the reasons detailed in this report.

Planning Brief

7b.25 The Planning Brief for the former Paper Mill site sets out the Council's requirements and expectations for the future development of the site. It identifies the key land use, design, environmental and infrastructural considerations as well as additional community benefits that are likely to be required. The Brief indicates that the site represents an opportunity to provide a high quality, imaginative and sustainable mixed use development of a significant brownfield site, contained within a heavily landscaped setting.

7b.26 The key requirements and aspirations of the Planning Brief can be summarised as follows:

- Housing land of 5 hectares (1 hectare being high density and 4 hectares low density), with total housing potential being in the order of 120 units;
- Business/industrial land of 1.5 hectares;
- Affordable housing (15% of total number of units);
- Main spine road parallel to river with frontage housing;
- Active housing frontages towards the river and the B818;
- Bespoke housing around the listed building;
- Two accesses from the B818;
- A Transport Assessment and Travel Plan;
- Possible enhancements to existing bus services;
- Upgrading of old railway path to the new Denny High School (Safer Routes to Schools Programme);
- A riverside woodland walk/cycleway linking to existing path network to the west and Kirkland Drive/old railway path to east;
- Footpath upgrade (adjacent to B818);
- Appropriate provision for waste storage, recycling and collection and composting facilities;

- Retention of an element of the former mill complex, e.g. as a feature of public art;
- Trail and interpretive signage along a riverside walkway, portraying historical, industrial, woodland and wildlife information;
- A toddler/junior equipped play area in the heart of the residential area, with a provisional value of £60-70,000;
- Woodland retention/enhancement and biodiversity/habitat enhancement;
- Consideration of the potential for energy efficiency measures;
- Construction of a small scale hydro-electric scheme (potential for stand alone system to be investigated);
- Construction of a fish ladder at existing weir;
- A Flood Risk Assessment, a Drainage Impact Assessment and use of Sustainable Urban Drainage Systems (SUDS);
- A Contaminated Land Assessment;
- A contribution towards educational provision.

7b.27 The proposed development is considered to broadly satisfy the requirements of the Planning Brief or could do so through the imposition of appropriate conditions on any grant of permission. The majority of the requirements have been considered in this report in the context of Development Plan or emerging replacement Local Plan policy. With regard to other requirements, the provision of waste management facilities and trail and interpretive signage would be the subject of conditions of any grant of permission. Consideration of retention of an element of the former mill complex as public art has not revealed any obvious feature. The provision of a fish ladder at Fankerton Weir, with an estimated cost of £150,000, is proposed.

7b.28 There are, however, several important requirements of the Planning Brief which are not complied with or where compliance is uncertain. These relate to the provision of 1.5 hectares of business/industrial land and a small-scale hydro-electric power scheme. In addition, the number of housing units exceeds the 120 indicated in the Brief.

7b.29 The applicant's position is that the Brief should retain a flexible approach to the provision of employment related land to take account of prevailing market conditions. The requirement of the Brief for 1.5 hectares of business/industrial land was driven by an aspiration to retain employment generating activity within the area. However, Ryden, who were appointed to market the property, have advised that the location is unviable for the provision of employment/business land at the scale indicated in the Brief. Ryden consider that this is due to the remoteness of the site from the main arterial routes such as the M80, the need to pass through Denny and the increasing number of residential units in the area which can constrain working time, vehicle movements and noise levels. Community Services (Economic Development) have accepted that the location of the site is not ideal for certain types of business, hence the suggestion that a financial contribution towards the provision of small-scale business units in the Denny area could serve as an alternative to on-site provision.

- 7b.30 A further constraint to the provision of industrial land within the proposed development is compatibility with the residential aspect of the development. Industrial uses by their very nature can raise amenity and compatibility issues which may detract from the quality and attractiveness of the residential environment. In that regard it is considered that business uses, rather than industrial uses, would be more suitable as a component of the overall development.
- 7b.31 Ryden have advised that the site has the potential to accommodate a modest scale of employment uses linked to a housing development. There may, for example, be a demand for locally based small scale business workshop uses. As a reflection of this advice and the need to adopt a flexible approach, the applicant has proposed 5,700 square feet of commercial floorspace for retail and office use, alterations to the listed building (Carrongrove House) to retain business use (approximately 6,000 square feet) and 18 live/work units (approximately 6,400 square feet), specifically designed to enable both residential and business use. The applicant has advised that the live/work units would target business start ups and entrepreneurs who do not require formal business premises. It is accepted that live/work units can contribute positively to the range of business opportunities and is a sustainable form of development, by bringing the workplace and place of residence together, and so reduce vehicle trips. In order to safeguard the business use of the live/work units, it is considered that a legal agreement would be required.
- 7b.32 Taking into account the locational constraints of the site and the nature of the proposed development, it is considered that the proposed provision for commercial and business uses as detailed above is acceptable. It is considered that payment of a £500,000 financial contribution towards off-site business provision, as promoted by Community Services (Economic Development), to compensate for the 1.5 hectare business/industrial land requirement of the Planning Brief cannot be justified. The reasons for this are detailed in paragraph 7a.9 of this report. In addition, the applicant has estimated the cost of refurbishment of Carrongrove House for business use to be at least £900,000. This cost approximates the £1m to £1.4m increase in land value estimated by Community Services (Economic Development) arising from an increase in residential in lieu of business/industrial.
- 7b.33 The Planning Brief promotes the construction of a small scale hydro-electric scheme due to the proximity of the site to the River Carron. The Brief indicates that the potential for a stand-alone system, as opposed to one which is connected to the National Grid, should be investigated. A feasibility report prepared by the applicant has concluded that the installation of a 180 kW small hydro-electric scheme is marginally viable and it is not considered to be viable to supply direct to the National Grid. The applicant has costed the scheme at £450,000.
- 7b.34 SEPA has objected to the provision of a hydro-electric scheme on the grounds detailed in paragraph 4.9 of this report. It has advised that it would consider removing its objection should the determination process conclude that the scheme is "consentable" under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). It has recommended against the use of a suspensive condition to address this issue. The applicant has not progressed an application under CAR to date. However, the applicant has indicated that it would still wish to explore the viability of the scheme and would revisit this and submit a separate planning application when there is sufficient operator interest.

- 7b.35 Taking into account the marginal viability of a hydro-electric scheme and uncertainty regarding operator interest, it is considered reasonable to enable the submission of a separate planning application, which could be secured by a condition of any grant of the current application. It should be noted, however, that the acceptability of the proposed hydro-electric scheme would ultimately be influenced by the consentability of the scheme under the CAR regulations with consideration of the design detail and potential changes to the hydraulic regime. The removal of the proposed hydro-electric scheme from the current application effectively removes the objection of SEPA to this application.

Consultation Responses

- 7b.36 The consultation responses are summarised in section 4 of this report. The main issues raised in these responses are by Community Services (Economic Development) in relation to business/industrial land provision, and by SEPA in relation to the provision of a small-scale hydro-electric scheme. These matters have been discussed in detail in this report.
- 7b.37 The matters raised by the Roads Development Unit, the Transport Planning Unit, the Environmental Protection Unit, Scottish Natural Heritage, Central Scotland Police, the Royal Society for the Protection of Birds and the Scottish Wildlife Trust have generally been addressed in the application or would be by the imposition of appropriate conditions on any grant of permission.
- 7b.38 The applicant has agreed to the payment of the financial contributions sought by the Transport Planning Unit, Education Services and Community Services (Parks and Recreation) in respect of new road infrastructure upgrade of a former railway path to create a Safer Route to Schools, upgrade of educational facilities in the area and provision and enhancement of local recreational facilities.
- 7b.39 The comments of the Scottish Civic Trust are noted. The external finishes proposed for the new buildings would be consistent throughout the entire development, and this is supported in principle. The exact details of the finishes would be the subject of a condition of any grant of permission and consideration would be given to compatibility with the setting of the listed building.
- 7b.40 The comments of the Glenwood Tenants and Residents Association are noted. The provision of a hydro-electric scheme has been discussed in this report. In response to a query by the Residents Association, it is confirmed that the Transport Assessment has taken into account housing proposals in the area which have been granted planning permission.

Representations Received

- 7b.41 Three representations to the application have been received. The concerns raised in these representations are summarised in section 6 of this report. In respect of the concerns raised, the following comments are considered to be relevant:-
- The B818 is considered to be suitable to accommodate the traffic generated by the proposed development. A priority junction and a roundabout junction are proposed in order to provide suitable access to the new development.
 - A financial contribution towards upgrading educational facilities to cope with the anticipated rise in school rolls as a consequence of this development has been agreed.

- Sources of land contamination have been identified and remedial measures would be required in order to ensure that the site is suitable for the proposed development. This matter would be the subject of a condition of any grant of permission.
- No direct footpath link from the development to the Glenview play area is proposed.
- The footpath link from the development to the B818 would follow the line of an existing path. Mature planting between this path and Glenview would be retained.
- The existing bus stop opposite the main entrance to Strathcarron Hospice would be retained.
- There is no proposal for a pedestrian crossing from the proposed development to Strathcarron Hospice.

The Conservation (Natural Habitats & c) Regulations 1994 (as amended)

- 7b.42 As detailed in paragraph 7b.13 of this report, bats and otter were found to be present within the study area for the proposed development. Bats and otter and their shelter/breeding places are given full protection under the Conservation (Natural Habitats & c) Regulations 1994 (as amended) and are referred to under these regulations as European protected species.
- 7b.43 A licence is required from the Scottish Government where it is proposed to carry out works that would disturb European protected species or their shelter/breeding places. A licence may only be issued by the Scottish Government if three tests as detailed in the regulations are satisfied. In this instance, the applicant had a valid licence until 1 November 2009 to disturb otter, and has excluded and destroyed, under licence, two roosts from the former mill buildings and provided 30 bat boxes within the woodland as mitigation. One roost remains, within the listed building, and a heated bat box has been installed. Further licence(s) may be required to update the current otter licence and in the event that any trees proposed for felling or surgery contain a bat roost.
- 7b.44 Consideration of European protected species must be included as part of the planning application process and not as an issue to be dealt with at a later stage, in order to comply with European Directives. In this instance, as detailed in this report, surveys have found the presence of otter and bats within the study area and an Ecological Impact Assessment has predicted the likely impacts on otter and bats and detailed general measures to mitigate these impacts. The preparation of a Species Protection Plan in consultation with the Planning Authority and Scottish Natural Heritage is proposed. This Plan would detail the specific mitigation measures in relation to otter. Accordingly, it is considered that adequate consideration has been given to European protected species within this planning application process.

Planning Issues Related to the Viability of the Proposed Development

- 7b.45 The applicant has submitted information in relation to the viability of the proposed development. In consideration of this information, Community Services (Economic Development) has advised that the proposed development would appear to be unviable at this present time of economic downturn, but that timing or phasing of the development to coincide with market recovery would be a factor in overall viability. However, the applicant has advised that a first phase of affordable housing could proceed soon.

- 7b.46 The applicant has made reference to the requested developer contributions as a particular burden to viability in addition to upfront development costs. Specific reference is made to the costs in provision of a hydro-electric scheme, which to date has attracted limited operator interest. Concern is raised that provision of 1.5 hectares of business/industrial land would further reduce the level of contribution that could be delivered. Upfront development costs have included costs associated with preparing this substantial brownfield site for the proposed development. These costs include those associated with demolition works, remediation of contaminated land and refurbishment of the listed building. The applicant has indicated that some of these costs were unforeseen at site acquisition, when a survey was undertaken.
- 7b.47 Falkirk Council has approved an Economic Action Plan in response to the economic downturn. This Plan promotes a flexible approach to planning legal agreements in order to help attract investment and maintain jobs. In recognition of this, it is considered that the phasing of payments in respect of the agreed contributions can be supported, with the detail of the phasing being the subject of consideration in a Section 75 Legal Agreement.
- 7b.48 As detailed in this report, the applicant has agreed to the payment of financial contributions and the provision of facilities and infrastructure in the sum of £1,206,905. The applicant has submitted, however, that any additional contributions would result in the redevelopment of this significant brownfield being postponed for the foreseeable future. The agreed level of contribution does not include the £500,000 requested by Community Services (Economic Development) to compensate for the 1.5 hectare business/industrial land requirement of the Planning Brief not being satisfied. In recognition of current viability issues, Community Services (Economic Development) would accept deferred payment of the contribution. The applicant, however, has declined to offer any additional contributions above the agreed £1,206,905. The justification for the financial contribution with the terms of Circular 1/2010 has been discussed in this report.

7c Conclusion

- 7c.1 The proposed development is considered to accord with the Development Plan for the reasons detailed in this report. The proposal is considered to reflect the high aspirations for the site as envisaged in the Planning Brief and satisfies the majority of requirements of this Brief. In particular, the proposal respects and enhances the setting of the listed building, secures its refurbishment and future use, provides for affordable housing as phase 1 of the development, provides for a fish ladder on the River Carron, secures and enhances the provision of recreational facilities in the local area and walking and cycling infrastructure, retains the woodland setting of the site, secures enhancement of existing habitats and its future management, and protects biodiversity interests. In addition, financial contributions have been agreed to mitigate the impacts of the proposed development on existing infrastructure and facilities, and a condition of any grant of permission would require a separate application for a small-scale hydro-electric scheme in recognition that this was a requirement of the Planning Brief and the applicant's continued interest to deliver this scheme.

- 7c.2 An outstanding issue relates to the provision of 1.5 hectares of business/industrial land as required by the Planning Brief. However, in recognition that the location of the site is not ideal for certain types of business, Community Services (Economic Development) would accept as compensation, the payment of a financial contribution of £500,000 towards business provision at an alternative location in the Denny area. This payment could be deferred until occupation of the 100th unit in recognition of current viability issues. However, the applicant has declined to agree to this contribution and it is not considered that this contribution can be justified within the terms of Circular 01/2010. With reference to these terms, the contribution is not considered to directly relate to the proposed development or be reasonably related in scale and kind to the proposed development. The applicant is, however, proposing some business use on the site and this includes refurbishment of Carrongrove House for business use at an estimated cost of £900,000 which represents a substantial commitment and a contribution to the supply of business property in the Denny area.
- 7c.3 The application is therefore recommended as a minded to grant subject to the satisfactory conclusion of a Section 75 Legal Agreement and, thereafter, grant of planning permission subject to appropriate conditions.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee indicate that it is minded to grant detailed planning permission subject to:-
- (a) the satisfactory completion of an agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-
 - (i) the payment of a financial contribution of £457,200 towards the provision and upgrade of educational facilities in the area;
 - (ii) the payment of a financial contribution of £550,000 towards the provision of a roundabout at the junction of Nethermain Road and Glasgow Road, Denny and a mini-roundabout at the junction of Nethermain Road and Stirling Street, Denny;
 - (iii) the payment of a financial contribution of £20,000 towards the upgrade of a former railway line for the purposes of a cyclepath (Safer Routes to School) between Stoneywood and Denny;
 - (iv) the payment of a financial contribution of £30,000 towards the provision, upgrade and maintenance of recreational facilities in the local area;
 - (v) the nature and provision of the 18 proposed live/work units;
 - (vi) the nature and provision of the proposed affordable housing units.
 - (b) the submission of a Stage 2 Road Safety Audit for the written approval of this Planning Authority. The audit shall assess all of the new road infrastructure to be constructed by the applicant and include the short internal link between the priority access junction on the B818 and the first internal junction;
 - (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 five years from 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 areas 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, full 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 completed in accordance with the approved details.
- (4) Before the development commences, full details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):
 - (i) existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;
 - (ii) the location of all new trees, shrubs, hedges and grassed areas;
 - (iii) a schedule of plants to comprise species, plant sites and proposed numbers/density;
 - (iv) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure;
 - (v) the location, colour and specification of all proposed hard surface materials;
 - (vi) existing and proposed services such as cables, pipelines, sub-stations, etc.;
 - (vii) other artefacts and structures such as seating, litter bins, dog bins, external lighting, bollards, trail and interpretive signage and viewing galleries. Thereafter, the development shall be completed in accordance with the approved details.
- (5) Before the development commences, a scheme for the provision of active recreational facilities shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include:
 - (i) the location of a toddler/junior play area and a Multi Use Games Area (MUGA) and the type and location of all associated play equipment, seating, fences, walls and litter bins;
 - (ii) the surface treatment of play areas;
 - (iii) the location and specification of all proposed cycleways and footways within the application site and proposed connections to the wider network. Gradient and cross-section details shall be submitted as appropriate;
 - (iv) details of the proposed pedestrian/cycle crossing point on the B818, east of the new access roundabout. The details shall include a plan showing relevant dropped kerbs, suitable connection details into Kirkland Drive and a central island.

- (6) The existing stone wall along the frontage of the site to the B818 shall be made good and re-built where gaps exist or damage has occurred or where sections have been removed to achieve the required visibility splays, in accordance with details approved in writing by this Planning Authority.
- (7) Before the development commences, a final statement and plan confirming the existing trees proposed to be removed shall be submitted to and approved by this Planning Authority. No existing trees shall be removed until the final statement and plan have been approved in writing. The existing trees proposed for removal shall be marked, and the Planning Authority shall be notified when the trees are marked, in order to provide the opportunity for an inspection of the marked trees.
- (8) Before the development commences, a Tree Protection Plan shall be submitted to and approved in writing by this Planning Authority. The plan shall include details of the exact location and specification of the temporary fencing to protect the areas of retained habitat. The protective fencing shall be put in place before the development commences and shall remain in place until all construction works are complete. The Planning Authority shall be notified in order to provide an opportunity for inspection of the protective fencing once it is in place.
- (9) During construction, no excavation, level changes, material storage, fires or vehicle movement shall take place within the fenced off areas indicated in the approved Tree Protection Plan.
- (10) Before the development commences, the exact details of the proposed environmental measures as detailed in Section 6, Table 9, of the Ecological Impact Assessment prepared by Heritage Environmental Limited, dated March 2009, shall be submitted to and approved in writing by this Planning Authority, in consultation with SEPA and SNH (as appropriate). Thereafter, the development shall proceed in accordance with the approved details.
- (11) Before the development commences, a Species Protection Plan for otter shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall proceed in accordance with the approved details, under the supervision of a suitably experienced ecologist acting as Ecological Clerk of Works.
- (12) Before the development commences, an Environmental Management Plan shall be submitted to and approved in writing by this Planning Authority. The plan shall include woodland management measures and consider the opportunities for access and recreation within the various habitat areas. Thereafter, the development shall proceed in accordance with the approved details.

- (13) In respect of otter:
- (a) No vehicular access, works or pedestrian access shall occur within 30 metres of the otter resting places identified in the otter survey(s). This exclusion zone shall be marked on the site with temporary posts and high visibility tape or similar before the development commences (to be removed at the end of the contract). The positioning and erection of fences demarcating the boundaries of exclusion zones shall be supervised, and subsequently monitored, by a suitably experienced ecologist acting as Ecological Clerk of Works.
 - (b) The existing scrub/trees screening the otter resting places from the area where works are proposed shall be retained.
 - (c) All personnel, including contractors and sub-contractors, shall be made aware of the presence of otters and their holts, their protected status and the conditions of any granted licence.
- (14) Should the development not commence within 12 months of the last survey of the site for badgers, a further walk-over survey of the site shall be conducted and the results of the survey submitted for the written approval of this Planning Authority.
- (15) Tree, scrub and hedgerow removal shall only occur between the months of September to March (inclusive) in order to avoid the destruction of birds nesting during the breeding season.
- (16) Before the development commences, the presence and breeding status of any barn owls on the site shall be confirmed by a suitably experienced consultant. Should their presence and breeding be confirmed, restrictions on timings of works as per other breeding bird species shall apply, such that works may only be carried out between the months of September to March (inclusive).
- (17) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the 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.
- (18) Waste management facilities for the proposed development shall be provided in accordance with the Council's Refuse and Recycling Collection Requirements for Housing and Commercial Developments.
- (19) Before the development commences, the design and construction details of the proposed fish ladder 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.

- (20) Within one year of the commencement of the development, a separate planning application shall be submitted for the provision of a small-scale hydro-electric power scheme. The application shall include the detailed design for the scheme and an assessment of its potential impacts on flooding and flood management.
- (21) All new road and footway design and construction shall be carried out in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (22) All individual driveways shall be constructed to meet the public road at right angles, 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.
- (23) Parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. All dedicated car parking spaces for the proposed commercial and business uses shall be demarcated for that purpose.
- (24) The proposed development shall be carried out in accordance with the recommendations detailed on page 37 of the Flood Risk and Drainage Impact Assessment, Revision E, prepared by Waterman Civils Limited, dated July 2009.
- (25) Before the development commences, details of the arrangements for the maintenance of the proposed and existing culverts and outfalls that cross/adjoin the application site shall be submitted to and approved in writing by this Planning Authority. Thereafter, maintenance of the culverts shall be carried out in accordance with the approved details.
- (26) Before the development commences, details of the location and specification of all proposed bus stop infrastructure shall be submitted to and approved in writing by this Planning Authority. The details shall include provision of new bus shelters for eastbound stops, with appropriate flagpoles and timetable information. Thereafter, the development shall be carried out in accordance with the approved details.
- (27) One cycle locker per flat shall be provided, in accordance with details to be submitted to and approved in writing by this Planning Authority before the development commences.
- (28) Before the first unit is occupied, a Travel Plan Welcome Pack shall be submitted to and approved in writing by this Planning Authority and distributed to households prior to occupation.
- (29) Before the cycleway/pedestrian path to the B818 at the western end of the site is brought into use, a section of footpath to link the cycleway/pedestrian path to the existing footpath at Fankerton shall be constructed in accordance with the Design Guidance and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.

- (30) Before the development commences, details of the party (parties) to implement the Environmental Management Plan, and the timescale thereof, and details of the on-going future management and maintenance of the hard and soft landscaping areas, the active recreational facilities and the fish ladder, shall be submitted to and approved in writing by this Planning Authority. Documentary evidence shall be submitted to demonstrate the long-term securing of the management and maintenance of these areas and infrastructure.
- (31) Before the first residential unit is occupied, the new pedestrian/cyclist crossing point of Fintry Road and the new bus stop infrastructure shall be fully completed in accordance with the approved details.
- (32) Unless otherwise agreed in writing by this Planning Authority, the new entrance roundabout to serve the proposed development shall be fully completed before the first residential unit is occupied, in accordance with the approved details.
- (33) No residential unit shall be occupied until a mini-roundabout has been constructed at the junction of Stirling Street and Nethermains Road in accordance with an approved Road Construction Consent.
- (34) Before the 50th residential unit is occupied, the toddler/junior play area and the fish ladder shall be fully completed in accordance with the approved details.
- (35) Before the 70th residential unit is occupied, the alterations to the listed building (Carrongrove House) to retain business/office use shall be fully completed in accordance with the approved details.
- (36) Before the 100th residential unit is occupied, the Multi Use Games Area (MUGA) shall be fully completed in accordance with the approved details.
- (37) The ground floor commercial area of proposed Block 3 shall be restricted to a use within Classes 1, 2 and 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further planning application to and approved by this Planning Authority.
- (38) The listed building (Carrongrove House) shall be restricted to a use within Class 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further planning application to and approved by this Planning Authority.
- (39) Notwithstanding the approved details, before the development commences, the design of the south facing elevation of the 3 storey flatted building shall be subject to further consideration and the submission of amended proposals for the written approval of this Planning Authority. Thereafter, the development shall proceed in accordance with the approved details.

Reason(s):

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

- (2) To enable the Planning Authority to consider these aspects in more detail.
- (3-4) To safeguard the visual amenity of the area.
- (5) To ensure the provision of adequate and appropriate recreational facilities.
- (6) To safeguard the visual amenity of the area.
- (7-9) To safeguard the visual and environmental amenity of the area.
- (10-16) To safeguard the environmental amenity of the area and ecological and biodiversity interests.
- (17) To ensure the ground is suitable for the proposed development.
- (18) To ensure the provision of appropriate waste management facilities.
- (19) To enable this Planning Authority to consider these aspects in more detail.
- (20) To secure an application for the provision of a small scale hydro-electric scheme, in accordance with the requirements of the Planning Brief.
- (21-22) To safeguard the interests of the users of the highway.
- (23) To ensure the provision of appropriate parking facilities.
- (24-25) To safeguard the site against the risk of flooding.
- (26-29) To ensure the provision of facilities and measures to support sustainable modes of transport.
- (30) To secure the ongoing maintenance of the common areas and facilities.
- (31-36) To secure the timeous provision of facilities and infrastructure which are a requirement of the proposed development.
- (37-38) In order to retain proper control over the use of the development.
- (39) In the interests of design quality and visual amenity.

Informative(s):

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 01, 02C, 03C, 04B, 05B, 06F, 07C, 08C, 09C, 10C, 11B, 12B, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22A, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34C, 35, 36A, 37A, 38, 39, 40, 41, 42D, 43B, 44B, 45G, 46F, 47F, 48A, 49A and 50.
- (2) All proposed adoptable roads, cycleways and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.

- (3) Bollards and lighting within roads and footpaths to be adopted as public will require to satisfy the Council's Design Guidelines and Construction Standards. The Council specification for bollards is Marshalls Steel Rhino Bollard RB119.
- (4) Retaining structures should be outwith a 1 in 2 slope zone of a footpath or carriageway to be adopted as public. Design calculations and drawings for any structure within this zone will require to be submitted to Falkirk Council as part of the Road Construction Consent process.
- (5) The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) require general binding rule (GBR) 10 of CAR to be complied with in relation to surface water drainage. GBR 10 makes Sustainable Urban Drainage Systems (SUDS) a requirement for new development. SEPA has requested the submission of a Drainage Management Plan, including details of proposed SUDS systems, prior to works commencing on site.
- (6) The proposal for modifications to the bank of the Carron River and other works within the vicinity of the river will require SEPA authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).
- (7) SEPA has requested the submission of information on the feasibility of an eel pass on the River Carron.
- (8) Scottish Water has requested the developer to make contact in order to understand the proposed phasing and timescales, to enable consideration of the options for connections and the impact of the development on existing infrastructure.
- (9) Scottish Natural Heritage should be contacted to ensure that valid licenses are in place for the carrying out of works that will affect European protected species or their shelter/breeding places.
- (10) Due to proximity to the River Carron, which hosts species that respond to changing light levels, including salmonid fish and otters, careful consideration should be given to the design of street lighting to minimise impact on the river. Scottish Natural Heritage recommends that proposals for lighting are reviewed in accordance with the Scottish Governments Guidance Note on Controlling Light Pollution and Reducing Light Energy Consumption.
- (11) The level of provision for the toddler/junior play area and the Multi Use Games Area (MUGA) will require to be commensurate with a total cost of £100,000 inflation adjusted at the time of provision.



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Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Denny and District Local Plan.
3. Scottish Planning Policy (February 2010).
4. Circular 12/1996 Planning Agreement.
5. Circular 1/2010 Planning Agreements.
6. Falkirk Council Local Plan Finalised Draft (Deposit Version).
7. Falkirk Council Planning Brief: Former Carrongrove Paper Mill, Denny, March 2007.
8. Falkirk Council's Supplementary Planning Guidance on Housing and Design, Education and New Housing Developments, Biodiversity and Development, Trees and Development and Affordable Housing.
9. Falkirk Council Economic Action Plan.
10. Letter of objection received from Mr & Mrs Kirkwood, 16 Glenview, Fankerton, Denny, FK6 5HY on 24 April 2008.
11. Letter of representation received from Mrs K Doherty, 17 Glenview, Fankerton, Denny, FK6 5HY on 15 April 2008.
12. Letter of representation received from Strathcarron Hospice, Randolph Hill, Denny, FK6 5HJ on 11 June 2008.

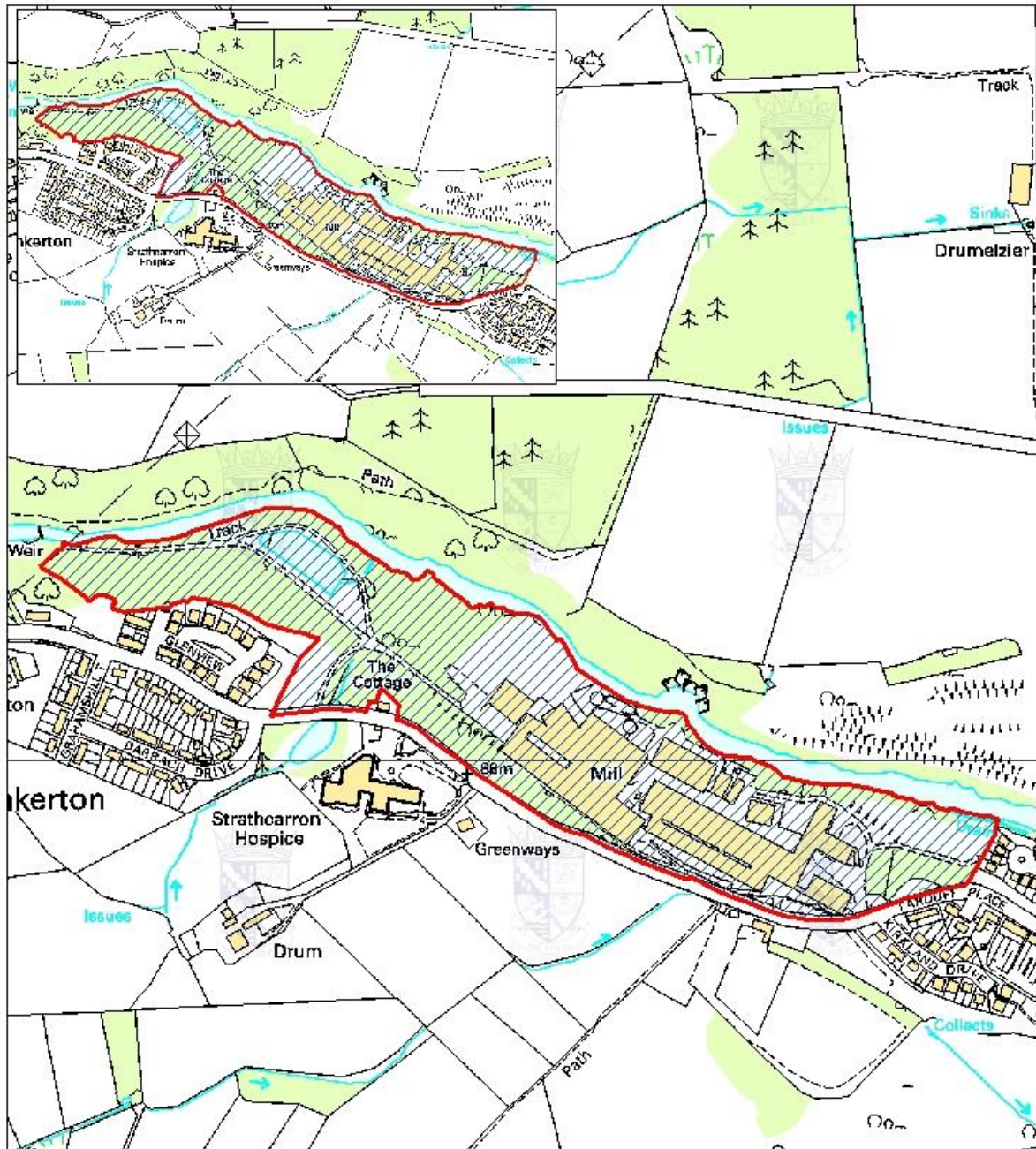
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 50935 and ask for Brent Vivian (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/08/0296/FUL

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FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE (FRONT EXTENSION) AT 42
TWEED STREET, GRANGEMOUTH, FK3 8HA FOR MR BUCHANAN –
P/09/0826/FUL

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Depute Provost Allyson Black
Councillor Angus MacDonald
Councillor Alistair McNeill
Councillor Robert Spears

Community Council: Grangemouth

Case Officer: Kirsty Hope (Assistant Planning Officer), Ext 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The property is a two storey semi-detached property located at 42 Tweed Street, Grangemouth. This detailed planning application deals with a single storey extension, comprising a bay window feature to the front of the property to accommodate additional living space, measuring 3.2 metres in width and 1.5 metres in depth.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Alistair McNeill.

3. SITE HISTORY

- 3.1 None relevant to this application. However, extensions similar to this proposal were noted within the vicinity. The similar examples which were given consent were F/96/0864 and F/2001/458.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objections to the application.

5. COMMUNITY COUNCIL

5.1 The Grangemouth Community Council has not made any representations on the proposal.

6. PUBLIC REPRESENTATION

6.1 One letter of objection received has raised the following issues:-

- The proposal 'porch to front' is inaccurate and feels it's a significant extension to the existing sitting room;
- Loss of privacy;
- The reduction of sunlight;
- The existing view will be obscured.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 There are no relevant policies within the Falkirk Council Structure Plan.

Grangemouth Local Plan

7a.2 The relevant policies against which assessment was made are:

Policy Grangemouth One 'Urban Limit' states:

"That the boundary of the urban area as indicated on figures 1 and 3 be regarded as the desirable limit to the growth of Grangemouth for the period of the plan. Accordingly, there shall be a general presumption against proposals for development which would either extend the urban area beyond this limit or which would constitute sporadic development in the countryside."

7a.3 The application site is within the urban limits as defined by the Grangemouth Local Plan and the proposal is therefore in accordance with the terms of this policy and the Development Plan.

7b Material Considerations

- 7b.1 The material considerations relating to the application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Falkirk Council Supplementary Guidance and the points raised through public representation.

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 The location and scale of the proposal is sympathetic to the existing property, given the size of the proposal. The materials are in keeping with the existing dwellinghouse. The proposal will not significantly affect the degree of amenity, daylight and privacy enjoyed by neighbouring properties and will not result in over development of the plot. The application accords with Policy SC9 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Falkirk Council Supplementary Planning Guidance

- 7b.4 It is considered that the proposal accords with the Falkirk Council Supplementary Planning Guidance on House Extensions and Alterations for similar reasons as highlighted in paragraph 7b.3 above.

Representations Received

- 7b.5 The description was amended to a front extension to the dwellinghouse. A condition requiring the side facing window to be obscure glazed is proposed to address the issue of loss of privacy concerns. Loss of view is not a material planning consideration.

7c Conclusion

- 7c.1 The proposal is in accordance with the Development Plan, the Falkirk Council Local Plan Finalised Draft (Deposit Version), and Falkirk Council's Supplementary Planning Guidance. There are no material considerations which would merit refusal of this planning application.

8. RECOMMENDATION

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

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

- (2) Prior to the occupation of the extension hereby approved, the window facing onto 44 Tweed Street, Grangemouth, on the approved plan (drawing number 03) shall be obscured glazing and thereafter retained as such.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the privacy of the occupants of adjacent properties.

Informatives:

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02, 03A, 04 and 05.
- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (3) The builder shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

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

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



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Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan Finalised Draft (Deposit Version).
2. Falkirk Council Structure Plan.
3. Grangemouth Local Plan.
4. Letter of objection from Mr G Gormley, 44 Tweed Street, Grangemouth, FK3 8HA on 8 December 2009.

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

Regulatory Committee

Planning Application Location Plan **P/09/0826/FUL**

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



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FALKIRK COUNCIL

Subject: DEMOLITION AND REPLACEMENT OF EXISTING DWELLINGHOUSE (RETROSPECTIVE) AT TIPPETCRAIG, BONNYBRIDGE, FK4 2EU, FOR MR AND MRS G BURNS –P/09/0879/FUL

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: None.

Case Officer: Kirsty Hope (Assistant Planning Officer) Ext 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located at Tippetcraig Farm, Bonnybridge. The site is accessed by a single track road which leads to a two storey house within a courtyard that is bounded by traditional single storey outbuildings.
- 1.2 This detailed, retrospective, application mainly concerns the demolition of parts of the original building. The design of the house as reconstructed is identical to the detailed planning application P/09/0133/FUL that was granted planning permission, which included two rear extensions to the property and a front extension. The material from the demolition of the existing house has been re-used.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposal has resulted from a breach of the terms of planning permission P/09/0133/FUL, which now constitutes a departure to the Development Plan, which is being recommended for approval.

3. SITE HISTORY

- 3.1 P/09/0133/FUL – Detailed Planning Permission relates to the erection of three extensions (two to the rear and one on the front), to the previous house. Owing to unforeseen circumstances, the western gable wall collapsed during the renovation works and the north and south adjoining walls were severely damaged. The applicant took down the remainder of these walls and re-built them within the exact same location and with the same materials to retain stability. The only wall that remained unaffected was the eastern gable of the original house.

4. CONSULTATIONS

- 4.1 The Roads Unit was consulted on the application and has no objection to the proposal.
- 4.2 The Environmental Protection Unit was consulted and has requested that an informative be attached, if consented, in relation to land contamination.
- 4.3 Scottish Natural Heritage was consulted and has requested a condition to be attached in relation to construction periods.

5. COMMUNITY COUNCIL

- 5.1 The Bonnybridge Community Council did not comment on the proposal.

6. PUBLIC REPRESENTATION

- 6.1 No letters of representation were received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no specific policies in the Structure Plan that relate to the proposal and therefore, no strategic issues require to be addressed.

The Rural Local Plan

7a.2 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.3 The property was occupied prior to its demolition and, although the proposed development cannot be seen to directly fall into the categories permitted above, the property would not be creating or contributing to ribbon, backland or sporadic development. This proposal is a replacement to the previous house as it occupies the identical footprint as consented within the planning application P/09/0133/FUL. The proposed house has been designed to be in keeping with its original surroundings and has taken into account the design guidelines for building in a rural location. The application is therefore considered to be a replacement for the previous house and not an additional house. The applicant intimated that the outer leaf walls collapsed during renovation works and that the material from the previous dwelling that collapsed has been re-used to build the replacement house. The development, as constructed, is a new building, albeit a 'like for like' replacement house. Accordingly, the proposal is contrary to the criteria set out in Policy RURAL 1 as it has not been demonstrated that the house is

essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location.

Accordingly, the proposal does not accord 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), the Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note and the supporting information submitted by the applicant.

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 As already stated in paragraph 7a.3, this is an unusual situation and it constitutes a 'like for like' replacement house which replicates consented plans P/09/0133/FUL. The key difference is that the house now on site is in essence a 'new build' replacement dwelling rather than a redevelopment scheme as originally consented. The house is therefore considered to be an appropriate replacement and has been carefully designed to take into account its rural setting. The materials proposed are considered to be of a high quality and, under the circumstances, it is considered that it is appropriate development.

- 7b.4 Policy SC3 - 'Housing Development In The Countryside' states:

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

- (1) *Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - *The operational need for the additional house in association with the business*
 - *That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - *That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - *That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
 - *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - *The restored or converted building is of comparable scale and character to the original building*
 - *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7b.5 The proposal constitutes a replacement house on the same site and therefore is not considered to be an additional house. The design and scale of the development is in accordance with the plans that have been consented previously to alter and extend the original house. Owing to the collapse of the original house there were no reasonable opportunities to convert the original house and therefore it is considered that the re-use of the building material is complementary to the locality. It does not constitute ribbon, back land or sporadic development. It is acknowledged that the proposal is a new house and, accordingly, is contrary to the terms of the emerging Local Plan for similar reasons to those outlined in paragraph 7a.3.

The Falkirk Council Housing Layout and Design Supplementary Guidance Note

7b.6 Although there are no specific character properties in this particular location, the proposed design has endeavoured to follow the original scale and building lines. The materials used are also of a high quality and are in keeping with the traditional rural setting.

Supporting Information

7b.7 The application includes a supporting letter from the applicant that explained the circumstances for the proposal. It is considered that the replacement house is in keeping with the surrounding area and has been rebuilt to comply with previous planning consent P/09/0133/FUL.

7c Conclusion

- 7c.1 It is regrettable that the redevelopment resulted in the significant collapse of the previous house. The proposal is contrary to the terms of the Development Plan and the emerging Local Plan that restrict new housing development in the countryside. However, the proposed house replaces a previous dwelling and, as constructed, is acceptable in terms of design and location. It has replicated the previous planning consent to extend the previous house. It is therefore considered appropriate to recommend this amended scheme as acceptable.

8. RECOMMENDATION

- 8.1 It is recommended that detailed planning permission be granted.**

Informative:-

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference 01 – 12 Inclusive.**



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Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

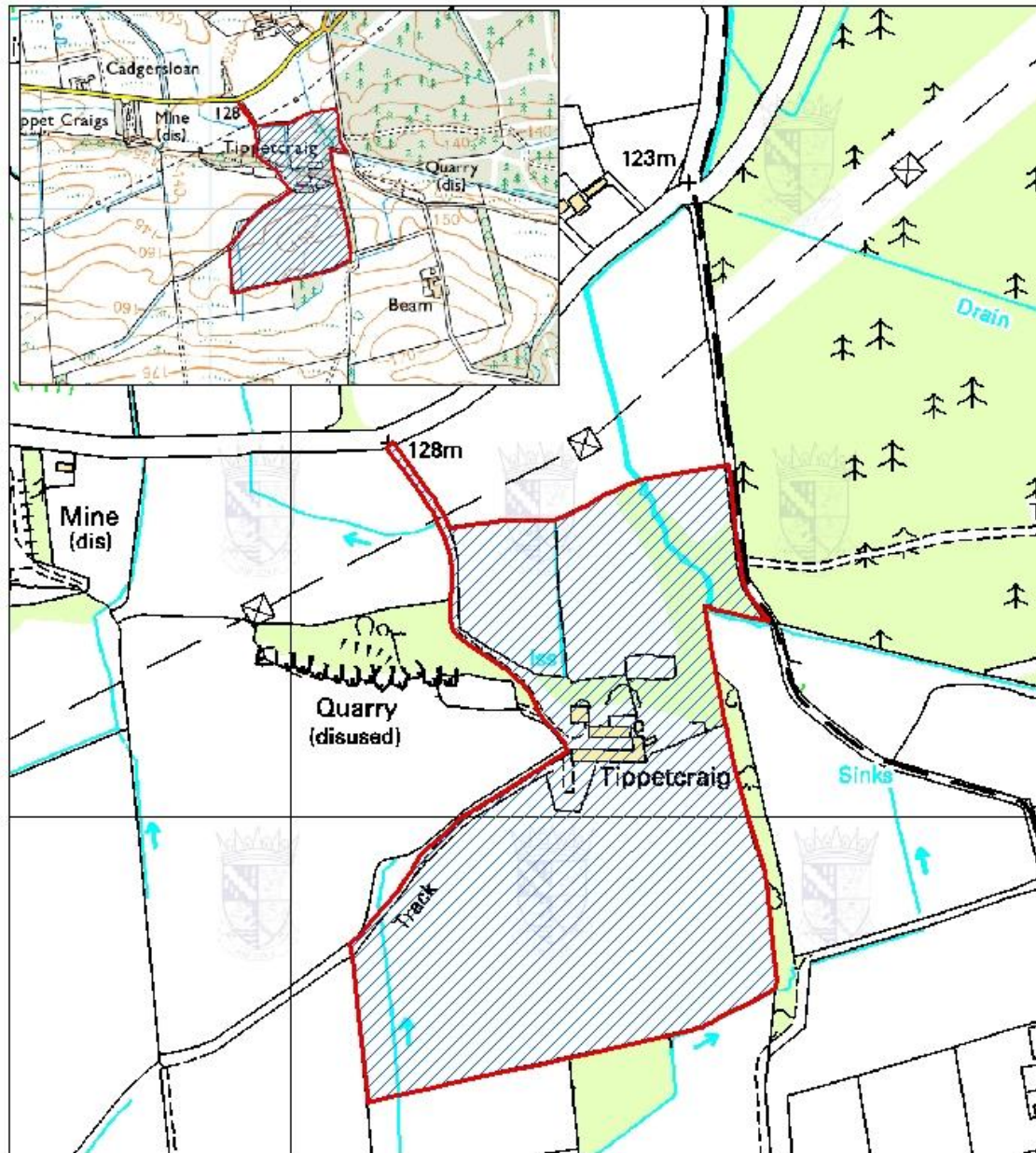
1. Falkirk Council – The Rural Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. The Falkirk Council Housing Layout and Design Supplementary Guidance Note.

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

Regulatory Committee

Planning Application Location Plan **P/09/0879/FUL**

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