

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 3 NOVEMBER 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.

APOLOGIES: None.

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (B Whittle); Transport Planning Co-ordinator; Roads Development Co-ordinator (B Raeburn); Network Co-ordinator (R Steedman); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: Councillors McNeill and Nicol referred to involvement in the project to secure a suitable war memorial in Grangemouth to honour those who had fought in World War II but did not consider that this gave rise to a declarable interest in item 4 (P124) on the agenda, standing the terms of the Code of Conduct.

Councillor McLuckie declared a non-financial interest in agenda item 4 (P124) as a member of Falkirk Environment Trust, the Trust having provided financial support for this project, and advised that he would take no part in consideration or discussion of this item of business.

P120. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 22 September 2010;
- (b) Minute of Meeting of the Planning Committee On Site held on 21 October 2010;
and
- (c) Minute of Special Meeting of the Planning Committee held on 21 October 2010.

P121. REQUESTS FOR SITE VISITS

Prior to consideration of the following items of business, and having heard requests by Members for site visits, the Committee agreed to the continuation of the application for a weight restriction at the A905 Beancross Road, Grangemouth and planning applications P/09/0872/FUL, P/10/0141/PPP, P/10/0262/PPP, P/10/0622/FUL, and P/10/0666/FUL (minute P122, P127, P129, P130, P131 and P132) to allow inspections of the sites by Committee.

In accordance with the foregoing decision, **NOTED** that the following item of business had been continued to a future meeting to allow an inspection of the site by Committee:-

P122. ROAD TRAFFIC REGULATION ACT 1984: 7.5T (WITH ACCESS) WEIGHT RESTRICTION, A905 BEANCROSS ROAD, GRANGEMOUTH

P123. ERECTION OF DWELLINGHOUSE (RENEWAL OF PLANNING PERMISSION P/07/0262/OUT) AT GARTHLAND, 49 GRAHAMSDYKE ROAD, BO'NESS EH51 9ED FOR MRS MCCULLOCH - P/10/0305/PPP (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 25 August and 22 September 2010 (Paragraphs P81 and P94 refer), Committee gave further consideration to Reports (circulated) dated 18 August and 15 September 2010 by the Director of Development Services and an additional Report (circulated) dated 26 October 2010 by the said Director on an application for planning permission in principle (for the renewal of formerly outline planning permission P/07/0262/OUT) for the erection of one dwellinghouse at Garthland, 49 Grahamsdyke Road, Bo'ness.

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

- (1) The 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 & external appearance of the proposed development;
 - (b) details of the access arrangements; and
 - (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 three years from the date of the grant of planning permission in principle; or
- (b) the expiration of six months from the date on which an earlier application for such approval was refused; or
- (c) the expiration of six 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 three year period mentioned in sub-paragraph (a) above.

- (3) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - (a) the expiration of five years from the date of the grant of the planning permission in principle; or
 - (b) the expiration of two years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) 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.
- (5) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- (6) 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.
- (7) 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.
- (8) No development shall take place within the site until a scheme of archaeological investigation, including a timetable, has been submitted to and approved in

writing by the Planning Authority. The investigation shall, thereafter, be carried out in accordance with the approved detail.

- (9) Development shall not begin until a scheme for protecting the proposed dwellinghouse from transportation noise has been submitted to and approved in writing by the Planning Authority. The dwellinghouse shall not be brought into use until the measures in the approved noise prevention scheme have been implemented.
- (10) Excluding any garage facility, off street parking shall be provided at a rate of one space for a one and two bedroom dwelling and two spaces for a dwelling with three or more bedrooms.
- (11) A standard turning area, in accordance with the 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997 (as amended January 2000)', shall be formed within the confines of the site.
- (12) Vehicular access shall be taken from Grahamsdyke Road only.
- (13) The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the public road.
- (14) There shall be no obstruction to visibility over 1 metre in height, 2.5 metres from the edge of the carriageway along the full frontage of the application site.
- (15) Any access gates shall only open inwards.
- (16) Vehicular access to the application site shall be by means of a standard footway crossing, constructed in accordance with the 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997 (as amended January 2000)'.
- (17) The dwellinghouse shall not exceed 2 storeys in height.
- (18) For the avoidance of doubt no permission is given for the indicative layout.

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.
- (4-7) To ensure the ground is suitable for the proposed development.
- (8) To ensure that any archaeological remains are safeguarded.
- (9) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.

- (10) To ensure that adequate car parking is provided.
- (11-16) To safeguard the interests of the users of the highway.
- (17) To safeguard the visual amenity of the area.
- (18) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number 01A.
- (2) The applicant is advised to liaise with Falkirk Council Development Management Unit during the preparation of the submission for approval of matters specified in conditions. For further advice, please contact the case officer, Ms Seidel (01324 504880).

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

P124. EXTENSION TO MEMORIAL ON LAND TO THE SOUTH OF 211 BO'NESS ROAD, BO'NESS ROAD, GRANGEMOUTH FOR 1333 (GRANGEMOUTH) SQUADRON AIR TRAINING CORPS - P/10/0628/FUL

There was submitted Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for full planning permission for the extension to the existing war memorial by erecting a scale representation of a Spitfire airplane for 1333 (Grangemouth) Squadron Air Training Corps on land to the south of 211 Bo'ness Road, Bo'ness Road, Grangemouth.

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.

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 plans to which the consent refers bear the reference numbers 01, 02, 03, 04, 05, 06, 07 and 08.
- (2) The applicant is advised to contact Falkirk Council Roads and Design Unit (01324 504733) to discuss directional signage requirements.

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

P125. ERECTION OF 24 FLATTED DWELLINGS AND ASSOCIATED ROADS, FOOTWAYS AND PARKING AREAS ON LAND TO THE SOUTH WEST OF 26 CADZOW AVENUE, CADZOW AVENUE, BO'NESS FOR FALKIRK COUNCIL - P/10/0508/FUL

There was submitted Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for full planning permission for the erection of 24 flatted dwellings, of 6 blocks of 2 storeys and associated roads and parking areas, on land comprising 0.45 hectares to the south west of 26 Cadzow Avenue, Cadzow Avenue, Bo'ness.

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)
 - (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (3) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000".
- (4) Prior to the occupation of dwellinghouses, the cycle parking provision as shown on the approved drawings shall be installed on site.

- (5) Prior to the occupation of dwellinghouses, the car parking provision as shown on the approved drawings shall be completed and brought into use.
- (6) Prior to any works on site, a detailed drainage strategy, including the treatment of surface water run-off by sustainable drainage methods, shall be submitted to and approved in writing by the Planning Authority.
- (7) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (ii) location of new trees, shrubs, hedges and grassed areas;
 - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density; and
 - (iv) programme for completion and subsequent maintenance.
- (8) Prior to any works on site, a flood risk assessment shall be submitted to and approved in writing by the Planning Authority.
- (9) Prior to the proposed junction with Cadzow Avenue being brought into use, it shall be formed with visibility splays of 2.4m by 30m, which shall thereafter be maintained at all times, in both directions, within which there shall be no obstruction to visibility over 0.6m in height.
- (10) 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.

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.
- (3) To safeguard the interests of users of the highway.
- (4) To ensure the provision of bicycle storage.
- (5) To ensure that adequate car parking is provided.
- (6) To ensure that adequate drainage is provided.
- (7) To safeguard the visual amenity of the area.
- (8) To ensure against the risk of flooding.
- (9) In the interests of users of the highway.

- (10) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which the decision refer(s) bear the reference numbers 01, 02, 03A, 04A, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20.
- (2) The applicant is advised that drainage should be by means of a separate system.
- (3) The applicant is advised to arrange the relocation of a bus shelter at Cadzow Avenue with the Transport Planning Unit.
- (4) A Travel Pack should be provided to occupants of the proposed flats. The Transport Planning Unit of Development Services will advise accordingly.

P126. ERECTION OF 4 FLATTED DWELLINGS AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE NORTH OF 17 KINACRES GROVE, BRIDGENESS ROAD, BO'NESS FOR BMR DEVELOPMENTS LTD - P/10/0321/FUL

There was submitted Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for full planning permission for the erection of four 2 bedroom flatted dwellings on private ground within a 2 storey building on land to the north of 17 Kinacres Grove, Bridgeness Road, Bo'ness.

Councillor Constable, seconded by Councillor A MacDonald, moved that the application be refused on the ground of its close proximity (closer than in the original application at part) to the adjoining mutual boundary and, given the height of the proposed building and the boundary fence, there would still be an issue of overlooking. Although more acceptable, the current application does not address some of the primary issues considered unacceptable previously. Councillor Constable produced information by the Director of Development Services in relation to this. The application was considered to be contrary to Policy BNS10 in the Bo'ness Local Plan and Policy SC2 in the emerging Local Plan.

The Convener agreed a 5 minute adjournment prior to full consideration of this item of business to allow the information provided to Councillor Constable by the Director of Development Services to be circulated to all Members of the Committee. The meeting reconvened with all Members present as per the sederunt, with the addition of Councillor C Martin declared that he would not take part in consideration of this item of business as he had not been party to earlier discussions thereon. Following the adjournment further clarification was provided by the Roads Unit of Development Services.

Following further discussion and having considered the contents of the memorandum to Councillor Constable from the Director of Development Services, the Committee **AGREED to CONTINUE** this item of business to allow the Director of Development Services to provide additional clarification to Members later at the meeting on the

proximity of the proposed properties on the site to the mutual boundary with existing properties.

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

P127. ERECTION OF FOUR DWELLINGHOUSES ON LAND TO THE SOUTH OF 58 ANNET ROAD, ANNET ROAD, HEAD OF MUIR FOR MR MICHAEL O'NEILL - P/09/0872/FUL

P128. EXTENSION TO DWELLINGHOUSE (TWO STOREY TO SIDE) AT 2 BREADALBANE PLACE, POLMONT, FALKIRK FK2 0RF FOR JAMES AUCHINCLOSS - P/10/0603/FUL

There was submitted Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for full planning permission for a two storey extension to a dwellinghouse to match the height and width of the existing gable end of the existing property at 2 Breadalbane Place, Polmont, Falkirk.

On the basis that several precedents for this type of development exist in the surrounding area, **AGREED** to **GRANT** planning permission, subject to appropriate conditions as determined by the Director of Development Services.

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

P129. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF 1 SOUILLAC DRIVE, SCLANDERSBURN ROAD, DENNY FOR BETT HOMES - P/10/0141/PPP

P130. ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT WESTER MAILING, DENNY FK6 5HH FOR MR R MOWATT - P/10/0262/PPP

P131. EXTENSION TO DWELLINGHOUSE AT 17 RUSSEL STREET, FALKIRK FK2 7HU FOR ANDREA RE - P/10/0622/FUL

P132. EXTENSION TO DWELLINGHOUSE AT ANNFIELD, 19 POLMONT ROAD, LAURIESTON, FALKIRK FK2 9QQ FOR MR AND MRS RAE - P/10/0666/FUL

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

The Committee thereafter continued consideration of the following continued item of business (application P/10/0321/FUL (minute P126)).

P133. CONTINUED ITEM (P126): ERECTION OF 4 FLATTED DWELLINGS AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE NORTH OF 17 KINACRES GROVE, BRIDGENESS ROAD, BO'NESS FOR BMR DEVELOPMENTS LTD - P/10/0321/FUL

The Committee heard the Acting Head of Planning and Transportation confirm that the building had been moved back from Bridgeness Road and that part of the building was now proposed to be 5.5 metres in from the mutual boundary.

Councillors Constable and A MacDonald reaffirmed their original motion to refuse the application on the grounds detailed at minute P126. Councillor Constable reiterated his concern that the building is now proposed to be closer to the mutual boundary than previously.

By way of an Amendment Councillor Mahoney, seconded by Councillor Lemetti, moved that the application be approved in accordance with the recommendations in the Report.

At the behest of Councillor Nicol, the Convener thereafter asked whether the proposer of the motion and his seconder, would consider withdrawing their motion to allow an inspection of the site by Committee. This was declined and the original motion therefore stood. Councillors Nicol and McNeill thereafter left the meeting as they considered they did not have sufficient knowledge of the site to take an informed decision.

Notice of a further Amendment was given by Councillor Buchanan.

On a division, 5 Members voted for the Motion and 3 voted for the Amendment.

The Motion thereafter became the substantive Motion on which the further Amendment, to allow an inspection of the site by Committee, was moved by Councillor Buchanan and seconded by Councillor McLuckie.

On a division, 5 Members voted for the substantive Motion and 4 for the Amendment.

Accordingly, **AGREED** to **REFUSE** planning permission on the grounds of the close proximity to the adjoining mutual boundary and concern in relation to overlooking, contrary to Policies BNS10 and SC2.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on THURSDAY 18 NOVEMBER 2010 commencing at 1 .00 p.m.

PRESENT: Councillors Buchanan, Mahoney, A MacDonald, McLuckie and Oliver.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Constable, McNeill and Thomson.

ATTENDING: Development Manager; Planning Officer (K Brown); Roads Development Co-ordinator; Solicitor (K Quin), and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: None.

P135. ERECTION OF FOUR DWELLINGHOUSES ON LAND TO THE SOUTH OF 58 ANNET ROAD, ANNET ROAD, HEAD OF MUIR FOR MR MICHAEL O'NEILL - P/09/0872/FUL

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P127 refers), Committee gave further consideration to Report (circulated) dated 26 October 2010, by the Director of Development Services on an application for full planning permission for the erection of four dwellinghouses on land to the south of 58 Annet Road, Annet Road, Head of Muir.

The Convener introduced the parties present.

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

Mr O'Neill, the applicant, was heard in support of the application.

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

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

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

The objectors highlighted the following issues:-

- Concerns in relation to road safety;
- Construction traffic and noise;
- The impact on wildlife and disruption of view; and
- Concerns in relation to lack of information submitted with the application in relation to levels details and finishing materials.

Questions were then asked by Members of the Committee.

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

Councillor Waddell, 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 1 December 2010.

Members thereafter visited the building plot and the site boundary.

P136. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF 1 SOUILLAC DRIVE, SCLANDERSBURN ROAD, DENNY FOR BETT HOMES - P/10/0141/PPP

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P129 refers), Committee gave further consideration to Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for planning permission in principle for the erection of a dwellinghouse on land to the west of 1 Souillac Drive, Sclandersburn Road, Denny.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

Mr Watson, the applicant's representative, was heard in support of the application.

The representatives from Denny and District Community Council advised that the objections were submitted were on behalf of the Community Council and not individuals. The Development Manager undertook to take this into account in the Committee report from the site visit.

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

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

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

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

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

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

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

Mr Tocher, an objector, was heard in relation to the application

Mr Wojkowski, an objector, was heard in relation to the application

The objectors highlighted the following issues:-

- The loss of public amenity open/green space, trees and the recreational/play area;
- The adverse impact on natural environment;
- The concerns on future maintenance of the remaining area;
- The land as been used as a right of way the historic status as a drovers loan;
- The loss of privacy loss of natural light including sunlight;
- The problem of overlooking;
- The range of construction related problems for example access restrictions, noise, pedestrian safety and damage to cars;
- The road safety issues due to Sclandersburn Road being single lane;
- The insufficient parking and turning;
- The unsuitability of the existing road for example the lack of pavement, blocked drainage and the poor surface;
- The lack of need for the development;
- The refusal of the neighbours' earlier applications to extend their gardens onto the site;
- The future precedent;
- The loss of community spirit;
- The exacerbation of the existing drainage problem on the area of the site; and
- That the application did not conform to the Structure Plan in terms of economic prosperity, sustaining communities and environmental quality.

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

Councillor Waddell, 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 1 December 2010.

P137. ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT WESTER MAILING, DENNY, FK6 5HH FOR MR R MOWATT - P/10/0262/PPP

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P130 refers), Committee gave further consideration to Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for planning permission in principle for the erection of an agricultural workers dwellinghouse at Wester Mailing, Denny.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

Mr Mowatt, the applicant, was heard in relation to the application and provided a letter of support signed by farmers on neighbouring farms.

Questions were then asked by Members of the Committee.

Councillor Waddell, 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 1 December 2010.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on FRIDAY 19 NOVEMBER 2010 commencing at 9.30 a.m.

PRESENT: Councillors Buchanan, Constable (except agenda item P138); Lemetti, Mahoney (for agenda item P138 and application P/10/0622/FUL); A MacDonald (for agenda item P138 and applications P/10/0622/FUL); McLuckie, McNeill (for agenda item P138 and application P/10/0622/FUL); Nicol and Oliver (for agenda item P138 and application P/10/0622/FUL).

CONVENER: Councillor Buchanan.

ATTENDING: Head of Economic Development (for agenda item P138); Development Management Co-ordinator (D Campbell); Transport Planning Co-ordinator (K Collins) (for agenda item P138); Network Co-ordinator (for agenda item P138); Roads Development Co-ordinator (for applications P/10/0622/FUL, P/10/0666/FUL and P/10/0130/FUL); Assistant Planning Officer (K Hope) (for application P/10/0666/FUL); Assistant Planning Officer (G Clark) (for application P/10/0622/FUL); Environmental Health Officer (S Henderson) (for application P/10/0130/FUL); Legal Services Manager (I Henderson), and Committee Officer (A Sobieraj).

DECLARATIONS None.
OF INTEREST:

P138. ROAD TRAFFIC REGULATION ACT 1984: 7.5T (WITH ACCESS) WEIGHT RESTRICTION, A905 BEANCROSS ROAD, GRANGEMOUTH

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P122 refers), Committee gave further consideration to Report (circulated) dated 26 October 2010 by the Director of Development Services requesting Members consideration on whether to initiate proceedings for a Traffic Regulation Order for a 7.5T weight restriction on the A905 Beancross Road, Grangemouth between the Earls Park and Beancross roundabouts.

Members in the first instance met close to the new roundabout accessing Earls Gate Park at Caledon Green at the business park.

The Convener introduced the parties present.

The Network Co-ordinator outlined the nature of the report providing options for a weight restriction either on a full or a part time basis (between the hours of 6 p.m. and 8 a.m.).

Mr Inglis, on behalf of Grangemouth Community Council, a consultee, was heard in relation to the application. The Community Council supported a full time weight restriction. It considered that a part time restriction was not sufficient and was unenforceable.

Questions were then asked by Members of the Committee.

Mr Duff, Head of Economic Development provided information in relation to the transport route for heavy vehicles, the economic effect that imposing a weight restriction could have and the operators' view that it is an important direct route. Mr Duff also commented on efforts to gain funding for infrastructure improvements.

Members thereafter attended at Beancross Roundabout where they met with local residents who had made comment to the Council following the initial consultation by Roads Services.

The meeting was thereafter re-convened with the local residents present.

The Convener introduced the parties present.

The Network Co-ordinator outlined the nature of the application.

Mr Inglis, on behalf of Grangemouth Community Council, a consultee, was heard in relation to the application.

Ms McDonald, a local resident, was heard in relation to the application.

Mr Haslem, a local resident, was heard in relation to the application.

Mr Clark, a local resident, was heard in relation to the application.

Ms Aitken, a local resident, was heard in relation to the application.

Ms Snedden, a local resident, was heard in relation to the application.

Ms Smith, a local resident, was heard in relation to the application.

The local residents highlighted the following issues:-

- The number of lorries using the route;
- Environmental issues such as noise, pollution and vibration;
- Support for a full time weight restriction;
- That a part time restriction was not sufficient or enforceable; and
- Suggesting a potential alternative route for lorries.

Questions were then asked by Members of the Committee.

Mr Duff, Head of Economic Development provided information in relation to the transport route for heavy vehicles, the economic effect that imposing a weight restriction could have and the operators' view that it is an important direct route. Mr Duff also commented on efforts to gain funding for infrastructure improvements.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 1 December 2010.

Thereafter the Network Coordinator directed by bus through the current route for heavy goods vehicles and the alternative route past the fire station and A9.

**P139. EXTENSION TO DWELLINGHOUSE AT 17 RUSSEL STREET, FALKIRK
FK2 7HU FOR ANDREA RE - P/10/0622/FUL**

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P131 refers), Committee gave further consideration to Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for full planning permission for an extension to a dwellinghouse at 17 Russell Street, Falkirk.

The Convener introduced the parties present.

The Assistant Planning Officer (G Clark) outlined the nature of the application.

Mr Re, the applicant, was heard in relation to the application.

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

Mr and Mrs Radtkowski, objectors, on hearing clarification on the nature of the windows proposed for the extension, indicated their intention to withdraw their objection to the application and would contact the Council in writing to withdraw their objection.

Questions were then asked by Members of the Committee.

Councillor Meiklejohn, as local Member for the area, was heard in relation to the application and advised that Councillor Alexander, a local member for the area, had intimated his apologies for the meeting as he was a consultee on the application as a local resident.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 1 December 2010.

Following the close of the meeting, a local neighbouring proprietor Mr Paterson, an objector, appeared and requested to be heard. In the interests of fairness and transparency and with all parties available, the Convener in consultation with the legal officer present, the local member and Members of the Committee, agreed to reconvene the visit to give the objector the opportunity to be heard.

The Convener introduced the parties present.

The Assistant Planning Officer (G Clark) outlined the nature of the application.

Mr Re, the applicant, was heard in relation to the application.

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

Mr and Mrs Radtkowski had indicated that they no longer wished to be present as they intended to withdraw their objection.

Mr Paterson, an objector, was heard in relation to the application including overshadowing and the impact on light into his property and within the garden and the effect on the mutual chimney and his gas flue.

Questions were then asked by Members of the Committee.

Councillor Meiklejohn, as local Member for the area, was heard in relation to the application. Councillor Meiklejohn, as local Member for the area, was heard in relation to the application and advised that Councillor Alexander, a local member for the area, had intimated his apologies for the meeting as he was a consultee on the application as a local resident.

Members also visited the objector's garden to view the area of the proposed extension.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 1 December 2010.

P140. EXTENSION TO DWELLINGHOUSE AT ANNFIELD, 19 POLMONT ROAD, LAURIESTON, FALKIRK FK2 9QQ FOR MR AND MRS RAE - P/10/0666/FUL

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P132 refers), Committee gave further consideration to Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for full planning permission for the extension of a dwellinghouse at Annfield, 19 Polmont Road, Laurieston, Falkirk.

The Convener introduced the parties present.

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

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

The Convener read out two letters of support submitted at the meeting by the applicant Ms Mitchell and Mr and Mrs Main, neighbours, who could not attend the meeting but had requested that their support for the application be recorded.

Questions were then asked by Members of the Committee.

Councillor Jackson, 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 1 December 2010.

P141. PART CHANGE OF USE FROM AGRICULTURAL LAND TO OPERATE A FORESTRY/TREE SURGEON BUSINESS AND PROCESSING TIMBER AT 8 CAULDCOATS HOLDINGS, LINLITHGOW, EH49 7LX FOR MR SANDY CROOK – P/10/0130/FUL

With reference to Minutes of Meeting of the Planning Committee held on 22 September and the Special Meeting on 21 October 2010 (Paragraphs P99 and P118 refer), Committee gave further consideration to Report (circulated) dated 15 September 2010, by the Director of Development Services on an application for full planning permission for the part change of use from agricultural land (approximately 0.69 hectares in area including access road) to operate a forestry/tree surgeon business in conjunction with associated processing timber at 8 Cauldcoats Holdings on the north side of the A904 Linlithgow to South Queensferry Road.

The site had been visited by Members on 21 October 2010 and considered at the Special meeting of the Committee when it was **AGREED** to continue consideration of the application to a future meeting to enable a further site visit to be undertaken, in order that Members could hear the chipping machinery in operation.

The Convener introduced the parties present and confirmed the purpose of the meeting.

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

Mr Crooks, the applicant, prepared the chipping equipment and this was heard by Members from the garden of an objector (access granted) who was present at the meeting on site on 21 October 2010.

No further questions were 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 1 December 2010.

FALKIRK COUNCIL

**Subject: ON-STREET PARKING SPACES FOR DISABLED PERSONS,
CASTINGS AVENUE, FALKIRK**
Meeting: PLANNING COMMITTEE
Date: 01 December 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

1.1 This report seeks a decision on three traffic regulation orders (the Orders);

- The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/035) Order 2010.
- The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/060) Order 2010.
- The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/063) Order 2010.

The purpose of these Orders is to reserve parking spaces in Castings Avenue, Falkirk for disabled persons. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as unresolved objections have been received to the making of the Orders. In terms of the relevant legislation, the Authority requires to consider all objections made, and not withdrawn, before making the orders.

1.2 Members should be aware that it is available to them to call for a hearing on any or all of the Orders should they find themselves unable to determine whether the Orders should be made or not at this stage. Such a hearing would be conducted by an independent party appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider the report and recommendation of the reporter before making a determination.

2. BACKGROUND

2.1 Falkirk Council currently provides on-street parking spaces in residential areas, enforceable by virtue of a Traffic Regulation Order, for people with a disability who are in receipt of a blue badge and who meet the criteria as laid down in the Disabled Persons' Parking Places (Scotland) Act 2009 (the 2009 Act).

2.2 The 2009 Act permits applications to be made only by qualifying persons who hold a Blue Badge and whose address is:

- (i) if the person is an individual, the same as the registered address of the registered keeper of a vehicle suitable for the carriage of the individual; or
- (ii) if the individual is an organisation, is the same as the registered address of the registered keeper of a vehicle used by or on behalf of the organisation to carry disabled persons.

- 2.3 It should be noted that, although a disabled parking place is marked as a result of an application by an individual, any person who displays a blue badge on their vehicle may park in the bay.
- 2.4 Applications for a disabled person's parking space were received from 3 residents of Castings Avenue, Falkirk. On receipt of an application for a disabled bay, the 2009 Act requires Falkirk Council to decide whether it is possible to identify a suitable street parking place from which there is convenient access to the applicant's address. The current parking arrangement is shown on attached drawing number CR/CA/001.
- 2.5 An assessment of Castings Avenue, Falkirk identified that any of the parking spaces in the parking area outside house numbers 57 to 67 Castings Avenue (shown on attached drawing number CR/CA/001) would be suitable for allocating a parking place. In terms of road safety and congestion, there are no issues which would prevent a disabled bay being provided in any parking bay in this parking area. The most convenient location for the disabled spaces is to the eastern end of the parking area as this allows the spaces to be closest to the applicants' respective addresses, whilst minimising the disruption to the other parking spaces.
- 2.6 There are no other disabled persons' parking places within the parking area. Attached drawing number CR/CA/002 indicates the proposed locations of disabled persons' parking places.

3. PROPOSAL

- 3.1 Following the necessary checks against the criteria laid down in the 2009 Act, the statutory procedure for promoting a Traffic Regulation Order was instigated.
- 3.2 In accordance with Local Authorities Traffic Orders (Procedure) (Scotland) Regulations, 1999, notices of intention were posted on-street and in the local press in the prescribed manner in August 2010.

4. CONSULTATION

- 4.1 11 matching objections, in respect of each proposed Order dated 25 August 2010, were received from residents of Castings Avenue, Falkirk. Following explanatory correspondence one objection has been withdrawn.
- 4.2 The basis of the objections received was that the provision of a disabled parking space, as proposed in each of the Traffic Regulation Orders, would allow applicants to occupy certain parking spaces without the consideration for other more vulnerable residents. Objectors also raised concerns about the reduction in parking due to the statutory width of a disabled parking space.
- 4.3 Development Services responded on 8 October 2010 explaining that the 2009 Act criteria requires the Council to identify a disabled person's parking place where there is convenient access to the person's address. They were also advised that, where applicable, disabled bays are generally located at the end of a parking area. This ensures that the vehicle can be located as far as possible from other parking bays and as close to a footway as possible which make access/egress more convenient for the disabled

occupant of the vehicle. The size of the space is determined by the Traffic Signs and General Directions 2002. Standard parking spaces are 2.5m wide. A marked end on disabled parking space is required to be 3.6m wide to comply with the regulations. They were also advised that disabled spaces are not reserved for an individual and are able to be used by any blue badge holder.

- 4.4 One objector withdrew their objection to each Order on 15 October 2010. The other 10 objectors have not withdrawn their objections following the response of 8 October 2010 and hence are considered to be maintaining their objection. Consequently, a Committee decision on the making of each Order is required in accordance with para 1.1.

5.0 CONCLUSION

- 5.1 The purpose of these particular Orders is to provide parking spaces for disabled persons who meet the requirement of impaired mobility and have difficulties parking near their home.
- 5.2 The applicants for whom these Orders were promoted meet the current assessment criteria for obtaining a disabled person's parking space in accordance with the 2009 Act.

6.0 RECOMMENDATIONS

- 6.1 **Members are asked to consider the terms of the report including the objections and determine whether any, or all, of the following Orders should be made:**

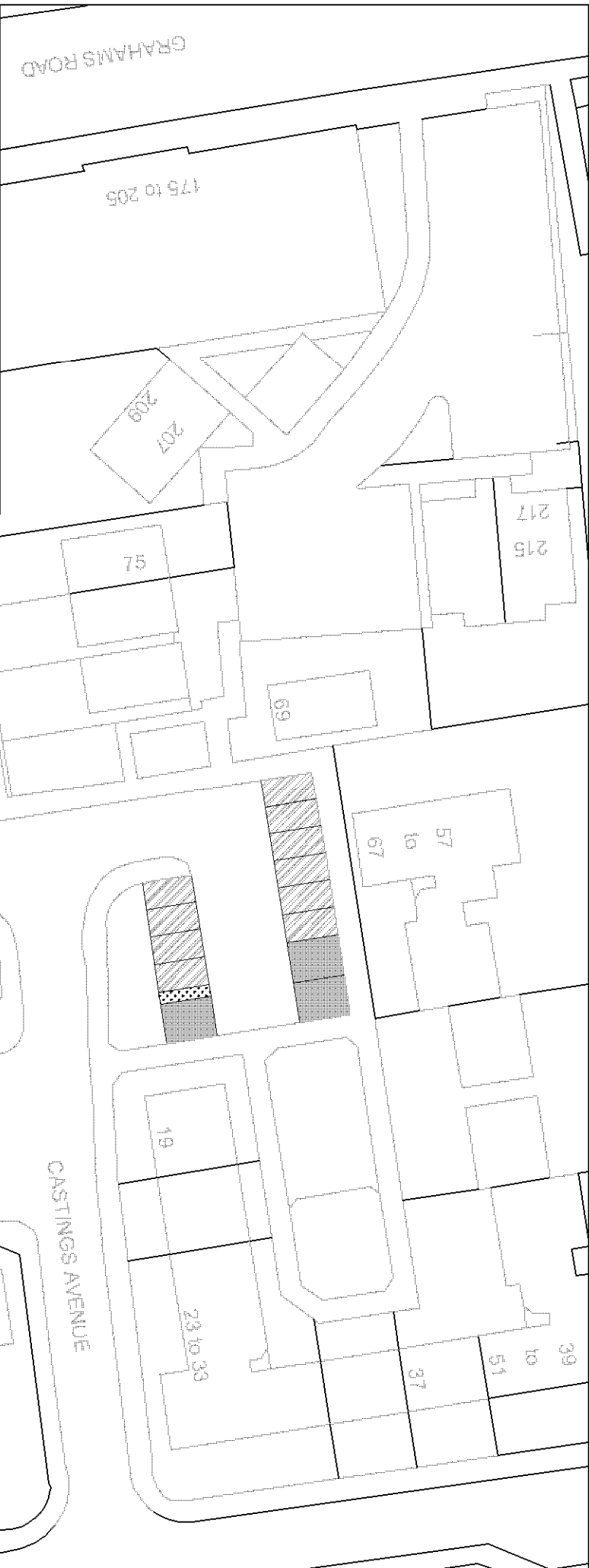
- **The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/035) Order 2010.**
- **The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/060) Order 2010.**
- **The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/063) Order 2010.**

Pp

.....
Director of Development Services

Date: 24 November 2010

Contact Officer: Russell Steedman, Network Co-ordinator Tel: Ext 4830



Key

10 No Car Park Spaces

3 No Disabled Parking Spaces

Area unavailable for parking due to Disabled Parking Space

Summary

15 No existing standard parking spaces will reduce to 10 No Standard parking spaces and 3 No disabled parking spaces due to size of disabled spaces.

REVISIONS AND ISSUES

NO DATE BY DETAILS

PROJECT

Castings Avenue, Falkirk

DRAWING

Parking Layout with 3 No. Disabled Spaces

SCALE

1:500@A4

DRAWN

DS

CHECKED

RS

APPROVED

DS

DATE

01/11/10

DATE

04/11/10

DATE

04/11/10

DRAWING NO.

CR/CA/002



Falkirk Council

Development Services

Roads & Development

Abbotsford House, Davids Loan

Falkirk FK2 7TZ

Tel: 01324 504950 Fax: 01324 504850

Director: Eileen Gilmour

LIST OF BACKGROUND PAPERS

1. The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No 10/035) Order 2010
2. The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No 10/060) Order 2010
3. The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No 10/063) Order 2010
4. Letters of objection and Development Services explanatory correspondence

FALKIRK COUNCIL

**Subject: ROAD TRAFFIC REGULATION ACT 1984
7.5T (WITH ACCESS) WEIGHT RESTRICTION, A905 BEANCROSS
ROAD, GRANGEMOUTH**
Meeting: PLANNING COMMITTEE
Date: 01 December 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grangemouth

Council Officers: Russell Steedman – Network Co-ordinator

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that consideration whether or not to initiate procedures to introduce a weight restriction on the above road was originally considered at the meeting of the Planning Committee on 03 November 2010 (copy of previous report appended), when it was agreed to continue consideration of the matter and undertake a site visit. This visit took place on 19 November 2010.
2. Members travelled the proposed route and the alternative route proposed in the report which HGV's would be required to use. They also travelled the route suggested by the Community Council
3. Members raised a number of questions relating to the proposed restriction, particularly relating to environmental impacts and road safety aspects of the current and alternative routes.
4. Local residents and Community Council representative raised concerns regarding the volume of HGV's and the adverse effect on their environment, resulting in noise, diesel fumes, vibration and damage to property.
5. Falkirk Council's Head of Economic Development advised that the logistics sector was important to the economic prosperity of the area and stated that a weight restriction was premature and could affect development and creation of jobs. Falkirk Council is currently making a case to the Scottish Government to improve junction 6 of M9 motorway which would route HGV's away from Beancross Road.

6. No matters were raised which would amend the original recommendation that Members consider the terms of the report and determine whether or not to initiate procedures to introduce a weight restriction.

7. **ADDITIONAL INFORMATION**

- 6.1 As a result of the site visit the following information has been obtained to assist members in their considerations.

- 6.2 Recent traffic surveys have indicated the following:

A905 Beancross Road at Bridge at Railway		
24hr	Volume	Comments
Total	13190	
Commercial Vehicles	1814	14% Commercial vehicles
Articulated lorries/bus/coach	866	7% Articulated lorries/bus/coach
1800 - 0800		
Total	4609	32% of 24hr volume
Commercial Vehicles	510	11% Commercial vehicles
Articulated lorries/bus/coach	276	6% Articulated lorries/bus/coach

A9 Laurieston Bypass		
24hr	Volume	Comments
Total	18062	
Commercial Vehicles	1759	10% Commercial vehicles
Articulated lorries/bus/coach	428	2% Articulated lorries/bus/coach
1800 - 0800		
Total	5242	31% of 24hr volume
Commercial Vehicles	416	8% Commercial vehicles
Articulated lorries/bus/coach	134	3% Articulated lorries/bus/coach

Personal injury accidents statistics indicate the following:

	Personal injury accident last 5 years (pia)	Accident Rate pia/mvehkm/year
A905 current route	8	0.147
A9 / A904 alternative route	51	0.414

- 6.3 Environmental Health officers have advised that noise and vibration measurements were carried out previously and the noise level did not justify noise insulation. Vibration levels

were such that they were not considered to be likely to cause structural damage in terms of the relevant standards. Air pollution from road traffic on Beancross Road is not at a level which requires intervention as far as air quality targets are concerned.

7 RECOMMENDATION

- 7.1 **Members are asked to consider whether or not to promote a Traffic Regulation Order for a 7.5T weight restriction either full time or between the evening and overnight hours of 6pm and 8am only.**

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Director of Development Services

Date: 24 November 2010

Contact Officer: Russell Steedman, Network Co-ordinator Tel: Ext 4830

FALKIRK COUNCIL

**Subject: ROAD TRAFFIC REGULATION ACT 1984
7.5T (WITH ACCESS) WEIGHT RESTRICTION, A905 BEANCROSS
ROAD, GRANGEMOUTH**
Meeting: PLANNING COMMITTEE
Date: 03 NOVEMBER 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 This report asks Members to consider whether or not to initiate procedures to impose a weight restriction to prohibit heavy goods vehicles, on the A905 Beancross Road, Grangemouth between Earls Park roundabout and Beancross roundabout.

2. BACKGROUND

- 2.1 Complaints have been received from local residents regarding the noise and vibration from heavy goods vehicles using A905 Beancross Road. This has been reported as being most troublesome during the evenings and nights. These problems could be alleviated if restrictions were placed on use of the relevant stretch of the road by heavy goods vehicles.
- 2.2 Such restrictions would be effected by means of a traffic regulation order which the Council, as the relevant roads authority, can make in terms of the Road Traffic Regulation Act 1984. It is considered that, given the nature of the existing use of the relevant stretch of the road (shown on the attached plan Appendix 1), any order should not restrict access to premises on the road proposed to be affected but merely apply to through traffic. In addition, any proposed order should only apply to vehicles with a plated maximum gross weight exceeding 7.5 tonnes. The restriction would apply to such vehicles even if they are unladen or they are the towing tractors of articulated vehicles, notwithstanding in these conditions, their weight is below the 7.5 tonne limit. Further it would be available for the restriction to apply only at certain times to further safeguard existing HGV uses. A restriction of between 6pm and 8am, 7 days per week has been suggested.

3 CONSULTATION

- 3.1 A consultation exercise was carried out with feedback from local residents, businesses and other organisations, likely to be affected. Consultees were asked initially for views on full time restriction and thereafter on the suggested 6pm – 8am option referred to above. A summary of views expressed is contained in Appendix 2 to this report.

4 IMPLICATIONS

- 4.1 The introduction of a weight restriction would require through traffic HGV's to avoid part of Beancross Road. The most suitable diversion would be via the A9 Laurieston Bypass then returning to Grangemouth on the A904 Falkirk Road. This involves an addition of 2.2km. The increased journey length uses more fuel and so increases vehicle emissions. The alternative route, is at peak times of the day, heavily congested and this would also raise vehicle emissions at these times if a full time restriction were to be introduced.
- 4.2 The logistics sector plays an important role in the local economy and, as with all other areas of the economy, is suffering difficulties at this time. Further costs to the industry will have a detrimental effect on local hauliers and may impact on their economic viability.
- 4.3 The Council's Local Transport Strategy identifies Freight Policies F1 & F2 which state:
- “On local roads, Falkirk Council will focus on reducing the unnecessary impacts of freight primarily through signing appropriate routes, whilst recognising the essential role freight plays in supporting the wider economy.”
- and*
- “The Council will work with the freight industry to seek opportunities to mitigate the impacts of larger freight vehicles, either by identifying routes that are appropriate for them to use, or by improving routes where specific issues have been identified.”
- 4.4 There already exist specific advisory HGV freight signs which direct traffic in ways to avoid Beancross Road.

5 CONSIDERATIONS

- 5.1 If a weight restriction is not agreed, the current situation will continue. Residents would continue to experience noise pollution. HGV movements would also remain the same which would allow operators to carry on using existing routes.
- 5.2 A full time weight restriction would impact on all through HGV movements. Any vehicle over 7.5 tonnes would be unable to use Beancross Road as a through route. With access being excluded from the restriction, deliveries would still be possible. Residents would gain a significant improvement in terms of noise pollution. However, haulage operators would experience an increase in running costs in terms of time and increased fuel costs.
- 5.3 A part time restriction allows HGV operations to continue as existing during the day however in the evening and over night periods, HGV movements would be restricted. Such a proposed restriction could start at 6pm and end at 8am. This would probably best apply 7 days a week. A consistent approach throughout the week allows the restriction to be signed simply and therefore easily understood by the haulage community and simpler to enforce by Central Scotland Police compared with different times for weekdays/weekends.

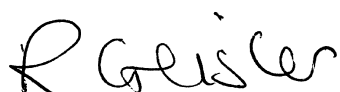
6 NEXT STEPS

- 6.1 In the event that Members favoured promotion of such an order it would be so promoted in terms of the Local Authorities Traffic Orders (Procedure) (Scotland) Regulations 1999. This will involve advertisement of the proposed order with an opportunity to make representations. In the event that there are objections properly lodged to the making of the order that are not withdrawn, the matter will be referred to the Planning Committee for a determination. Otherwise the order would be made.

7 RECOMMENDATION

7.1 Elected members are asked to consider whether or not to

- promote a Traffic Regulation Order for a 7.5T weight restriction either full time or between the evening and overnight hours of 6pm and 8am only, on that part of the A905 as is shown coloured black on the plan annexed as Appendix 1 to this report.



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Director of Development Services

Date: 26th October 2010

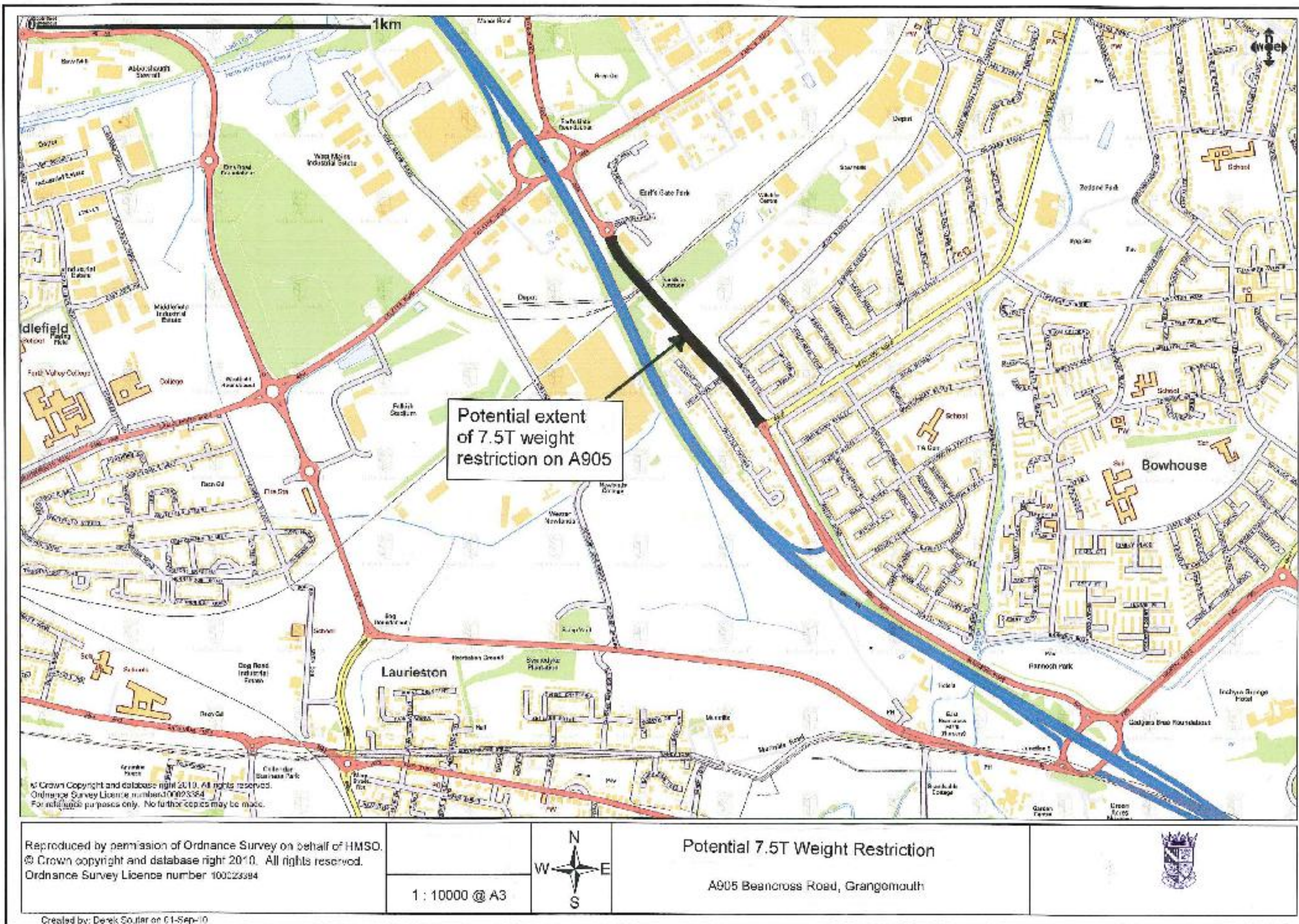
Contact Officer: *Derek Soutar, Network Officer, 01324 504842.*

APPENDICES

- Appendix 1 Plan of potential proposed restriction extent
Appendix 2 Summary of Consultee Responses

LIST OF BACKGROUND PAPERS

Consultee Responses



Appendix 2		Summary of Consultee Responses	
Summary of Consultation Responses for Full Time Weight Restriction			
Respondant		Comment	
FC Head of Economic Development		Logistic sector is important to Grangemouth, concerned recently developed Earls Gate Park may be affected	
Central Scotland Police		Concerned about HGV manoeuvres out of industrial estates onto A904	
Resident - Beancross Road		Supports introduction of weight restriction	
Resident - Beancross Road		Supports introduction of weight restriction	
Grangemouth Community Council		Supports introduction of weight restriction	
FC Transport Planning Co-ordinator		Does not support weight restriction; increased costs, congestion.	
NHS - General Manager		Weight restriction has no effect on NHS vehicles	
Resident - Beancross Road		Supports introduction of weight restriction	
Central Scotland Fire & Rescue		Acknowledges restriction would have no effect on emergency calls but would effect day to day visits etc	
FC Environmental Health Officer		Proposal is an improvement, extra traffic on A9	
Resident - Beancross Road		Supports introduction of weight restriction	
Road Haulage Association		Hauliers would be inconvenienced by restrictions	
Grangemouth Transport Forum		Improvement of junction 6 is the long term solution to the problem	
Summary of Consultation Responses for Part Time Weight Restriction			
Respondant		Comment	
FC Area Roads Engineer		Alternative route is significantly longer hence would require significant policing	
NHS - General Manager		Weight restriction has no effect on NHS vehicles	
Resident - Beancross Road		Disappointment at part time restriction, would prefer full time restriction with gullies repaired	
Local Councillor		Agrees with part time restriction, restriction to be reviewed once NPF2 improvements to junction 6 are completed	
Central Scotland Police		No objection	
John Mitchell Haulage		Concerns over increased carbon emissions business can't support extra mileage, would like to see junction 6 upgrade	
FC Transport Planning Co-ordinator		Concerns over times and policing of restriction	
Grangemouth Community Council		Part time restriction is not enough, restriction will be unenforceable	
Grangemouth Transport Forum		See upgrade of junction 6 as the only long term solution, do not want a weight restriction as a replacement to junction 6 upgrade	
Local MSP		Supports junction 6 upgrade, understands the need for interim measures survey, completed of local residents	
Forth Ports PLC Falkirk Council – Corporate & Neighbourhood Services		See upgrade of junction 6 as the only long term solution, do not want a weight restriction as a replacement to junction 6 upgrade Refuse collection begins at 6.30am. Many beats in Grangemouth and beyond are accessed via Beancross Road.	

FALKIRK COUNCIL

Subject: **ERECTION OF FOUR DWELLINGHOUSES AT LAND TO THE SOUTH OF 58 ANNET ROAD, ANNET ROAD, HEAD OF MUIR, FOR MR MICHAEL O'NEILL - P/09/0872/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **1 December 2010**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Denny and Banknock**

Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: **Denny and District**

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that the application was originally considered at the meeting of the Planning Committee on 3 November 2010 (copy of previous report appended), when it was agreed to continue the planning application for a site visit. This visit took place on 18 November 2010.
2. Following comments from Members of the Committee, local Members and objectors, a number of issues were discussed in relation to road safety, disturbance during construction, noise impact, education capacity concerns and loss of trees. Members of the Committee were shown the areas of the site to be developed and the positioning of the proposed tree planting to mitigate the loss of the existing trees on the site. It was clarified by officers that the proposed access to the site and parking provision accords with Falkirk Council guidelines and standards of provision, and clarification was given that construction disturbance is not a material planning concern. The proposal, in terms of the number of dwellings, falls below the threshold for consultation with Education. Education Services also note all planning applications received, and made no request for a consultation. Therefore, this proposal is not considered to have any adverse impact upon local schools.
3. No matters were raised which would amend the original recommendation to grant planning permission.

4. It is recommended that the Planning Committee grant planning permission 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) Development shall not begin until a scheme for protecting the new dwellinghouses from noise from transportation has been submitted to and approved in writing by the Planning Authority. The dwellinghouses shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.
- (3) Prior to the start of work on site details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (4) Prior to the occupation of the dwellinghouses, an unclimbable barrier of a type approved in writing by the planning authority shall be provided and maintained in perpetuity along the boundary of the site with the M876 trunk road.
- (5) Before any works start on site and notwithstanding the details on the approved plans, a scheme of landscaping indicating the siting, numbers, species, heights (at time of planting), future management and aftercare including retention / replanting of all trees, shrubs and hedges to be planted shall be submitted to and approved in writing by this planning authority thereafter all planting and aftercare shall be carried out in accordance with the terms of the approved scheme.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (3) To safeguard the visual amenity of the area.
- (4) To safeguard the interests of the users of the highway.
- (5) In the interests of visual amenity and to ensure landscaping works are completed at an appropriate stage in the development of the site.

Informative(s):-

- (1) This application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04 and 05A.

- (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.

Pp

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Denny and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Supplementary Planning Guidance Advice Note in respect of Housing Layout and Design.
5. Supplementary Planning Guidance Note in respect of those Extensions and Alterations.
6. Letter of Objection received from Mrs Kim Trotter, 45 Annet Road, Head of Muir, Denny, FK6 5LQ on 27 January 2010.
7. Letter of Objection received from Mr and Mrs R Devlin, 47 Annet Road, Head of Muir, Denny, FK6 5LQ on 14 January 2010.
8. Letter of Objection received from Anne Reeves, 56 Annet Road, Head of Muir, Denny, FK6 5LQ on 14 January 2010.
9. Letter of Objection received from Mr Fred Hamilton, 58 Annet Road, Head of Muir, Denny, FK6 5LQ on 21 January 2010.

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

FALKIRK COUNCIL

Subject: ERECTION OF FOUR DWELLINGHOUSES, AT LAND TO THE SOUTH OF 58 ANNET ROAD, ANNET ROAD, HEAD OF MUIR FOR MR MICHAEL O'NEILL - P/09/0872/FUL

Meeting: PLANNING COMMITTEE

Date: 3 November 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Denny and Banknock

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

Community Council: Denny and District

Case Officer: Kevin Brown (Planning Officer), ext 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of 4 detached 2 storey dwellinghouses at the end of an established cul de sac in Denny. The application site has been partially cleared of fir trees and backs onto an embankment sloping down towards the M876.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 Outline planning application 06/1078/OUT for the development of the site for housing purposes was withdrawn on 27/06/2007. The site previously formed part of a wider area of open space which was granted planning permission for the change of use to garden ground on 06/09/2006, application 06/0386/FUL.

4. CONSULTATIONS

- 4.1 Following amendments to the proposed layout to incorporate an appropriate turning facility, the Roads Development Unit have no objections.
- 4.2 Scottish Water has no objections.

- 4.3 The Environmental Protection Unit has no objections, but requests that a noise survey be carried out. This can be adequately covered by way of a condition attached to any consent given.
- 4.4 Transport Scotland has no objections, but requests that a non climbable barrier be erected along the boundary with the M876. This can be adequately covered by way of a condition attached to any consent given.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 4 contributors submitted letters to the Council. The salient issues are summarised below:
- Concerns in relation to road safety, construction traffic and noise, impact on wildlife and disruption of view. Concerns also raised in relation to lack of information submitted with the application in relation to levels details and finishing materials.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no policies in the Structure Plan relevant to this application.

Denny and District Local Plan

- 7a.2 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.3 Policy DEN 8 ‘Infill Development and Subdivision of Plots’ states:

“Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on infill sites will be considered favourably, provided that:

- (i) the scale, design and disposition of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed house without a detrimental impact upon the size and function of existing gardens;*
- (iii) the privacy enjoyed by neighbouring residents would be protected; and*
- (iv) the proposal does not constitute backland development.*

Note : Backland development is normally defined as development of a plot without a road frontage”

7a.4 Policy DEN 30 ‘Protection of Open Space’ states:

“The Council will generally protect parks, playing fields and other major areas of public open space from unrelated development or changes of use which would diminish their recreational value. Applications from householders to introduce built development upon, or change the use of, small parcels of adjacent open space will normally be resisted where the Council considers that such a proposal would:

- (i) adversely affect the recreational value of active or passive open space considered in relation to overall standards of provision in the surrounding area;*
- (ii) result in a loss of amenity open space which could have a detrimental impact upon the character and appearance of the area or its setting; and*
- (iii) set an undesirable precedent for further incremental loss of open space such that the provision of amenity or recreation open space in the area would be eroded.”*

7a.5 The application site is located within the village limits as set out in the Denny and District Local Plan. The site is now garden ground following previous planning approval 06/0386/FUL and, as a result, serves no public open space recreational value. The felling of a number of trees on the site has diminished its visual amenity value by a significant degree however the proposal includes a planting strip to improve visual amenity and to mitigate the loss of the previous trees on the site. The site is not considered to be of significant ecological value and connectivity within the overall open space network will not be affected by the proposal. The loss of this area of open space is considered to be justified in this instance. The proposal does not constitute backland development and the proposed design, scale, layout and density of development is considered compatible with the surrounding area. A good degree of residential amenity would be created for each dwellinghouse with adequate garden ground and window to window distances in excess of the suggested 18m minimum set out in the Falkirk Council Supplementary Planning Guidance Note in respect of Housing Layout and Design. The proposal accords with the terms of the Denny and District Local Plan.

7a.6 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) (April 2007) as Amended by the Final Proposed Modifications (June 2010);
- Assessment of Public Representations;
- Falkirk Council Supplementary Planning Guidance.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

7b.2 Policy SC12 – ‘Urban Open Space’ states;

“The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) In the case of recreational open space, it can be clearly demonstrated from the Council’s open space audit, or a site-specific local audit of provision in the interim, that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded.”*

7b.3 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.4 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.5 The application site is located within the village limits as set out in the emerging local plan and is defined as an area of urban open space. The site is now garden ground following previous planning approval 06/0386/FUL and, as a result, serves no recreational value. The felling of a number of trees on the site has diminished its visual amenity value by a significant degree however the proposal includes a planting strip to improve visual amenity and to mitigate the loss of the previous trees on the site. The site is not considered to be of significant ecological value and connectivity within the overall open space network will not be affected by the proposal. The loss of this area of open space is considered to be justified in this instance. The proposed layout and density of development is considered compatible with the surrounding area and a good degree of residential amenity would be created for each dwellinghouse with adequate garden ground and window to window distances in excess of the suggested 18m minimum set out in the Falkirk Council Supplementary Planning Guidance Note in respect of Housing Layout and Design. The proposal is considered to accord with the terms of the emerging local plan.

Assessment of Public Representations

7b.6 Road safety issues and noise or disturbance resulting from construction work on the site is not a material planning consideration. Road safety issues associated with the proposed development have been assessed by the Roads Development Unit who have no objections. The site is not considered to hold any ecological value and whilst the appearance of the site post development would undoubtedly be different from the current outlook, the visual amenity of the area would not be adversely affected. The applicant has provided sufficient details to allow a full assessment of the proposal to be carried out including appropriate levels details. It is however considered necessary to place a condition on any consent given requesting an external finishing materials schedule to be submitted to and be approved in writing by the planning authority prior to the start of work on site.

7b.7 Supplementary guidance notes in the form of 'House Extension and Alterations' and 'Housing Layout and Design' are both considered relevant in the assessment of this application. Both documents set out guidance advising developers of expected standards of provision to achieve acceptable levels of residential and visual amenity. The proposed development accords with the provisions of those documents. In particular, the proposed window to window privacy distances and levels of garden ground provision, are considered to accord with the terms of this guidance.

7c Conclusion

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

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee grant planning permission 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) Development shall not begin until a scheme for protecting the new dwellinghouses from noise from transportation has been submitted to and approved in writing by the Planning Authority. The dwellinghouses shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.
- (3) Prior to the start of work on site details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (4) Prior to the occupation of the dwellinghouses an unclimbable barrier of a type approved in writing by the planning authority shall be provided and maintained in perpetuity along the boundary of the site with the M876 trunk road.
- (5) Before any works start on site and notwithstanding the details on the approved plans, a scheme of landscaping indicating the siting, numbers, species, heights (at time of planting), future management and aftercare including retention / replanting of all trees, shrubs and hedges to be planted shall be submitted to and approved in writing by this planning authority thereafter all planting and aftercare shall be carried out in accordance with the terms of the approved scheme.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (3) To safeguard the visual amenity of the area.
- (4) To safeguard the interests of the users of the highway.
- (5) In the interests of visual amenity and to ensure landscaping works are completed at an appropriate stage in the development of the site.

Informative(s):

- (1) This application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04 and 05A.
- (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.

Pp

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Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Denny and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Supplementary Planning Guidance Advice Note in respect of Housing Layout and Design.
5. Supplementary Planning Guidance Note in respect of those Extensions and Alterations.
6. Letter of Objection received from Mrs Kim Trotter, 45 Annet Road, Head of Muir, Denny, FK6 5LQ on 27 January 2010.

7. Letter of Objection received from Mr and Mrs R Devlin, 47 Annet Road, Head of Muir, Denny, FK6 5LQ on 14 January 2010.
8. Letter of Objection received from Anne Reeves, 56 Annet Road, Head of Muir, Denny, FK6 5LQ on 14 January 2010.
9. Letter of Objection received from Mr Fred Hamilton, 58 Annet Road, Head of Muir, Denny, FK6 5LQ on 21 January 2010.

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

Planning Committee

Planning Application Location Plan

P/09/0872/FUL

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



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FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST OF 1 SOUILLAC DRIVE, SCLANDERSBURN ROAD, DENNY FOR BETT HOMES - P/10/0141/PPP**

Meeting: **PLANNING COMMITTEE**

Date: **1 December 2010**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Denny and Banknock**

Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: **Denny and District**

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 3 November 2010 (copy of previous report appended), it was agreed to continue the planning application for a site visit. This visit took place on 18 November 2010.
2. At the visit, the Committee viewed the site and the location of the proposed dwellinghouse. Local residents and local Members were heard in relation to their concerns, which included the loss of an area which is a well used area of open space, and the further erosion of which is of great concern. A number of residents also indicated that they had previously attempted to buy the land to extend their garden ground but this was declined by Falkirk Council, who sought to retain the area as open space. Clarification was sought on the number of representations submitted and the issue of the arrangements for maintenance of the existing open space given the land is still owned by the applicant (Bett Homes). Concerns over road safety/site access arrangements were also raised.
3. In respect of the numbers of representations submitted, it can be confirmed that a Community Councillor has made 2 objections to the application, on the grounds of loss of open space and privacy issues. It can also be confirmed that the Council's records indicate that 196 letters of representation were received from 126 individuals and, in addition, a petition with 13 signatories has been received. In addition, as detailed in the previous report, the planning records since 1970 do not indicate any applications being made for garden extensions at this location.

4. In relation to the maintenance of the existing open space area, it can be confirmed that the area is currently maintained by Falkirk Council (Community Services). This maintenance regime includes grass cutting on 16 occasions per season and other work as and when required.
5. No matters were raised which would amend the original recommendation to grant planning permission.
6. **It is recommended that Committee grant planning permission subject to the following conditions:-**
 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 & 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 planning permission in principle; 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 planning permission in principle; 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 approval of the last such matter to be approved.

4. Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation reports / validation certificates shall be submitted to and approved in writing by this Planning Authority.
5. The windows of the proposed dwellinghouse shall have a minimum specification of 4-16-4 in accordance with details approved in writing by this Planning Authority before the development commences and shall be installed before the dwellinghouse is occupied.
6. Before the proposed dwellinghouse is occupied, the western and northern site boundaries shall be enclosed by an acoustic fence in accordance with details and a specification approved in writing by this Planning Authority.
7. Before the proposed dwellinghouse is occupied, the four proposed replacement trees indicated on approved plan 02B shall be planted in accordance with details and a specification approved in writing by this Planning Authority. The details for the ongoing management and maintenance of the trees shall be submitted to and approved in writing by this Planning Authority before the dwellinghouse is occupied.
8. There shall be no means of direct access, either pedestrian or vehicular, to the trunk road.
9. Before the proposed dwellinghouse is occupied, the existing public carriageway shall be widened to 5.5 metres along the site frontage and a 2 metre wide footway shall be provided along the site frontage, tying into the existing footway.
10. Vehicular access to the site shall be by means of a standard footway crossing point, designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
11. Before the proposed dwellinghouse is occupied, the driveway shall be formed with a minimum width of 6 metres and a minimum length of 5.5 metres, at a maximum gradient of 10%, and shall be constructed so that no loose material or surface water is discharged onto the public road.
12. There shall be no obstruction to visibility greater than 1 metre in height above the adjacent road carriageway level, within 2.5 metres of the edge of the carriageway, along the entire site frontage and the frontage of the land adjoining to the west between the site and the trunk road boundary.

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 ensure the ground is suitable for the proposed development.
5. To ensure the occupants of the dwellinghouse are protected against excessive noise intrusion.
6. To ensure that the occupants of the dwellinghouse are protected against excessive noise intrusion.
7. To safeguard the visual amenity of the area.
8. To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.
- 9-12. To safeguard the interests of the users of the public highway.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 02B.
2. A Road Construction Consent, issued by Development Services, will be required for the alterations to the existing road carriageway and footway.

Pp

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Denny and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modification.
4. Falkirk Council Open Space Strategy.
5. Letter of Objection received from Cllr John McNally Municipal Buildings West Bridge Street Falkirk FK1 5RS on 25 March 2010
6. Letter of Objection received from Mr James Togher 5 Souillac Drive Denny FK6 5HE on 5 May 2010
7. Letter of Objection received from Mrs Sarah Henderson 43 Lithgow Place Denny FK6 5BF on 5 May 2010
8. Letter of Objection received from Mrs Brenda Purvis 39 Lithgow Place Denny FK6 5BF on 5 May 2010
9. Letters of Objection (18) received from Mrs Winifred Delaney 61 Lithgow Place Denny FK6 5BF
10. Letter of Objection received from Ms Jessie Wojciechowski 3 Souillac Drive Denny FK6 5HE on 5 May 2010
11. Letters of Objection received from Mr Thomas McGuckin 47 Bulloch Crescent Denny FK6 5AL on 5 May 2010 and 22 September 2010
12. Letter of Objection received from R McGuckin 47 Bulloch Crescent Denny FK6 5AL on 5 May 2010
13. Letters of Objection received from Mr Anthony McGuckin 59 Lithgow Place Denny FK6 5BF on 5 May 2010 and 22 September 2010.
14. Letter of Objection received from Ms Helen Price 13 Kelly Drive Denny FK6 6EN on 5 May 2010
15. Letters of Objection received from Mr Paul Kearney 2 Fleming Drive Stenhousemuir Larbert FK5 4HJ on 27 April 2010 and 21 September 2010
16. Letter of Objection received from Mr Thomas Henderson 9 Souillac Drive Denny FK6 5HE on 27 April 2010
17. Letter of Objection received from Jane Burrowes 96 Ochil View Denny FK6 5NH on 27 April 2010
18. Letter of Objection received from Linda Greer 108 Ochil View Denny FK6 5NJ on 27 April 2010
19. Letter of Objection received from Mrs Tracy McNeil 59 Glasgow Road Denny FK6 5DN on 27 April 2010
20. Letters of Objection received from Rosie Adams 3 Kelly Drive Denny FK6 6EN on 27 April 2010 and 21 September 2010
21. Letter of Objection received from Margaret Barker 43 Laxdale Drive Head Of Muir Denny FK6 5PR on 27 April 2010
22. Letter of Objection received from Diane Hind 94 Ochil View Denny FK6 5NH on 27 April 2010
23. Letter of Objection received from Mr Chris Munro 12 Grove Street Denny FK6 6PG on 27 April 2010
24. Letters of Objection received from Wayne Adams 3 Kelly Drive Denny FK6 6EN on 27 April 2010 and 21 September 2010
25. Letter of Objection received from Mrs C M Henderson 9 Souillac Drive Denny FK6 5HE on 27 April 2010
26. Letter of Objection received from Yvonne Wilson 126 Ochil View Denny FK6 5NJ on 27 April 2010

27. Letter of Objection received from Lisa Murphy 53 Lithgow Place Denny FK6 5BF on 27 April 2010
28. Letters of Objection received from Mr Gordon McKenzie 53 Lithgow Place Denny FK6 5BF on 27 April 2010 and 22 September 2010
29. Letter of Objection received from Michelle Murphy 53 Lithgow Place Denny FK6 5BF on 27 April 2010
30. Letter of Objection received from Mr George Reid 7 Souillac Drive Denny FK6 5HE on 23 April 2010
31. Letter of Objection received from Mr Graham Collie 14 Sclandersburn Road Denny FK6 5LP on 22 April 2010
32. Letters of Objection (20) received from Mr Andrew Delaney 61 Lithgow Place Denny FK6 5BF
33. Letter of Objection received from Mr Colin Belbin 63 Bridge Cres. Denny FK6 6PD on 15 April 2010
34. Letter of Objection received from Ms Sheree McGuckin 59 Lithgow Place Denny FK6 5BF on 5 May 2010
35. Letters of Objection (6) received from K and J Wojachowski 3 Souillac Drive Denny FK6 5HE and 1 letter of objection enclosing petition with 13 names on 28 April 2010
36. Letters of Objection (17) received from Mr Gerard Delaney 61 Lithgow Place Denny FK6 5BF
37. Letter of Objection received from Pauline Scollon 47 Lithgow Place Denny FK6 5BF on 30 April 2010
38. Letter of Objection received from Mr Richard Wyatt 47 Lithgow Place Denny FK6 5BF on 30 April 2010
39. Letter of Objection received from Mr Michael Ryan 45 Lithgow Place Denny FK6 5BF on 30 April 2010
40. Letter of Objection received from Vikki Ryan 45 Lithgow Place Denny FK6 5BF on 30 April 2010
41. Letters of Objection (3) received from Mr John Delaney 12 Gorrie Street Denny FK6 6AE
42. Letters of Objection received from A Delaney 1 Gorrie Street Denny FK6 6AE on 30 April 2010 and 21 September 2010
43. Letters of Objection received from Alice M Delaney 12 Gorrie Street Denny FK6 6AE on 30 April 2010 and 21 September 2010
44. Letter of Objection received from Mr Andy Muir 7 Sclandersburn Road Denny FK6 5LP on 26 April and letter of support received on 6 September 2010
45. Letter of Objection received from Mrs MacIntosh 16 Sclandersburn Road Denny FK6 5LP on 29 April 2010
46. Letter of Objection received from Mr MacIntosh 16 Sclandersburn Road Denny FK6 5LP on 29 April 2010
47. Letter of Objection received from Mr Alan Blackhall 17 Souillac Drive Denny FK6 5HE on 14 September 2010
48. Letter of Objection received from Ms Bernadette Nash Llamedos 15 Souillac Drive Denny FK6 5HE on 14 September 2010
49. Letter of Objection received from Mr Iain McLelland Llamedos 15 Souillac Drive Denny FK6 5HE on 14 September 2010
50. Letter of Objection received from Ms Christine May Henderson 9 Souillac Drive Denny FK6 5HE on 14 September 2010
51. Letter of Objection received from Mr Thomas Henderson 9 Souillac Drive Denny FK6 5HE on 14 September 2010
52. Letter of Objection received from Ms Jean MacLeod 27 Souillac Drive Denny FK6 5HE on 14 September 2010

53. Letter of Objection received from Mr John Wright 6 Souillac Drive Denny FK6 5HE on 14 September 2010
54. Letter of Objection received from Ms Magdalene Wood 13 Evans Street Larbert FK5 4RQ on 15 September 2010
55. Letter of Objection received from J Dyson 4 Souillac Drive Denny FK6 5HE on 15 September 2010
56. Letter of Objection received from Mrs M Ross 13 Souillac Drive Denny FK6 5HE on 15 September 2010
57. Letter of Objection received from Mr D Ross 13 Souillac Drive Denny FK6 5HE on 15 September 2010
58. Letter of Objection received from Mr Russell Ogilvy 3 MacLachlan Avenue Denny FK6 5HF on 15 September 2010
59. Letter of Objection received from Chris Ogilvy 3 MacLachlan Avenue Denny FK6 5HF on 15 September 2010
60. Letter of Objection received from Ms Eliz McCafferty 10 Park Avenue Stenhousemuir Larbert FK5 3JA on 15 September 2010
61. Letter of Objection received from Ms Margaret McCafferty 79 Bantaskine Street Falkirk FK1 5ES on 15 September 2010
62. Letters of Objection received from Ms Mary McCafferty 12 Broompark Gardens Denny FK6 6NU on 15 September 2010 and 22 September 2010
63. Letters of Objection received from G Wright 73 Thornbridge Road Falkirk FK2 9AZ on 15 September 2010 and 22 September 2010
64. Letter of Objection received from Ms Carole Hunter 20 Aitchison Drive Larbert FK5 4PB on 15 September 2010
65. Letter of Objection received from Mr Paul Kearney 2 Fleming Drive Stenhousemuir Larbert FK5 4HJ on 15 September 2010
66. Letter of Objection received from Ms Louise Craig Souillac Drive Denny FK6 5HE on 15 September 2010
67. Letter of Objection received from Mr Thomas Cameron 11 Souillac Drive Denny FK6 5HE on 15 September 2010
68. Letter of Objection received from Ms Margaret Cameron 11 Souillac Drive Denny FK6 5HE on 15 September 2010
69. Letter of Objection received from Ms Jessie Wright 6 Souillac Drive Denny FK6 5HE on 14 September 2010
70. Letter of Objection received from D Thomson 1 MacLachlan Avenue Denny FK6 5HF on 14 September 2010
71. Letter of Objection received from Helen Thomson 1 MacLachlan Avenue Denny FK6 5HF on 14 September 2010
72. Letter of Objection received from Patricia E Paterson 3 Taymouth Road Polmont Falkirk FK2 0PF on 14 September 2010
73. Letter of Objection received from Angie Rennie 52 Blenheim Place Stenhousemuir Larbert FK5 4PT on 14 September 2010
74. Letter of Objection received from Gemma Barnett 7 Elizabeth Crescent Falkirk FK1 4JF on 14 September 2010
75. Letter of Objection received from Amanda Rutherford 106 Wheatlands Avenue Bonnybridge FK4 1PJ on 14 September 2010
76. Letter of Objection received from Wilma McAllister 111 Stewart Avenue Bo'ness EH51 9NN on 14 September 2010
77. Letter of Objection received from Linda Taylor 6 Haughs Way Denny FK6 6HQ on 14 September 2010

78. Letter of Objection received from M McNulty 185 Glasgow Road Longcroft Bonnybridge FK4 1QY on 14 September 2010
79. Letter of Objection received from Ms Jessie McTear 12/1 Glenfuir Court Falkirk FK1 5DX on 14 September 2010
80. Letter of Objection received from D Dyson 4 Souillac Drive Denny FK6 5HE on 15 September 2010
81. Letter of Objection received from Pamela Calder 53 Demoreham Avenue Denny FK6 5BJ on 21 September 2010
82. Letter of Objection received from L Clayton-Chapman 18 Erskine Hill Polmont Falkirk FK2 0UQ on 21 September 2010
83. Letter of Objection received from Natalie Comrie 21 Souillac Drive Denny FK6 5HE on 21 September 2010
84. Letter of Objection received from Annie Comrie 21 Souillac Drive Denny FK6 5HE on 21 September 2010
85. Letter of Objection received from A Comrie 21 Souillac Drive Denny FK6 5HE on 21 September 2010
86. Letter of Objection received from Paul Marcus Comrie 21 Souillac Drive Denny FK6 5HE on 21 September 2010
87. Letter of Objection received from John Connelly 19 Lithgow Place Denny FK6 5BF on 21 September 2010
88. Letter of Objection received from Amy Craig 25 Souillac Drive Denny FK6 5HE on 21 September 2010
89. Letter of Objection received from Iain Craig 25 Souillac Drive Denny FK6 5HE on 21 September 2010
90. Letter of Objection received from Nina Cuning 63 Herbertshire Street Denny FK6 6HG on 21 September 2010
91. Letter of Objection received from Rebecca Donaldson 1 Bridge Place Denny FK6 6PF on 21 September 2010
92. Letter of Objection received from John Delaney 31 Bridge Crescent Denny FK6 6PB on 21 September 2010
93. Letter of Objection received from Colin Dyer 9 Lithgow Place Denny FK6 5BF on 21 September 2010
94. Letter of Objection received from Mathew Gillies 26 Souillac Drive Denny FK6 5HE on 21 September 2010
95. Letter of Objection received from Jemima Gillies 26 Souillac Drive Denny FK6 5HE on 21 September 2010
96. Letter of Objection received from Mrs Anna Delaney 1 Gorrie Street Denny FK6 6AE on 21 September 2010
97. Letter of Objection received from Francis and Catherine Gribbin 32 Godfrey Avenue Denny FK6 5BU 21 September 2010
98. Letter of Objection received from Christine Horner 20 Sclandersburn Road Denny FK6 5LP on 21 September 2010
99. Letter of Objection received from Mr and Mrs Irvine 100 Little Denny Road Denny FK6 5AT on 21 September 2010
100. Letter of Objection received from Wilma Kelly 45 Lithgow Place Denny FK6 5BF on 21 September 2010
101. Letter of Objection received from S Clarke 16 Lithgow Place Denny FK6 5BF on 21 September 2010
102. Letter of Objection received from Brian Ledwidge 51 Lithgow Place Denny FK6 5BF on 21 September 2010

103. Letter of Objection received from Lesley Ledwidge 51 Lithgow Place Denny FK6 5BF on 22 September 2010
104. Letter of Objection received from Gerard McCafferty 3 Dundaff Court Denny FK6 5BZ on 22 September 2010
105. Letter of Objection received from Abigal McGregor Pearlbanks Redding Road Brightons Falkirk on 22 September 2010
106. Letter of Objection received from Julie McGuckin 59 Lithgow Place Denny FK6 5BF on 22 September 2010
107. Letter of Objection received from Robert McNally 55 Avon Street Dunipace Denny FK6 6LB on 22 September 2010
108. Letter of Objection received from Frances McNally 55 Avon Street Dunipace Denny FK6 6LB on 22 September 2010
109. Letter of Objection received from T Marshall 41 Lithgow Place Denny FK6 5BF on 22 September 2010
110. Letter of Objection received from Anne Moodie 21 Lithgow Place Denny FK6 5BF on 22 September 2010
111. Letter of Objection received from Mrs Marene Moody 49 Nisbet Drive Denny FK6 6AQ on 22 September 2010
112. Letter of Objection received from E Morrison 23 Knights Way Stoneywood Denny FK6 5HG on 22 September 2010
113. Letter of Objection received from Brian Mulholland 62 Ochil View Denny FK6 5NH on 22 September 2010
114. Letter of Objection received from Maria Paterson 14 Lithgow Place Denny FK6 5BF on 22 September 2010
115. Letter of Objection received from Donald Paterson 14 Lithgow Place Denny FK6 5BF on 22 September 2010
116. Letter of Objection received from Michelle Rennie 53 Lithgow Place Denny FK6 5BF on 22 September 2010
117. Letter of Objection received from Grant Sangsdell 2 Lithgow Place Denny FK6 5BF on 22 September 2010
118. Letter of Objection received from George Smith 10 Souillac Drive Denny FK6 5HE on 22 September 2010
119. Letter of Objection received from J Smith 27 Lochhead Avenue Denny FK6 5EH on 22 September 2010
120. Letter of Objection received from Sarah Smith 10 Souillac Drive Denny FK6 5HE on 22 September 2010
121. Letter of Objection received from Yvonne Smith 10 Souillac Drive Denny FK6 5HE on 22 September 2010
122. Letter of Objection received from Bridget Joan Sobasz 81 Chestnut Crescent Dunipace Denny FK6 6LF on 22 September 2010
123. Letter of Objection received from Winifred Sobasz 81 Chestnut Crescent Dunipace Denny FK6 6LF on 22 September 2010
124. Letter of Objection received from William Thomson 25 Lithgow Place Denny FK6 5BF on 22 September 2010
125. Letter of Objection received from Patrick Traynor 4 Lithgow Place Denny FK6 5BF on 22 September 2010
126. Letter of Objection received from Jane Wall 1 Bridge Place Denny FK6 6PF on 22 September 2010
127. Letter of Objection received from Barbara Wilson Benvale Main Street Skinflats Falkirk on 22 September 2010

128. Letter of Objection received from J Welsh 15 Lithgow Place Denny FK6 5BF on 22 September 2010
129. Letter of Objection received from Iris Shanks 16 Souillac Drive Denny FK6 5HE on 22 September 2010
130. Letter of Objection received from Mr Colin Belbin 63 Bridge Cres Denny FK6 6PD on 15 September 2010

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

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST
OF 1 SOUILLAC DRIVE, SCLANDERSBURN ROAD, DENNY
FOR BETT HOMES - P/10/0141/PPP

Meeting: PLANNING COMMITTEE

Date: 3 November 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Denny and Banknock

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, (Senior Planning Officer), ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.2 The application seeks planning permission in principle to erect a detached dwellinghouse. Indicative site layout, elevation and floor plans have been submitted which indicate a two storey five bedroom dwellinghouse.
- 1.2 The application site fronts Sclandersburn Road in Denny, to the immediate west of the rear boundary of dwellinghouses on Souillac Drive. It forms part of a green corridor buffer zone between housing and the M80, and is well maintained in grass. This corridor is at its widest point at the application site. New tree planting is proposed to compensate for the loss of two trees.
- 1.3 The application has been amended to clarify the application site boundaries and include widening of Sclandersburn Road and the formation of a footpath along the site frontage. The neighbours were notified of these changes.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillors McNally and Oliver.

3. SITE HISTORY

- 3.1 Planning application ref: P/09/0786/PPP for the erection of three dwellinghouses was withdrawn. This proposal blocked access to the green corridor from Sclandersburn Road. The current proposal, for a single dwellinghouse, retains access to this area.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has noted the amendments to the application to widen Sclandersburn Road and extend the existing footpath. Conditions are recommended in respect of vehicular access, on-site parking, driveway construction and visibility. It is advised that the proposal is unlikely to significantly intensify reversing manoeuvres at the end of Sclandersburn Road therefore a turning facility is unnecessary.
- 4.2 The Environmental Protection Unit has requested a contaminated land assessment due to the presence of a water works, areas of filled ground, mining and other potential sources of contaminated land within 250 metres of the site. The findings of the Road Traffic Noise Report have been accepted by the Environmental Protection Unit subject to the window specification being confirmed at a minimum standard of 4-16-4.
- 4.3 Transport Scotland has no objection to the application subject to a condition prohibiting any means of direct access, either pedestrian or vehicular, to the M80. The existing motorway boundary fence is not affected by the proposed development.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 The total number of representations to the application is 197 and includes one petition with 13 signatories. These representations, excluding the petition, have been received from a total of 126 contributors. Except for one letter of support, all of the representations are objections.
- 6.2 The concerns raised in the objections can be summarised as follows:
- loss of public amenity open space;
 - loss of recreational amenity / play area;
 - adverse impact on natural environment;
 - loss of trees;
 - query regarding future maintenance;
 - the land has been used as a right of way;
 - the land has historic status as a drovers loan;
 - loss of privacy / overlooking;
 - loss of natural light / sunlight;
 - construction related problems e.g. access restrictions, noise, pedestrian safety, damage to cars;

- road safety issues due to Sclandersburn Road being single lane;
- insufficient parking and turning;
- existing road is unsuitable (no pavement, blocked drainage, poor surface);
- lack of need for the proposed development;
- previous planning applications to extend gardens were refused;
- precedent for further planning applications;
- the proposal does not achieve three of the key themes of the Structure Plan (economic prosperity, sustaining communities and environmental quality);
- the proposal does not meet the Structure Plan guidance which states that the south and south-east of Denny will be the focus of future development.

6.3 The letter of support indicates that earlier concerns regarding access, parking, safety and traffic have been addressed by the proposal to widen Sclandersburn Road and form a footpath along the site frontage.

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 The proposed development does not raise any strategic planning issues and therefore the policies of the approved Structure Plan are not relevant.

Adopted Denny and District Local Plan

7a.2 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.3 This policy supports development proposals within the urban limits provided they are consistent with other policies of the Plan and access, parking, drainage and other servicing can be provided to an acceptable standard. The application site lies within the urban limits as defined in the adopted Local Plan. It is considered that acceptable access, parking and drainage can be provided. The proposed development would comply with this policy if it is consistent with the other relevant policies of the Local Plan.

7a.4 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.5 This policy directs residential development towards allocated housing sites H1 to H13 and other brownfield sites which become available within the urban limit. The application site does not form part of an allocated housing site and is not brownfield. The proposed development therefore does not accord with this policy.

7a.6 Policy DEN 6 'Environmental Quality in New Housing' states:

"Proposals for residential development are required to be of a high standard of design and should:

- (i) respect and complement the character of the surrounding townscape and/or landscape;*
- (ii) combine a layout and built form which provides a safe, defensible and aesthetically pleasing environment; and*
- (iii) incorporate energy efficient design.*

Note : Complementary development control criteria are given by policies DEN 17, DEN 22, DEN 23, and DEN 32."

7a.7 This policy requires residential development to be of a high standard to design. The proposed development as indicated is considered to reflect a high standard of design and therefore complies with this policy. Relevant design considerations are detailed in assessment of the application against Policy DEN8.

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

"Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on infill sites will be considered favourably, provided that:

- (i) the scale, design and disposition of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed house without a detrimental impact upon the size and function of existing gardens;*
- (iii) the privacy enjoyed by neighbouring residents would be protected; and*
- (iv) the proposal does not constitute backland development.*

Note : Backland development is normally defined as development of a plot without a road frontage"

7a.9 This policy provides for the erection of additional dwellinghouses on infill sites where certain criteria are satisfied. Within the terms of this policy, the application site could be considered as infill, as it lies between the existing built edge and the urban limit at the M80 boundary. The indicative proposal is considered to satisfy the criteria of this policy as it respects the surrounding townscape character, provides adequate private garden ground, would not have any material impacts on neighbouring privacy, and has a road frontage and therefore does not constitute backland development. In particular, the indicative house type (two-storey detached) and the size of the plot are characteristic of the area. Based on the information submitted, the proposed development complies with this policy. Any subsequent application for Matters Specified in Conditions would be assessed in detail against the relevant design and layout considerations.

7a.10 Policy DEN 30 'Protection of Open Space' states:

"The Council will generally protect parks, playing fields and other major areas of public open space from unrelated development or changes of use which would diminish their recreational value. Applications from householders to introduce built development upon, or change the use of, small parcels of adjacent open space will normally be resisted where the Council considers that such a proposal would:

- (i) adversely affect the recreational value of active or passive open space considered in relation to overall standards of provision in the surrounding area;*
- (ii) result in a loss of amenity open space which could have a detrimental impact upon the character and appearance of the area or its setting; and*
- (iii) set an undesirable precedent for further incremental loss of open space such that the provision of amenity or recreation open space in the area would be eroded."*

7a.11 This policy generally protects parks, playing fields and other major areas of public open space from unrelated development or changes of use that would diminish their recreational value. The policy allows householders to introduce built development upon adjacent open space subject to certain criteria being satisfied. This aspect of the policy does not apply as the applicant is not a householder. The proposed development complies with this policy as the application site does not form part of a park, playing field or major area of public open space and is not of high recreational value. The use of the green corridor as a walking thoroughfare is retained as the proposal does not block off the corridor at this location.

7a.12 Overall, the proposed development is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material planning considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications, the Falkirk Council Open Space Strategy, the consultations responses and the representations received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)(April 2007) as amended by the Final Proposed Modifications (June 2010).

- 7b.2 The application site lies within the urban limit as defined in the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications. It does not have a specific land use designation and does not form part of the designated Open Space in the Denny urban area.
- 7b.3 The relevant policies of this Plan are EQ3 (Townscape Design), SC2 (Windfall Housing Development within the Urban Limits), SC8 (Infill Development) and SC12 (Urban Open Space). The considerations under these policies have, in the main, been assessed in respect of the relevant policies of the Development Plan with which the proposal, overall, is considered to comply. Other considerations are as follows:-
- 7b.4 Policy SC2 supports new housing within the urban limit where a satisfactory level of residential amenity can be achieved, there is good accessibility to public transport and local facilities, and existing infrastructure can accommodate the proposal. A noise impact report has been submitted with the application given the proximity of the site to the M80. The report identifies the site as falling within Noise Exposure Category (NEC) B and concludes that noise levels within the new dwellinghouse would be within the limits suggested in PAN 56 Planning and Noise. No enhanced specification to mitigate noise is therefore recommended. These findings are accepted. Subject to the provision of an acoustic boundary fence, to mitigate noise within the private garden, a satisfactory level of residential amenity can be achieved. Bus services on Nethermain Road and local facilities can be readily accessed. Given the small scale of the proposal, no infrastructure issues are anticipated. Overall, the proposal complies with Policy SC2.
- 7b.5 Policy SC12 protects all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value. The application site forms part of a green corridor which is at its widest point at the application site. The loss of the application site would still retain a width at this point in keeping with the width of the overall corridor and the new corridor edge at this point would be enclosed by fencing which would be characteristic of the area. The existing tree line along the M80 boundary would be retained and the loss of two trees would be compensated for by the proposal for 4 new trees. In light of these comments, it is considered that the proposal would not have any adverse effect on the character and appearance of the area. The application site is not of ecological value and is classified as forming part of amenity rather than recreation open space. Connectivity of the green corridor to the overall open space network is not threatened as a through route adjoining Sclandersburn Road would be retained. The proposal is therefore considered to accord with this policy.

Open Space Strategy

- 7b.6 The Council's Open Space Audit identified this green corridor as Amenity Greenspace and the existence of 39 hectares of Amenity Greenspace within Denny and Dunipace. The corridor is not mentioned in the Council's Open Space Strategy. This strategy sets out a Council wide standard for provision of open space. It states that all existing and new developments should have access to a minimum of 5 hectares of public open space per 1000 people. The audit identified that, within Denny, there is access to 10.33 hectares of public open space per 1000 people. The loss of this small area of open space would therefore not result in Denny falling below this standard. Its loss is therefore acceptable in overall supply terms.

Consultation Responses

- 7b.7 The consultation responses are summarised in Section 4 of this report. The matters raised by the Roads Development Unit, the Environmental Protection Unit and Transport Scotland could be the subject of conditions of any grant of permission.

Representations Received

- 7b.8 The concerns raised in the representations are summarised in Section 6 of this report. The following comments are considered to be of relevance:

- The loss of this small area of open space is considered to be acceptable, both from a qualitative and quantitative point of view, for the reason detailed in this report;
- The site forms part of amenity open space as identified in the Council's Open Space Audit and is not considered to have high recreational value;
- Two trees would be lost which would be compensated for by the proposal for four new trees. The existing motorway boundary trees are not affected by the proposal;
- The proposal does not preclude access to and from Sclandersburn Road for walkers and maintenance of the corridor;
- The indicative proposal would not give rise to any significant impacts on privacy or overshadowing. The Council's guideline for facing windows (at least 18 metres apart) is satisfied;
- Some temporary construction related impacts may be anticipated, as with any construction project. Relevant industry standards would need to be complied with, including health and safety legislation;
- The proposed road widening and footpath extension address road safety concerns;
- Whilst precedent is a planning consideration, any two applications are rarely the same and are considered on their individual merits;
- The records since 1970 do not indicate any planning application for extensions to gardens at this location;
- The Development Plan provides for housing from 'windfall development' as contributing to the housing land requirement. Therefore, consideration of housing need or locational guidance under the Structure Plan is not relevant in this instance;
- The Structure Plan policies apply to proposals with strategic significance. The proposal is small scale and impacts on a local open space resource therefore consideration of the Structure Plan is not required.

7c Conclusion

- 7c.1 The proposed development is considered to accord with the Development Plan for the reasons detailed in this report. Whilst a substantial body of local objection has been received, it is considered that the concerns raised cannot be sustained within the terms of the Development Plan and the emerging Local Plan, and having regard to the Open Space Strategy. It is considered that there are no qualitative or quantitative reasons to justify resisting the loss of this small area of amenity open space. The matters raised in consultation responses could be the subject of conditions of any permission granted. Accordingly, the application is recommended for approval subject to appropriate conditions.

8. RECOMMENDATION

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

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 & 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 planning permission in principle; 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 planning permission in principle; 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 approval of the last such matter to be approved.
4. Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation reports / validation certificates shall be submitted to and approved in writing by this Planning Authority.

5. The windows of the proposed dwellinghouse shall have a minimum specification of 4-16-4 in accordance with details approved in writing by this Planning Authority before the development commences and shall be installed before the dwellinghouse is occupied.
6. Before the proposed dwellinghouse is occupied, the western and northern site boundaries shall be enclosed by an acoustic fence in accordance with details and a specification approved in writing by this Planning Authority.
7. Before the proposed dwellinghouse is occupied, the four proposed replacement trees indicated on approved plan 02B shall be planted in accordance with details and a specification approved in writing by this Planning Authority. The details for the ongoing management and maintenance of the trees shall be submitted to and approved in writing by this Planning Authority before the dwellinghouse is occupied.
8. There shall be no means of direct access, either pedestrian or vehicular, to the trunk road.
9. Before the proposed dwellinghouse is occupied, the existing public carriageway shall be widened to 5.5 metres along the site frontage and a 2 metre wide footway shall be provided along the site frontage, tying into the existing footway.
10. Vehicular access to the site shall be by means of a standard footway crossing point, designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
11. Before the proposed dwellinghouse is occupied, the driveway shall be formed with a minimum width of 6 metres and a minimum length of 5.5 metres, at a maximum gradient of 10%, and shall be constructed so that no loose material or surface water is discharged onto the public road.
12. There shall be no obstruction to visibility greater than 1 metre in height above the adjacent road carriageway level, within 2.5 metres of the edge of the carriageway, along the entire site frontage and the frontage of the land adjoining to the west between the site and the trunk road boundary.

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 ensure the ground is suitable for the proposed development.
5. To ensure the occupants of the dwellinghouse are protected against excessive noise intrusion.

6. To ensure that the occupants of the dwellinghouse are protected against excessive noise intrusion.
7. To safeguard the visual amenity of the area.
8. To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.
- 9-12. To safeguard the interests of the users of the public highway.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 02B.
2. A Road Construction Consent, issued by Development Services, will be required for the alterations to the existing road carriageway and footway.

Pp

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Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Denny and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modification.
4. Falkirk Council Open Space Strategy.
5. Letter of Objection received from Cllr John McNally Municipal Buildings West Bridge Street Falkirk FK1 5RS on 25 March 2010
6. Letter of Objection received from Mr James Togher 5 Souillac Drive Denny FK6 5HE on 5 May 2010
7. Letter of Objection received from Mrs Sarah Henderson 43 Lithgow Place Denny FK6 5BF on 5 May 2010
8. Letter of Objection received from Mrs Brenda Purvis 39 Lithgow Place Denny FK6 5BF on 5 May 2010
9. Letters of Objection (18) received from Mrs Winifred Delaney 61 Lithgow Place Denny FK6 5BF
10. Letter of Objection received from Ms Jessie Wojciechowski 3 Souillac Drive Denny FK6 5HE on 5 May 2010
11. Letters of Objection received from Mr Thomas McGuckin 47 Bulloch Crescent Denny FK6 5AL on 5 May 2010 and 22 September 2010
12. Letter of Objection received from R McGuckin 47 Bulloch Crescent Denny FK6 5AL on 5 May 2010

13. Letters of Objection received from Mr Anthony McGuckin 59 Lithgow Place Denny FK6 5BF on 5 May 2010 and 22 September 2010.
14. Letter of Objection received from Ms Helen Price 13 Kelly Drive Denny FK6 6EN on 5 May 2010
15. Letters of Objection received from Mr Paul Kearney 2 Fleming Drive Stenhousemuir Larbert FK5 4HJ on 27 April 2010 and 21 September 2010
16. Letter of Objection received from Mr Thomas Henderson 9 Souillac Drive Denny FK6 5HE on 27 April 2010
17. Letter of Objection received from Jane Burrowes 96 Ochil View Denny FK6 5NH on 27 April 2010
18. Letter of Objection received from Linda Greer 108 Ochil View Denny FK6 5NJ on 27 April 2010
19. Letter of Objection received from Mrs Tracy McNeil 59 Glasgow Road Denny FK6 5DN on 27 April 2010
20. Letters of Objection received from Rosie Adams 3 Kelly Drive Denny FK6 6EN on 27 April 2010 and 21 September 2010
21. Letter of Objection received from Margaret Barker 43 Laxdale Drive Head Of Muir Denny FK6 5PR on 27 April 2010
22. Letter of Objection received from Diane Hind 94 Ochil View Denny FK6 5NH on 27 April 2010
23. Letter of Objection received from Mr Chris Munro 12 Grove Street Denny FK6 6PG on 27 April 2010
24. Letters of Objection received from Wayne Adams 3 Kelly Drive Denny FK6 6EN on 27 April 2010 and 21 September 2010
25. Letter of Objection received from Mrs C M Henderson 9 Souillac Drive Denny FK6 5HE on 27 April 2010
26. Letter of Objection received from Yvonne Wilson 126 Ochil View Denny FK6 5NJ on 27 April 2010
27. Letter of Objection received from Lisa Murphy 53 Lithgow Place Denny FK6 5BF on 27 April 2010
28. Letters of Objection received from Mr Gordon McKenzie 53 Lithgow Place Denny FK6 5BF on 27 April 2010 and 22 September 2010
29. Letter of Objection received from Michelle Murphy 53 Lithgow Place Denny FK6 5BF on 27 April 2010
30. Letter of Objection received from Mr George Reid 7 Souillac Drive Denny FK6 5HE on 23 April 2010
31. Letter of Objection received from Mr Graham Collie 14 Sclandersburn Road Denny FK6 5LP on 22 April 2010
32. Letters of Objection (20) received from Mr Andrew Delaney 61 Lithgow Place Denny FK6 5BF
33. Letter of Objection received from Mr Colin Belbin 63 Bridge Cres. Denny FK6 6PD on 15 April 2010
34. Letter of Objection received from Ms Sheree McGuckin 59 Lithgow Place Denny FK6 5BF on 5 May 2010
35. Letters of Objection (6) received from K and J Wojachowski 3 Souillac Drive Denny FK6 5HE and 1 letter of objection enclosing petition with 13 names on 28 April 2010
36. Letters of Objection (17) received from Mr Gerard Delaney 61 Lithgow Place Denny FK6 5BF
37. Letter of Objection received from Pauline Scollon 47 Lithgow Place Denny FK6 5BF on 30 April 2010
38. Letter of Objection received from Mr Richard Wyatt 47 Lithgow Place Denny FK6 5BF on 30 April 2010

39. Letter of Objection received from Mr Michael Ryan 45 Lithgow Place Denny FK6 5BF on 30 April 2010
40. Letter of Objection received from Vikki Ryan 45 Lithgow Place Denny FK6 5BF on 30 April 2010
41. Letters of Objection (3) received from Mr John Delaney 12 Gorrie Street Denny FK6 6AE
42. Letters of Objection received from A Delaney 1 Gorrie Street Denny FK6 6AE on 30 April 2010 and 21 September 2010
43. Letters of Objection received from Alice M Delaney 12 Gorrie Street Denny FK6 6AE on 30 April 2010 and 21 September 2010
44. Letter of Objection received from Mr Andy Muir 7 Sclandersburn Road Denny FK6 5LP on 26 April and letter of support received on 6 September 2010
45. Letter of Objection received from Mrs MacIntosh 16 Sclandersburn Road Denny FK6 5LP on 29 April 2010
46. Letter of Objection received from Mr MacIntosh 16 Sclandersburn Road Denny FK6 5LP on 29 April 2010
47. Letter of Objection received from Mr Alan Blackhall 17 Souillac Drive Denny FK6 5HE on 14 September 2010
48. Letter of Objection received from Ms Bernadette Nash Llamados 15 Souillac Drive Denny FK6 5HE on 14 September 2010
49. Letter of Objection received from Mr Iain McLelland Llamados 15 Souillac Drive Denny FK6 5HE on 14 September 2010
50. Letter of Objection received from Ms Christine May Henderson 9 Souillac Drive Denny FK6 5HE on 14 September 2010
51. Letter of Objection received from Mr Thomas Henderson 9 Souillac Drive Denny FK6 5HE on 14 September 2010
52. Letter of Objection received from Ms Jean MacLeod 27 Souillac Drive Denny FK6 5HE on 14 September 2010
53. Letter of Objection received from Mr John Wright 6 Souillac Drive Denny FK6 5HE on 14 September 2010
54. Letter of Objection received from Ms Magdalene Wood 13 Evans Street Larbert FK5 4RQ on 15 September 2010
55. Letter of Objection received from J Dyson 4 Souillac Drive Denny FK6 5HE on 15 September 2010
56. Letter of Objection received from Mrs M Ross 13 Souillac Drive Denny FK6 5HE on 15 September 2010
57. Letter of Objection received from Mr D Ross 13 Souillac Drive Denny FK6 5HE on 15 September 2010
58. Letter of Objection received from Mr Russell Ogilvy 3 MacLachlan Avenue Denny FK6 5HF on 15 September 2010
59. Letter of Objection received from Chris Ogilvy 3 MacLachlan Avenue Denny FK6 5HF on 15 September 2010
60. Letter of Objection received from Ms Eliz McCafferty 10 Park Avenue Stenhousemuir Larbert FK5 3JA on 15 September 2010
61. Letter of Objection received from Ms Margaret McCafferty 79 Bantaskine Street Falkirk FK1 5ES on 15 September 2010
62. Letters of Objection received from Ms Mary McCafferty 12 Broompark Gardens Denny FK6 6NU on 15 September 2010 and 22 September 2010
63. Letters of Objection received from G Wright 73 Thornbridge Road Falkirk FK2 9AZ on 15 September 2010 and 22 September 2010
64. Letter of Objection received from Ms Carole Hunter 20 Aitchison Drive Larbert FK5 4PB on 15 September 2010

65. Letter of Objection received from Mr Paul Kearney 2 Fleming Drive Stenhousemuir Larbert FK5 4HJ on 15 September 2010
66. Letter of Objection received from Ms Louise Craig Souillac Drive Denny FK6 5HE on 15 September 2010
67. Letter of Objection received from Mr Thomas Cameron 11 Souillac Drive Denny FK6 5HE on 15 September 2010
68. Letter of Objection received from Ms Margaret Cameron 11 Souillac Drive Denny FK6 5HE on 15 September 2010
69. Letter of Objection received from Ms Jessie Wright 6 Souillac Drive Denny FK6 5HE on 14 September 2010
70. Letter of Objection received from D Thomson 1 MacLachlan Avenue Denny FK6 5HF on 14 September 2010
71. Letter of Objection received from Helen Thomson 1 MacLachlan Avenue Denny FK6 5HF on 14 September 2010
72. Letter of Objection received from Patricia E Paterson 3 Taymouth Road Polmont Falkirk FK2 0PF on 14 September 2010
73. Letter of Objection received from Angie Rennie 52 Blenheim Place Stenhousemuir Larbert FK5 4PT on 14 September 2010
74. Letter of Objection received from Gemma Barnett 7 Elizabeth Crescent Falkirk FK1 4JF on 14 September 2010
75. Letter of Objection received from Amanda Rutherford 106 Wheatlands Avenue Bonnybridge FK4 1PJ on 14 September 2010
76. Letter of Objection received from Wilma McAllister 111 Stewart Avenue Bo'ness EH51 9NN on 14 September 2010
77. Letter of Objection received from Linda Taylor 6 Haughs Way Denny FK6 6HQ on 14 September 2010
78. Letter of Objection received from M McNulty 185 Glasgow Road Longcroft Bonnybridge FK4 1QY on 14 September 2010
79. Letter of Objection received from Ms Jessie McTear 12/1 Glenfuir Court Falkirk FK1 5DX on 14 September 2010
80. Letter of Objection received from D Dyson 4 Souillac Drive Denny FK6 5HE on 15 September 2010
81. Letter of Objection received from Pamela Calder 53 Demoreham Avenue Denny FK6 5BJ on 21 September 2010
82. Letter of Objection received from L Clayton-Chapman 18 Erskine Hill Polmont Falkirk FK2 0UQ on 21 September 2010
83. Letter of Objection received from Natalie Comrie 21 Souillac Drive Denny FK6 5HE on 21 September 2010
84. Letter of Objection received from Annie Comrie 21 Souillac Drive Denny FK6 5HE on 21 September 2010
85. Letter of Objection received from A Comrie 21 Souillac Drive Denny FK6 5HE on 21 September 2010
86. Letter of Objection received from Paul Marcus Comrie 21 Souillac Drive Denny FK6 5HE on 21 September 2010
87. Letter of Objection received from John Connelly 19 Lithgow Place Denny FK6 5BF on 21 September 2010
88. Letter of Objection received from Amy Craig 25 Souillac Drive Denny FK6 5HE on 21 September 2010
89. Letter of Objection received from Iain Craig 25 Souillac Drive Denny FK6 5HE on 21 September 2010

90. Letter of Objection received from Nina Cunning 63 Herbertshire Street Denny FK6 6HG on 21 September 2010
91. Letter of Objection received from Rebecca Donaldson 1 Bridge Place Denny FK6 6PF on 21 September 2010
92. Letter of Objection received from John Delaney 31 Bridge Crescent Denny FK6 6PB on 21 September 2010
93. Letter of Objection received from Colin Dyer 9 Lithgow Place Denny FK6 5BF on 21 September 2010
94. Letter of Objection received from Mathew Gillies 26 Souillac Drive Denny FK6 5HE on 21 September 2010
95. Letter of Objection received from Jemima Gillies 26 Souillac Drive Denny FK6 5HE on 21 September 2010
96. Letter of Objection received from Mrs Anna Delaney 1 Gorrie Street Denny FK6 6AE on 21 September 2010
97. Letter of Objection received from Francis and Catherine Gribbin 32 Godfrey Avenue Denny FK6 5BU 21 September 2010
98. Letter of Objection received from Christine Horner 20 Sclandersburn Road Denny FK6 5LP on 21 September 2010
99. Letter of Objection received from Mr and Mrs Irvine 100 Little Denny Road Denny FK6 5AT on 21 September 2010
100. Letter of Objection received from Wilma Kelly 45 Lithgow Place Denny FK6 5BF on 21 September 2010
101. Letter of Objection received from S Clarke 16 Lithgow Place Denny FK6 5BF on 21 September 2010
102. Letter of Objection received from Brian Ledwidge 51 Lithgow Place Denny FK6 5BF on 21 September 2010
103. Letter of Objection received from Lesley Ledwidge 51 Lithgow Place Denny FK6 5BF on 22 September 2010
104. Letter of Objection received from Gerard McCafferty 3 Dundaff Court Denny FK6 5BZ on 22 September 2010
105. Letter of Objection received from Abigal McGregor Pearlbank Redding Road Brightons Falkirk on 22 September 2010
106. Letter of Objection received from Julie McGuckin 59 Lithgow Place Denny FK6 5BF on 22 September 2010
107. Letter of Objection received from Robert McNally 55 Avon Street Dunipace Denny FK6 6LB on 22 September 2010
108. Letter of Objection received from Frances McNally 55 Avon Street Dunipace Denny FK6 6LB on 22 September 2010
109. Letter of Objection received from T Marshall 41 Lithgow Place Denny FK6 5BF on 22 September 2010
110. Letter of Objection received from Anne Moodie 21 Lithgow Place Denny FK6 5BF on 22 September 2010
111. Letter of Objection received from Mrs Marene Moody 49 Nisbet Drive Denny FK6 6AQ on 22 September 2010
112. Letter of Objection received from E Morrison 23 Knights Way Stoneywood Denny FK6 5HG on 22 September 2010
113. Letter of Objection received from Brian Mulholland 62 Ochil View Denny FK6 5NH on 22 September 2010
114. Letter of Objection received from Maria Paterson 14 Lithgow Place Denny FK6 5BF on 22 September 2010

115. Letter of Objection received from Donald Paterson 14 Lithgow Place Denny FK6 5BF on 22 September 2010
116. Letter of Objection received from Michelle Rennie 53 Lithgow Place Denny FK6 5BF on 22 September 2010
117. Letter of Objection received from Grant Sangsdell 2 Lithgow Place Denny FK6 5BF on 22 September 2010
118. Letter of Objection received from George Smith 10 Souillac Drive Denny FK6 5HE on 22 September 2010
119. Letter of Objection received from J Smith 27 Lochhead Avenue Denny FK6 5EH on 22 September 2010
120. Letter of Objection received from Sarah Smith 10 Souillac Drive Denny FK6 5HE on 22 September 2010
121. Letter of Objection received from Yvonne Smith 10 Souillac Drive Denny FK6 5HE on 22 September 2010
122. Letter of Objection received from Bridget Joan Sobasz 81 Chestnut Crescent Dunipace Denny FK6 6LF on 22 September 2010
123. Letter of Objection received from Winifred Sobasz 81 Chestnut Crescent Dunipace Denny FK6 6LF on 22 September 2010
124. Letter of Objection received from William Thomson 25 Lithgow Place Denny FK6 5BF 22 September 2010
125. Letter of Objection received from Patrick Traynor 4 Lithgow Place Denny FK6 5BF on 22 September 2010
126. Letter of Objection received from Jane Wall 1 Bridge Place Denny FK6 6PF on 22 September 2010
127. Letter of Objection received from Barbara Wilson Benvale Main Street Skinflats Falkirk on 22 September 2010
128. Letter of Objection received from J Welsh 15 Lithgow Place Denny FK6 5BF on 22 September 2010
129. Letter of Objection received from Iris Shanks 16 Souillac Drive Denny FK6 5HE on 22 September 2010
130. Letter of Objection received from Mr Colin Belbin 63 Bridge Cres Denny FK6 6PD on 15 September 2010

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

Planning Committee

Planning Application Location Plan

P/10/0141/PPP

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



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FALKIRK COUNCIL

**Subject: ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE
AT WESTER MAILING, DENNY, FK6 5HH FOR MR R MOWATT
- P/10/0262/PPP**

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood

Councillor John McNally

Councillor Martin David Oliver

Councillor Alexander John Waddell

Community Council: Denny and District

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 3 November 2010 (copy of previous report appended), where it was agreed to continue the planning application for a site visit, which took place on 18 November 2010.
2. Members of the Planning Committee and Local Members heard the applicant's agent in support of the proposal, in particular, the applicant's 25 year history of farming in this area and the fact that the Council's own agricultural consultant acknowledges merit in the proposal in terms of the anticipated animal numbers and farm unit size. It was confirmed that the applicant is seeking this permission to allow 24 hour supervision of livestock which will in turn assist in the viability of the proposal. The issue of the viability of the business proposal, however, remains a concern for the Council's Agricultural consultant. The applicant's agent confirmed that they had given officers' suggestions of a temporary chalet on the site due consideration. However, it was considered that the start up costs involved in such a venture, added to the limited re-sale value, would be unreasonable with the preference being to invest these funds in the business itself.
3. Officers confirmed that, due to current questions over viability, the proposal fails to meet all Development Plan requirements. The Council's agricultural consultant recognises the need for on-site accommodation in the interests of animal welfare but considers the current scale of the operation to be akin to "hobby farming". The provision of temporary accommodation would meet the on-site requirement whilst allowing the business to grow to a viable level to support a permanent dwellinghouse, in accordance with the approach supported by Development Plan policy.

4. In response to questions from Members, the applicant confirmed that the nearest calf rearing unit to the one proposed at this location is Lanark and, in this respect, the applicant sees the proposal as meeting a gap in the market.
5. No matters were raised which would amend the original recommendation to grant planning permission. It is acknowledged that this is a finely balanced case. Should the Committee be minded to grant planning permission, it is recommended that this be subject to the satisfactory completion of an appropriate legal agreement restricting the occupancy of the dwellinghouse to persons employed, or last employed, locally in agriculture and other appropriate conditions as the Director of Development Services considers relevant.
6. **It is recommended that Committee refuse planning permission for the following reason(s):-**
 - (1) **The proposed development does not accord with Policy ENV.1 of the approved Falkirk Council Structure Plan, Policy Rural 1 of the adopted Denny and District Local Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications as it has not been demonstrated that the proposed dwellinghouse at this countryside location is essential for the pursuance of a sustainable rural business. In particular, the overall viability of the business to provide a full-time income for the occupant of the proposed dwellinghouse has not been demonstrated.**

Informative(s):

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

Pp

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Denny and District Local Plan.

3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Scottish Planning Policy

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504934 and ask for Brent Vivian (Senior Planning Officer).

FALKIRK COUNCIL

Subject: ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT WESTER MAILING, DENNY, FK6 5HH FOR MR R MOWATT - P/10/0262/PPP

Meeting: PLANNING COMMITTEE

Date: 3 November 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Denny and Banknock

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 (Senior Planning Officer), ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks planning permission in principle to erect a dwellinghouse for an agricultural worker. A new access from the public road is proposed to serve the new dwellinghouse.
- 1.2 The application site extends to 2000m² and lies to the east of the existing farm steading. The site is generally flat and comprises grazing land. The site adjoins an unclassified rural road and the road boundary is defined by a low stone wall (overgrown), banking and some trees.
- 1.3 The applicant farms livestock (cattle and sheep) at three main locations comprising a total of 184 acres. These locations are at Wester Mailing, Bottom Head and Wester Kelt, and Wester Mailing is the main farm complex. The applicant has submitted that at present he can operate only a limited business due to the absence of on-site accommodation to enable proper 24 hour animal care and supervision. He wishes to increase his stock to at least 35 breeding cows and 70 calves in the near future, but this is dependent on on-site accommodation. The applicant has advised that an agricultural justification report based on his current business cannot be provided.
- 1.4 A statement of support signed by 8 farmers was submitted with the application. The letter states that the proposal to build a calf rearing unit would be a valuable asset to the agricultural community.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 There is no planning history for the application site.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has detailed its requirements in respect of driveway construction, visibility at the new access and in-curtilage parking and turning.
- 4.2 The Environmental Protection Unit has requested the submission of a Contaminated Land Assessment due to the presence of agricultural land and other potential sources of contaminated land within 250 metres of the site.
- 4.3 The Council's Agricultural Consultant has raised concerns regarding the overall viability of the farm business at present and the lack of information submitted with the application. However, he has accepted the need for a dwellinghouse in terms of the labour requirement. He has also accepted that, in terms of the overall farm acreage and the intended increase in the stocking rate, coupled with a single farm payment and the financial resources that the applicant would appear to have, there is the potential for a sustainable farming operation.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received to the application.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

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

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

7a.2 This policy generally presumes against new development in the countryside unless it can be demonstrated that a countryside location is essential for the proposed development.

7a.3 In terms of determining 'essential', the applicant is required in accordance with the criteria in Policy SC3 in the emerging Local Plan to demonstrate that there is an operational need for the proposed dwellinghouse in association with the business; that no existing dwellinghouse that might have served that need has been sold or otherwise alienated from the holding; there are no reasonable opportunities for reusing or converting redundant buildings; and the business as a whole is capable of providing the main source of income to the occupant.

7a.4 It is accepted that there is an operational need for the proposed dwellinghouse based on the labour requirement for the farm business and to ensure proper 24 hour care and supervision of the animals. There is an existing dwellinghouse at Wester Mailing which might have served the needs but has been alienated from the farm holding. There would not appear to be any redundant farm buildings at the holding that could accommodate a dwellinghouse. As informed by the Council's Agricultural Consultant, there are overall viability concerns based on the current stock levels but if the stocking rate is increased, coupled with a single farm payment and the financial resources that the applicant would appear to have, there is the potential for a sustainable farming operation. However, at present the business is not capable of providing a full-time income.

7a.5 Overall, taking into account the alienation of the existing dwellinghouse and the viability concerns, the proposed development does not accord with this policy at present.

Adopted Denny and District 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. *Small scale housing developments within the wooded policies of former country estates, where servicing costs will be met by the developer, where the development can be satisfactorily integrated into the landscape, where detailed development briefs have been drawn up by the District Council and provided that the proposed development does not lie within a site included in the "Inventory of Gardens and Designed Landscapes in Scotland".*
3. *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".*
4. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
5. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
6. *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.*
7. *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 This policy generally presumes against new development in the countryside except in limited circumstances. One of the circumstances is where housing is absolutely essential for the pursuance of agriculture. This matter has been assessed in relation to Policy ENV.1 of the approved Falkirk Council Structure Plan. For the same reasons, the proposal does not accord with the adopted Local Plan. There are no other circumstances of Policy Rural 1 which are relevant to the proposal.

7b Material Considerations

7b.1 The material planning considerations in respect of this application are National Planning Policies and Guidance, the Falkirk Council Local Plan (Finalised Draft) as amended by the Final Proposed Modifications and the consultation responses.

National Planning Policies and Guidance

- 7b.2 Scottish Planning Policy (February 2010) indicates that the planning system has a significant role in supporting sustainable economic growth in rural areas. It states that by taking a positive approach to development, planning authorities can help to create the right conditions for rural businesses and communities to flourish.
- 7b.3 The provision of on-site accommodation at Wester Mailing would assist the farm business to become sustainable and contribute to the rural economy, and is therefore supported by Scottish Planning Policy.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

- 7b.4 The relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications are EQ19 (Countryside) and SC3 (Housing Development in the Countryside). The relevant matters of these policies have been considered in respect of the relevant policies of the Development Plan. Accordingly, for the same reasons, the proposed development does not accord with this plan.

Consultation Responses

- 7b.5 The consultation responses are summarised in Section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions of any grant of permission. The concerns raised by the Council's Agricultural Consultant have informed the policy assessment of the application.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications, for the reasons detailed in this report. Whilst there are concerns that the existing dwellinghouse has been alienated from the holding, if the overall viability of the farm business can be demonstrated, it is considered that a permanent dwellinghouse could be supported. In the meantime, in order to provide for a 24 hour on-site presence and facilitate the growth of the business to demonstrate viability, temporary accommodation e.g. in the form of a chalet would be supported. This would reflect a positive approach to rural development, so satisfying Scottish Planning Policy, whilst ensuring that Development Plan policies are complied with. However, the applicant does not wish to pursue this option, due to the costs of acquiring temporary accommodation and the provision of services, in circumstances where there is no certainty that permission for a permanent dwellinghouse would be granted at the end of the trial period. These considerations are not considered to outweigh the policy concerns, therefore the application is recommended for refusal.

8. RECOMMENDATION

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

- (1) The proposed development does not accord with Policy ENV.1 of the approved Falkirk Council Structure Plan, Policy Rural 1 of the adopted Denny and District Local Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications as it has not been demonstrated that the proposed dwellinghouse at this countryside location is essential for the pursuance of a sustainable rural business. In particular, the overall viability of the business to provide a full-time income for the occupant of the proposed dwellinghouse has not been demonstrated.**

Informative(s):

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

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Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Denny and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Scottish Planning Policy

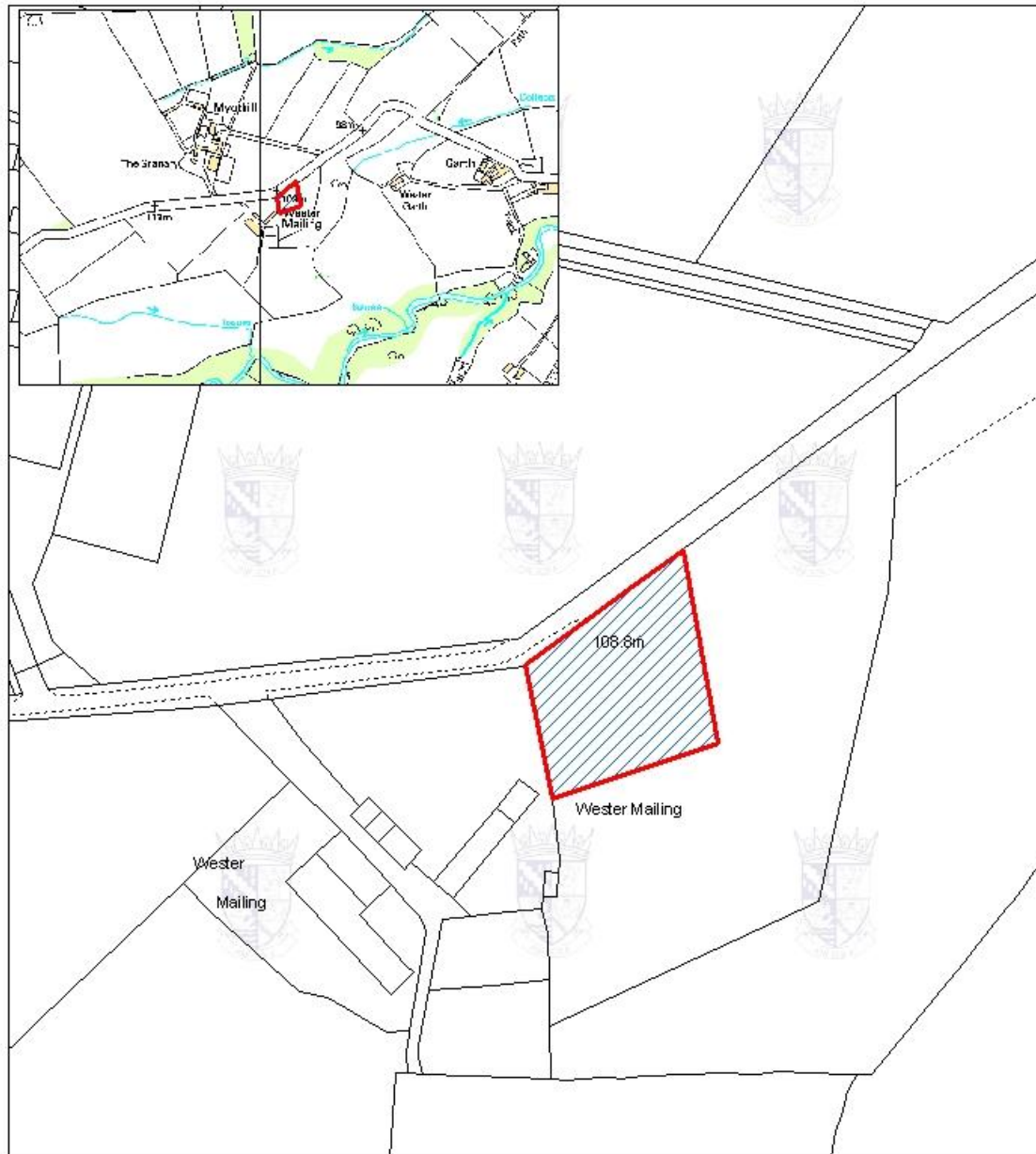
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504934 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0262/PPP

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



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FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE AT 17 RUSSEL STREET,
FALKIRK, FK2 7HU, FOR ANDREA RE - P/10/0622/FUL
Meeting: PLANNING COMMITTEE
Date: 1 December 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

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

Community Council: Grahamston, Middlefield and Westfield

Case Officer: Gavin Clark (Assistant Planning Officer), ext. 4704

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 3 November 2010 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. This visit took place on 19 November 2010.
2. At the site visit, Members viewed the rear of the property and surrounding area.
3. The applicant's agent was heard in support of the application and advised that, in his view, the proposed extension would be in keeping with the property, character of the area, and be in accordance with the Development Plan and relevant guidance. Following the site visit he has confirmed that his client intends to fell the mature birch tree within the garden ground to allow more light into the neighbour's garden.
4. Following clarification in relation to window details, the objection received from 15 Russel Street was withdrawn. The objector from 19 Russel Street was heard, and clarification given in relation to impact on daylight and overshadowing. Other matters were clarified as being non-material in planning terms.
5. A Local Member, Councillor Cecil Meiklejohn, was heard in relation to the proposal.
6. It should be noted that there have been a number of similar proportioned extensions to dwellinghouses in the surrounding area over recent years.

7. No matters were raised which would amend the original recommendation to grant planning permission.

8. It is recommended that planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years 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 online reference number(s) 01.
- (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: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Letter of Objection received from Mr and Mrs Radtkowski, 15 Russel Street, Falkirk, FK2 7HU on 10 September 2010
2. Letter of Objection received from Mr and Mrs William Paterson, 19 Russel Street, Falkirk, FK2 7HU pm 17 September 2010.
3. Falkirk Council Structure Plan.
4. Falkirk Local Plan.
5. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
6. Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations.

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

FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE AT 17 RUSSEL STREET,
FALKIRK, FK2 7HU FOR ANDREA RE - P/10/0622/FUL
Meeting: PLANNING COMMITTEE
Date: 3 November 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Falkirk North

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

Community Council: Grahamston, Middlefield and Westfield

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application relates to a one and a half storey semi-detached property at 17 Russel Street, Falkirk, within an area of well established residential character to the north of Falkirk Town centre. Within this area many of the properties have been extended. The proposal would provide accommodation over 2 levels, providing kitchen and utility at ground floor and bedroom accommodation at first floor. A single storey extension to provide dining accommodation is also proposed. The proposed extension would sit at a lower level than the existing roofline and windows are proposed in the rear facing elevation, with roof lights proposed in the side elevation at first floor level.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Councillor Cecil Meiklejohn.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objection to the application, and recommends informatives in relation to working hours and contaminated land.

4.2 The Roads Development Unit has no objection to the application.

5. COMMUNITY COUNCIL

5.1 The Grahamston, Middlefield and Westfield Community Council has made no representation.

6. PUBLIC REPRESENTATION

6.1 Two letters of objection were received, raising the following issues:

- Invasion of privacy and obstruction of daylighting.
- Overshadowing of the rear of the neighbouring property.
- Impact on the shared chimney stack.
- Restriction of central heating ventilation to the neighbouring property.
- Restriction of views from the neighbouring property, which would look into the side of the proposed extension.
- Excess water would run down the roof of the neighbouring property.
- Loss of daylighting afforded to the rear garden ground of neighbouring property.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Falkirk Local Plan

7a.2 Policy FAL 5.7 'Extensions and Alterations to Residential Properties' states:

"The Council will require that extensions and alterations to residential properties respect the original building, neighbouring properties and the character of the area in general, in terms of scale, design and materials. Proposals for garages should generally not project beyond the front elevation of the house and should have external finishes that match those of the existing house."

7a.3 It is considered that the proposed extension would respect the character of the existing dwellinghouse and those in the surrounding area in terms of scale, design and materials. There are a number of properties in the surrounding area which have been extended in similar fashion to this proposal. It is therefore considered that the proposal accords with the terms of Policy FAL 5.7 of the Falkirk Local Plan.

7a.4 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft – (Deposit Version) (April 2007) as amended by the Final Proposed Modification (June 2010), the Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations (SPG) and the letters of objection received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

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

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

7b.3 It is considered that the proposed extension would be sympathetic in terms of scale, design and materials to the existing dwellinghouse. The proposal is not considered to adversely affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties and would not result in overdevelopment of the plot.

7b.4 Policy EQ13 - ‘Areas of Townscape Value’ states:

“The Council recognises the architectural and historic merit and potential of the additional areas of townscape value identified on the Proposals Map, which do not currently have Conservation Area status. Within these areas:

- (1) The Council will undertake Character Appraisals to determine whether the areas merit designation as Conservation Areas, either as new Conservation Areas, or as extensions to existing ones; and*
- (2) Development proposals will be required to fit with the distinctive character of the area with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features.”*

7b.5 The application site lies within an area identified as being of townscape value, and it is considered that the architectural style, massing and materials of the proposed extension are acceptable.

- 7b.6 The proposal is therefore in accordance with the terms of the emerging Falkirk Council Local Plan.

Falkirk Council Supplementary Planning Guidance (SPG) Note on House Extensions and Alterations

- 7b.7 The SPG states that the concealed location of a rear extension means that the main planning concern is with garden amenity, privacy and internal daylighting, and that additional accommodation should not generally be greater than 50% of the existing ground floor area, should appear the same or of a smaller scale than the main house, be set in from any side of it, and the proportion of new solid walls to window openings should continue the existing pattern. The proposal is considered to accord with the terms of the Supplementary Planning Guidance in relation to these matters.
- 7b.8 Controls relating to overlooking, overshadowing, and the proportional relationship of the extension to the existing dwellinghouse should ensure that an adequate standard of enclosed private garden is retained. The proposal is considered to accord in this regard, as only 7m² of ground floor area is proposed, and no part of the extension would encroach beyond 5.5m of the rear garden boundary.
- 7b.9 In establishing measures to prevent overlooking, the privacy of the house is considered of greater importance than that of the garden. The minimum distance between windows to habitable rooms and/or conservatories directly facing each other should be at least 18m. Where an extension is 1½ or 2 storey there should not be any side windows to habitable rooms, to avoid a precedent which may be the cause of neighbourhood dispute. Windows on the rear elevation at first floor level or in roof light form should be considered instead.
- 7b.10 In this case, there would be a distance of 50m between windows on the rear elevation and the rear of properties on Grahams Road. The windows into bedroom accommodation on the side elevation would be roof lights and are considered to be acceptable. There would be a distance of 7.6m between the extended property at 15 Russel Street and the proposed extension, and these would not face onto any habitable windows. The proposal is considered to accord with regards to privacy and overlooking.
- 7b.11 In terms of overshadowing, extensions should not extend beyond the rear building line beyond either a line drawn at 45 degrees from the mid-point of the nearest ground floor window on the rear building line, or a maximum of 3.5m from the rear building line of the house, whichever allows for greater development. For an extension where the side elevation faces onto a neighbouring house, windows to a habitable room should be more than 4m away. The proposal accords with the SPG in this regard.
- 7b.12 Consequently, the proposal accords with the Supplementary Planning Guidance Note on House Extensions and Alterations.

Letters of Objection

- 7b.13 The proposal is considered to accord with Supplementary Planning Guidance in relation to privacy and daylighting.
- 7b.14 The proposal is considered to accord with Supplementary Planning Guidance in relation to overshadowing.

- 7b.15 The proposed extension would be located 0.2m from the chimney, and is not considered to have an adverse impact. In any case, this is not a material planning consideration.
- 7b.16 Any restriction to ventilation and loss of view are not material planning considerations.
- 7b.17 Potential discharge of water onto the roof of the neighbouring property is not a material planning consideration.

7c Conclusion

- 7c.1 The proposed development accords with the terms of the Development Plan and the emerging Falkirk Council Local Plan.
- 7c.2 There are no material planning considerations which would warrant refusal of planning permission.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years 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 online reference number(s) 01.
- (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.

.....
For Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Letter of Objection received from Mr and Mrs Radtkowski, 15 Russel Street, Falkirk, FK2 7HU on 10 September 2010
2. Letter of Objection received from Mr and Mrs William Paterson, 19 Russel Street, Falkirk, FK2 7HU pm 17 September 2010/
3. Falkirk Council Structure Plan.
4. Falkirk Local Plan.
5. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
6. Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations.

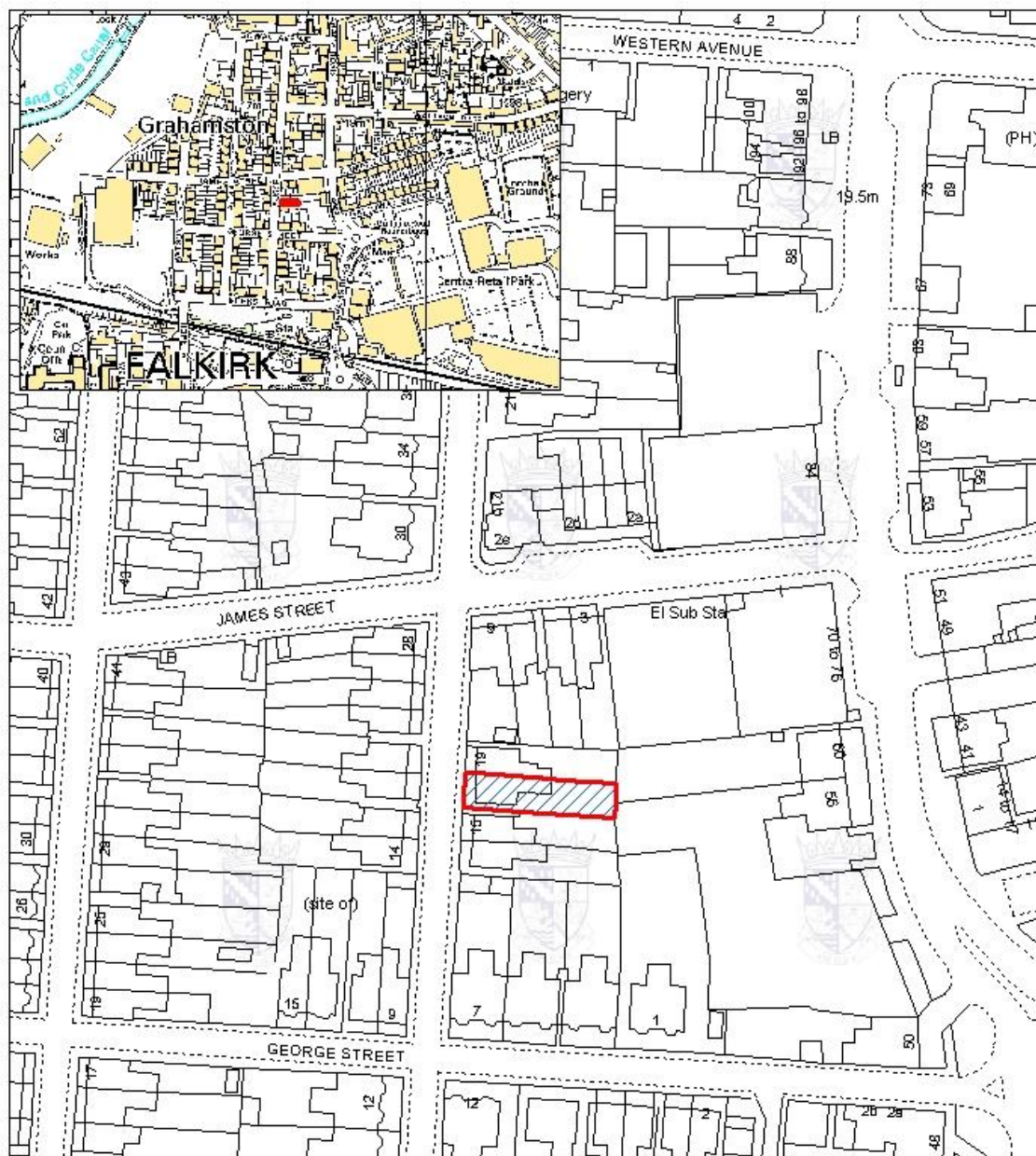
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0622/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: EXTENSION TO DWELLINGHOUSE AT 17 RUSSEL STREET,
FALKIRK, FK2 7HU, FOR ANDREA RE - P/10/0622/FUL
Meeting: PLANNING COMMITTEE
Date: 1 December 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

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

Community Council: Grahamston, Middlefield and Westfield

Case Officer: Gavin Clark (Assistant Planning Officer), ext. 4704

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 3 November 2010 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. This visit took place on 19 November 2010.
2. At the site visit, Members viewed the rear of the property and surrounding area.
3. The applicant's agent was heard in support of the application and advised that, in his view, the proposed extension would be in keeping with the property, character of the area, and be in accordance with the Development Plan and relevant guidance. Following the site visit he has confirmed that his client intends to fell the mature birch tree within the garden ground to allow more light into the neighbour's garden.
4. Following clarification in relation to window details, the objection received from 15 Russel Street was withdrawn. The objector from 19 Russel Street was heard, and clarification given in relation to impact on daylight and overshadowing. Other matters were clarified as being non-material in planning terms.
5. A Local Member, Councillor Cecil Meiklejohn, was heard in relation to the proposal.
6. It should be noted that there have been a number of similar proportioned extensions to dwellinghouses in the surrounding area over recent years.

7. No matters were raised which would amend the original recommendation to grant planning permission.

8. It is recommended that planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years 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 online reference number(s) 01.
- (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.

Pp

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Letter of Objection received from Mr and Mrs Radtkowski, 15 Russel Street, Falkirk, FK2 7HU on 10 September 2010
2. Letter of Objection received from Mr and Mrs William Paterson, 19 Russel Street, Falkirk, FK2 7HU pm 17 September 2010.
3. Falkirk Council Structure Plan.
4. Falkirk Local Plan.
5. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
6. Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations.

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

FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE AT 17 RUSSEL STREET,
FALKIRK, FK2 7HU FOR ANDREA RE - P/10/0622/FUL
Meeting: PLANNING COMMITTEE
Date: 3 November 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Falkirk North

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

Community Council: Grahamston, Middlefield and Westfield

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application relates to a one and a half storey semi-detached property at 17 Russel Street, Falkirk, within an area of well established residential character to the north of Falkirk Town centre. Within this area many of the properties have been extended. The proposal would provide accommodation over 2 levels, providing kitchen and utility at ground floor and bedroom accommodation at first floor. A single storey extension to provide dining accommodation is also proposed. The proposed extension would sit at a lower level than the existing roofline and windows are proposed in the rear facing elevation, with roof lights proposed in the side elevation at first floor level.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Councillor Cecil Meiklejohn.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objection to the application, and recommends informatives in relation to working hours and contaminated land.

4.2 The Roads Development Unit has no objection to the application.

5. COMMUNITY COUNCIL

5.1 The Grahamston, Middlefield and Westfield Community Council has made no representation.

6. PUBLIC REPRESENTATION

6.1 Two letters of objection were received, raising the following issues:

- Invasion of privacy and obstruction of daylighting.
- Overshadowing of the rear of the neighbouring property.
- Impact on the shared chimney stack.
- Restriction of central heating ventilation to the neighbouring property.
- Restriction of views from the neighbouring property, which would look into the side of the proposed extension.
- Excess water would run down the roof of the neighbouring property.
- Loss of daylighting afforded to the rear garden ground of neighbouring property.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Falkirk Local Plan

7a.2 Policy FAL 5.7 'Extensions and Alterations to Residential Properties' states:

"The Council will require that extensions and alterations to residential properties respect the original building, neighbouring properties and the character of the area in general, in terms of scale, design and materials. Proposals for garages should generally not project beyond the front elevation of the house and should have external finishes that match those of the existing house."

7a.3 It is considered that the proposed extension would respect the character of the existing dwellinghouse and those in the surrounding area in terms of scale, design and materials. There are a number of properties in the surrounding area which have been extended in similar fashion to this proposal. It is therefore considered that the proposal accords with the terms of Policy FAL 5.7 of the Falkirk Local Plan.

7a.4 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft – (Deposit Version) (April 2007) as amended by the Final Proposed Modification (June 2010), the Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations (SPG) and the letters of objection received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

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

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

7b.3 It is considered that the proposed extension would be sympathetic in terms of scale, design and materials to the existing dwellinghouse. The proposal is not considered to adversely affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties and would not result in overdevelopment of the plot.

7b.4 Policy EQ13 - 'Areas of Townscape Value' states:

“The Council recognises the architectural and historic merit and potential of the additional areas of townscape value identified on the Proposals Map, which do not currently have Conservation Area status. Within these areas:

- (1) The Council will undertake Character Appraisals to determine whether the areas merit designation as Conservation Areas, either as new Conservation Areas, or as extensions to existing ones; and*
- (2) Development proposals will be required to fit with the distinctive character of the area with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features.”*

7b.5 The application site lies within an area identified as being of townscape value, and it is considered that the architectural style, massing and materials of the proposed extension are acceptable.

- 7b.6 The proposal is therefore in accordance with the terms of the emerging Falkirk Council Local Plan.

Falkirk Council Supplementary Planning Guidance (SPG) Note on House Extensions and Alterations

- 7b.7 The SPG states that the concealed location of a rear extension means that the main planning concern is with garden amenity, privacy and internal daylighting, and that additional accommodation should not generally be greater than 50% of the existing ground floor area, should appear the same or of a smaller scale than the main house, be set in from any side of it, and the proportion of new solid walls to window openings should continue the existing pattern. The proposal is considered to accord with the terms of the Supplementary Planning Guidance in relation to these matters.
- 7b.8 Controls relating to overlooking, overshadowing, and the proportional relationship of the extension to the existing dwellinghouse should ensure that an adequate standard of enclosed private garden is retained. The proposal is considered to accord in this regard, as only 7m² of ground floor area is proposed, and no part of the extension would encroach beyond 5.5m of the rear garden boundary.
- 7b.9 In establishing measures to prevent overlooking, the privacy of the house is considered of greater importance than that of the garden. The minimum distance between windows to habitable rooms and/or conservatories directly facing each other should be at least 18m. Where an extension is 1½ or 2 storey there should not be any side windows to habitable rooms, to avoid a precedent which may be the cause of neighbourhood dispute. Windows on the rear elevation at first floor level or in roof light form should be considered instead.
- 7b.10 In this case, there would be a distance of 50m between windows on the rear elevation and the rear of properties on Grahams Road. The windows into bedroom accommodation on the side elevation would be roof lights and are considered to be acceptable. There would be a distance of 7.6m between the extended property at 15 Russel Street and the proposed extension, and these would not face onto any habitable windows. The proposal is considered to accord with regards to privacy and overlooking.
- 7b.11 In terms of overshadowing, extensions should not extend beyond the rear building line beyond either a line drawn at 45 degrees from the mid-point of the nearest ground floor window on the rear building line, or a maximum of 3.5m from the rear building line of the house, whichever allows for greater development. For an extension where the side elevation faces onto a neighbouring house, windows to a habitable room should be more than 4m away. The proposal accords with the SPG in this regard.
- 7b.12 Consequently, the proposal accords with the Supplementary Planning Guidance Note on House Extensions and Alterations.

Letters of Objection

- 7b.13 The proposal is considered to accord with Supplementary Planning Guidance in relation to privacy and daylighting.
- 7b.14 The proposal is considered to accord with Supplementary Planning Guidance in relation to overshadowing.

- 7b.15 The proposed extension would be located 0.2m from the chimney, and is not considered to have an adverse impact. In any case, this is not a material planning consideration.
- 7b.16 Any restriction to ventilation and loss of view are not material planning considerations.
- 7b.17 Potential discharge of water onto the roof of the neighbouring property is not a material planning consideration.

7c Conclusion

- 7c.1 The proposed development accords with the terms of the Development Plan and the emerging Falkirk Council Local Plan.
- 7c.2 There are no material planning considerations which would warrant refusal of planning permission.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years 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 online reference number(s) 01.**
- (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.

.....
For Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Letter of Objection received from Mr and Mrs Radtkowski, 15 Russel Street, Falkirk, FK2 7HU on 10 September 2010
2. Letter of Objection received from Mr and Mrs William Paterson, 19 Russel Street, Falkirk, FK2 7HU pm 17 September 2010/
3. Falkirk Council Structure Plan.
4. Falkirk Local Plan.
5. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
6. Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations.

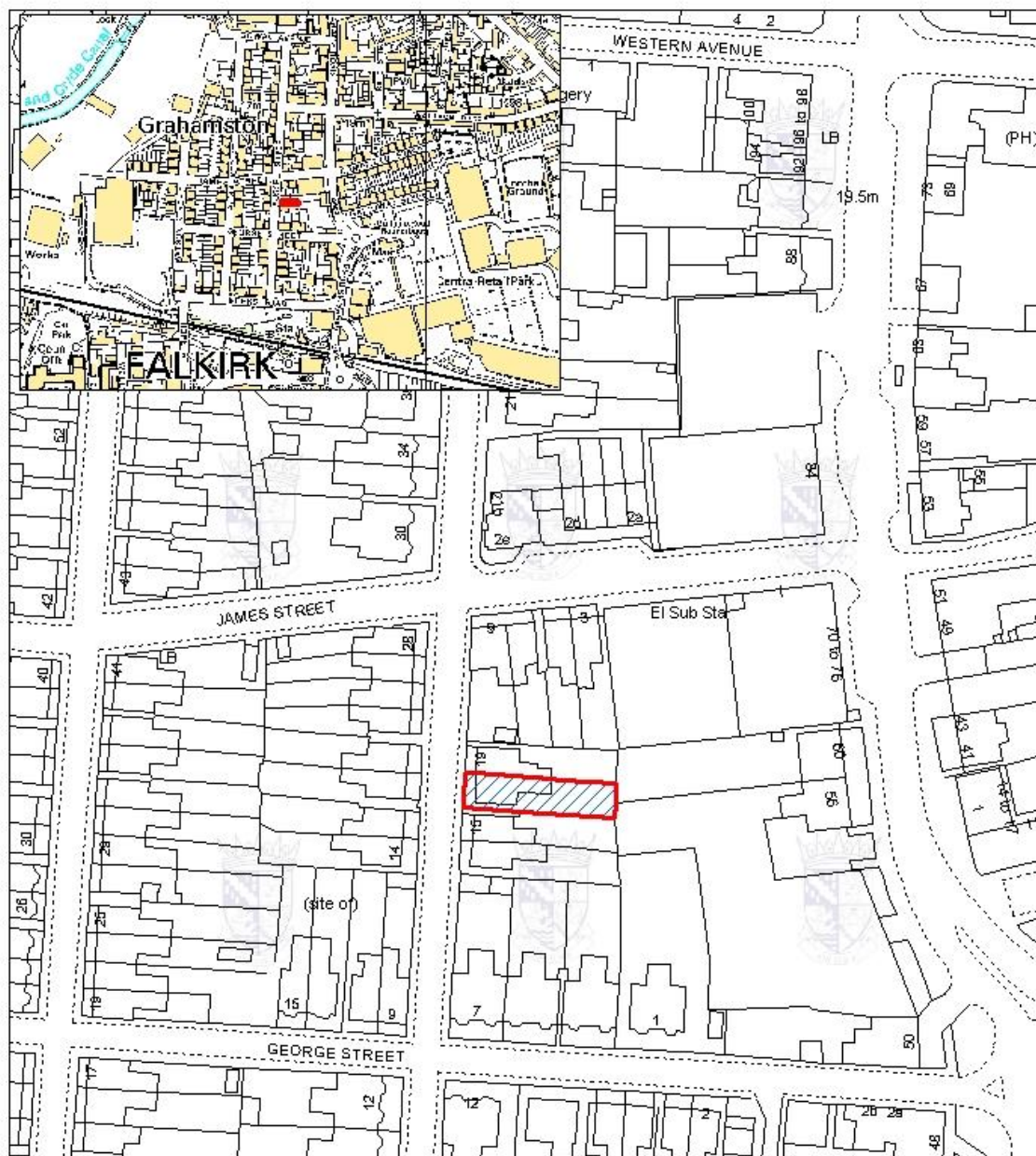
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0622/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: PART CHANGE OF USE FROM AGRICULTURAL LAND TO
OPERATE A FORESTRY/TREE SURGEON BUSINESS AND
PROCESSING TIMBER AT 8 CAULDCOATS HOLDINGS,
LINLITHGOW, EH49 7LX FOR MR SANDY CROOK –
P/10/0130/FUL

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor John Constable
Councillor Ann Ritchie
Councillor Adrian Mahoney

Community Council: Blackness Area

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was considered at the meeting of the Planning Committee on 22 September 2010 (copy of previous report appended), when it was agreed to continue the application to allow a site visit to be undertaken. This visit took place on 21 October 2010 and, at the Special Meeting of the Planning Committee also held that day, it was agreed to continue consideration to enable a further site visit to be undertaken, in order that Members could hear the chipping machinery in operation.
2. This further visit took place on 19 November 2010, when Members had the opportunity to listen to the chipping machine at the application site and also from the garden ground of the property of the objectors at 17 Cauldcoats Holdings.
3. A representative of the Environmental Protection Unit was in attendance, and provided clarification in relation to matters relating to statutory noise nuisance.
4. No matters were raised which would amend the original recommendation to grant planning permission subject to conditions.

5. RECOMMENDATION

5.1 It is recommended that Committee grant permission subject to the following conditions:

- (1) The development to which this permission relates must be begun within three years from the date of this permission.
- (2) Notwithstanding any details previously submitted, and prior to the commencement of development on site, all hedging at the site's frontage with the A904, and at the boundary of the adjacent land to the west where it fronts the A904 (as shown coloured green on the approved location plan, which for the avoidance of doubt bears the Council's reference 01A), shall be removed. Thereafter there shall be no obstruction above 1 metre in height within the area coloured yellow on the approved siteline plan, which for the avoidance of doubt bears the Council's reference 04.
- (3) Prior to the proposed development being brought into use, the access to the site shall be reconfigured to form a 7 metre wide bellmouth, with the written approval of the Planning Authority. The reconfigured access shall incorporate measures to ensure that no surface water, or loose material, is discharged onto the public A904 road. Measures to prevent the discharge of surface water, or loose material, onto the public A904 road shall have the prior written approval of the Planning Authority.
- (4) Notwithstanding any details previously submitted, a screen planting scheme shall be submitted to the Planning Authority, and shall be approved in writing by the Planning Authority. The landscaping scheme shall comprise predominantly of native broadleaf species and shall detail:-
 - Dimensions of planting areas.
 - Exact proportions of each species (%).
 - Planting densities, separation to be no greater than 3 metres.
 - Nursery stock sizes which shall consist of 40-60cm high transplants.
 - Methods of protection.
 - A maintenance schedule.

Screen planting shall be carried out within the first planting season of the date that the proposed development is brought into use (for the avoidance of doubt, the planting season shall be considered to be October – March).

- (5) There shall not at any time be any timber, whether processed or non processed, stored outwith the areas identified for storage purposes on the approved site plan (which for the avoidance of doubt, bears the Planning Authority's reference 02).

- (6) Notwithstanding any details previously submitted, there shall not be any timber stored, whether processed or non processed, at a height greater than 4 metres.
- (7) There shall not at any time be any machinery operated for the chipping, shaving or any other treatment of timber outwith the confines of the proposed shed.
- (8) Notwithstanding any details previously submitted, hours of operation shall be limited to 08.00am – 18.00pm Monday – Friday and 09.00am – 13.00pm Saturday. There shall be no processing of timber, or movement of timber by mechanical means outwith these times.
- (9) There shall not at any time be any on-site sale of timber, whether processed or non processed, or timber products of any kind.
- (10) This permission shall enure for the benefit of the applicant only, and shall not be exercised by any other person.
- (11) 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.
- (12) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the application site shall only be used for the operation of a forestry/tree surgery business and processing of timber, as hereby approved, and no other use shall be undertaken without the prior permission of the Planning Authority.
- (13) Notwithstanding any details previously submitted, details of finishing materials in respect of the proposed shed shall be approved in writing by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the interests of users of the A904 public road.
- (4,6,13) To safeguard the visual amenity of the area.
- (5) To safeguard the visual amenity of the area and to prevent escalation of the use of the land for the operation of a forestry/tree surgery business and processing of timber.
- (7-8) To ensure that occupants of dwellinghouses in the area, and adjacent land, are protected against excessive noise and dust intrusion.
- (9-10,12) To ensure that the Planning Authority can control the future use of the application site.

- (11) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

Informative(s):

- (1) For the avoidance of doubt the documents to which this consent refer are plans bearing our reference 01, 02 and 03 and supporting documents chipper details and supporting statement.
- (2) If contamination, as defined by Part 11a of the Environmental Protection Act 1990, is encountered during the development, the applicant should contact the Environmental Services Unit.

Pp

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Director of Development Services

Date: 24 November 2010

1. Falkirk Council Structure Plan
2. Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications) June 2010).
4. Scottish Planning Policy (SPP).
5. Planning Advice Note (PAN) 73 "Rural Diversification".
6. Letter of Objection received from Mr Graeme Strachan, Edgewood, 7 Cauldcoats Holdings, Linlithgow, EH49 7LX on 8 April 2010
7. Letter of Objection received from Mrs Roz Coulman, 17 Cauldcoats Holdings, by Linlithgow, EH49 7LY on 4 April 2010
8. Letter of Objection received from Mr Gordon Rosevear, 4 Cauldcoats Holdings, By Blackness, Linlithgow, EH497LX on 29 April 2010
9. Letter of Objection received from Mrs Frances Rosevear, 4 Cauldcoats Holdings, by Blackness, EH49 7LX on 29 April 2010
10. Letter received from Blackness Area Community Council dated 7 April 2010

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

FALKIRK COUNCIL

Subject: PART CHANGE OF USE FROM AGRICULTURAL LAND TO OPERATE A FORESTRY/TREE SURGEON BUSINESS AND PROCESSING TIMBER AT 8 CAULDCOATS HOLDINGS, LINLITHGOW, EH49 7LX FOR MR SANDY CROOK – P/10/0130/FUL

Meeting: PLANNING COMMITTEE

Date: 22 September 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Blackness Area

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site consists of the north east part of the agricultural holding at 8 Cauldcoats Holdings, on the north side of the A904 Linlithgow to South Queensferry Road. The agricultural holding measures 5 hectares in area. The application site measures 0.69 hectares in area including access road. It is proposed to take access via an existing access at the A904.
- 1.2 The applicant has to date operated a forestry/tree surgery business at the site in a manner ancillary to the enjoyment of the agricultural building.
- 1.3 This application is to change the use of part of the agricultural holding to formally operate the forestry/tree surgery business in conjunction with associated timber processing. The processing of timber comprises reducing the timber from tree trunk state to logs and shavings. It is proposed that timber processed would be attained through the forestry/tree surgery business.
- 1.4 The proposal consists of the external storage of the timber and the erection of a shed constructed of metallic sheeting. The proposed shed measures 20 metres x 20 metres x 8 metres, and would be used for the processing of timber. It is not proposed that any part of the machinery process would take place outwith the proposed shed.
- 1.5 It is not proposed that any sales take place on site. Delivery of the processed timber would be carried out by the applicant.
- 1.6 The application is supported by an operations statement.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development does not accord with the Development Plan and, under the Council's amended scheme of delegation, such applications require the consideration of the Planning Committee should it be recommended to grant planning permission.

3. SITE HISTORY

- 3.1 There is no planning application history in respect of the application site.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that alterations be carried out to the access at the A904, consisting of widening and surfacing, and that it is demonstrated that visibility splays of 4.5 metres x 215 metres are achievable.
- 4.2 The Environmental Protection Unit has advised that contamination can be addressed by an informative. It has also been advised that noise and dust need not be considered significant on the basis that no machinery operations would be undertaken outwith the proposed shed and that hours of operation are sufficiently controlled to safeguard the amenity of nearby residents.
- 4.3 The Scottish Environmental Protection Agency has raised no objections.
- 4.4 Scottish Natural Heritage has raised no objections.

5. COMMUNITY COUNCIL

- 5.1 The Blackness Area Community Council has raised the following concerns:-
- The height of the building would be detrimental to the visual amenity of the rural setting.
 - Would there be sufficient control to ensure the planting of adequate screen planting.
 - Would access arrangements be adequate.
 - Would the Council retain sufficient control of the proposed development should the applicant vacate the site at any time.

6. PUBLIC REPRESENTATION

- 6.1 Four letters of objection have been received. Concerns raised are:-
- Noise levels would be excessive. This comment reflects concern regarding both noise from the timber processing operations and the noise from vehicles.

- The area is not solely a rural area. The area comprises of a residential area in a rural setting. The proposed development is not appropriate in close proximity to residential properties.
- The access is not adequate for the vehicles which would access the site.
- The proposed building is not appropriate in terms of scale and design for the rural setting.
- There are existing commercial/industrial premises in the area, and the additional use of a similar nature would put additional strain on the road network.
- It is not clear if the proposed development would comply with the Factories and Workshop Act.
- It is unlikely that the Planning Authority could sufficiently control the proposed development to adequately safeguard the amenity of residents nearby.
- The proposed development would result in the existence of brownfield site in the rural setting.

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.

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 proposal constitutes diversification of an agricultural holding unit. There are circumstances whereby it is considered that adequate controls would be applied to safeguard the amenity of the area. However, a rural location is not essential and a use such as the proposed development would be just as appropriate in an urban setting.

7a.3 The proposed development does not accord with Policy ENV.1.

Rural Local Plan

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

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

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 3. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 4. 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.*
- 5. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

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

7a.5 It is not considered that there is an overriding national or local need for the proposed development, or that a rural site is the only suitable location.

7a.6 The proposed development does not accord with Policy Rural 1.

7a.7 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.8 It is noted that the proposed development does not accord with Policy Rural 1. However, there are considerations which, on balance, would render the proposal acceptable, and would safeguard the amenity of the area (these considerations are detailed in section 7c of this report). It is not considered that the proposed development is “undesirable” in respect of the rural setting.

7a.9 The proposed development accords with Policy Rural 2.

7a.10 Policy RURAL 8 ‘Changes of Use in the Countryside’ states:

“That proposals for changes of use relating to existing industrial, commercial and institutional uses within the countryside will generally be considered favourably, provided that they comply with the criteria outlined in POLICY RURAL 1.”

7a.11 It is noted that the proposed development does not accord with Policy Rural 1.

7a.12 Accordingly, the proposed development does not accord with Policy Rural 8.

7a.13 Policy RURAL 10 ‘Agricultural Land’ states:

“That development of prime quality agricultural land (Classes 1, 2 and 3.1) shall be restricted to that which is directly related to the pursuance of agriculture unless there are overriding national or local circumstances.”

7a.14 The application site is Class 2 agricultural land The application site comprises 15% of the area of the agricultural holding, and it is not considered that the impact on the holding would be significant. However, the proposal does not relate directly to the operation of the agricultural holding.

7a.15 The proposed development does not accord with policy Rural 10.

7a.16 Accordingly, the proposed development does not accord with the Development Plan.

7b Material Considerations

7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), consultation responses, Community Council representation, public representations, Scottish Planning Policy (SPP) and Planning Advice Note (PAN) 73 “Rural Diversification”.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

7b.2 Policy EP5 ‘Business and Industrial Development in the Countryside’ states:

“New business and industrial development (Classes 4, 5 and 6) 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 existing 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.*

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)."

7b.3 The proposed use of the application site to process timber constitutes a Class 5 use "General Industrial" under the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

7b.4 It is not considered that a specific need for a countryside location has been demonstrated. It is considered that the proposed development could just as appropriately be accommodated within an urban area.

7b.5 The proposed development does not accord with Policy EP 5.

7b.6 Policy EQ19 - 'Countryside' states:

"(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- *it can be demonstrated that they require a countryside location;*
- *they constitute appropriate infill development; or*
- *they utilise suitable existing buildings.*

(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:

- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7b.7 It is not considered that the proposed development specifically requires a countryside location or that it constitutes an infill development. The proposal would not utilise suitable existing buildings.

7b.8 The proposed development does not accord with Policy EQ19.

7b.9 Policy EQ30 - 'Agricultural Land' states:

"Development involving the loss of prime quality agricultural land (Classes 1, 2 and 3.1) will not be permitted unless there are overriding local or national circumstances."

7b.10 The application site is Class 2 agricultural land. The application site comprises 15% of the area of the agricultural holding, and it is not considered that the impact on the holding would be significant. However, it is not considered that it has been demonstrated that there are overriding national or local circumstances to justify the loss of Class 2 agricultural land.

7b.11 The proposed development does not accord with Policy EQ30.

7b.12 Accordingly, the proposed development does not accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

Consultation Responses

7b.13 The comments of the Roads Development Unit are noted. It is considered that appropriate visibility sightlines can be achieved by the removal of hedging which is partly within the application site, and partly at land adjacent to the west which is owned and controlled by the applicant. The removal of the hedging can be achieved by condition.

7b.14 It is also considered that the widening and reconfiguration of the access, including road frontage drainage, can be addressed by condition.

7b.15 It is not considered that the proposed development would generate additional vehicle movements in significant numbers. It is not considered appropriate, therefore, to require that the existing access be surfaced with a bituminous surface.

7b.16 It is noted that the Environment Protection Unit has advised that the proposed development should not generate excessive noise and that dust would be contained within the proposed building. This advice is given on the basis that conditions are attached limiting the processing of timber to areas within the proposed shed and that operation times are restricted.

7b.17 It is noted that no other comments or objections were received from consultees.

Representation From The Blackness Area Community Council

7b.18 It is not considered that the proposed building differs significantly from contemporary agricultural buildings which are common in rural areas. It is not considered that the design of the building would be significantly detrimental to the visual amenity of the area.

7b.19 It is considered that appropriate screen planting, and subsequent maintenance, can be addressed, and adequately secured, by condition.

7b.20 Paragraphs 7b.13-7b.15 of this report are noted with respect to access arrangements. It is noted that it is considered that an appropriate access arrangement can be achieved to serve the development proposed.

- 7b.21 Comments are noted regarding concern with respect to the means to control the proposed development should the applicant vacate the property. It is within the control of the Planning Authority to grant planning permission which is personal to the applicant, which would lapse should the applicant vacate the property.

Public Representations (Additional to issues Addressed in Sections 7b.18-7b.21 of This Report Above)

- 7b.22 It is noted that the Environmental Protection Unit has raised no concerns with respect to noise, either noise from the timber processing or from vehicular traffic.
- 7b.23 The rural character of the application site is noted. It is considered that the proposed development constitutes diversification of the agricultural holding unit. It is further considered that the Planning Authority could control the proposed development sufficiently to safeguard the amenity of the overall character of the area.
- 7b.24 It is noted that the Roads Development Unit has not raised concerns regarding the generation of traffic. On the basis of the operational statement supporting the application, it is not expected that the proposed development would generate significant numbers of additional vehicle movements.
- 7b.25 The existing uses in the area are noted. It is considered however that there should be no significant impact on the character of the area generally, provided that the planning authority is satisfied the proposed development is appropriate to the site, and that there would be no significant levels of traffic generated.
- 7b.26 Compliance with the Factories and Workshop Act is not a material planning consideration.
- 7b.27 It is noted that the Environmental Health Unit has raised no concerns regarding vehicle emissions. It is noted that the nearest residential unit is located 90 metres from the application site.
- 7b.28 Concerns regarding the creation of brownfield land is noted. Should the planning authority exercise its power to restrict planning permission to a personal permission, the site would revert back to agricultural holding land should the applicant vacate the property.

Scottish Planning Policy (SPP)

- 7b.29 In terms of rural development, the SPP acknowledges that the planning system has a significant role in supporting economic growth in rural areas. By taking a positive approach to new development, planning attitudes can help to create the right conditions for rural businesses and communities to flourish. The thrust of the SPP is that diversity, and the opportunity for employment opportunities, should be encouraged. The SPP also, however, stresses that development should be appropriate in terms of scale, and the character of the rural environment should be safeguarded.
- 7b.30 It is considered that the proposed development is in keeping with the rural setting in terms of scale, and that the planning authority can sufficiently control the development to restrict undesirable escalation. It is considered that the proposed building would be similar in scale and

design to many contemporary agricultural buildings. Control of storage, method of operation and hours of operation can be controlled by the planning authority, and such control would be sufficient to protect the amenity of the rural setting.

7b.31 The proposed development accords with the SPP.

Planning Advice Note (PAN) 73 “Rural Diversification”

7b.32 PAN 73 defines that rural diversification means the establishment of new development in rural locations. This can mean existing businesses entering into new areas of activity, or the creation of entirely new enterprises. “Traditional sections like farming and forestry are essential in retaining this overall character, but these are changing too”.

7b.33 New enterprises could be completely unrelated to existing uses, but would be a wider part of rural diversification that enables people to continue living and working in the countryside, whilst providing jobs and opportunities for others. Whilst the rural character should be protected, when well planned, diversification and the development of new enterprises can contribute to the diversity of rural Scotland.

7b.34 It is considered that the countryside is a working environment as well as a residential environment, and that diversification of an agricultural holding can be acceptable where the amenity and character of the rural setting would be safeguarded. It is considered that the proposed development constitutes diversification associated with forestry and tree surgery and can be sufficiently controlled to safeguard the amenity and character of the area.

7b.35 The proposed development accords with PAN 73.

7c Conclusion

7c.1 The proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

7c.2 The proposed development accords with Scottish Planning Policy and Planning Advice Note 73 “Rural Diversification”.

7c.3 Furthermore, the countryside is, however, a working environment as well as a residential environment. The thrust of the SPP and PAN 73 is that diversification, whether consisting of extended existing enterprises or completely new enterprises, can be acceptable where the amenity and character of the rural area can be safeguarded.

7c.4 It is considered that the proposed development constitutes an appropriate diversification associated with forestry and tree surgery. The application defines the areas of the site where materials would be stored, the location of the building housing the timber processing machinery, details of the machinery to be used for the process and is supported by an operations statement.

7c.5 It is considered that, on the basis of the details submitted with the application, the proposed development would operate in a manner which would safeguard the amenity and character of the rural area. Furthermore, it is considered that the planning authority can apply sufficient

control to ensure that the proposed development operates within the parameters proposed, and that permission could be granted personal to the applicant to ensure that the land reverts back to agricultural holding land should the applicant vacate the land.

- 7c.6 It is noted that the land is Class 2 agricultural land. However, it is also noted that the application site constitutes approximately 15% of the area of the agricultural holding. It is not considered that the proposed development would have a significant impact on the operation of the agricultural holding. Furthermore, planning permission granted personally to the applicant would ensure that the land reverts back to agricultural holding land should the applicant vacate the site.

8. RECOMMENDATION

8.1 It is recommended that Committee grant permission subject to the following conditions

- (1) The development to which this permission relates must be begun within three years from the date of this permission.**
- (2) Notwithstanding any details previously submitted, and prior to the commencement of development on site, all hedging at the site's frontage with the A904, and at the boundary of the adjacent land to the west where it fronts the A904 (as shown coloured green on the approved location plan, which for the avoidance of doubt bears the Council's reference 01A), shall be removed. Thereafter there shall be no obstruction above 1 metre in height within the area coloured yellow on the approved siteline plan, which for the avoidance of doubt bears the Council's reference 04.**
- (3) Prior to the proposed development being brought into use, the access to the site shall be reconfigured to form a 7 metre wide bellmouth, with the written approval of the Planning Authority. The reconfigured access shall incorporate measures to ensure that no surface water, or loose material, is discharged onto the public A904 road. Measures to prevent the discharge of surface water, or loose material, onto the public A904 road shall have the prior written approval of the Planning Authority.**
- (4) Notwithstanding any details previously submitted, a screen planting scheme shall be submitted to the Planning Authority, and shall be approved in writing by the Planning Authority. The landscaping scheme shall comprise predominantly of native broadleaf species and shall detail:-**
 - Dimensions of planting areas.**
 - Exact proportions of each species (%).**
 - Planting densities, separation to be no greater than 3 metres.**
 - Nursery stock sizes which shall consist of 40-60cm high transplants.**

- Methods of protection.
- A maintenance schedule.

Screen planting shall be carried out within the first planting season of the date that the proposed development is brought into use (for the avoidance of doubt, the planting season shall be considered to be October – March).

- (5) There shall not at any time be any timber, whether processed or non processed, stored outwith the areas identified for storage purposes on the approved site plan (which for the avoidance of doubt, bears the Planning Authority's reference 02).
- (6) Notwithstanding any details previously submitted, there shall not be any timber stored, whether processed or non processed, at a height greater than 4 metres.
- (7) There shall not at any time be any machinery operated for the chipping, shaving or any other treatment of timber outwith the confines of the proposed shed.
- (8) Notwithstanding any details previously submitted, hours of operation shall be limited to 08.00am – 18.00pm Monday – Friday and 09.00am – 13.00pm Saturday. There shall be no processing of timber, or movement of timber by mechanical means outwith these times.
- (9) There shall not at any time be any on-site sale of timber, whether processed or non processed, or timber products of any kind.
- (10) This permission shall enure for the benefit of the applicant only, and shall not be exercised by any other person.
- (11) 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.
- (12) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the application site shall only be used for the operation of a forestry/tree surgery business and processing of timber, as hereby approved, and no other use shall be undertaken without the prior permission of the Planning Authority.
- (13) Notwithstanding any details previously submitted, details of finishing materials in respect of the proposed shed shall be approved in writing by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the interests of users of the A904 public road.

- (4,6,13) To safeguard the visual amenity of the area.
- (5) To safeguard the visual amenity of the area and to prevent escalation of the use of the land for the operation of a forestry/tree surgery business and processing of timber.
- (7-8) To ensure that occupants of dwellinghouses in the area, and adjacent land, are protected against excessive noise and dust intrusion.
- (9-10,12) To ensure that the Planning Authority can control the future use of the application site.
- (11) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

Informative(s):

- (1) For the avoidance of doubt the documents to which this consent refer are plans bearing our reference 01, 02 and 03 and supporting documents chipper details and supporting statement.
- (2) If contamination, as defined by Part 11a of the Environmental Protection Act 1990, is encountered during the development, the applicant should contact the Environmental Services Unit.

pp

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Director of Development Services

Date: 15 September 2010

LIST OF BACKGROUND PAPERS

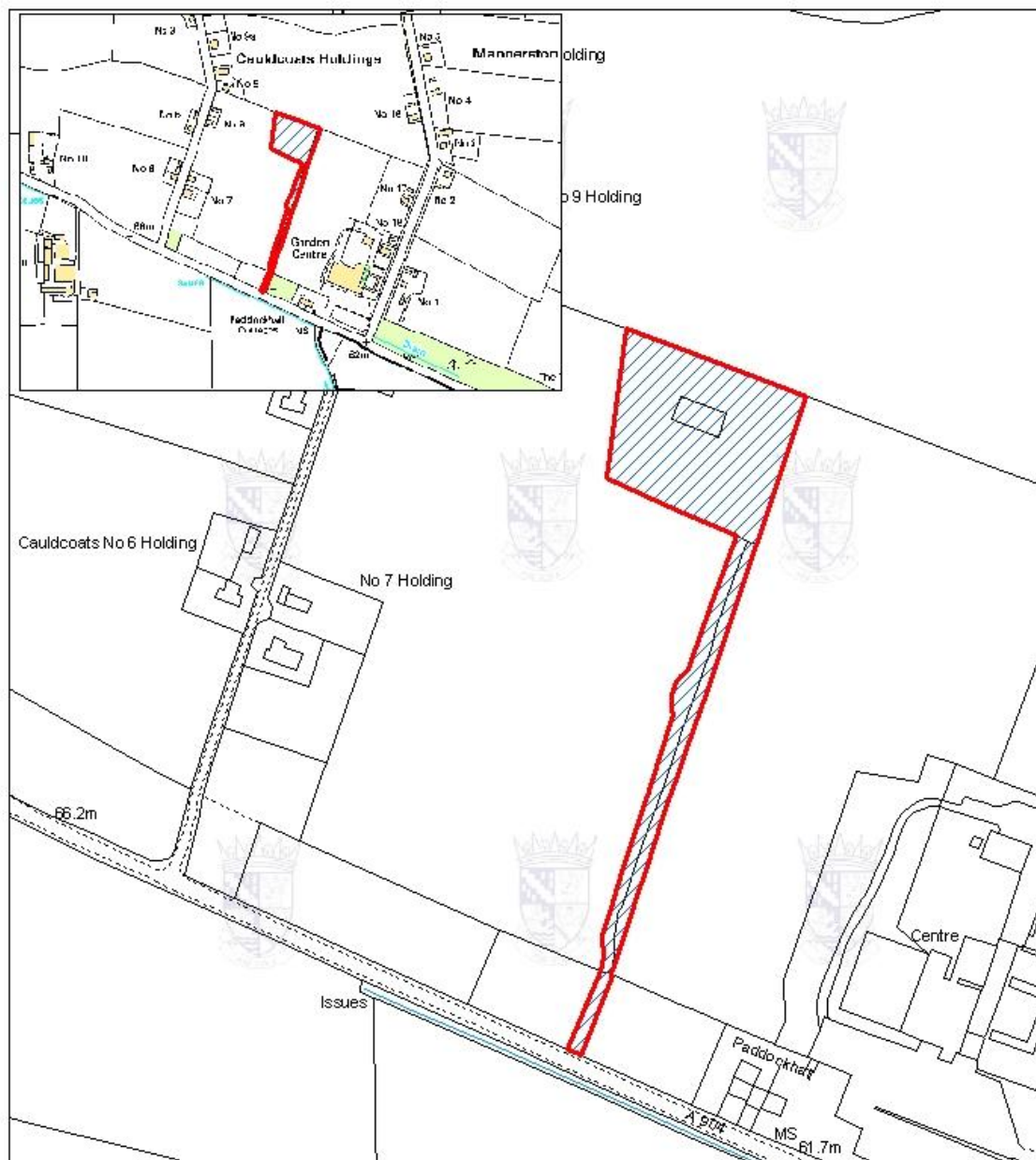
1. Falkirk Council Structure Plan
2. Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications) June 2010).
4. Scottish Planning Policy (SPP).
5. Planning Advice Note (PAN) 73 “Rural Diversification”.
6. Letter of Objection received from Mr Graeme Strachan, Edgewood, 7 Cauldcoats Holdings, Linlithgow, EH49 7LX on 8 April 2010
7. Letter of Objection received from Mrs Roz Coulman, 17 Cauldcoats Holdings, by Linlithgow, EH49 7LY on 4 April 2010
8. Letter of Objection received from Mr Gordon Rosevear, 4 Cauldcoats Holdings, By Blackness, Linlithgow, EH497LX on 29 April 2010
9. Letter of Objection received from Mrs Frances Rosevear, 4 Cauldcoats Holdings, by Blackness, EH49 7LX on 29 April 2010
10. Letter received from Blackness Area Community Council dated 7 April 2010

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

Planning Committee

Planning Application Location Plan **P/10/0130/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 RESIDENTIAL PURPOSES
AT PARKHALL FARM, VELLORE ROAD, MADDISTON,
FALKIRK, FK2 0BN, FOR CENTRAL SCOTLAND HOUSING
GROUP - P/10/0258/PPP

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Maddiston

Case Officer: Kevin Brown, (Planning Officer), ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application for planning permission in principle proposes the development of part of an existing field within the countryside to the east of Maddiston for residential purposes. An indicative layout plan has been submitted in support of the application which shows a layout comprising 35 units in total, separated by overhead electricity lines and pylons and accessed via the eastern spur of a new roundabout recently granted planning permission (P/10/0249/MSD).
- 1.2 The application is a local development in respect of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.2 The application has been called in by Councillor McLuckie.

3. SITE HISTORY

- 3.1 The site formed part of a larger housing application in 2004 which was refused planning permission (F/2004/0198) and, since then, there have been no further applications for housing in this location, although the land immediately to the west of the site has since obtained planning permission for housing, with construction work now well under way. In 2007, the applicant submitted an objection to the Falkirk Council Local Plan, seeking the allocation of the application site, and adjoining land to the south of the Manuel Burn, for housing purposes. In 2008, the Council rejected the objection on the grounds that there was no need or justification for the release of such a large greenfield site in terms of Structure Plan housing land requirements.
- 3.2 Shortly before the Local Plan Inquiry hearing session, Central Scotland Housing Group confirmed that they wanted to amend their objection to cover only the area south of the Manuel Burn, and the application site was therefore not considered by the Reporters. The emerging Local Plan does not allocate the application site for housing.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have no objections and have confirmed that the existing access road and new roundabout would be acceptable to serve a development of this size. A flood risk assessment (FRA) has been requested. However, SEPA advise that the site is in an area unlikely to flood. Therefore, a full FRA is not required until a detailed or reserved matters application is submitted.
- 4.2 Scottish Water have no objections.
- 4.3 The Transport Planning Unit have no objections and have stated that the new roundabout to the west of the site which would form the access to the development has the capacity to cope with this level of development.
- 4.4 The Scottish Environment Protection Agency have no objections. SEPA have pointed out that, due to the distance of the application site to the Manuel Burn, the site is unlikely to flood.
- 4.5 Education Services has identified capacity issues at local schools and have objected to the proposal. This objection would be removed if the applicant were to make a financial contribution totaling £3,800 per unit towards upgrading schools infrastructure in the area.
- 4.6 The Environmental Protection Unit have no objections in principle but a survey to establish if contamination is present on the site has been requested. It is considered that this could be adequately covered by way of a condition attached to any consent granted.
- 4.7 SP Energy Networks have not responded to consultation.

5. COMMUNITY COUNCIL

- 5.1 The local Community Council did not comment.

6. PUBLIC REPRESENTATION

6.1 During consideration of the application, no letters of objection or 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 Policy ENV.1 ‘Countryside and Protected Areas’ states:

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

7a.2 It has not been demonstrated that a countryside location is essential or that the development would represent an appropriate form of agricultural diversification. The proposal is therefore contrary to the terms of Policy ENV1 of the Falkirk Council Structure Plan.

Polmont and District Local Plan

7a.3 Policy POL 11.1 ‘New Development in the Countryside’ states:

“Within the countryside (i.e. outwith the urban limit), there will be a general presumption against new development except in the following circumstances:

- (i) 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 277(1) of the Town and Country Planning (Scotland) Act 1997, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons;*
- (ii) appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms;*
- (iii) industrial/ business development where there is an overriding national or local need and a rural site is the only suitable location;*

- (iv) *development for tourism and countryside recreation purposes where the 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 area. Proposals which accord with the Council's Economic Development Strategy are particularly welcomed; and*
- (v) *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 Council.*

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

7a.4 The proposal is not essential for the pursuance of agriculture, forestry or other economic activity appropriate to a rural location and the proposal is not considered to represent an appropriate infill development. The proposal is therefore contrary to the terms of Policy POL 11.1 of the Polmont and District Local Plan.

7a.5 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.6 The application site is not identified for housing and is not a brownfield site. The proposed residential land use is compatible with the existing housing to the west, which is located within the settlement boundary. Whilst access, parking, drainage and other infrastructure can be provided, a satisfactory level of residential amenity would be difficult to achieve given the awkward shape of the site. On balance, the development fails to accord with the terms of this policy.

7a.7 Policy POL 3.5 'Open Space Provision' states:

"The Council will require the provision of public open space and play areas in new residential developments and that adequate arrangements are made for their future maintenance. The extent of provision should relate to the size, form and location of the development, and generally accord with the Council's approved standards. In appropriate circumstances, the Council may seek contributions to the upgrading of existing facilities in the area in lieu of on-site provision. The location, design and landscaping of open space should be such that:

- (i) *it forms an attractive and integral part of the development, contributing to its character and identity;*
- (ii) *existing natural features in, or adjacent to, the site are incorporated; and*

(iii) *play areas are convenient, safe and easily supervised.*”

7a.8 The awkward shape of the application site boundary makes the provision of appropriate open space areas difficult to achieve on this site. The indicative layout plan submitted in support of this application shows a large area of dead space outwith the application site behind houses in the middle of the site, beneath power lines. It is not considered that this area would form an integral or attractive part of the development and would not create a safe and easily supervised area of open space. The proposal is therefore contrary to the terms of Policy POL 3.5 of the Polmont and District Local Plan.

7a.9 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 (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), Falkirk Council Supplementary Planning Guidance Note – Housing Layout and Design and affordable housing requirements.

Falkirk Council Local Plan Finalised Draft (Deposit Version)(April 2007) as amended by the Final Proposed Modifications (June 2010).

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 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.4 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.5 Policy SC13 ‘Open Space and Play Provision in New Development’ states:

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

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

7b.6 The policies within the emerging Local Plan affirm the position of the Development Plan. The proposal is not in accordance with the terms of the emerging Local Plan.

Supplementary Planning Guidance Note – Housing Layout and Design

7b.7 This general guidance note aims to advise developers on expected standards of provision and sets out guidance on housing layouts with a view to achieving high standards of design which complement the existing good character and appearance of our towns and villages. Specific guidance on public open space areas suggest that these areas should take the appearance of a “village green”, accessible from an enclosing housing frontage and advice in relation to security advises against public areas being bounded by high screen fences or rear elevations.

- 7b.8 The applicants have submitted an indicative layout of the proposed development in support of their proposal. Whilst this layout demonstrates that the site is large enough to accommodate 35 units with large areas of open space or landscaping, the layout would result in a large area of dead space beneath the electricity pylons where natural passive surveillance levels would be poor. It is considered that this layout would be far from ideal in terms of creating a safe and visually attractive place to live and it therefore lends no support to the applicant's proposal in this instance. The indicative layout proposed does not demonstrate good principles in housing layout design and does not create secure, accessible areas of open space. The proposal does not accord with the terms of this guidance note.

Affordable Housing Requirements

- 7b.9 The application site sits outwith the Urban Limit but within the Polmont and District Local Plan area which has an identified shortfall in affordable housing provision. Guidance for sites of this nature is set out in Falkirk Council Supplementary Planning Guidance Note – Affordable Housing, where reference is made to unit number thresholds set out in the emerging Local Plan. Policy SC4 of the emerging local plan requires that developments within the Polmont and District area are required to provide 25% of the total number of units as affordable housing on sites of 60 units or more. As the indicative capacity of this site is shown to be well below 60 units, there is no requirement for the applicant to provide any element of affordable housing on the site. The developer has confirmed that they have no intentions at this stage to provide affordable housing on this site.

7c Conclusion

- 7c.1 The proposal is an unacceptable form of development and is contrary to the terms of the Development Plan and the emerging Local Plan. There are no material planning considerations that warrant the granting of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that planning permission be refused for the following reason(s):-

- (1) The site is not identified for residential development in the adopted Polmont and District Local Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) and there are no reasons to depart therefrom. The proposal is therefore contrary to Policy ENV 1 of the approved Falkirk Council Structure Plan, Policy POL 11.1 of the adopted Polmont and District Local Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modification (June 2010) all of which seek to restrict the unplanned and unjustified release of land for housing outwith the settlement boundaries identified in the Development Plan.

- (2) In the interests of residential amenity. The proposed development would be divided by an area of ground beneath the overhead power lines which, as defined by the application site boundaries and shown on the submitted illustrative layout, would result in a low standard of residential layout. The proposed development would therefore be contrary to Policies POL3.1 and POL 3.5 of the Polmont and District Local Plan, Policy SC6 and SC13 of the Falkirk Council Local Plan Finalised Draft (Deposit Version)(April 2007) as amended by the Final Proposed Modifications (June 2010), and Falkirk Council Supplementary Planning Guidance Note – Housing Layout and Design.

Informative(s):-

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

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Polmont and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Supplementary Planning Guidance Note – Housing Layout and Design.
5. Supplementary Planning Guidance Note – Affordable Housing.

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

Planning Committee

Planning Application Location Plan **P/10/0258/PPP**

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FALKIRK COUNCIL

Subject: REMOVAL OF EXISTING TEXTURED PAINT FROM STONWORK, REFURBISHMENT AND REPAINTING SHOPFRONT AND REPLACEMENT OF WINDOWS AT 13 NORTH STREET, BO'NESS, EH51 0AQ FOR FALKIRK COUNCIL - P/10/0730/FUL

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor John Constable
Councillor Ann Ritchie
Councillor Adrian Mahoney

Community Council: Bo'ness

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site consists of the ground floor of the building at 13 North Street, Bo'ness on the north side of North Street, adjacent to the junction with South Street.
- 1.2 The building is a stone built, former warehouse, now converted to retail units on the ground floor with flats above. The building is a category B Listed Building, located within the Bo'ness Town Centre Conservation Area.
- 1.3 It is proposed to refurbish the frontage of the ground floor facing North Street. Refurbishment works include replacement of timber cornice, replacement of lead weathering and flashing, renewal of existing signage, repainting external timberwork, refurbishment of ironwork, repair and repainting of stonework and replacement of inner vestibule doors.
- 1.4 It is also proposed to replace windows at the ground floor of the west facing gable with timber sash and case windows.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The building which constitutes the application site is owned by Falkirk Council. The application has been made by Falkirk Council. Under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 An application for Listed Building Consent (P/10/0731/LBC), for the development has also been submitted. A recommendation to grant consent subject to formal clearance from Historic Scotland was presented to Members under the Scheme of Delegation on the weekly list on 12 November 2010.

4. CONSULTATIONS

- 4.1 No consultations have been undertaken on this planning application. Consultations with Historic Scotland and Museum Services have been carried out on the associated application for listed building consent.

5. COMMUNITY COUNCIL

- 5.1 No comments have been received from Bo'ness Community Council.

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 No strategic issues are raised by the proposed development.

Bo'ness Local Plan

- 7a.2 Policy BNS 40 'Bo'ness Town Conservation Area' states:

"Within Bo'ness Town Centre Conservation Area, the District Council will seek to preserve and enhance its character through:

- (i) promoting and supporting an improvement in the condition and appearance of buildings and shopfronts in the terms of the Bo'ness Enhancement Grant Scheme;*

- (ii) *requiring that proposals for the alteration and replacement of any shopfront accord with the Council's guidance note entitled "Design Advice on Shop Fronts in Conservation Areas"; and*
- (iii) *requiring that the design, scale and setting of any advertisement be sympathetic to the character of the building upon which it would be mounted."*

7a.3 The proposed development would be sympathetic to the traditional design of the existing building. The condition and appearance of the building would be improved. The character of the Town Centre Conservation Area would be enhanced as a result.

7a.4 The proposed development accords with the Supplementary Planning Guidance (SPG) Note "Shopfronts". The SPG is considered in section 7b of this report.

7a.5 The proposed development accords with Policy BNS 40.

7a.6 Policy BNS 41 'Listed Buildings' states:

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

7a.7 The proposed development would enhance the architectural character and appearance of the Listed Building. Traditional features would be preserved.

7a.8 The proposed development accords with Policy BNS 41.

7a.9 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) (April 2007) as amended by the Final Proposed Modifications (June 2010), the Supplementary Planning Guidance Note "Shopfronts" and the application for Listed Building Consent P/10/0731/LBC referred to in section 3.1 of this report.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

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 The proposal would be sympathetic to the character of the original shopfront. It is noted that traditional features would be retained and refurbished.

7b.4 The proposed development accords with Policy EQ11.

7b.5 Policy EQ12 - 'Conservation Areas' states:

"The Council will protect the historic character and visual amenity of each Conservation Area. Accordingly:

- (1) The Council will prepare Character Appraisals of individual Conservation Areas and, on the basis of these, will review existing boundaries and Article 4 Directions, prepare detailed design guidance as appropriate, and draw up enhancement schemes as resources permit;*
- (2) New development in Conservation Areas, including extensions and alterations to existing buildings, will only be permitted where it preserves or enhances the character of the area, with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features;*
- (3) Demolition of buildings within Conservation Areas will not be permitted unless they make no material contribution to the character and appearance of the area. Where demolition is proposed, the considerations set out in Section 4.26 of the Memorandum or Guidance should be adhered to; and*
- (4) Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features on unlisted buildings in Conservation Areas should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials."*

7b.6 The proposed development would preserve the character of the Town Centre Conservation Area. The historic pattern and the setting of the Conservation Area would be preserved and enhanced.

7b.7 The proposed development accords with Policy EQ12.

7b.8 Policy EQ14 'Listed Buildings' states:

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

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

- 7b.9 The proposed development would preserve and enhance the architectural character of the Listed Building. The proposal would respect the design and setting of the original building. Traditional features would be preserved.
- 7b.10 The proposed development accords with Policy EQ14.
- 7b.11 Accordingly, the proposed development accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

Supplementary Planning Guidance Note “Shopfronts”

- 7b.12 It is noted that the proposed development would preserve original features of the shopfront including timber cornice, stall riser, fascia depth, sash and case windows and ironmongery. The proposal would be sympathetic to, and enhance, the architectural character and setting of the building.
- 7b.13 The proposed development accords with the Supplementary Planning Guidance Note.

Application For Listed Building Consent P/10/0731/LBC

- 7b.14 Historic Scotland and Museums Services have raised no objections in respect of, or required any amendments to, the proposed development.

7c Conclusion

- 7c.1 The proposed development accords with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
- 7c.2 Original features would be preserved including the timber cornice, fascia depth, stall riser, sash and case windows, external timberwork, stonework and ironwork features.

8. RECOMMENDATION

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

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

Reason(s):

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

Informative(s):

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

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Bo'ness Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)
4. Supplementary Planning Guidance Note "Shopfronts".
5. Application for Listed Building Consent P/10/0731/LBC

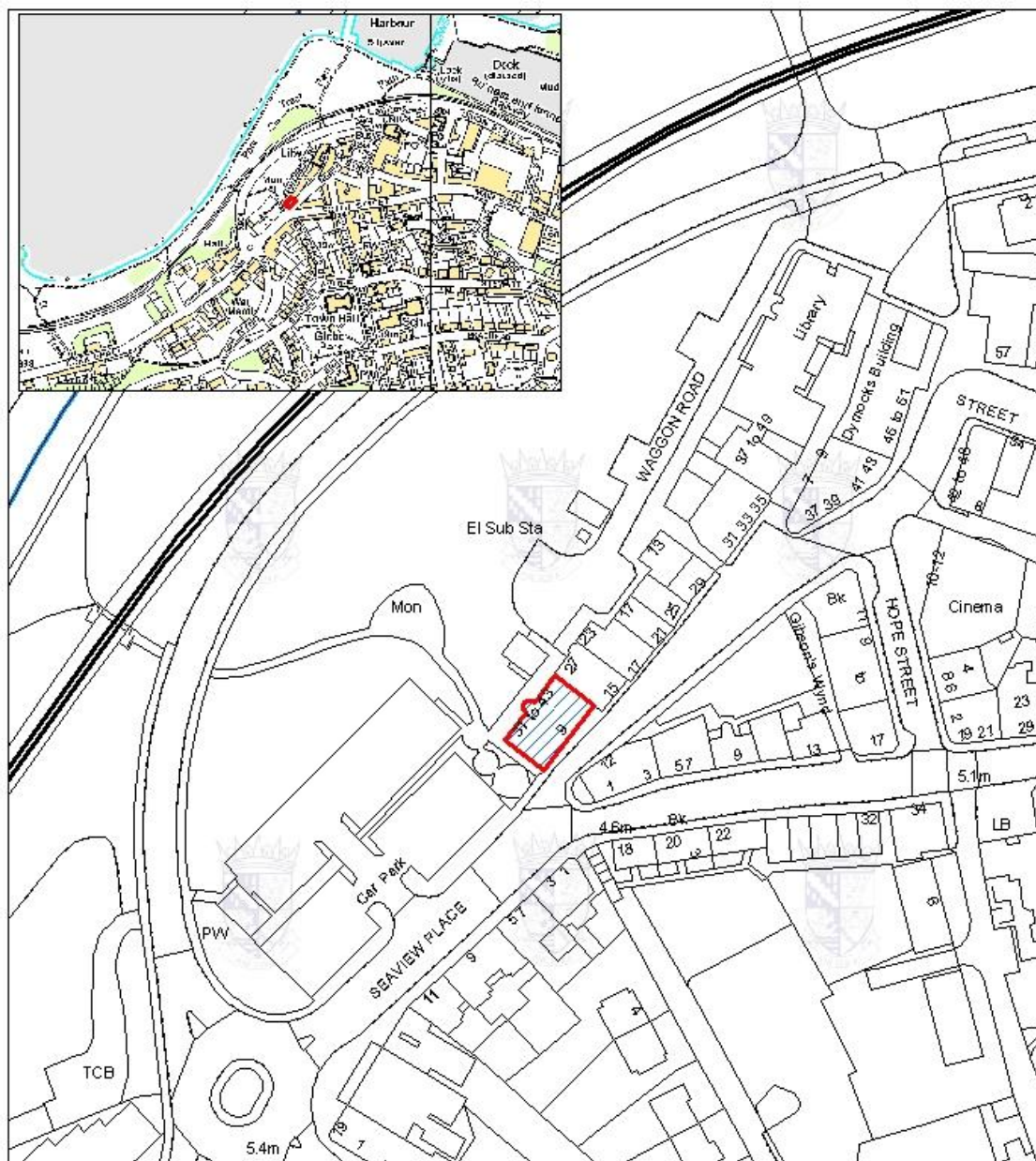
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0730/FUL

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FALKIRK COUNCIL

Subject: SUBDIVISION AND CHANGE OF USE OF CLASS 1 SHOP UNIT
TO FORM 3 CLASS 2 UNITS AND ALTERATIONS TO
SHOPFRONT AT 53 SOUTH STREET, BO'NESS EH51 9HA FOR
SHANTER SECURITIES LTD - P/10/0548/FUL

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward – Bo'ness and Blackness

Councillor John Constable
Councillor Adrian Mahoney
Councillor Ann Ritchie

Community Council: Bo'ness

Case Officer: Julie Seidel (Planning Officer), ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposed development is for the subdivision and change of use of the former 'Woolworths' shop to form 3 units for uses falling within Class 2 (Financial, professional and other services) of the Town & Country Planning (Use Classes) (Scotland) Order 1997. This class allows the use of premises for purposes other than retail that are generally located within a shopping area. One unit would front North Street and two units would front South Street. The proposal also includes alterations to the existing South Street shopfront.
- 1.2 The application site is an unlisted building located within the Bo'ness Town Centre Outstanding Conservation Area.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development is considered to be contrary to the Development Plan in that the proposal involves a change of use from Class 1 (retail) to Class 2, within an area of protected shopping frontage (south elevation of the application site).

3. SITE HISTORY

- 3.1 Advertisement Consent was granted on 30 May 2006 (Ref: 06/0309/ADV) for the display of illuminated advertisements at the application site.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit do not object to the proposal and advise that there are no roads related conditions to be attached to any planning permission.
- 4.2 The Environmental Protection Unit advise of an informative relating to contamination and that issues surrounding noise control are satisfactory.
- 4.3 The Health and Safety Executive do not advise against the proposal on safety grounds.

5. COMMUNITY COUNCIL

- 5.1 The Bo'ness Community Council have not made comment.

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 There are no policies relevant to the proposal in the Structure Plan.

Bo'ness Local Plan

7a.2 Policy BNS 21 'Protected Shopping Frontages' states:

"Within those shopping frontages identified on the Policies, Proposals and Opportunities Map, the District Council will not normally permit changes of use of ground floor premises to, or new development of vacant ground floor sites for, uses other than shops, as defined by Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1989. Exceptions may be made in the case of:

- (i) applications for restaurants and cafes, where these would complement the Town Centre's shopping function or its attractiveness for visitors; or*
- (ii) vacant properties where it can be demonstrated that they have been effectively marketed for retail use for at least a year."*

7a.3 The south elevation of the application site is located within an area of protected shopping frontage. Policy BNS 21 'Protected Shopping Frontages', of the adopted Bo'ness Local Plan, seeks to protect ground floor premises from a change of use away from Class 1 shops. Proposed units 2 and 3 would front the protected area and would result in a change of use to Class 2. As such the proposal fails to accord with policy BNS21. There is evidence that the premises have been effectively marketed for over 2 years. There is a current tenant occupying the existing shop unit, on a short term lease which can be terminated at 1 months notice. The current tenant has occupied the existing shop unit for approximately 5 months.

7a.4 Policy BNS 30 'Pipeline Consultation Zone' states:

"Within the Pipeline Consultation Zone identified on the Policies, Proposals and Opportunities Map, development will not normally be permitted unless the District Council is satisfied that :

- (i) future users or occupants will not significantly add to the number of people exposed to the existing risk from the pipeline; and*
- (ii) the development will not in any way affect the operation of the pipeline."*

7a.5 Policy BNS 30 'Pipeline Consultation Zone' of the adopted Bo'ness Local Plan seeks to ensure that the number of people exposed to risk from the pipeline is not significantly increased and that the operational safety of the pipeline is not adversely affected. The application site is located within the middle zone of the BP Forties crude oil pipeline consultation zone. The application has been assessed against HSE's assessment criteria, PADHI+ system, receiving a 'do not advise against planning permission on safety grounds'. It is considered that the proposal would not significantly add to the number of people exposed to risk or affect the operation of the pipeline. The application accords with policy BNS 30.

7a.6 Policy BNS 40 'Bo'ness Town Conservation Area' states:

"Within Bo'ness Town Centre Conservation Area, the District Council will seek to preserve and enhance its character through:

- (i) promoting and supporting an improvement in the condition and appearance of buildings and shopfronts in the terms of the Bo'ness Enhancement Grant Scheme;*

- (ii) *requiring that proposals for the alteration and replacement of any shopfront accord with the Council's guidance note entitled "Design Advice on Shop Fronts in Conservation Areas"; and*
- (iii) *requiring that the design, scale and setting of any advertisement be sympathetic to the character of the building upon which it would be mounted."*

7a.7 Policy BNS 40 'Bo'ness Town Centre Conservation Area', of the adopted Bo'ness Local Plan, seeks to preserve and enhance the character of the Conservation Area. The proposed shopfront alterations accord with the Council's Design Advice on Shop Fronts and as such the application accords with policy BNS 40. The application does not include any advertisements.

7a.8 Accordingly, and on balance, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) and Supplementary Planning Guidance.

Falkirk Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

7b.2 The emerging Falkirk Local Plan affirms and further develops policies in the extant Bo'ness Local Plan. The following policies are relevant to the assessment of the proposed development.

7b.3 Policy EQ12 - 'Conservation Areas' states:

"The Council will protect the historic character and visual amenity of each Conservation Area. Accordingly:

- (1) *The Council will prepare Character Appraisals of individual Conservation Areas and, on the basis of these, will review existing boundaries and Article 4 Directions, prepare detailed design guidance as appropriate, and draw up enhancement schemes as resources permit;*
- (2) *New development in Conservation Areas, including extensions and alterations to existing buildings, will only be permitted where it preserves or enhances the character of the area, with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features;*
- (3) *Demolition of buildings within Conservation Areas will not be permitted unless they make no material contribution to the character and appearance of the area. Where demolition is proposed, the considerations set out in Section 4.26 of the Memorandum or Guidance should be adhered to; and*
- (4) *Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features on unlisted buildings in Conservation Areas should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials."*

7b.4 Policy EQ12 ‘Conservation Areas’ seeks to protect the historic character and visual amenity of the Conservation Area. The proposal involves alterations to the South Street shopfront. It is considered that the proposed alterations would preserve and enhance the character of the Conservation Area. The proposed alterations reflect the architectural style and materials of the existing building in relation to the appearance, detailing and materials. The application accords with policy EQ12.

7b.5 Policy BNS1 – ‘Bo’ness Town Centre’ states:

- “(1) The Council will promote the role of Bo’ness Town Centre as a District Centre with additional emphasis on the provision of specialist retail and other tourist services, and linkages to Bo’ness Station and the regeneration proposals for the Dock and Harbour.*
- (2) In ground floor properties within the core retail area, the Council will seek to maintain active commercial frontages which contribute to the vitality of the Town Centre. A balance of Class 1 retail, leisure, food and drink and Class 2 business uses will be encouraged and concentrations of non-retail use will be avoided. Within upper storeys, the reuse of vacant floorspace for residential use will be supported.*
- (3) Within the secondary area (within the Town Centre boundary, but outwith the core area), commercial, residential, or community uses will be supported.”*

7b.6 The application accords with Policy BNS1 ‘Bo’ness Town Centre’ by retaining a balance of Class 1 and 2 uses within the Bo’ness Town Centre. The proposal would not result in a concentration of non-retail use.

7b.7 Policy EP18 - ‘Major Hazards’ states:

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

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

7b.8 Policy EP18 reinforces the terms of policy BNS 30 of the adopted Bo’ness Local Plan. Policy EP18 ‘Major Hazards’ seeks to ensure that the number of people exposed to risk from the pipeline is not significantly increased and that the operational safety of the pipeline is not adversely affected. The application site is located within the middle zone of the BP Forties crude oil pipeline consultation zone. The application has been assessed against HSE’s assessment criteria, PADHI+ system, receiving a ‘do not advise against planning permission on safety grounds’. It is considered that the proposal would not significantly add to the number of people exposed to risk or affect the operation of the pipeline. The application accords with policy EP18.

7b.9 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.10 Policy EQ11 seeks to ensure that shopfront design contributes to the shopping environment. The proposal involves alterations to the South Street elevation to accommodate the subdivision of this frontage into two units. The alterations are well-proportioned and sympathetic to the character of the original building, including the unaltered North Street frontage. The application does not involve any external security measures or advertisements. The application accords with policy EQ11.

Falkirk Council Supplementary Planning Guidance

7b.11 Falkirk Council's Supplementary Planning Guidance Note on Shopfronts gives regard to elevational composition, material finishes, colouring and integration into the adjacent streetscape.

7b.12 The North Street elevation would be unaltered as a result of the proposed development. The South Street elevation would be altered to form two units. It is considered that the proposed alterations would respect the original building in terms of composition, materials and detailing and accords with Supplementary Planning Guidance.

7c Conclusion

7c.1 The application is assessed as being contrary to the terms of the Development Plan as the application involves a change of use to Class 2 within a protected shopping frontage area. As such, material considerations are required to justify approval of the proposal contrary to the Development Plan.

7c.2 Given the out of date nature of the Bo'ness Local Plan, adopted October 1995, it is considered that the emerging District wide Local Plan should be given considerable weigh in the determination of the application. The emerging District wide Local Plan is the most up to date statement of Council policy and it should be noted that the development proposals have been assessed as being in accordance with the terms of its policies. Additionally the application accords with Falkirk Council's Supplementary Planning Guidance. No issues were raised through consultation or representations received.

8. RECOMMENDATION

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

- (1) **The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) **Samples of tiles to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.**

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To preserve and enhance the visual amenity of the Conservation Area.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02A.
- (2) Advertisement Consent may be required for any signs associated with the proposed development. It is the applicants responsibility to obtain this before any signs are displayed on site. For advice please contact Falkirk Council Development Management, Abbotsford House, David's Loan, Falkirk, FK2 7YZ (tel: 01324 504748)

Pp

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Bo'ness Local Plan
3. Falkirk Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)
4. Falkirk Council's Supplementary Planning Guidance Note on Shopfronts

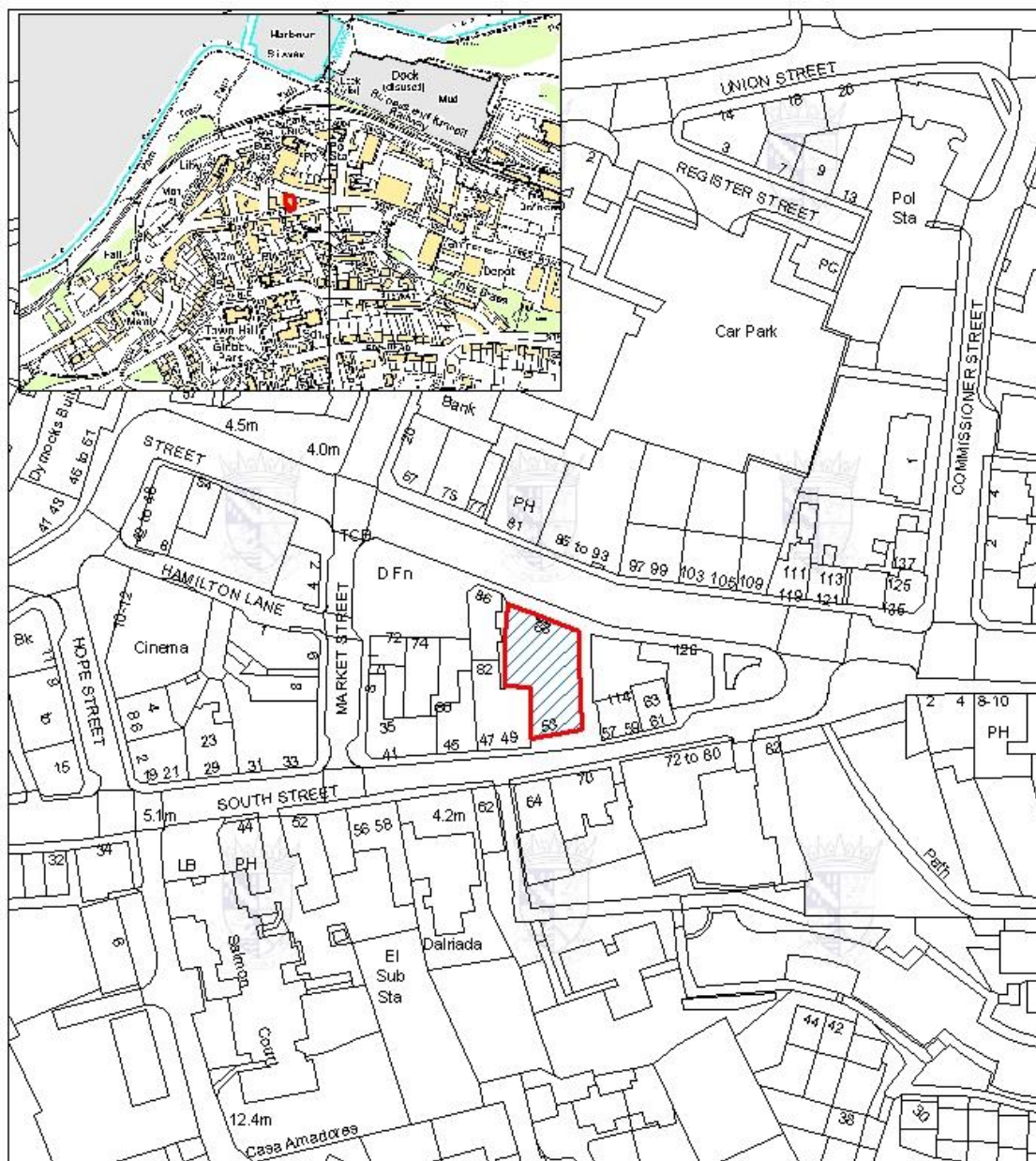
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0548/FUL

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



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FALKIRK COUNCIL

Subject: USE OF LAND FOR THE SITING OF PORTABLE STRUCTURES, ERECTION OF FENCING AND THE KEEPING OF DOGS (RENEWAL OF TEMPORARY PLANNING PERMISSION P/09/0161/FUL) AT DARNBOGUE FARM, PLEAN, FK2 8RY – P/10/0638/FUL

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Steven Carleschi
Councillor Lynda Kenna
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Airth Parish

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located off a vehicular access track to Darnbogue Farm, some 500 metres from Moss Road and to the south from a small group of houses known as Fairfields.
- 1.2 The application is to extend a temporary permission previously granted under P/08/0161/FUL – use of land for the siting of portable structures, erection of fencing and keeping of dogs (temporary and retrospective) at Darnbogue Farm, Plean, which was granted on 5 November 2009 following consideration by the Planning Committee, for a period of 1 year. Conditions in relation to improved access arrangements onto Moss Road have been satisfactorily complied with.
- 1.3 The application site comprises 11 temporary buildings and temporary fencing for the keeping of dogs and livestock, with the addition of a feedstore (measuring 3 metres x 4 metres) container. The structures mostly comprise converted shipping containers, painted dark green.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Planning Committee by Councillor Craig Martin.

3. SITE HISTORY

- 3.1 Agricultural notification for farm outbuilding – P/09/0421/AGR – was acknowledged on 15 July 2009 as development not requiring planning permission.
- 3.2 Planning application P/09/0161/FUL - use of land for the siting of portable structures, erection of fencing and keeping of dogs (temporary and retrospective) granted temporary planning permission 5 November 2009.

4. CONSULTATIONS

- 4.1 The Roads Development Unit would require enhanced access provision should the use extend beyond the revised timescale requested.
- 4.2 Scottish Water has no objection to the proposal.
- 4.3 The Environmental Protection Unit advise that no evidence has been collected to give rise to concerns regarding noise, dog breeding or sale of pups. It should be noted that issues relating to breeding and sale of dogs are not material planning considerations.

Noise from Barking Dogs

- The majority of noise complaints have generally been during night-time i.e. between 20:00 – 01:00 hours.
- Investigations have established that while dog barking from the site is audible, it falls below the criteria required for formal action in terms of Part 5 of the Antisocial Behaviour etc. (Scotland) Act 2004. The noise levels arising from the barking dogs which have been witnessed to date on the site, while audible, do not in the opinion of Environmental Health Officers constitute a statutory nuisance in terms of section 79 of the Environmental Protection Act 1990, as amended.
- Residents of the neighbouring houses, approximately 500m away, who are affected by the dog barking have been advised to these findings, and have also been advised that they may take a private action against the site operator in terms of the Civic Government (Scotland) Act 1982, section 49, which deals with Dangerous or Annoying Creatures. In terms of this legislation, there is a lesser burden of proof in respect of proving "annoyance" as the result of noise from barking dogs.

Alleged Breeding of Dogs

- A number of reports from various sources have been received regarding the alleged breeding of dogs. Consequently officers have visited the site on a regular basis; however a sufficient level of evidence has not been collected at this time to establish that a business is being operated for the purpose of breeding dogs for sale.

Alleged Sale of Puppies

- A number of reports from various sources have been received regarding the alleged sale of puppies. Consequently Environmental Health officers have visited the site on a regular basis; however a sufficient level of evidence has not been collected at this time to establish that a business is being operated for the purpose of selling puppies.

4.4 The Scottish Society for the Prevention of Cruelty to Animals have no objection to the application.

4.5 Stirling Council have no objections.

5. COMMUNITY COUNCIL

5.1 Airth Parish Community Council offer the following comments:-

- Homeowners complain of rats in the vicinity.
- The adjoining agricultural barn is used for boarding of dogs.
- Dogs bark at all times of the day and night. Noise readings should be undertaken.
- The site has been advertised as an equestrian centre.

6. PUBLIC REPRESENTATION

6.1 4 letters of objection have been received from 3 individuals, raising the following concerns:-

- The facility is for dog breeding and sale.
- The applicant's trade credentials are questionable.
- The animals generate considerable noise nuisance to nearby residents.
- Rat movement in the area has increased.
- Conditions on site are of great concern, along with animal welfare issues.
- The applicant does not have a breeding licence.
- The visual appearance of the site is detrimental to amenity.
- The site is an inappropriate location, close to residential properties, and adversely affected by dogs barking and vehicular movements generated from the site.

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 issues of a strategic nature in respect of the development.

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 While the provision of a dog kennelling facility is not essential to a rural location, there are distinct benefits of such a use being located in such a semi-isolated location and affording some remoteness from established urban residential properties. Accordingly, while the development does not neatly fit into the criteria above, it is considered that the use is acceptable within a rural location and is considered to be in accordance with the Development Plan.

7a.4 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 Material consideration may be given to the policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) and letters of public representation.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

- 7b.2 Policy EQ19 - 'Countryside' states:

“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

- 7b.3 It is considered that a rural location is preferable for development of this nature, which would be difficult to integrate into an urban setting.

- 7b.4 Given that the application seeks a limited extension to the temporary permission previously approved, the building design considerations may be set aside as the structures are capable of being removed at the expiration of a stipulated timescale.

Letters of Public Representation

- 7b.5 The manner in which the current facility is operated is not a material planning consideration, in that a change of management would not influence the acceptability or otherwise of the use of the land.
- 7b.6 The management credentials of the applicant are not a material planning consideration, in that a change of management could occur without recourse to the Planning Authority.
- 7b.7 The conditions on site and welfare of the animals are not material planning considerations, more competently addressed by animal welfare authorities.

- 7b.8 The visual impact of the site is limited, given the rural location and relative distance from the nearest residential properties. However, the temporary nature of the structures does give rise to concerns in the longer-term in that the collection of structures – consisting of metal storage containers and wooden outbuildings – may be visually improved by more permanent structures specifically designed for the kenneling use.
- 7b.9 The level of noise generated from the site by resident dogs or noise arising from vehicular traffic generated by the facility has not been identified as a statutory noise nuisance by the Environmental Protection Unit.
- 7b.10 The use of the adjacent agricultural barn for kenneling purposes has been investigated and a limited number of dogs were found in the sheds. It is understood that these have been removed.

7c Conclusion

- 7c.1 The proposed development does not offend policies within the Development Plan and no matters raised through consultation or representation would merit the refusal of planning permission.
- 7c.2 It is noted that the application seeks to extend the timescale for the temporary structures, while the applicant considers the submission of a further application for more permanent facilities.
- 7c.3 It is therefore considered that to extend the timescale for a further short period would not prejudice any eventual removal of the temporary structures, while the use of the land for kenneling purposes within a rural location is acceptable.

8. RECOMMENDATION

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

- (1) This permission shall be valid for a limited period until 1 December 2011 or one calendar year from the date of this decision, whichever is the later, and by that time the use shall cease and the buildings and fencing shall be removed from the site.

Reason(s):-

- (1) To allow the Planning Authority to control the use of the site.

Informative(s):-

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

Pp

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Rural Area Local Plan.
2. Falkirk Council Local Plan Finalised Draft etc.
3. Letter of objection received from Claudia Taylor, Fairview House, 5 Fairfields, Falkirk FK2 8RY.
4. Letter of objection received from Jan Gilmour, 109 Rosebank Avenue, Falkirk FK1 5JR.
5. Two letters of objection received 15 and 26 October 2010 from Chris Donnelly.

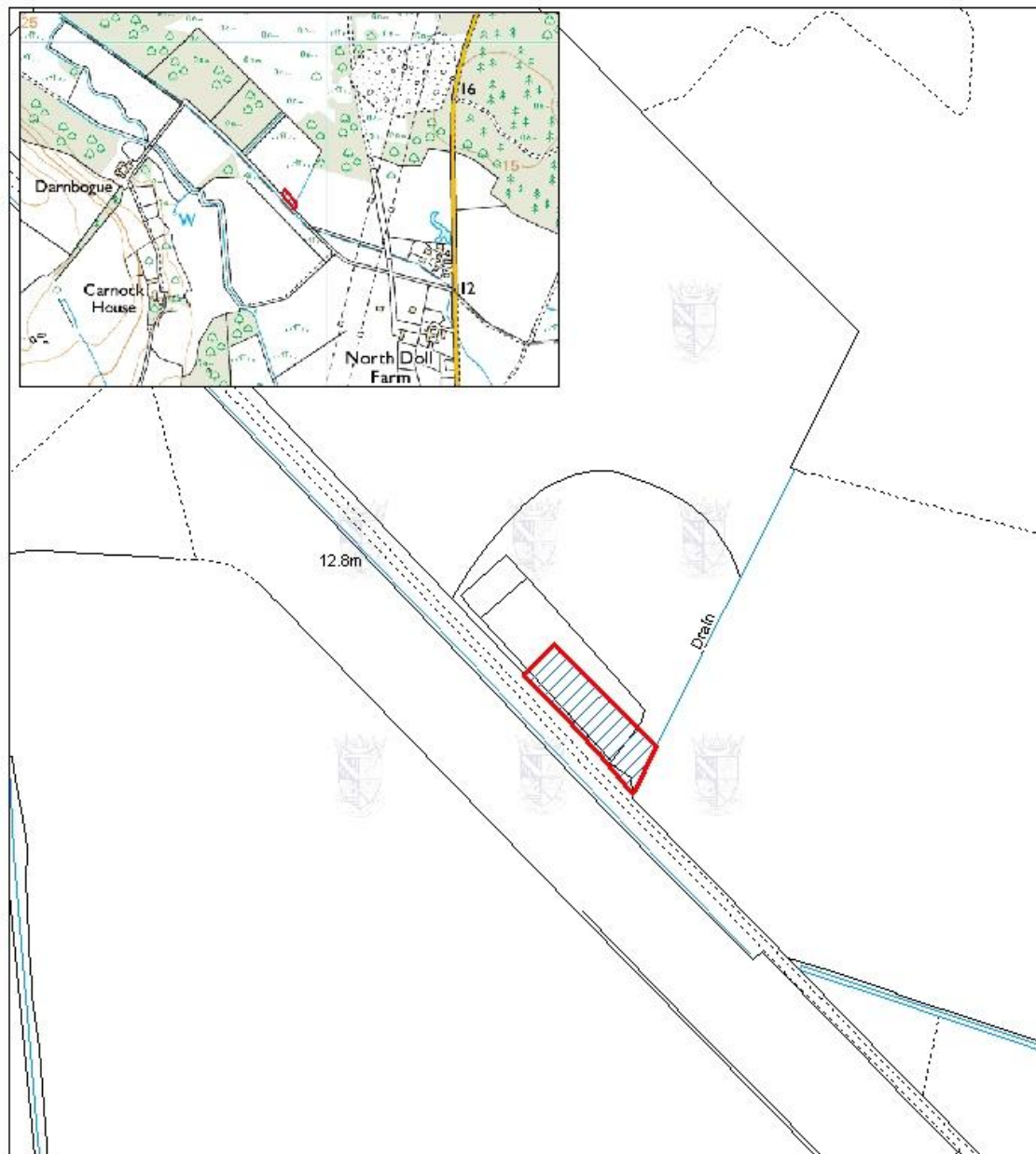
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0638/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 FOR THE FISHERY
MANAGER AT LAND AT WHINNIE MUIR WOOD WEST OF
TORWOOD HEAD COTTAGE, LARBERT FOR MR RAYMOND
MCCLURG - P/10/0483/FUL

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES
Ward – Bonnybridge and Larbert

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

Community Council: Larbert, Stenhousemuir and Torwood

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is adjacent to an existing commercial fishery at Whinnie Muir, close to Torwood. The fishery comprises a pond with a grassed island feature and is stocked with brown trout. The applicant has also installed a temporary caravan and related outbuilding, with roadway access from the A9.
- 1.2 The site of the dwellinghouse is an area of sloping ground, which sits below a landscaped ridgeline. Existing mature landscaping has been augmented by new planting, yet to reach maturity.
- 1.3 The proposed dwellinghouse would be constructed over 2 floors, with the following provision:-
- On the ground floor, living room, family room, study/office, dining room, kitchen, utility room, 'shower room' and hall,
 - On the upper floor, 3 bedrooms, bathroom and landing.
- 1.4 The applicant has submitted a supporting statement, which indicates that the brown trout fishery has been in operation for over 30 months, comprising a stocked fishery, storage building, related plant and machinery, access road and parking area. Additional tree planting has been initiated and a temporary caravan is housed on site to accommodate the fishery manager.

- 1.5 The original operation of the fishery was based on a paying consortium and, while this customer base is still in place, the fishery has recently been opened up to members of the public to help increase revenue.
- 1.6 The applicant has, as part of the supporting statement, also included a design statement, business plan and development analysis.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application site has been subject to previous consideration by the Planning Committee and does not wholly accord with Development Plan policy.

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.
- 3.5 P/10/0302/VCR - Erection of temporary residential accommodation (extension of time to condition 2 of planning permission 06/1116/FUL) – Withdrawn (see para 7a.6).
- 3.6 P/09/0519/FUL - Erection of dwellinghouse - Refused.

4. CONSULTATIONS

- 4.1 Falkirk Council's Environmental Protection Unit advise that an informative be imposed on any planning permission addressing the potential of contaminated land being encountered.
- 4.2 Falkirk Council's Roads and Design Unit wishes to ensure that the proposed dwellinghouse would not erode the car parking capacity for the fishery business.
- 4.3 The Scottish Environment Protection Agency do not object to the proposal.
- 4.4 Scottish Water raise no objections, but advise that the grant of any planning permission does not guarantee a connection to Scottish Water infrastructure.
- 4.5 Falkirk Council's Economic Development Unit has no objections to the application.
- 4.6 An Independent Rural Consultant advises that, while the presence of a dwellinghouse would not be essential to the operation of the fishery, there would be operational benefits.

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 for the area.
- The size of the proposed house does not appear commensurate with that of the fishery.
- The Community Council would wish to receive more information and seek assurances on the future of the fishery, to ensure that justification for the house is demonstrated.

6. PUBLIC REPRESENTATION

6.1 5 letters of objection have been received, commenting that: -

- The proposed development is contrary to the Local Plan and planning policy in respect development in the countryside. The application site lies outwith the settlement boundary of Torwood.
- There is no need for accommodation adjacent to the “fish farm”. The fish are not livestock who can escape from fields nor do they need tending 24 hours per day.
- The perception locally is that the “fish farm” was created as a way to circumvent planning policy and obtain permission for a house in the woodland area contrary to policy. There is no detectable benefit to the local area from the “fish farm” in terms of jobs or amenity as it does not appear to employ anyone and no local people have been invited to use the fishery either on a membership basis or “pay as you go”. Indeed despite the “right to roam” legislation local people and others from the Larbert area who regularly walk in Torwood have been asked to leave the vicinity of the “fish farm”.
- Good planning policy requires that all of the stated objectives and policies of Falkirk Council are balanced. Given the pace of development within the Larbert area it is essential that rural and countryside areas are protected from development in order to achieve the stated policy objectives relating to biodiversity, wildlife, leisure and conservation. Good planning policy also requires that a distinction is maintained between the urban limits and the rural areas. Further development in Torwood, including the development by the “back door”, as this application is perceived should be resisted.
- There has been energetic campaigning by local people to protect the woodland areas of Torwood, backed up by support from the Community Council and the Woodland Trust. There is a strong perception that if this application were to succeed it would open up the woodland and further development would take place on the back of the currently proposed dwellinghouse.
- The formation of the fishery is a perceived means to an end, and if the dwellinghouse is approved, the fish farm would likely go out of business soon afterwards.

- The previous application for a dwellinghouse was refused and the reasons for refusal are equally valid for this application. The only change appears to be the size of the property which has been designed to allow for future extension.
- The proposal constitutes backland development.
- The proposed development seems excessive for a manager's house and a question arises as to why it is needed. Other fish farms have no accommodation as this area is currently 'supervised' from a caravan, it appears that a house is unnecessary.

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 the proposal does not strictly accord with the terms of the policy, as the proposal has not been demonstrated as 'essential', but that there is sufficient supporting information to justify a permanent residential presence on the application site as indicated in 7b.19.

Rural Area Local Plan

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

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

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*

2. *Small scale housing developments within the wooded policies of former country estates, where servicing costs will be met by the developer, where the development can be satisfactorily integrated into the landscape, where detailed development briefs have been drawn up by the District Council and provided that the proposed development does not lie within a site included in the "Inventory of Gardens and Designed Landscapes in Scotland".*
3. *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".*
4. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
5. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
6. *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.*
7. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

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

- 7a.5 In this instance, the applicant has supported the proposal with sufficient information to demonstrate that the current fishery business is in profit and is operating effectively.
- 7a.6 A caravan has been previously granted temporary planning permission for a fishery manager to supervise operations. An application to extend this period P/10/0302/VCR was considered by the Planning Committee on 16 June 2010 when it was decided to refuse planning permission. The application was subsequently withdrawn as the required advertisement fee had not been paid. Whilst it is still present, the caravan is considered to be unauthorised.
- 7a.7 The interpretation of the word 'essential' within the above policy is critical to the application and is considered that whilst not absolutely 'essential' to the running of the fishery, there are specific benefits a dwellinghouse would achieve.
- 7a.8 In terms of design, the dwellinghouse is considered acceptable.
- 7a.9 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 policies within the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), points raised by the applicant, consultees and objectors.

National Planning Policy

- 7b.2 Scottish Planning Policy (February 2010) considers, in part, rural development and recognises that the planning system has a significant role in supporting sustainable economic growth in rural areas. In terms of housing, Scottish Planning Policy advises that Development Plans should support more opportunities for small scale housing development in all rural areas, including new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding.
- 7b.3 In more accessible and densely populated rural areas, most new development should be in or adjacent to settlements.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

- 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 In this instance, the proposal is not considered to be essential to the operation of the fishery business, but the applicant has contended that positive elements will arise through the permanent presence of the manager.

7b.6 With regard to the terms of the above policy, it is also confirmed that the business is capable of providing the main source of income for the occupant and there are no reasonable opportunities for conversion of redundant buildings for habitable purposes.

7b.7 The applicant has also endeavoured to demonstrate that there is operational need for the house in association with the fishery business.

7b.8 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.9 The applicant has submitted supporting information in the form of a supporting statement (7b.10-7b.16) that a countryside location is required, based on the presence of the fishery business and there are no issues arising as to the design of the proposed dwellinghouse.

Points raised by applicant

7b.10 The applicant, through a submitted planning support statement, considers that the fishery has been in operation for a period exceeding 30 months and has demonstrated that the fishery is in profit and operating effectively.

- 7b.11 The fishery requires 1 full time employee (the fishery manager) who will be responsible for feeding and checking the health of fish; restocking when necessary; checking water quality; ensuring there is no poaching or loss of stock to wildlife, or unauthorised access to the pond. Other duties include ensuring appropriate use of the fishery by customers and their safety; maintenance of grounds; and for the security related to the protection of the facility' including the fish stocks and related plant machinery.
- 7b.12 The applicant contends that the rural location of the fishery renders 24 hour security essential to the continued successful operation of the business.
- 7b.13 The current proposal seeks to address all of the matters of concern raised by Falkirk Council in its refusal of planning permission in March 2010.
- 7b.14 The applicant contends that, in line with the stated requirements of the Development Plan and Scottish Planning Policy, it has been shown that the proposal represents an appropriate form of rural development. Based on Falkirk Council's initially stated concerns, matters related to the viability and continued viability of the business, the requirement for a house, and the scale, design of the proposed dwellinghouse, have all been addressed. The proposed dwellinghouse, tied to the fishery businesses, is therefore fully justified and is an integral part of the business operation. This is a bone fide rural business which requires the provision of permanent on-site accommodation in order to allow it to properly function now and in the future.
- 7b.15 The site owner states that he remains committed to the operation and the development of the fishery as a leisure facility and visitor attraction within the Falkirk area. In the event that he is unable to secure permanent on-site accommodation, operational and security challenges would remain unresolved. This is an isolated site in the countryside with no natural supervision related to other properties, or public roads. Security of the business (fish, plant, machinery and vandalism) and safety (unauthorised access to the pond, plant and machinery) are therefore of paramount concern.
- 7b.16 The applicant's agent concludes that the development complies with the terms of the Development Plan and with Scottish Planning Policy. It is his view that there is a clear and justifiable case for the dwellinghouse tied to the fishery and on this basis the applicant would welcome the granting of planning permission.

Points raised by consultees

- 7b.17 Falkirk Council's Economic Development Unit advises that there is a sound business case on the profitability of the existing fishery business.
- 7b.18 It is noted that the cost of the new dwelling would be independently funded (i.e. no profit commitment from the fishery) and the fishery business is capable of providing the main source of income for the fishery manager.
- 7b.19 An independent Rural Business Consultant, acting on behalf of Falkirk Council, has advised that "there is no doubt that having a permanent presence will be beneficial to the business". It is his opinion that the business would benefit in terms of: -
- Security of both the fish stock and the fixed equipment.

- Reduced travelling time to and from the business premises and thereby reduction in costs and carbon footprint.
- Potentially a better work/life balance for the fishery manager which would improve employee retention.
- Improved safety from the point of an uninvited “out of hours visitor” falling into the water.
- An on-site presence is likely to lead to reduced insurance premiums for both theft cover and public liabilities.
- Increased ability to open the fishery for longer hours and to reduce staff costs, as an on-site employee could be on-call to attend to customers.

7b.20 Whilst all of the above reinforces the initial statement, that a permanent presence would be beneficial to the business it is not necessarily essential as the business could be operated, albeit less efficiently and profitability, from a reasonable distance. Furthermore, while fish do require some husbandry, unlike traditional farm animals such as cattle and sheep there is little requirement for 24 hour care.

Points raised by objectors

7b.21 The application site is outwith the village envelope of Torwood but that, alone, is not a reasoned justification for refusal of the application. The essential requirement is to show that the dwelling is justified in the location under consideration.

7b.22 The applicant has submitted details in relation to the responsibilities of the fishery manager, and these are considered substantial enough to support the proposal.

7b.23 One full-time post has been created through the fishery business.

7b.24 Good planning policy recognises that economic activity within the rural area should be supported where appropriate, but it is beyond a planning consideration whether the business may prove successful or fail in the future.

7b.25 Additional development in the area may be subject to further approach to the planning authority and would require to be assessed on their own merits.

7c Conclusion

7c1. The applicant has submitted sufficient information to enable analysis of the proposal in terms of design, economic viability and business requirement.

7c.2 The design aspect of the proposal is considered acceptable, while the concerns regarding potential extension and expansion as expressed by objectors would be subject to control by the planning authority on receipt of any further application for planning permission.

7c.3 The economic viability of the fishery business has been established, with the cost of the new dwelling not being absorbed by the business but provided by independent means.

- 7c.4 Falkirk Council's Economic Development Unit advise that the fishery business is in profit and has raised no concerns regarding the economic standing of the business.
- 7c.5 An independent Rural Business Consultant has advised that while a 24 hour presence on the site may not be considered essential, there are a number of benefits to be gained from a dwellinghouse on site.
- 7c.6 The nature of the commercial fishery is such that the husbandry element of stock is not as essential as some agricultural businesses, but there are other benefits to be gained from a permanent presence within a rural location, relatively isolated from any natural surveillance.
- 7c.7 It is therefore concluded that the justification for a dwellinghouse is finely balanced, not meeting the 'essential' status of requirement as prescribed in Development Plan policy, but showing sufficient reasoning as to merit support of the proposal in promoting the continued economic viability of an established rural business.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee indicate that it is minded to grant 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 occupation of the dwellinghouse hereby approved shall be limited to a person solely, mainly, or last employed in the local area in the associated commercial fishery, or other occupation appropriate to a rural location, or a dependant of such a person residing with him or her, or a widow or widower of such a person,**
 - (ii) the dwellinghouse shall remain in the ownership of the commercial fishery located at Whinnie Muir Wood and shall not be sold or rented independently, nor be separated from the planning unit (as indicated in Drawing ref RMDL/254/Section 75 dated June 2009).**
 - (b) 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 three years of the date of this permission.**

- (2) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
- i. the nature, extent and types(s) of contamination on the site.
 - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - iii. measures to deal with contamination during construction works.
 - iv. condition of the site on completion of decontamination measures.
- Before the dwellinghouse is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.
- (3) Prior to the commencement of any works on site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (4) Before the building is occupied, the car parking shown on the Approved Plan shall be completed.
- (5) 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.
- (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no further development shall take place on the site without prior written approval or planning permission having been granted 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) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (4) To ensure that adequate car parking is provided.
- (5-6) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):-

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

Pp

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
3. Scottish Planning Policy (February 2010).
4. Letter of Objection from Mr Gordon Millar Rowandale, Glen Road, Torwood, Larbert received on 31 August 2010.
5. Letter of Objection from Torwood Community Woodlands, Willowdene, Glen Road, Torwood, Larbert received on 7 September 2010.
6. Letter of Objection from Ms Yvonne Weir, Larbert, Stenhousemuir & Torwood Community Council, c/o 92 Stirling Road Larbert, FK5 4F received on 12 August 2010.
7. Letter of Objection from Alison Neilson, Willowdene, Glen Road, Torwood, Larbert received on 25 August 2010.
8. Letter of Objection from Lyndsey G Pettigrew, Kelimar, Glen Road, Torwood, Larbert received on 25 August 2010.
9. Letter of Objection from Mrs E Bell, Netherlee, Glen Road, Torwood, Larbert received on 25 August 2010.

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

Planning Committee

Planning Application Location Plan **P/10/0483/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: FORMATION OF ALLOTMENTS WITH ANCILLARY PARKING, STORAGE BUILDINGS, TOILETS, SHEDS, GREENHOUSES, HARDSTANDING, INTERNAL TRACK AND FENCING AT LAND AT THE HELIX TO THE WEST OF THE M9 FROM JUNCTION 5 TO JUNCTION 6, FALKIRK FOR THE HELIX TRUST - P/10/0617/FUL

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes

Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Lower Braes

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposed development is for the formation of allotments for the Helix environmental improvement proposals. Sixty-five allotments are proposed, for use by members of the public for non-commercial recreational purposes.
- 1.2 The Helix project is an urban fringe environmental improvement project funded, in part, by BIG Lottery Living Landmarks. Fundamental to the Helix project is the aim to improve connections between existing settlements and facilities and allow for improved access to future Helix initiatives.
- 1.3 The proposed paths and associated infrastructure are located in two areas, either side of the existing Travel Lodge and Metro Inn developments adjacent to the Beancross Hotel.
- 1.4 The provision of 65 allotments is proposed, on a total site area of 1.5 hectares. Associated access, car parking and a community garden is proposed.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development involves land in which Falkirk Council has a financial interest, and Falkirk Council is a partner of the Helix Trust, who is the applicant.

3. SITE HISTORY

- 3.1 There are no relevant planning applications. Previous permissions have been granted for the development of the Travel Lodge and Metro Inn, in addition to previous developments at the Beancross Hotel and Salt of the Earth restaurant.
- 3.2 A legal agreement binds part of the site and this requires that no buildings are erected on the site of the application. In order for the currently proposed development to be fully implemented, a variation to this legal agreement is likely to be required. This is considered to be a civil matter between the applicant and current landowner, and is not material to the consideration of this planning application.

4. CONSULTATIONS

- 4.1 The Transport Planning Unit of Falkirk Council has expressed concern with regard to the location of car parking provision. The provision of a safety audit for access from the A9 Laurieston Bypass is requested.
- 4.2 The Roads Development Unit has no objection to the proposed development. Vehicular access is proposed from a properly formed junction on the A9, with satisfactory distribution by local access road thereafter. Public transport serves the application site from the A904. Proposed parking space numbers are considered to be acceptable. No flood risk is considered to exist. Conditions are requested in relation to vehicular access and road construction.
- 4.3 The Environmental Protection Unit has advised that a Contaminated Land Assessment is required. An informative in relation to construction noise is also suggested.
- 4.4 Shell UK has no comment in relation to pipeline interests in the vicinity of the site.
- 4.5 Ineos has confirmed that the Finnart to Grangemouth pipelines would be affected by the proposed development. The applicant is aware of this, and has designed the proposed layout so as not to affect the route of this pipeline.
- 4.6 Falkirk Council Museums Services (Archaeology) has no objections to the proposed development. The site lies in the Buffer Zone of the Antonine Wall, but the proposed use is not considered to affect this Scheduled Ancient Monument and World Heritage site.
- 4.7 Historic Scotland has no objections, and has confirmed that the proposed development would not impact upon the Antonine Wall.
- 4.8 Scottish Water has no objections.
- 4.9 Transport Scotland has no objections to the proposed development, but has advised of a requirement for an unclimbable fence to be erected between the site and the M9 motorway.

5. COMMUNITY COUNCIL

- 5.1 The Community Council did not make comment.

6. PUBLIC REPRESENTATION

- 6.1 One letter of support has been received, and comments relating to public transport accessibility, footpath links to the surrounding area and the need for improved crossing points on roads in the area.
- 6.2 One letter of objection has been received, as it is claimed the site takes access through land in the ownership of the objector.

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 raises no strategic issues. The policies of the Falkirk Structure Plan do not therefore apply.

Polmont & District Local Plan

- 7a.2 Policy POL 8.2 'Green Belt' states:

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

- (i) A Green Belt location is essential; and*
- (ii) There is no serious detrimental impact on the character of the Green Belt.*

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

In accordance with the provisions of SDD Circular 24/1985 'Development in the Countryside and Green Belts', the Council strongly supports the principle of the Green Belt:

- a. To separate the main settlements of the Council area;*
- b. To provide areas for countryside recreation (excluding such urban forms as hotels, time-shares and holiday villages);*
- c. To provide a clear segregation of urban and rural uses;*
- d. To enhance the landscape adjacent to built up areas; and*
- e. To provide a corridor for essential services."*

- 7a.3 The proposed development is for recreational purposes. A location within the Green Belt is appropriate in this regard. There would be no impact on the character of the Green Belt as a result of the proposed development.

7a.4 Policy POL 8.3 'Greenspace Initiative' states:

"The Council will support and assist the early implementation of the Greenspace Initiative in relation to tree planting, off-road routes, recreation opportunities, nature conservation and environmental improvements. In addition, the Council will seek to ensure that development proposals do not undermine the Greenspace Initiative. Furthermore, in urban fringe locations, developers will be expected to contribute to the Greenspace Initiative and accordingly, appropriate proposals for open space, tree planting and footpaths/cycle routes should be incorporated as part of any planning application for development (see also Policy POL 2.4)."

7a.5 The proposed allotments, and the ethos of the Helix project in general, would assist in the aims of the Greenspace Initiative in terms of improved access, footpath links, tree planting and recreational opportunities.

7a.6 Policy POL 4.8 'Pipeline Consultation Zones' states:

"Within the Pipeline Consultation Zones identified on the Policies, Proposals and Opportunities Map, development will not normally be permitted unless the Council is satisfied that:

- (i) future users or occupants will not significantly add to the number of people exposed to the existing risk from the pipeline; and*
- (ii) the development will not in any way affect the operation of the pipeline."*

7a.7 The proposed development has been the subject of pre-application consultation with Ineos and Shell in relation to pipeline location and requirements. The layout has been designed to accommodate the requirement, and no objections have been received following consultation on the application under assessment.

7a.8 Policy POL 9.4 'Enhancement of Open Space' states:

"The Council will seek to improve the amenity, recreational and ecological value of existing open space. In particular the Council will investigate means of implementing Opportunity REC1 identified on the Policies, Proposals and Opportunities Map."

7a.9 The proposed development would improve the recreational value of an area of open space with no current community use.

7a.10 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be considered are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) and the views expressed in consultation responses and representations.

Falkirk Council Local Plan Finalised Draft (Deposit Version) April 2007 as amended by the Final Proposal Modifications (June 2010)

7b.2 Policy EQ20 - 'Green Belt' states:

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

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

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

7b.3 The proposed development, as noted previously in paragraph 7a.3 of this report, has no adverse impact on the Green Belt.

7b.4 Policy EQ21 - ‘Falkirk Greenspace’ states:

“Through the Falkirk Greenspace Initiative, the Council will work with its partners to improve the landscape, habitat quality and recreational potential of the network of urban fringe and urban open space around and within settlements. Priority will be given to:

- (1) Appropriate woodland creation and management, where landscape quality, access, biodiversity, and connectivity across the Greenspace can be promoted;*
- (2) The creation of an interlinked network of paths within the Greenspace, with particular emphasis on a principal circular route, as a key part of the core path network, complemented by secondary routes where appropriate; and*
- (3) Requiring developers in urban fringe locations to contribute to landscape and/or access improvements in association with new development.”*

7b.5 The proposed development, as noted previously in paragraph 7a.5 of this report, would assist in the continued implementation of the Greenspace Initiative.

7b.6 Policy EQ29 – ‘Outdoor Access’ states;

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network once it is defined.*
- (2) In promoting new routes particular emphasis will be placed on opportunities specified on the Proposals Map other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements; other areas of proven demand as identified through community consultation; and the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25; the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) When considering planning applications, the Council will Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed. Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above. Where an access route is to be temporarily disrupted, require the provision of an*

alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”

- 7b.7 The proposed development would link with existing countryside access routes and established core paths in particular. The proposed development, as previously noted, would assist the Greenspace Initiative and improve recreational access in general.
- 7b.8 The above policies affirm the policy position expressed in the extant Falkirk Local Plan. The proposed development accords with these policies in relation to the countryside, path networks and outdoor access.

Summary of Consultation Responses

- 7b.9 The initial views of the Transport Planning Unit have to an extent been superseded by comments subsequently received from the Roads Development Unit. Research, following on from the initial views of the Transport Planning Unit, has lessened concerns over access and parking. Nonetheless, the proposed access from the A9 will require the submission of a Road Safety Audit to assess the proposed access, and the need or otherwise for amendment to the existing access. The requirement for a Road Safety Audit is consistent with the requirement for this at previous developments at this location, and can be required by planning condition.
- 7b.10 The guidance provided by the Environmental Protection Unit in relation to required assessment of contaminated land can be required by planning condition.
- 7b.11 The requirements of Ineos in relation to the protection of the Finnart to Grangemouth pipelines have been provided to the applicant to action.
- 7b.12 The requirements of BEAR Scotland for a barrier fence can be required by planning condition.

Summary of Representations

- 7b.13 The Roads Development Unit has confirmed that the site is served by an existing bus service with disabled access from the A904 immediately adjacent to the site. Bus services on Beancross Road will also serve the site via a proposed 3 metre cycle/footway from Primrose Avenue, and will link with Grangemouth and Laurieston. Both sides of the A904 can be accessed by an underpass at this location.
- 7b.14 The proposed site access has been demonstrated to be acceptable to Falkirk Council as Roads Authority, subject to the provision of a Road Safety Audit and agreed construction specification. The right to use this access is a civil matter between owners, and cannot be used as a reason to refuse the application.

7c Conclusion

- 7c.1 There is support for the proposed allotment development in the Development Plan on the basis that improved countryside access for recreation and community linkage would be achieved. The proposed allotments would also further assist the implementation of Falkirk Council's established Greenspace Initiative and the wider aims of the Helix project, a major environmental improvement within the Falkirk Council area.

- 7c.2 There are no material considerations which would justify setting aside the Development Plan and refusing planning permission.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years from the date of this permission.**
- (2) No work shall commence until details of an "unclimbable" fence between the application site and the M9 motorway is provided to the Planning Authority for assessment and written approval. The allotments shall not be open to the public until the fence has been erected.**
- (3) No work shall commence until details of a "Stage 2 Road Safety Audit" has been submitted for the assessment and approval of Falkirk Council as Planning Authority. The required Audit shall assess the proposed access from the A9 Laurieston Bypass to the site in the context of existing accesses to other developments served.**
- (4) All hard standing and parking areas shall be of a porous construction which allows any surface water to soak away.**
- (5) 5% of the approved parking spaces shall be provided as disabled parking.**
- (6) Access to the site shall be by means of a standard dropped kerb footway crossing point formed in accordance with the "Design Guidelines and Construction Standard for Roads in the Falkirk Council Area".**
- (7) The access shall be formed with a maximum gradient of 10% and such that no surface water is discharged or loose material is carried onto the public road.**
- (8) The access shall be at least 5.5 metres wide for the first 10.00 metres of its length.**
- (9) Any access gates shall open in an inwards direction only.**

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2-3) In the interests of public safety.**
- (4) To reduce the potential for flooding.**

(5-9) In the interests of public safety.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02 and 03.
- (2) The builder shall ensure that noise 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.

Pp

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

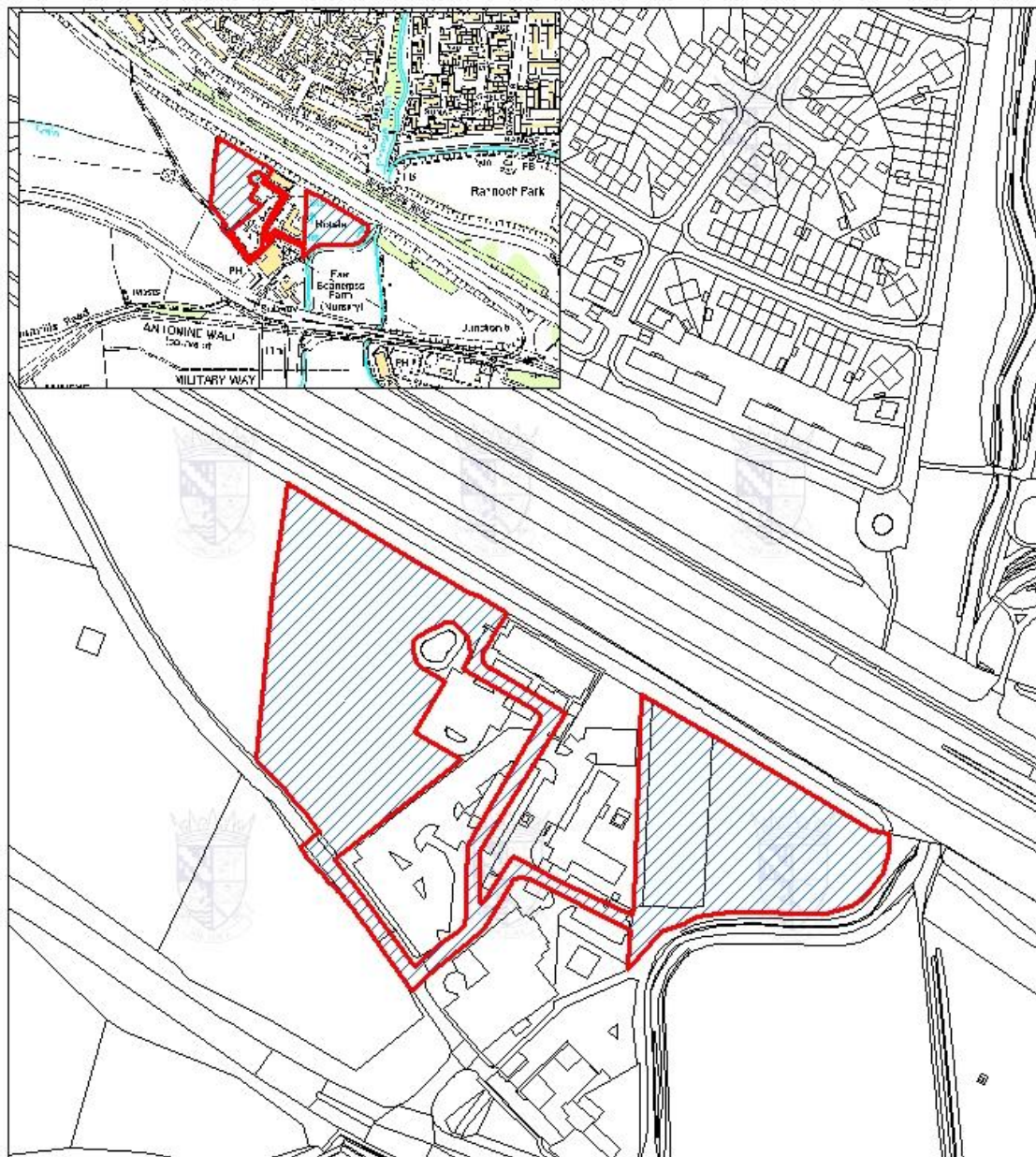
1. Falkirk Council Structure Plan.
2. Polmont & District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Letter of Objection received from J Walker, Marincest Limited, 111 Cadzow Street, Hamilton, ML3 6HG on 23 September 2010.
5. Letter of Support received from Mr Peter Rowe, 16 Dundas Street, Bo'ness, EH51 0DG on 1 September 2010.

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

Planning Committee

Planning Application Location Plan P/10/0617/FUL

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FALKIRK COUNCIL

Subject: CENTRAL PARK PROPOSAL CONSISTING OF: A WATERBODY, AN EVENT SPACE, A SQUARE (PUBLIC REALM SPACE), PATHWAYS/ BOARDWALKS, SUDS, PLAY AREAS, VISITOR FACILITIES AND LANDSCAPE WORKS. AT LAND AT THE HELIX TO THE WEST OF THE M9 FROM JUNCTION 5 TO JUNCTION 6, FALKIRK FOR THE HELIX TRUST – P/10/0326/PPP

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

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

Ward - Lower Braes (southern edge of site only)

Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Grangemouth
Lower Braes
Grahamston, Middlefield and Westfield

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application under assessment is a major application for planning permission in principle (PPP) for the proposed development of a 'Central Park' event and amenity focal space for the Helix environmental improvement project.
- 1.2 The Helix is an urban fringe environmental improvement project funded, in part, by BIG Lottery Living Landmarks. Fundamental to the Helix project is the aim to improve connections between existing settlements and facilities and allow for improved access to future Helix initiatives.
- 1.3 The proposed 'Central Park' is located between the A9 northern distributor road and West Mains industrial area, and to the north of the Falkirk Community Stadium at Westfield, Falkirk.

- 1.4 The provision of an amenity area, being the focal space of the Helix project, of 42 hectares is proposed. It is envisaged that this would include provision of an area for the holding of public events, a boating loch and a designed public meeting place.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development is potentially contrary to the Development Plan and involves land under the ownership of Falkirk Council, and Falkirk Council is a partner of the Helix Trust, who is the applicant.

3. SITE HISTORY

- 3.1 Planning permission reference P/10/0293/FUL was granted on 18 June 2010 for the formation of an access road for Helix related Forth and Clyde Canal improvements.
- 3.2 There are no relevant planning application in the immediately surrounding area. Previous approvals have been granted for the of the Falkirk Stadium and associated developments. In addition an outstanding PPP (formerly outline) application exists for mixed use development at the Falkirk Gateway proposed development, agreement has yet to be reached in relation to the required Section 75 Agreement.
- 3.3 Proposal of Application Notice (PAN) reference P/09/0732/PAN was submitted by the applicant in fulfillment of obligations to notify Falkirk Council of this major application.

4. CONSULTATIONS

- 4.1 The Transport Planning Unit has reviewed the Transport Assessment submitted with this application and has expressed concerns in relation to:
- The specification and construction of the access road,
 - Car parking provision,
 - Lack of detail in relation to footpaths/cycleways/service access,
 - Pedestrian crossing points and their impact on existing roads,
 - Potentially poor public transport links
 - Event management
- 4.2 Evidence is provided in relation to road directional signage and the requirement for alternative paths during construction.

- 4.3 The Roads Development Unit has commented on the lack of supporting information submitted with the application. Concern is raised in relation to:
- Access road construction and specification,
 - Integration of Helix traffic with the existing road network,
 - Lack of footpath linkages to bus stops and crossing points on the A904 (Falkirk Road),
 - Inadequate parking provision,
 - Absence of information relating to Sustainable Urban Drainage (SUDs) and Flood Risk Assessment (FRA).
- 4.4 The Environmental Protection Unit has advised that a Contaminated Land Assessment is required.
- 4.5 The Emergency Planning Unit has no objections.
- 4.6 The Health and Safety Executive, through the use of PADHI+ assessment, “advises against” the proposal. This assessment is based on the considered view that more than 1000 visitors to the site may occur at any one time. It should be noted that the advise against consultation response from a statutory consultee requires that the application must be referred to Scottish Minister prior to the issue of any grant of planning permission.
- 4.7 Shell UK has no comment in relation to pipeline interests in the vicinity of the site.
- 4.8 BP (Grangemouth) has no comment and has confirmed that the Forties Pipeline would not be affected by the proposed development.
- 4.9 Scottish Natural Heritage has no objections to the proposed development.
- 4.10 Historic Scotland has no objections, and has confirmed that the proposed development would not impact upon the Forth and Clyde Canal Scheduled Ancient Monument.
- 4.11 Scottish Water has no objections.
- 4.12 SEPA has no objections and has provided advice in relation to surface water, flooding and waste management obligations. These have been forwarded to the applicant’s agent for consideration.
- 4.13 Transport Scotland, at the time of writing this report, has not responded to consultation. Reminders have been issued and any necessary update shall be given at Committee.
- 4.14 Central Scotland Police has raised no objections.
- 4.15 The Scottish Rights of Way Society has no objections to the proposed development but has requested more detailed information on proposed path networks for the Helix project.

5. COMMUNITY COUNCIL

- 5.1 Comment has not been received from the Community Councils which cover the area of the application site.

6. PUBLIC REPRESENTATION

- 6.1 One letter of objection has been received from Friends of the Earth Falkirk. The letter expresses support in principle for the Helix project but objects on the grounds of loss of biodiversity through tree felling, and impact of development on wildlife, the potential for inadequate parking provision for visiting public and tourists, the lack of detail in relation to new path provision, and the longer term management of the site.

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 following policies of the Falkirk Structure Plan apply:

- 7a.2 Policy ECON.7 'Tourism' states:

"The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:

- (1) the key locations for development will be the Millennium Canals, Falkirk Town Centre/ Callendar Park and Bo'ness;*
- (2) development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential."*

- 7a.3 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.4 Policy ENV.2 ‘Green Belt’ states:

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

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

7a.5 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.6 Policy ENV.5 'Built Environment and Heritage' states:

"Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*
- (3) Promoting sensitive interpretation of heritage assets.*
- (4) Protection of the assets and their setting from inappropriate development.*
- (5) Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset."*
- (6) Reviewing the boundaries of areas to ensure their continuing relevance."*

7a.7 Policy ENV.6 'Enhancement Action' states:

"Priority will be attached to the programme of enhancement measures (including wildlife habitat enhancement) identified in Schedule ENV.6 below. Local Plans and other programmes will include detailed proposals for the enhancement of such areas or features, including mechanisms for implementation."

7a.8 Policy ENV.7 'Quality of Development' states:

- "(1) Priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.*
- (2) Local Plans and Supplementary Planning Guidance will provide detailed guidance on how significant impact will be assessed and the details to be included in such design concept statements."*

7a.9 Policy TRANS.1 'Core Path Networks' states:

"The Council through consultation will identify a network of strategic paths and core path networks based on the main communities of the area. In particular the Council will make provision for the identification, safeguarding and development of the following:

- (1) National Cycle Network route between Edinburgh and Stirling through the Falkirk Council area;*
- (2) Strategic walking and cycling routes utilising the Union and Forth and Clyde Canal towpaths; and*
- (3) Local Core Path networks in line with the Council's Countryside Access Strategy.*

The Council in its Local Plans will contain policies that protect identified paths from development and ensure that wherever possible new development proposals create linkages and strategic routes to the identified core path network.”

7a.10 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.”

Falkirk Local Plan

7a.11 The Falkirk Local Plan is the current adopted Local Plan covering the site. The following policies are relevant:

7a.12 Policy FAL 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 Falkirk 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.”

7a.13 Policy FAL 3.2 ‘Design and Landscaping’ states:

“Development proposals should incorporate appropriate hard and soft landscaping which enhances the character of the development and the local area. The landscaping scheme should:

- (i) respect the setting and character of the development site;*
- (ii) retain, where practical, existing vegetation and natural features such as ponds, wildflower meadows/verges, and scrub;*
- (iii) incorporate structure planting, street trees and informal open space planting, as appropriate to the nature and location of the proposal;*
- (iv) make use of native tree and plant species;*
- (v) incorporate high quality hard landscaping, including surfacing materials, boundary enclosures and street furniture which complement the development and the local townscape; and*
- (vi) demonstrate that satisfactory arrangements have been made for the future maintenance and management of landscaped areas.”*

7a.14 Policy FAL 3.3 ‘Design and Accessibility’ states:

“Development proposals should incorporate, where appropriate, safe and attractive access for all users, particularly pedestrians, cyclists and public transport users. In particular, they should ensure:

- (i) the provision and protection of pedestrian/cycle routes through the site, linking into the wider strategic network of routes beyond, and particularly to public transport stops and community facilities; and*
- (ii) the provision, as far as possible, of a barrier-free environment for those with access difficulties such as disabled persons and the elderly.”*

7a.15 Policy FAL 3.9 ‘Environmental Improvements’ states:

“The Council will seek to promote programmes of environmental improvement in the following priority areas, as resources permit:

- (i) Falkirk Town Centre and the local shopping centres;*
- (ii) major transport routes;*
- (iii) the Green Belt and other urban fringe areas;*
- (iv) the canal network in association with the Millennium Link;*
- (v) public parks and open spaces;*
- (vi) areas of need under the Community Urban Regeneration Programme; and*
- (vii) existing industrial areas.”*

7a.16 Policy FAL 3.14 ‘Sites of Archaeological Interest’ states:

“In order to protect and conserve archaeological and historic features of significance and their settings:

- (i) there will be a presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological or historic interest and their settings;*
- (ii) archaeological sites where development is permitted will be excavated and recorded. The Council supports Historic Scotland’s policy to seek developer funding for any necessary excavation, recording and publication works; and*
- (iii) the Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice.”*

7a.17 Policy FAL 4.1 ‘Green Belt’ states:

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

- (i) a Green Belt location is essential; and*
- (ii) there is no serious detrimental impact on the character of the Green Belt.*

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

In accordance with the provisions of S.D.D Circular 25/1985 “Development in the Countryside and Green Belts”, the Council strongly supports the principle of the Green Belt:

- a. To separate the main settlements of the Council area;*
- b. To provide areas for countryside recreation (excluding such urban forms as hotels, time-share and holiday villages);*
- c. To provide a clear segregation of urban and rural uses;*
- d. To enhance the landscape adjacent to built up areas; and*
- e. To provide a corridor for essential services.”*

7a.18 Policy FAL 4.2 ‘Falkirk Greenspace Initiative’ states:

“The Council will support and assist the Falkirk Greenspace Initiative, and will oppose development which would prejudice its implementation. Accordingly:

- (i) priority will be given to proposals for woodland planting and management, countryside recreation and access improvements, and the development of areas for nature conservation within the areas identified as Opportunities ENV 1 - 6 on the Policies, Proposals, and Opportunities Map;*
- (ii) priority will be given the creation of a circular route through the Greenspace for pedestrians and cyclists, complemented by secondary routes where appropriate (see Opportunity TRA 5);*
- (iii) developers will be expected to contribute to the Greenspace Initiative by providing tree planting and/or access improvements and creating wildlife habitats in association with new development in urban fringe locations; and*
- (iv) initiatives to encourage community participation in the implementation of Greenspace projects will be supported.”*

7a.19 Policy FAL 4.3 ‘Nature Conservation’ states:

“In order to protect and conserve species, habitats and other natural features of importance:

- (i) there will be an overriding presumption against development which would be likely to adversely affect Natura 2000 sites, designated or proposed under the EC Habitats and Wild Birds Directives, wetlands of international importance designated under the Ramsar Convention, existing or proposed Sites of Special Scientific Interest, or sites which support species protected by specific legislation;*
- (ii) development likely to affect Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation, wildlife corridors and other sites considered to be of regional or local nature conservation value will not be permitted unless it can be demonstrated that that there will be no damaging impact upon the habitats and species concerned;*
- (iii) where development is to be approved which could affect any site of significant nature conservation value, appropriate measures will be required to conserve, as far as possible, the site’s nature conservation interest and to provide for replacement habitats or features where damage is unavoidable;*
- (iv) in partnership with relevant interests, the Council will develop management proposals to conserve the nature conservation interest and enhance the biodiversity of sites of local value; and*
- (v) the Council will designate Local Nature Reserves as appropriate, in consultation with communities, local wildlife groups and statutory bodies.*

Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications.”

7a.20 Policy FAL 4.4 ‘Trees, Woodland and Hedgerows’ states:

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

- (i) protect ancient, long established and semi-natural woodlands as a habitat resource of irreplaceable value;*

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

7a.21 Policy FAL 4.7 ‘Footpaths and Rights of Way’ states:

“The Council will seek to protect, improve and signpost rights of way and other recognised footpaths. The Council will also seek to encourage the creation of new access routes into the countryside, in co-operation with landowners and other funding agencies.”

7a.22 Policy FAL 6.7 ‘Major Hazard Consultation Zones’ states:

“Within Major Hazard Consultation Zones, as identified on the Policies, Proposals and Opportunities Map, there will be a general presumption against development where future users or occupants would significantly add to the number of people exposed to the existing risks in the area.”

7a.23 Policy FAL 8.8 ‘Pipeline Consultation Zone’ states:

“Within the Pipeline Consultation Zone identified on the Policies, Proposals and Opportunities Map, development will not normally be permitted unless the Council is satisfied that:

- (i) future users or occupants will not significantly add to the number of people exposed to the existing risk from the pipeline; and*
- (ii) the development will not in any way affect the operation of the pipeline.”*

7a.24 Policy FAL 9.2 ‘Tourism’ states:

“The Council will encourage tourism-related development in Falkirk and will support proposals which enhance the quality and diversity of tourism infrastructure and attractions, subject to other Local Plan policies and proposals. Particular emphasis will be placed on the development of the following key themes and attractions:

- (i) the Town Centre;*
- (ii) Callendar House, Park and Wood;*
- (iii) the Canal Network/Millennium Link;*
- (iv) Roman heritage at Roughcastle/Tamfourhill; and*
- (v) industrial heritage.”*

7a.25 The Structure Plan and Falkirk Local Plan are supportive of the proposed development. The purpose of the Helix project is to improve and enhance recreation and amenity opportunities at a prominent location in the identified Green Belt and Falkirk Greenspace.

- 7a.26 Structure Plan and Local Plan policies relating to landscape, ecological and access issues are consistent with the Helix objectives of sustainable development and improvements to landscape quality in the context of biodiversity and outdoor access and recreation.
- 7a.27 The submission of detailed information in relation to issues of landscape, ecology and access will be required in any subsequent MSC or detailed planning applications for the proposed development. At this stage a more detailed assessment against Development Plan policy will be undertaken.
- 7a.28 The proposed development complies with all policies of the Development Plan with the exception of policy FAL 6.7 'Major Hazard Consultation Zones' in respect of the potential for the attraction of visitors to site within consultation distance of a hazardous installation (Kemfene). The potential for the attraction of more than 1000 visitors at any one time resulting from the combination of proposed event space, boating location, public square, play areas and visitor facilities is considered possible. In this respect HSE PADHI+ consultation has resulted in an "advise against" response contrary to policy FAL 6.7 "Major Hazard Consultation Zones" of the Falkirk Local Plan.
- 7a.29 Accordingly, the proposal does not accord with the Development Plan for the reason that the proposed development may be considered to result in the further attraction of visitors to the site who may be exposed to an identified HSE risk.
- 7a.30 The PPP status of the application means that detailed analysis of potential impacts on landscape, ecology and access are not possible at this stage. Planning conditions requiring the submission of detailed information in relation to these matters in a subsequent Matters Specified in Conditions (MSC) application are appropriate.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), the views expressed in consultation responses and the submitted representation from Friends of the Earth.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

- 7b.2 The following policies are of relevance:

- EQ1 Sustainable Design Principles
- EQ4 Landscape Design
- EQ7 Area Enhancement Priorities
- EQ16 Areas of Archaeological Interest
- EQ19 Countryside
- EQ20 Green Belt
- EQ21 Falkirk Greenspace
- EQ22 Landscape and Visual Assessment
- EQ24 Ecological Sites and Features
- EQ25 Biodiversity
- EQ26 Trees, Woodland and Hedgerows

- EQ29 Outdoor Access
- EP15 Tourism Development
- EP16 Leisure and tourism Development in the Countyside
- EP17 Canals
- EP18 Major Hazards
- ST1 Core Path Network
- ST2 Pedestrian Travel and Cycling
- ST7 Transport Assessments
- ST11 Sustainable Urban Drainage

7b.3 The above listed policies affirm and advance the policy context of the extant Development Plan. With the possible exception of the Major Hazards Policy (see paras. 7b.6 to 7b.8), the proposed development is considered to accord with the above listed policies and, therefore, the terms of the emerging Falkirk Council Local Plan.

Consultation Responses

7b.4 The comments of the Transport Planning and Roads Development Units of Falkirk Council express concerns mainly in relation to the lack of information submitted with the application. Concerns relate to: the scope and content of the submitted Transport Assessment (TA), specification of access road, car parking provision, footpath/cycleway connection, crossing facilities, public transport provision, Sustainable Urban Drainage and Flood Risk Assessment provision.

7b.5 The PPP status of the application does not require the submission of additional information other than that submitted by the applicant. Nevertheless, the comments of the Transport Planning and Roads Department Unit are welcomed at an early stage in the Helix project. The comments have been provided to the applicant's agent to inform any subsequent MSC or detailed planning application. In addition, planning conditions requiring that the concerns raised are addressed in information provided by the applicant in any subsequent planning application for the development proposed.

7b.6 The proposed development has produced an "advise against" response from the HSE PADHI+ consultation process. This response is based on the assumption, from assessment of the applicant's event space client design brief, that more than 1000 visitors will be attracted to the site, the majority of which lies within the outer zone of the Kemfine HSE consultation distance.

7b.7 The applicant has provided opinion that, at no time, will more than 800 visitors will be attracted to the site. These figures would attract a "do not advise against" response from HSE PADHI+ consultation. It is considered, however, that for reasons of caution and the inability of planning controls to limit visitor numbers, assessment should address the potential for visitor attraction in excess of the level predicted by the applicant.

7b.8 The combination of proposed event space, boating lochan, public square and visitor facilities is considered to result in at least the potential for significant visitor attraction to the site.

Public Representations

- 7b.9 The submitted representation from Friends of the Earth (Falkirk) supports the principle of the Helix but objects to a lack of information in relation to detailed considerations of landscape, ecology, biodiversity and visitor attraction. As detailed in paragraph 7b.5 the PPP status of the application does not require the submission of this detail. Nevertheless, the concerns raised by Friends of the Earth have been relevant in consultation responses. As previously stated, additional detailed information on the concerns raised by Friends of the Earth will be required to be submitted in subsequent applications. At this stage detailed assessment of potential impacts can be undertaken.
- 7b.10 The requirements of the Environmental Protection Unit with regards to contaminated land assessment can be addressed by planning condition.
- 7b.11 Consultation responses from Scottish Water, SEPA, Central Scotland Police, BP and Shell have been provided to the applicant's agent for information and to inform any subsequent MSC application.
- 7b.12 The representation from Friends of the Earth in support of the Helix project principles is noted. The objections raised in relation to biodiversity and infrastructure provision are noted and considered to be in common with the objectives of the Development Plan in these subjects. The PPP status of the application does not allow detailed assessment of these issues at this stage. The use of appropriately worded planning conditions in relation to landscape, ecological, assess and maintenance issues are considered to be appropriate.
- 7b.13 The loss of existing trees on the site will occur. At this stage the applicant has not quantified the loss. The extent of loss and compensatory planting can be assessed in detail at the MSC application stage. It is considered that, whilst loss of planting may be contrary to Development Plan policy, the site area, at 42 hectares, provides adequate opportunity for compensatory planting.

7c Conclusion

- 7c.1 This application for Planning Permission in Principle is broadly considered to accord with the terms of the Development Plan and the emerging Falkirk Council Local Plan. Further assessment of detailed issues relating to physical development can be addressed at the required subsequent Matters Specified in Conditions application stage. The "advise against" consultation response from the HSE PADHI+ consultation process must, however, result in the conclusion that the proposed development is potentially contrary to the Development Plan.
- 7c.2 On the basis of broad compliance with the Development Plan and the merits of the proposal with regards to public access to the countryside the proposed development is considered to represent acceptable development. The "advise against" consultation response from HSE, a statutory consultee, does however require referral of the application to Scottish Ministers for consideration.

8. RECOMMENDATION

- 8.1** It is therefore recommended that Members indicate that they are minded to grant Planning Permission in Principle subject to referral to Scottish Ministers in view of the “advise against” consultation response from HSE and absence of comments from Transport Scotland, unless resolved in subsequent agreement to the satisfaction of the Director of Development Services.
- 8.2** On receipt of comments from Transport Scotland and conclusion of referral of the application to Scottish Ministers, referred to in section 8.1 above, Members 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 three years of the date of this permission.
 - (2)** 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 & external appearance of the proposed development;
 - (b)** details of the access arrangements;
 - (c)** details of landscaping of the site.
 - (3)** 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 planning permission in principle; 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.
 - (4)** 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.
 - (5)** Prior to or in conjunction with the first matters specified in conditions or application for planning permission related to the site, the following shall be submitted for the prior written approval of the Planning Authority:

- (i) A revised Transport Assessment addressing the comments of Falkirk Council's Transport Planning Unit in consultation response dated 16 November 2010 in respect of: access road specification/construction, service access and crossing points, car parking provision, footpath/cycleway routes and specification, TOUCAN pedestrian crossing introduction on the A9 and A904 at indicated points, public transport improvements to the site, event management plans for identified event types.
 - (ii) Sustainable Urban Drainage (SUDs) proposals.
 - (iii) A Flood Risk Assessment (FRA) including design calculations for 1:200 year storm events.
 - (iv) A landscape plan detailing tree felling, new planting (trees, shrubs and hedge), path and hard surfacing specification, existing and proposed levels, sectional illustration of site relationship and management and maintenance proposals.
 - (v) Location design details including water inflow/outflow, potential hydrology impacts, management and maintenance, invasive aquatic plant avoidance and impacts on biodiversity.
 - (vi) Site hydrology including analysis of water flow to proposed features, outflow from proposed features, waterflow throughout the site and potential impacts on the existing West Mains Road Wildlife Site.
 - (vii) Habitat retention and creation including proposals for maintaining and enhancing existing woodland, assessment of potential habitat loss and mitigation of impacts, connectivity between habitat areas and an assessment of proposed potential public access and potential impacts on habitat.
 - (viii) A statement on the proposed arrangement and maintenance provisions for the site including long term governance.
 - (ix) A Contaminated Land Assessment in accordance with current guidance. 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.
- 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.
 - 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.

Reason(s):-

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

- (2) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (3-4) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (5) To ensure the provision of adequate detailed information to inform future application assessment.

Informative(s):-

- (1) This application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.
- (2) Due to the proximity of dwellinghouses to the proposed development, the applicant should have regard to controlling any noise produced by future use of the development to ensure that no noise nuisance is caused if noise complaints were received about the development. The Environmental Health Unit would be obliged to investigate and take any necessary action if the complaints were found to be justified under Statutory Nuisance legislation.

.....
Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Structure Plan.
2. Falkirk Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of Objection from Friends of the Earth Falkirk, c/o 17 Anson Avenue, Falkirk FK1 5JD.

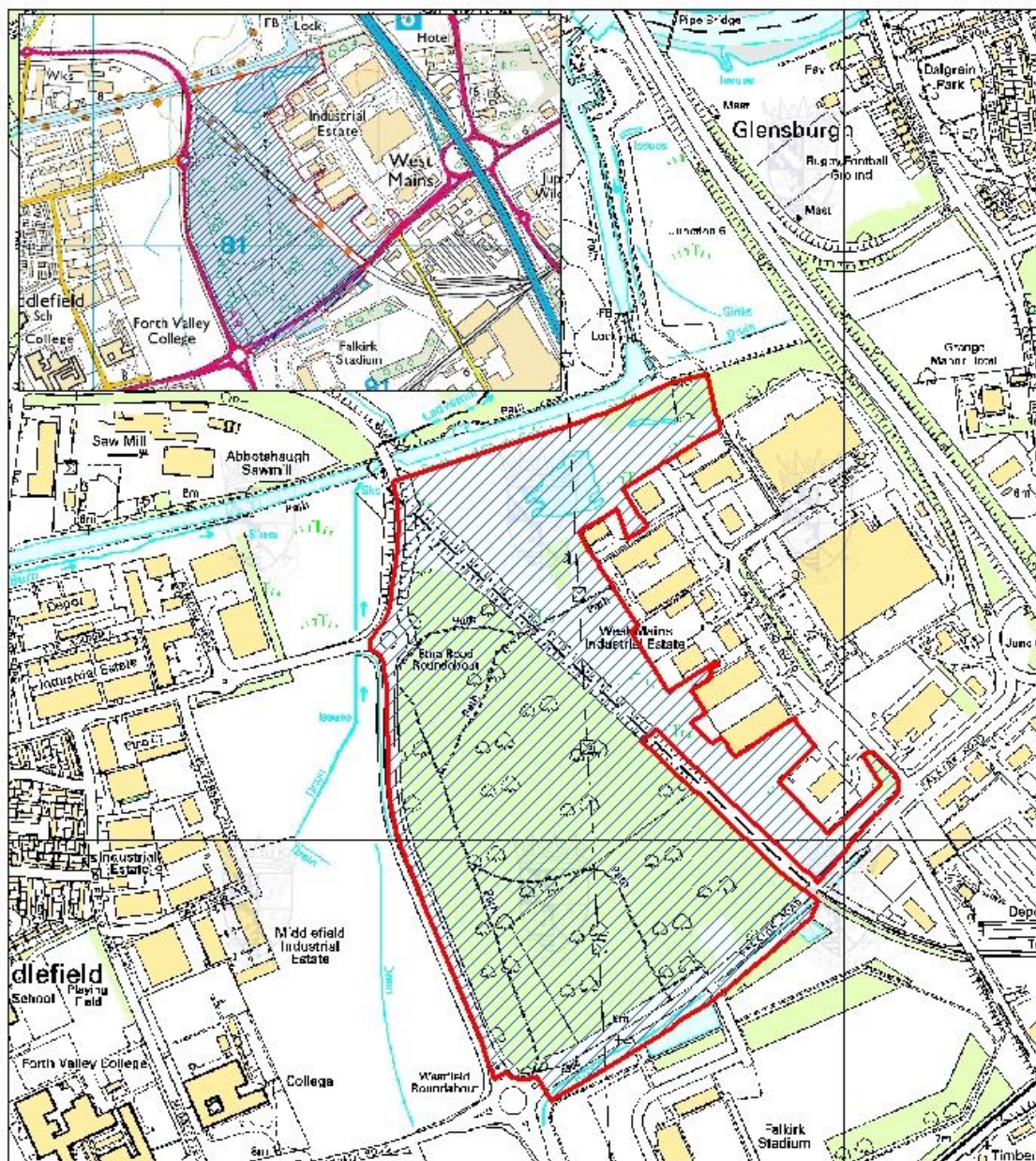
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0326/PPP

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



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FALKIRK COUNCIL

Subject: CHANGE OF USE OF PUBLIC OPEN SPACE TO FORM
VEHICULAR ACCESS AND HARDSTANDING
(RETROSPECTIVE) AT 21 ZETLAND DRIVE, LAURIESTON,
FALKIRK, FK2 9NP FOR MR MICHAEL REAPE –
P/10/0688/FUL

Meeting: PLANNING COMMITTEE

Date: 01 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Lower Braes

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks detailed retrospective planning permission for the change of use of public open space to form a vehicular access and hardstanding. Although the development has started, works have not been completed. The proposed final paved surface has not been laid. The application site forms a larger area of public open space located at the corner of no.7 Dundas Road and no.21 Zetland Drive, Laurieston. The site measures approximately 3.7 metres in width and 11 metres in length, to allow for two vehicles to be parked off road.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires Committee consideration because the land is owned by Falkirk Council.

3. SITE HISTORY

- 3.1 No.28 Zetland Drive (Planning Reference: F/96/0476) and no.30 Zetland Drive (Planning Reference:F/96/0167), located opposite the application site, have both benefitted from planning permission to change the use of public open space to private garden ground.

4. CONSULTATIONS

- 4.1 The Roads Unit has advised that the proposal is generally acceptable; however they have requested that conditions be attached if consent is given in respect of the width and length of the driveway, its gradient and any means of enclosure.
- 4.2 The Environmental Protection Unit has no objections to the development.

5. COMMUNITY COUNCIL

- 5.1 The local Community Council did not make any representations.

6. PUBLIC REPRESENTATION

- 6.1 During the consideration of the application, one letter of objection has been received. The concerns raised within this objection can be summarised as follows:
- Cars parked next to access path to neighbouring dwelling, and if any of those cars were to catch fire Health and Safety of the adjoining resident is not being considered.
 - If the whole piece of land is owned by neighbour then there is ample room to move the access further from the joint pathway.
 - Poor quality edging along access path is clearly a trip hazard and is concerned about standards of work carried out.
 - Object to the application being considered in retrospect as works have been carried out and is worried that the application will be automatically passed.
 - Two vehicles parked on the unauthorised driveway before planning permission being sought.
 - There is a similar property to this property on Icehouse Brae that has a garage and a drive that is a reasonable distance from the entrance doors and would like this reflected in this application.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 There are no policies relevant to the proposal in the Structure Plan.

Polmont and District Local Plan

7a.2 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.3 The site is located within the urban limits and therefore is in accordance with Policy POL 2.2.

7a.4 Policy POL 9.3 'Protection of Open Space' states:

"The Council will generally protect parks, playing fields and other areas of public open space from unrelated development which would diminish their recreational or amenity value. Proposals involving the loss of any area of public open space, whether through built development or incorporation as private garden ground, will normally be resisted where the proposal would:

- (i) adversely affect the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the surrounding area. When considering redevelopment proposals for playing fields and public open space, there should be a clear long term excess of pitches, playing fields and public open space in the wider area, taking into account long term strategy, recreational and amenity value and any shortfall in adjoining local plan areas;*
- (ii) result in the loss of amenity open space such that the character or appearance of the area or its setting will be adversely affected; or*
- (iii) set an undesirable precedent for further incremental loss of public open space such that the provision of amenity or recreation open space in the area would be eroded.*

Where a proposal is permitted which involves the loss of an area of open space, the Council may require a contribution from the developer towards upgrading other open space in the vicinity or the provision of replacement facilities to offset the loss. This alternative provision should be of equal community benefit and accessibility."

7a.5 Policy POL 9.3 (Protection of Open Space) seeks to protect all existing open space and to ensure that development does not diminish their recreational value. In this instance, the proposed development forms part of a larger plot of open space, there is no enclosure proposed. It is considered that the appearance and setting of the area is not adversely affected. Furthermore, existing trees within the corner plot are not affected. Other properties nearby have benefitted from permission to change the use of small areas of open space to garden ground in the past and therefore this application is not considered to be setting an undesirable precedent.

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

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), the responses from consultees and the letter of representation.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

7b.2 Policy SC12 - 'Urban Open Space' states:

"The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) In the case of recreational open space, it can be clearly demonstrated from a settlement and neighbourhood audit that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded."*

7b.3 Policy SC12 seeks to protect all existing urban open space. Under this policy, the loss of urban open space will only be permitted in limited circumstances. These circumstances include where there would be no adverse impact on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development.

7b.4 In this instance, the development does not enclose the area of ground. This proposal is not considered to materially reduce the amenity and character of the corner plot. The application site is not considered to be recreational open space or to have any other ecological value, and its loss would not threaten any public access routes.

Responses To Consultation

7b.5 The Roads Unit has requested that conditions be attached as detailed in paragraph 4.1, if consent is given. The application site is relatively flat, the submitted drawings indicate that the driveway would have a slabbed run-in and the width and length of the driveway would comply with the suggested conditions. No enclosures are proposed. Any enclosures would require planning consent separate to this application.

Assessment of Public Representations

7b.6 The concerns raised have been summarised in Section 6.1 of this report. In response to the concerns, the following comments are considered to be relevant:

- Cars catching fire is not a material planning consideration.
- The whole corner plot is not owned by the applicant and planning permission is only being sought for the land indicated in red within the location and block plan submitted.
- The quality of edging along a footpath would not require planning permission and therefore cannot be controlled by this application.
- This application will be assessed in retrospect and this will not automatically mean that the application will be consented; land owner's consent should be sought by the applicant separately.
- There are similar driveways within close vicinity and it is not considered reasonable to move the vehicular access.

7c Conclusion

7c.1 It is considered that the proposed development accords with the terms of the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010). It is considered there are no material planning considerations which warrant refusal of this planning permission.

8. RECOMMENDATION

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

- (1) Within six months of the date of this permission the proposed hardstanding areas shall be surfaced and finished in accordance with the plan that bears our online reference number 01.

Reason(s):

- (1) In the interests of road safety and 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 online reference number(s) 01 and 02.

- (2) Please note that this permission does not alter the need to ensure that any other consent(s) necessary, under other legislation, are obtained. The Land is in ownership of Falkirk Council therefore this development cannot be carried out until ownership or a lease is obtained.

Pp

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Polmont & District Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)
4. Letter of objection from Miss Lesley McChristie, 23 Zetland Drive, Laurieston, Falkirk FK2 9NP on 4 November 2010

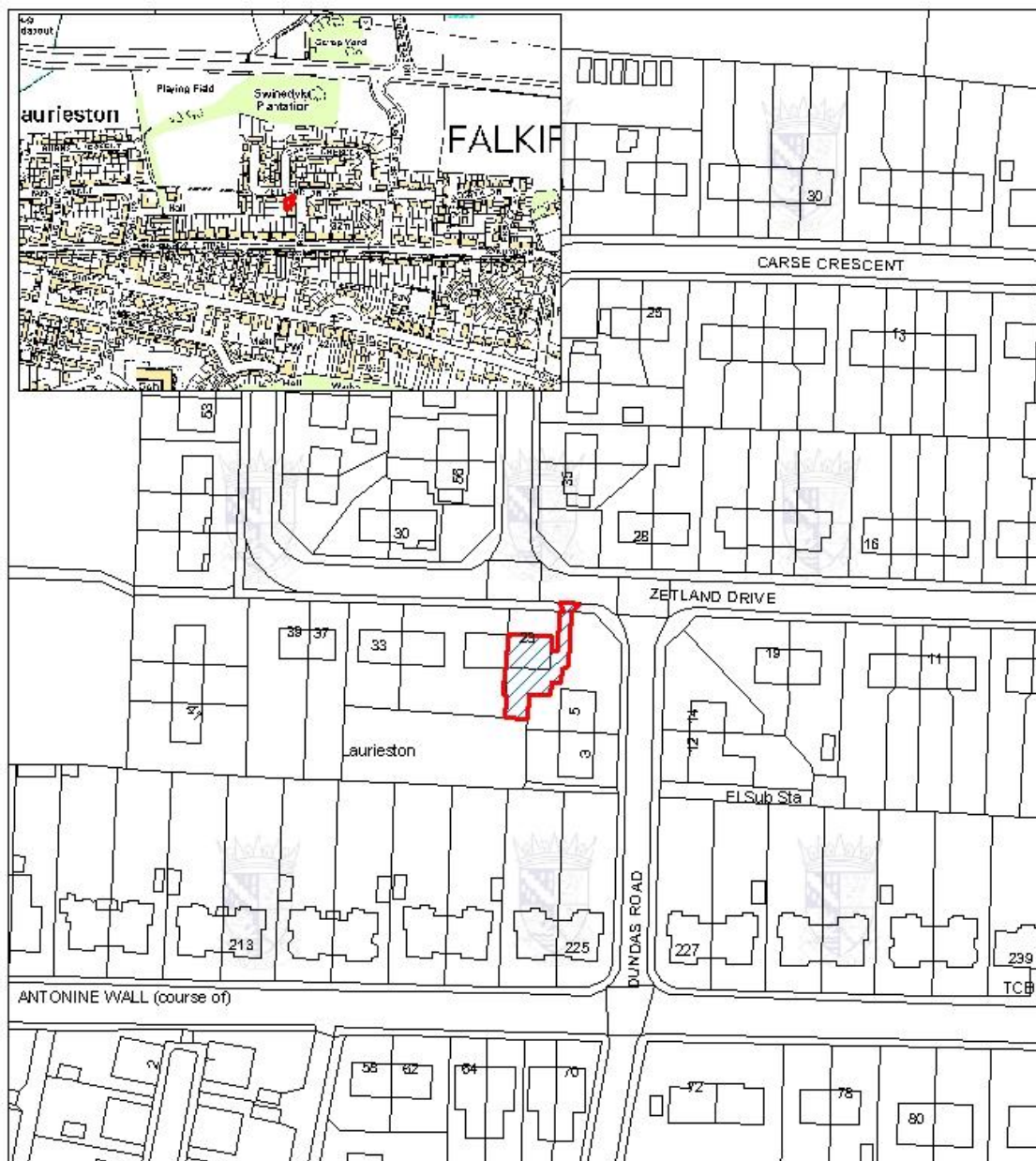
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0688/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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