

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 26 JANUARY 2011 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

APOLOGY: Councillor Oliver.

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Acting Head of Planning and Transportation; Development Manager; Roads Development Co-ordinator (B Raeburn); Network Co-ordinator (R Steedman); Development Plan Co-ordinator; Planning Officer (J Seidel); Team Leader, Legal Services (D Blyth); and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST: Councillor Lemetti declared a non financial interest in agenda item 7 (P168) in consequence of his own business interests in Camelon and having regard to the issue of public perception in relation to the application and stated that he would take no part in consideration or discussion of this item of business.

P161. OPENING REMARKS

The Convener informed Members that planning application P/10/0258/FUL (agenda item 4) - Development of Land for Residential Purposes at Parkhall Farm, Vellore Road, Maddiston, Falkirk had been withdrawn by the applicant.

P162. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of item 5 - ENQ/2010/0408 and planning applications P/10/0631/FUL, P/10/0621/FUL, P/10/0587/FUL, P/10/0608/FUL and P/10/0589/PPP (minute P166, P167, P168, P171, P173 and P174) to allow inspections of the sites by the Committee.

P163. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 1 December 2010; and
- (b) Minute of Meeting of the Planning Committee held On-Site on 17 January 2011.

P164. ON-STREET PARKING SPACES FOR DISABLED PERSONS, CASTINGS AVENUE, FALKIRK (CONTINUATION)

Prior to consideration of this item of business, Councillor Mahoney informed the Committee that he had not attended the site visit and consequently would take no part in consideration of the item.

With reference to Minute of Meeting of the Planning Committee held on 1 December 2010 (Paragraph P143 refers), Committee gave further consideration to Report (circulated) dated 24 November 2010 by the Director of Development Services and an additional Report (circulated) dated 18 January 2011 by the said Director on three applications for disabled parking spaces numbered 10/035, 10/060 and 10/063 from residents of Castings Avenue, Falkirk.

AGREED that a Hearing be organised in terms of the Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999.

P165. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 1 December 2010 (Paragraph P153 refers), Committee gave further consideration to Report (circulated) dated 24 November 2010 by the Director of Development Services and an additional Report (circulated) dated 18 January 2011 by the said Director for an application for full planning permission for the subdivision and change of use of a former class 1 shop unit to form three class 2 units and alterations to a shopfront at 53 South Street, 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) That 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 the decision refer(s) bear the online reference number(s) 01 and 02A.
- (2) That Advertisement Consent may be required for any signs associated with the proposed development. It is the applicant's responsibility to obtain this consent before any signs are displayed on site. For advice please contact Falkirk Council Development Management, Abbotsford House, David's Loan, Falkirk FK2 7YZ (Telephone number: 01324 504748)

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

P166. CONSULTATION ON AN APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE A BIOMASS RENEWABLE ENERGY PLANT WITH A NET ELECTRICAL OUTPUT OF 100 MEGAWATTS (MWE) ON SITE TO THE WEST OF FORTH PORTS PLC, CENTRAL DOCK ROAD, GRANGEMOUTH FOR FORTH ENERGY – ENQ/2010/0408

P167. ERECTION OF DWELLINGHOUSE AT THE OAKS, ARBOUR GROVE, ARBUTHNOT STREET, FALKIRK FK1 4BX FOR MR AND MRS B FLYNN - P/10/0631/FUL

P168. CHANGE OF USE OF EXISTING PUBLIC HOUSE TO HOT FOOD TAKEAWAY, ALTERATIONS TO SHOPFRONT AND INSTALLATION OF FLUE AT MAGPIE, MAGGIE WOODS LOAN, FALKIRK FK1 5HR FOR OBAN BAY PROPERTIES LTD - P/10/0621/FUL

P169. SITING OF SNACK VAN AT MEEKS ROADS CAR PARK, MEEKS ROAD, FALKIRK FOR HAZEL NIBBLO - P/10/0665/FUL

There was submitted Report (circulated) dated 18 January 2011 by the Director of Development Services on an application for full planning permission for the siting of a snack van on the site at the south east corner of Meeks Road car park, adjacent to Falkirk Grahamston railway station, Meeks Road, Falkirk.

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

P170. SITING OF SNACK VAN ON SITE TO THE NORTH EAST OF UNIT 8, WEST MAINS INDUSTRIAL ESTATE, GRANGEMOUTH FOR MRS CLAIRE RITCHIE - P/10/0793/FUL

There was submitted Report (circulated) dated 18 January 2011 by the Director of Development Services on an application for full planning permission for the siting of a snack van on the site to the north east of Unit 8, West Mains Industrial Estate, Grangemouth.

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

- (1) The permission shall be valid for a limited period until 31 December 2013, and at that time, unless further permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition.

Reason:-

- (1) The proposal is not considered to be a suitable form of permanent development.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01.
- (2) Please note that the 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 the development cannot be carried out until ownership or a lease is obtained.
- (3) 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.

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

P171. ERECTION OF DETACHED DOMESTIC GARAGE (AMENDMENT TO P/07/0364/FUL) (RETROSPECTIVE) AT CHERRYBANK, DUNMORE, FALKIRK FK2 8LY FOR MR AND MRS D COOPER - P/10/0587/FUL

P172. FORMATION OF 4 FLATTED DWELLINGS, RE-CLADDING EXTERIOR, RE-ROOFING EXISTING TOWER AND ASSOCIATED CAR PARKING AT 11 MAXWELL TOWER, SEATON PLACE, FALKIRK FK1 1TF FOR FALKIRK COUNCIL - P/10/0703/FUL

There was submitted Report (circulated) dated 18 January 2011 by the Director of Development Services on an application for full planning permission for the creation of four flatted dwellings on the ground floor within the existing disused storage space of the high rise block at 11 Maxwell Tower, Seaton Place, Falkirk. The work comprised the refurbishment of the building's exterior, associated re-roofing and car parking within the block which was part of the Callendar Park housing scheme on the edge of Falkirk Town Centre and outwith the urban limit, classed as Green Belt and Major Open Space.

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

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

Reason:-

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

Informative:-

- (1) This application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02, 03A, 04, 05, 06 and 07.

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

P173. ERECTION OF VETERINARY PRACTICE ON LAND TO THE SOUTH OF ASHBANK, BO'NESS ROAD, POLMONT FOR I LINE DESIGNS - P/10/0608/FUL

P174. SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT AONACH-MOR, GLEN ROAD, TORWOOD, LARBERT FOR MR MICHAEL BLOCK – P/10/0589/PPP

P175. RESIDENTIAL AND MIXED USE PHASED DEVELOPMENT FOR THE WHITECROSS SIRR, INCLUDING UP TO 1500 RESIDENTIAL UNITS, COMMUNITY AND ENTERPRISE FACILITIES, TRANSPORT AND ENVIRONMENTAL INFRASTRUCTURE AND EMPLOYMENT SPACE AT MANUEL WORKS, LINLITHGOW EH49 6LH FOR MORTSON ASSETS/MWL MAXINE DURY - P/10/0188/PPP

And

MIXED USE DEVELOPMENT OF CANAL HUB FACILITY COMPRISING MARINA, PONTOON MOORINGS, VISITOR FACILITY, HOTEL/ TOURISM ACCOMMODATION, CANAL FOOTBRIDGE, BOAT SERVICE BUILDINGS, CAR PARKING, LAY-BY, NATURAL LANDSCAPING WORKS AND ANCILLARY DEVELOPMENT ON LAND TO THE NORTH WEST OF ALMONDHALL FARM, FALKIRK FOR MORSTON ASSETS/LAND OPTIONS WEST - P/10/0761/PPP

There was submitted Report (circulated) dated 19 January 2011 by the Director of Development Services on two applications for planning permission in principle in respect of the development outlined in the heading to this item.

AGREED that procedures be undertaken for the full consideration of these applications involving a special meeting(s) and site visit(s) as appropriate.

P176. CLOSING REMARKS

Prior to the close of business, the Convener invited the Development Manager to provide an update on the West Carron Landfill, Stenhouse Road, Carron.

An update was provided on the proposal for a joint Working Group and options for monitoring the site. An initial meeting of the joint Working Group had been proposed for early February 2011 but required to be postponed. Further communication would take place with Members as soon as possible on an alternative date.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 7 FEBRUARY 2011 commencing at 9.30 a.m.

PRESENT: Councillors Buchanan, Lemetti (except application P/10/0621/FUL); A MacDonald, McLuckie, McNeill; Nicol (except application ENQ/2010/0408) and Thomson (except application ENQ/2010/0408).

CONVENER: Councillor Buchanan.

ATTENDING: Head of Economic Development (for application ENQ/2010/0408); Development Manager; Development Management Co-ordinator (D Campbell) (for application P/10/0631/FUL); Development Management Co-ordinator (B Whittle) (for application ENQ/2010/0408); Roads Development Co-ordinator; Assistant Planning Officer (G Clark) (for applications P/10/0665/FUL and P/10/0621/FUL); Legal Services Manager (I Henderson) (for application P/10/0665/FUL); Solicitor (K Quin) (except application P/10/0665/FUL); and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST: Councillor Lemetti declared a non financial interest in agenda item 3 (P178) in consequence of his own business interests in Camelon and having regard to the issue of public perception in relation to the application and stated that he would take no part in consideration or discussion of this item of business.

P177. SITING OF SNACK VAN AT MEEKS ROAD CAR PARK, MEEKS ROAD, FALKIRK FOR HAZEL NIBBLO – P/10/0665/FUL

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P169 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 on an application for full planning permission for the siting of a snack van on the site at the south east corner of Meeks Road car park, adjacent to Falkirk Grahamston railway station, Meeks Road, Falkirk.

The Convener introduced the parties present.

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

Ms Nibblo, the applicant, was heard in relation to the application.

Mr McKerral, on behalf of Grahamston, Middlefield and Westfield Community Council, intimated an objection to the application. Mr McKerral however confirmed that no formal objection had been submitted to Falkirk Council.

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

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

The objectors highlighted the following issues:-

- The close proximity of existing businesses and the effect on their trade;
- The sufficient number of food outlets and cafés in the surrounding area; and
- The associated litter, waste food and traffic problems.

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 Alexander, 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 23 February 2011.

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

P178. CHANGE OF USE OF EXISTING PUBLIC HOUSE TO HOT FOOD TAKEAWAY, ALTERATIONS TO SHOPFRONT AND INSTALLATION OF FLUE AT MAGPIE, MAGGIE WOODS LOAN, FALKIRK FK1 5HR FOR OBAN BAY PROPERTIES LIMITED – P/10/0621/FUL

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P168 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 by the Director of Development Services on an application for full planning permission for the change of use of a public house to a hot food take away at the Magpie, Maggie Woods Loan, Falkirk.

The Convener introduced the parties present.

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

Neither the applicant nor their agent was present on site. They had not submitted their apologies or intimated they would be late for the meeting. Having waited for a period of 10 minutes, the Convener proceeded with the meeting with the consent of all Members present.

Ms Findlay, on behalf of the objector Bantaskine Tenants and Residents Association, was heard in relation to the application.

The objector highlighted the following issues:-

- The proliferation of hot-food takeaways in the surrounding area and concern about the operating hours;
- The size of the premises
- The lack of suitable access for wheelchair users;
- The cooking odours; and
- The traffic generation, parking, noise, anti social behaviour and litter problems.

Questions were then asked by Members of the Committee.

Councillor Patrick, 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 23 February 2011.

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

P179. ERECTION OF DWELLINGHOUSE AT THE OAKS, ARBOUR GROVE, ARBUTHNOT STREET, FALKIRK FK1 4BX FOR MR AND MRS B FLYNN – P/10/0631/FUL

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P167 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 by the Director of Development Services on an application for full planning permission for the erection of one dwellinghouse forming a grouping with the two existing large properties of contemporary design with mono pitch roof and accommodation over two floors on the site to the south side of Arbuthnot Street, Falkirk.

The Convener introduced the parties present.

The Development Management Co-ordinator (D Campbell) outlined the nature of the application.

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

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

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

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

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

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

Mrs Greenhorn, on behalf of objectors Mr and Mrs Chittick, was heard in relation to the application.

The objectors highlighted the following issues:-

- The overshadowing of adjacent properties, the restriction of outlook and the effect on seclusion and privacy;
- The proposal was not in-keeping with the architectural style or height of the original dwellinghouses in the surrounding area;
- That Planning conditions for the area limited property height to single storey;
- That the two adjacent properties were owned by the applicant's family;
- The unsightly, uncharacteristic and disproportionate nature of the two adjacent properties on the site, being unsympathetic to the older properties within the site;
- The tree within the application site housing bats;
- The devaluing of adjacent properties;
- The construction traffic and associated noise and disturbance; and
- That the Council did not maintain the access road which could not sustain additional traffic.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 23 February 2011.

Members thereafter viewed the site from outside two neighbouring properties.

P180. CONSULTATION ON AN APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE A BIOMASS RENEWABLE ENERGY PLANT WITH A NET ELECTRICAL OUTPUT OF 100 MEGAWATTS (MWE) AT SITE TO THE WEST OF FORTH PORTS PLC, CENTRAL DOCK ROAD, GRANGEMOUTH FOR FORTH ENERGY – ENQ/2010/0408

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P166 refers), Committee gave further consideration to Report (circulated) dated 19 January 2011 by the Director of Development Services for consideration as a consultee in terms of Section 36 of the Electricity Act 1989 on an application for the construction and operation of a Biomass Renewable Energy Plant

with a net electrical output of 100 Megawatts (MWe) at the site to the west of Forth Ports PLC, Central Dock Road, Grangemouth.

The Convener introduced the parties present.

The Development Management Co-ordinator (B Whittle) outlined the nature of the application.

The applicants provided an initial tour by bus around the site and provided explanation for Members and the Community Council representatives relative thereto.

Following the tour of the site the formal meeting was convened within the Atrium on the site.

Ms Sullivan, Mr Wilson and Mr Scott, the applicant's representatives, were heard in relation to the application.

Mr Inglis and Ms McIntosh, on behalf of the objector Grangemouth Community Council, were heard in relation to the application.

The objector's representatives highlighted the following issues:-

- The unsustainable nature of the proposal to grow, harvest and process biomass overseas in an effort to improve Scotland's carbon footprint;
- The location and scale of the structures and the unacceptably dominant presence in close proximity to the community's commercial centre and residential area;
- The existing industrial structures surrounding the application site did not mitigate the proposals; and
- That the site was located within a designated Air Quality Management Area (AQMA) and concerns related to the cumulative affect of plant emissions and traffic emissions and the effect on local air quality.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 23 February 2011.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on THURSDAY 10 FEBRUARY 2011 commencing at 1.00 p.m.

PRESENT: Councillors Buchanan, Carleschi, Constable, Lemetti, A MacDonald (for application P/10/0589/FUL); McLuckie, McNeill (for application P/10/0608/FUL); Mahoney, C Martin (for application P/10/0587/FUL); and Nicol (for application P/10/0608/FUL).

CONVENER: Councillor Buchanan.

ATTENDING: Development Manager; Roads Development Co-ordinator; Planning Officer (K Brown) (for application P/10/0608/FUL); Planning Officer (S McClure) (for application P/10/0587/FUL); Solicitor (K Quin); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: None.

P181. ERECTION OF VETERINARY PRACTICE ON LAND TO THE SOUTH OF ASHBANK, BO'NESS ROAD, POLMONT FOR I LINE DESIGNS - P/10/0608/FUL

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P173 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 on an application for full planning permission for the erection of a veterinary practice to form a one and a half storey detached building, south of Ashbank, Bo'ness Road, Polmont.

The Convener introduced the parties present.

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

Ms Brown, the applicant, was heard in relation to the application.

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

The Convener read out an email from Ms McCafferty, a supporter, in relation to the application.

Ms Cochrane, a supporter, was heard in relation to the application.

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

Ms Hill, a supporter, was heard in relation to the application.

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

The supporters highlighted the following issues:-

- The current capacity issues at the existing premises in the centre of Polmont;
- The increased convenience for customers from improved parking;
- The expansion of a local business;
- That current premises created no residential amenity concerns for immediate neighbours and was well managed;
- The provision of a good service; and
- The support for local employment.

Mr Richards, having submitted a letter of representation, was heard in relation to the application and having received clarification on issues pertaining to the application indicated no concerns relating to the application.

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

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

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

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

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

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

The objectors highlighted the following issues:-

- The increased traffic and speed, road safety, access and insufficient parking;
- The noise from barking dogs and traffic ;
- The increased anti social behaviour;
- The removal of trees and the impact on wildlife;
- The future use of the premises;
- The loss of privacy and residential amenity; and
- The impact on property values.

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 23 February 2011.

P182. ERECTION OF DETACHED DOMESTIC GARAGE (AMENDMENT TO P/07/0364/FUL) (RETROSPECTIVE) AT CHERRYBANK, DUNMORE, FALKIRK FK2 8LY FOR MR AND MRS D COOPER - P/10/0587/FUL

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P171 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 on an application for full planning permission (in retrospect) for the erection of a detached domestic garage at Cherrybank, Dunmore, Falkirk.

The Convener introduced the parties present.

The Planning Officer (S McClure) outlined the nature of the application.

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

Mrs Cooper, the applicant, was heard in relation to the application.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 23 February 2011.

P183. SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT AONACH-MOR, GLEN ROAD, TORWOOD, LARBERT FOR MR MICHAEL BLOCK – P/10/0589/PPP

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P174 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 on an application for planning permission in principle for the sub-division of garden ground and the erection of a dwellinghouse at Aonach-Mor, Glen Road, Torwood, Larbert.

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.

Members noted that no supporters within the petition were present.

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

The objections included the following issues:-

- The number of ongoing developments in the area outwith the Local Plan and housing allocation for the area;
- The site was not an infill site and appeared to be expanding the settlement by backfill;

- The precedent set for future applications;
- The impact on local infrastructure for this and other developments;
- The potential access issues to the site;
- The encroachment on the protected woodland area; and
- The existing structures on site used for commercial purposes, including the storage of excavation machinery and building materials.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 23 February 2011.

FALKIRK COUNCIL

Subject: **ERECTION OF VETERINARY PRACTICE AT LAND TO THE SOUTH OF ASHBANK, BO'NESS ROAD, POLMONT, FALKIRK FOR I LINE DESIGNS – P/10/0608/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **23 February 2011**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Lower Braes**
Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: **Polmont**

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

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 26 January 2011 (copy of previous report appended), where it was agreed to continue the application and to undertake a site visit. This visit took place on 10 February 2011.
2. At the site meeting the applicants expressed their desire to construct a new surgery on this site due to capacity issues at their current surgery. Reference was made to the public meeting undertaken by the applicant in an effort to appease the concerns of local residents. Design improvements resulting from this meeting were highlighted which included use of opaque windows to the rear of property and improved boundary fencing.
3. Both supporters and objectors to the proposal were then heard. Supporters stated that they consider the Committee should support the proposal due to the practice being run by a local business which makes a valuable contribution to the local community. Objectors to the proposal reiterated concerns outlined in the previous report (attached) relating to the loss of trees, privacy and road safety. The Roads Development Unit officer present confirmed that parking and road safety are acceptable. It is also considered that the amendments to address privacy concerns are acceptable and have addressed concerns raised.

4. Concerns in relation to construction noise are not material considerations. Regarding the existing trees on the site, it was advised that all of the trees on site would be removed as a result of the proposal but that additional planting would be provided on completion of construction works. Attention was drawn to the suggested soft landscaping condition attached to the officer recommendation. Damage to trees outwith the application site due to root severance during construction work is a civil matter. However, planting on or near the boundary is considered important for screening purposes in this instance and therefore it is considered appropriate to attach an additional condition (8) to any consent given, requesting a tree/root protection plan to be prepared prior to construction work starting on site.
5. Local Members were then heard in relation to the applicant's case and the objectors' concerns. Members raised concerns regarding traffic speeds on Bo'ness Road and requested that a survey be carried out in time for the next meeting. This survey is currently being undertaken. A verbal update on this issue will be made at the next meeting on 23 February 2011.
6. Members made reference to a nearby garage which was not granted access out onto Bo'ness Road with concerns relating to consistency being mentioned. To date, no records of this garage have been found. A further verbal update on this issue will be made at the next meeting on 23 February 2011.

7. RECOMMENDATION

7.1 It is therefore recommended that the Committee grant planning permission subject to the following conditions:

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Prior to the start of work on site full drainage details demonstrating how surface water drainage will be dealt with at the site shall be submitted to and approved in writing by the planning authority.
- (3) Samples of all external finishing materials to be used in the development shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given.
- (4) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - (ii) location of new trees, shrubs, hedges and grassed areas
 - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density
 - (iv) programme for completion and subsequent maintenance.
- (5) Before the building is occupied, the car parking shown on the Approved Plan shall be completed.

- (6) (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.
- (7) Notwithstanding the details on the approved plans, and prior to the occupation of the property, a plan showing the full extent of new boundary fencing, including heights, shall be submitted to and approved in writing by the planning authority. Thereafter, the boundary fencing shall be erected on site prior to the veterinary surgery becoming operational.
- (8) Prior to the start of work on site details of a tree root protection scheme including details of stand off distances, protective fencing and foundation construction methods shall be submitted to and approved in writing by the planning authority. This scheme shall include assessment of any trees to be retained within the site and trees adjacent to the application site boundary where the roots are likely to spread to within the application site. The scheme shall be implemented in accordance with the approved details throughout construction of the development.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that adequate drainage is provided.
- (3,4) To safeguard the visual amenity of the area.
- (5) To ensure that adequate car parking is provided.
- (6) To ensure the ground is suitable for the proposed development.

- (7) To safeguard the privacy of the occupants of adjacent properties.
- (8) To ensure the protection of existing tree roots within the site boundary and therefore minimise damage to trees on or close to the site boundary.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02B, 03A, 04B, 05B, 06C, 07A, 08A, 09A and 10



.....
Pp Director of Development Services

Date: 15 February 2011

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Falkirk Council Local Plan.
3. Letter of Support from Mrs Aileen Stevenson, 47 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS received on 24 September 2010.
4. Letter of Support from Mrs Clare McCafferty, 28 Wallace Brae Bank, Reddingmuirhead, Falkirk, FK2 0FW received on 24 September 2010.
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43. Letter of Objection from Moira Arthur, 2 Orchard Grove, Polmont, Falkirk FK2 0XE received on 15 September 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 VETERINARY PRACTICE AT LAND TO THE SOUTH OF ASHBANK, BO'NESS ROAD, POLMONT, FALKIRK FOR I LINE DESIGNS – P/10/0608/FUL

Meeting: PLANNING COMMITTEE

Date: 26 January 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes
Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Polmont

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This full application proposes the erection of a veterinary practice in the form of a one and a half storey detached building on an area of grassland in Polmont. The proposed development utilises an existing vehicular access onto Bo'ness Road and includes in curtilage parking for visitors and staff.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Nicol.

3. SITE HISTORY

- 3.1 The site currently has detailed planning permission (P/09/0185/FUL) for the erection of a two storey dwellinghouse on the plot utilising the same vehicular access as is proposed as part of this application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has assessed the application, including the proposed access and parking arrangements and is satisfied in terms of road safety.
- 4.2 The Environmental Protection Unit has requested that the applicant undertakes a standard contaminated land survey. It has not raised any objection to the proposal.

4.3 Scottish Water has not objected to the proposal.

5. COMMUNITY COUNCIL

5.1 Polmont Community Council has not commented on the proposal.

6. PUBLIC REPRESENTATION

6.1 41 letters of representation were received following the neighbour notification process. This total figure consists of 23 objection letters, 1 representation and 17 letters of support.

6.2 Issues raised in objections to the proposal include: -

- Increase in traffic creating road safety concerns
- Insufficient parking provision
- Noise from dogs barking
- Antisocial behaviour
- Tree removal and impact on wildlife
- Future use of premises
- Loss of privacy and residential amenity
- Impact on property value.

6.3 Issues raised in support of the proposal include: -

- Current capacity issues at existing premises in the centre of Polmont.
- Proposal will be more convenient for customers as better parking facilities will be provided.
- Proposal supports the expansion of a local business.
- Current premises do not create residential amenity concerns for immediate neighbours and is well managed.
- Proposal will support employment in the area.

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

Structure Plan

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

Falkirk Council Local Plan

- 7a.2 Policy SC7 - 'Established Residential Areas' states:

"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate community services (e.g surgeries, day nurseries and neighbourhood shops), homeworking or other compatible business uses (e.g. guest houses) will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided."

- 7a.3 The application site is located within a predominantly residential area of Polmont and would be served by a vehicular access separate to that of the surrounding residential properties. Adequate parking is proposed within the confines of the site and it is considered that the proposed use of the premises as a vets practice and expected hours of operation are compatible with the surrounding residential land use. The proposed building design and layout minimises potential privacy issues and it is considered that satisfactory levels of residential amenity can be maintained for surrounding properties. The proposal complies with policy SC7.

- 7a.4 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- (1) Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

- 7a.5 The proposed development involves the loss of a number of trees from the application site, primarily along the boundary of the site with Bo'ness Road. However, these trees are not covered by a tree preservation order nor do they form part of any protected habitat area. The trees on the site are not considered particularly worthy of retention and loss of these trees is proposed to be mitigated by some replacement planting and improved boundary treatments to aid privacy. The proposal complies with policy EQ26.
- 7a.6 Accordingly, the proposed development accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations relating to this proposal are the representations received.

Representations Received

- 7b.2 The Roads Development Unit has assessed the proposals and is satisfied that the proposed access is sufficient to serve the development and adequate parking is proposed. No concerns have been raised in reference to road safety.
- 7b.3 Impact on property value and antisocial behaviour are not material planning considerations.
- 7b.4 The loss of trees on the site is dealt with in section 7a.5 of this report.
- 7b.5 Privacy has been considered as part of this application. Changes have been made to the proposals to remove overlooking windows from the rear of the premises and improved boundary fencing along the eastern boundary would aid privacy in this area. All window to window distances comply with Falkirk Council guidelines. It is considered that residential amenity levels would not be adversely affected.
- 7b.6 Future changes of use of the proposed premises to anything other than class 1 (shops) would require planning permission and would be subject to further scrutiny by way of a planning application.
- 7b.7 The proposed internal layout does show a 'dog ward' and it is possible that dogs will be kept on the premises overnight in certain circumstances, with the majority of animals being returned to their owners on the same day. The applicant has advised that any animal required to be kept in overnight is generally sedated or is too sick to bark anyway. There are no proposals for any external dog run. The Environmental Protection Unit has assessed the proposal and has raised no concerns in regard to noise.
- 7b.8 Comments submitted in support of the proposal are noted and, with regard to the planning issues, in general agreed with. The proposed development would create a purpose built premises allowing an existing established local business to expand and create additional employment. The proposed premises would offer better parking than is provided at the existing premises in the centre of Polmont whilst remaining within walking distance of the main village centre.

7c Conclusion

- 7c.1 The proposal is considered to be an acceptable form of development and is considered to be in accordance with the Development Plan for the reasons outlined in this report. There are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Prior to the start of work on site full drainage details demonstrating how surface water drainage will be dealt with at the site shall be submitted to and approved in writing by the planning authority.
- (3) Samples of all external finishing materials to be used in the development shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given.
- (4) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - (ii) location of new trees, shrubs, hedges and grassed areas
 - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density
 - (iv) programme for completion and subsequent maintenance.
- (5) Before the building is occupied, the car parking shown on the Approved Plan shall be completed.
- (6) (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.
- (7) Notwithstanding the details on the approved plans, and prior to the occupation of the property, a plan showing the full extent of new boundary fencing, including heights, shall be submitted to and approved in writing by the planning authority. Thereafter, the boundary fencing shall be erected on site prior to the veterinary surgery becoming operational.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that adequate drainage is provided.
- (3,4) To safeguard the visual amenity of the area.
- (5) To ensure that adequate car parking is provided.
- (6) To ensure the ground is suitable for the proposed development.
- (7) To safeguard the privacy of the occupants of adjacent properties.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02B, 03A, 04B, 05B, 06C, 07A, 08A, 09A and 10



Pp

.....
Director of Development Services

Date: 18 January 2011

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Falkirk Council Local Plan.
3. Letter of Support from Mrs Aileen Stevenson, 47 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS received on 24 September 2010.
4. Letter of Support from Mrs Clare McCafferty, 28 Wallace Brae Bank, Reddingmuirhead, Falkirk, FK2 0FW received on 24 September 2010.
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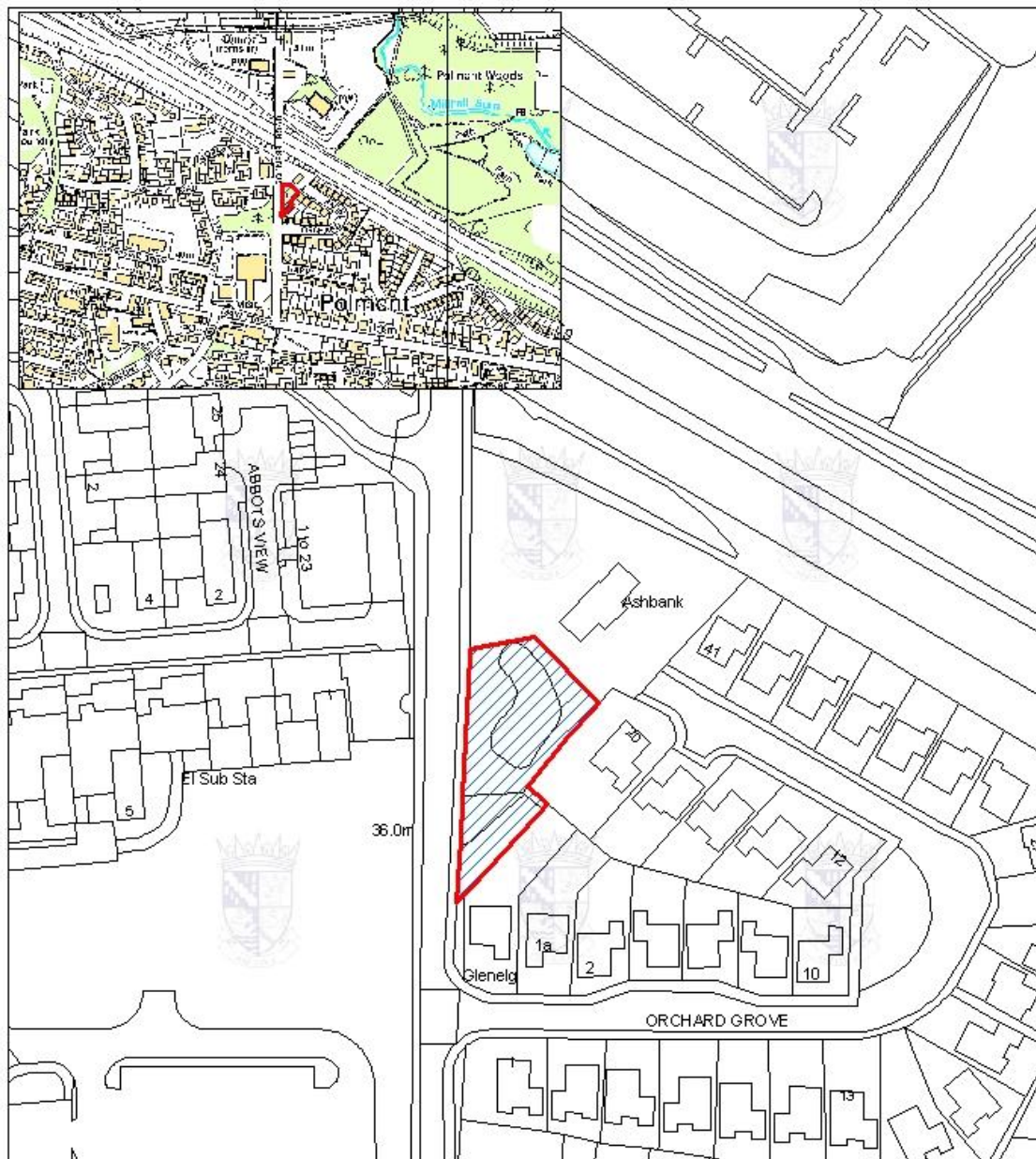
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0608/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 DETACHED DOMESTIC GARAGE
(AMENDMENT TO P/07/0364/FUL) (RETROSPECTIVE) AT
CHERRYBANK, DUNMORE, FALKIRK, FK2 8LY, FOR MR AND
MRS D COOPER – P/10/0587/FUL

Meeting: PLANNING COMMITTEE

Date: 23 February 2011

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: Stephen McClure, (Planning Officer) Ext. 4702

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 26 January 2011 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 10 February 2011.
2. At the site meeting, it was highlighted to Members that the original application for the main dwelling included approval for a detached double garage. However, subsequent amendments had been made to the dwelling, and a detached garage of a design with materials significantly different to that approved had been erected in a new position. Retrospective applications were submitted for the works carried out, with the amendments to the dwelling being approved (P/10/0537/FUL).
3. It was noted that there had been no objection from the Roads Development Unit, as the parking or turning areas at the property were not affected. The Community Council had not made representation, nor had any members of the public.
4. The applicant's agent made a brief statement on behalf of his client as to how and why the design and position had been altered from that originally granted planning permission.
5. It was confirmed that the originally approved garage was slightly larger and higher than the one under consideration, although it was highlighted that this was due to its traditional design, character and roof pitch which were designed to match that of the dwelling. The design criteria for development within Conservation Areas were also discussed.

6. It was stated by the applicant's agent that the design and location of the garage had been discussed with Planning Officers who considered it to be acceptable. Whilst no record of this can be found, there may have been some informal discussions. However, this does not imply any formal acceptance of the development, negate the need for planning permission nor prejudice determination of the application.
7. No matters were raised which would amend the original recommendation to refuse planning permission.

8. RECOMMENDATION

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

- (1) **The development is contrary to Policy EQ12 'Conservation Areas' and SC9 'Extensions and Alteration to Residential Properties' of the Falkirk Council Local Plan. It does not preserve or enhance the character of the Conservation Area, and the scale, design and materials are not sympathetic to the existing dwelling.**

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: 15 February 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy (SPP).
4. Scottish Historic Environment Policy (SHEP).

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

FALKIRK COUNCIL

Subject: ERECTION OF DETACHED DOMESTIC GARAGE
(AMENDMENT TO P/07/0364/FUL) (RETROSPECTIVE) AT
CHERRYBANK, DUNMORE, FALKIRK, FK2 8LY, FOR MR AND
MRS D COOPER – P/10/0587/FUL

Meeting: PLANNING COMMITTEE
Date: 26 January 2011
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: Stephen McClure, (Planning Officer) Ext. 4702

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site consists of a recently completed dwelling located in the village of Dunmore, which is within the Dunmore Conservation Area. As part of the original application, referred to at paragraph 3.1 below, a double garage was granted permission with the dwelling. However, the occupants have constructed a garage in a different style and location from that granted permission and therefore, have submitted a retrospective application in relation to the garage as erected.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 P/07/0364/FUL was granted for the erection of a dwellinghouse with a detached double garage on the site on 22 May 2008.

4. CONSULTATIONS

- 4.1 Roads Development Unit have no objection to the proposal.

5. COMMUNITY COUNCIL

- 5.1 The Community Council did not make comment.

6. PUBLIC REPRESENTATION

- 6.1 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 There are no relevant policies within the Falkirk Council Structure Plan which apply to this application.

Falkirk Council Local Plan

- 7a.2 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."*

7a.3 The detached garage which has been erected is not considered to preserve or enhance the character of the Conservation Area. The original application which was submitted for a dwelling and the detached double garage was extensively discussed and a design suitable to the Conservation Area agreed. The dwelling has been erected with some minor alterations which were dealt with through a retrospective application; however, the garage which has been erected is not in the agreed location nor approved design. The setting, architectural style, massing and materials used, as well as its external materials e.g. windows, doors, exterior treatment etc. are not in keeping with the dwelling or the Conservation Area. Although there are some properties within the Dunmore Conservation Area that do not meet the expected standards of the Conservation Area, the majority of the village is well preserved. Where it is possible, all recent new builds or amendments to properties, have strictly taken into consideration the Conservation Area status. It is therefore considered that the proposal does not accord with Policy EQ12.

7a.4 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."*

7a.5 It is not considered that the erected detached garage's scale, design and materials are sympathetic to the dwelling or the Conservation Area status. The application originally granted permission had a garage design and position which was agreed in relation to the Conservation Area status. It also took into consideration the design of the dwelling and the overall plot. The garage which has been erected has not taken any of the original factors into consideration. It is therefore considered that the proposal does not accord with Policy SC9.

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

7b Material Considerations

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

7b.2 Scottish Historic Environment Policy (SHEP) - The SHEP document sets out Scottish Ministers' policies for the historic environment, which includes Conservation Areas such as the Dunmore Conservation Area where the detached garage has been erected. Conservation Areas are defined by the SHEP as "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". Once designated, it is the duty of the planning authority and any other authority concerned, including Scottish Ministers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. The detached garage which has been erected without permission, is not considered to preserve or enhance the designated Conservation Area, as the SHEP intends for any new build. The dwelling which the garage belongs to was carefully designed to a high architectural standard to preserve and enhance the overall Conservation Area. It is therefore considered that the detached garage which has been erected, does not meet the criteria set out in the SHEP document for the preservation and/or enhancement of designated Conservation Areas.

7b.3 Scottish Planning Policy (SPP) - It is stated within SPP that "Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.". It is considered that Dunmore Village as a whole is extremely well preserved, and great effort has been made with recent developments to continue this preservation. The SPP also states that new development within Conservation Areas should be appropriate to the character and setting of the Conservation Area, in terms of the design, materials, scale and siting. It is not considered that the detached garage has a neutral effect on the Conservation Area and does not preserve or enhance the character or appearance. It is therefore considered that the detached garage does not meet the relevant criteria set out by Scottish Planning Policy.

7c Conclusion

7c.1 The proposed development is not considered to accord with the Development Plan. There are no material considerations to justify setting aside the terms of the Development Plan and the application is therefore recommended for refusal.

8. RECOMMENDATION

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

- (1) The development is contrary to Policy EQ12 'Conservation Areas' and SC9 'Extensions and Alteration to Residential Properties' of the Falkirk Council Local Plan. It does not preserve or enhance the character of the Conservation Area, and the scale, design and materials are not sympathetic to the existing dwelling.

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: 18 January 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy (SPP).
4. Scottish Historic Environment Policy (SHEP).

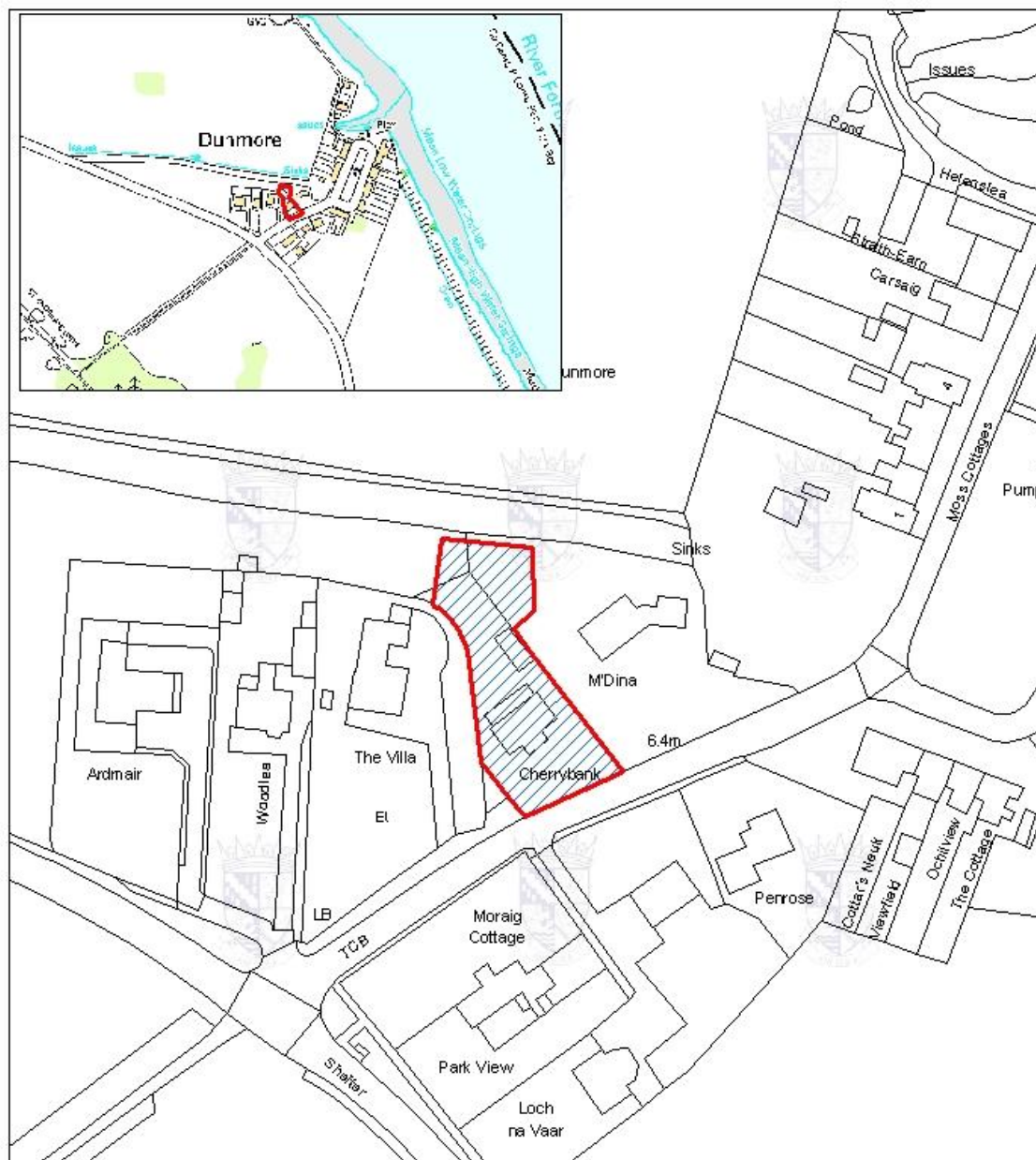
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0587/FUL

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



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FALKIRK COUNCIL

Subject: CONSULTATION ON AN APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE A BIOMASS RENEWABLE ENERGY PLANT WITH A NET ELECTRICAL OUTPUT OF 100 MEGAWATTS (MWE) AT SITE TO THE WEST OF FORTH PORTS PLC, CENTRAL DOCK ROAD, GRANGEMOUTH, FOR FORTH ENERGY – ENQ/2010/0408

Meeting: PLANNING COMMITTEE

Date: 23 February 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grangemouth

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

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this consultation on an application under the Electricity Act was originally considered by the Planning Committee on 26 January 2011 (copy of previous report appended), where it was agreed to continue the matter for a site visit.
2. This visit took place on 7 February 2011 where Members viewed the application site and the height of existing structures in the surrounding area. Particular attention was paid to the adjacent Biomar stack at North Shore Road, Grangemouth Dock. Biomar have confirmed that the height of their stack is approximately 100 metres.
3. Grangemouth Community Council spoke, raising concerns that the proposal would not be sustainable or carbon neutral and would be contrary to Scottish Planning Policy (SPP). The Community Council also commented that the plant and HGV traffic would have an unacceptable impact on air quality in the area and would raise further concern in relation to traffic movements on Beancross Road as a result of the proposal. Grangemouth Community Council fears that the proposal would have a negative impact on the regeneration of Grangemouth Town Centre.

4. In response, the applicant, Forth Energy, advised that the proposal would result in approximately 29 HGV movements each day, including transporting timber, ash removal and the delivery of fuel oil for auxiliary boilers. Of these, 24 trips per day would be fuel delivery only. In relation to air quality concerns the applicant advised that the proposal would meet all air quality standards.
5. Members asked if the proposed Biomass Plant could burn sewage. The applicant advised that this would not be possible. Additionally Members queried whether up to 30% of biomass could come from UK sources and questioned the sustainability of shipping biomass fuel to the site. The applicant advises that research undertaken by the Scottish Institute for Sustainable Technology has demonstrated that renewable energy power stations would have a carbon footprint around 90% lower emissions than a traditional coal fired power station.
6. Members raised general issues about the management of forestry and impact on wildlife habitats. Additionally it was queried whether the dock could be dredged to allow access for the delivery vessels directly adjacent to the proposed plant.
7. Following a request at the site meeting, the applicant has submitted additional factual information (copy of document appended). Comparator plants, using biomass arriving at a port location and in an urban area, are at Helsingborg and Sodertalje, Sweden. The largest operational plant in the UK is Slough Heat and Power with a capacity of 101 MWe. The second largest is Steven's Croft, Lockerbie with a capacity of 44 MWe. Other operational plants include Ely, Cambridgeshire and Thetford, Norfolk. A plant is being built at the Tullis Russell factory at Markinch, Fife for a 45 MWE plant. A range of Section 36 consents have been granted in port locations including Port Talbot, Wales 350 MWe, Avonmouth, Bristol 100 MWe, Tilbury, Essex 60 MWe and Stallingborough near Grimsby 65 MWe.
8. No matters were raised which would amend the original recommendation. Members should note that conditions 5 and 18 have been amended following discussions with the applicant regarding storage and traffic impacts.

9 RECOMMENDATION

- 9.1 It is recommended that Falkirk Council inform Scottish Ministers that, in principle, it supports the proposal, subject to the submission and assessment of additional information in respect of detailed design, landscaping, phasing, contamination, site restoration, drainage, flooding, air quality and traffic impact.**

Thereafter, if Scottish Ministers are minded to grant consent under Section 36 of the Electricity Act 1989 and a deemed planning permission, it is recommended that the following conditions are imposed:

- (1) Development shall commence no later than the date occurring 3 years after the date of this consent. If development does not commence by such a date, the site and the ground shall be fully reinstated by the Company to the specification and satisfaction of the Council.**

- (2) Unless otherwise agreed in writing by the Council, in the event of the Biomass Renewable Energy Plant not generating electricity or heat for a continuous period of twelve months, the development shall be decommissioned and the site restored, in accordance with a decommissioning scheme and detailed restoration and aftercare scheme approved by the Council in terms of condition 16 of this consent.
- (3) Prior to commencement of development, the detailed design of the Grangemouth Biomass Renewable Energy Plant, shall be submitted to and approved in writing by the Planning Authority. The detailed design shall include:
- (a) Details of the siting, design and external appearance of all buildings and structures to be erected and retained following the commissioning of the development hereby approved;
 - (b) Details of the colour, materials and surface finish in respect of those building and structures referred to in (a) above;
 - (c) Details of the existing and proposed ground levels, building and structure levels and including cross sections through the site;
 - (d) Details of all proposed roads, parking, hardstandings, loading and unloading areas and turning facilities;
 - (e) Details of permanent artificial lighting;
 - (f) Details of permanent fencing or other means of enclosure;
 - (g) Details of all hard and soft landscaping; and
 - (h) Phasing of all proposed works.

Development shall not commence on site until written approval is given by the Council, thereafter the development shall proceed in accordance with the approved details.

- (4) The development shall be undertaken in accordance with the Application, EIA, Environmental Statement and Supporting Documents, except in so far as it is amended by the terms of the consent or as agreed in writing by the Council.
- (5) Prior to development commencing on site, a traffic flow analysis in relation to the M9 off ramp, junction 6, shall be submitted to and approved in writing by the Council. Thereafter any required mitigation measures shall be installed at the applicant's cost, prior to any commencement of works on site.
- (6) All forest derived fuels to be used in operating the Grangemouth Renewable Energy Plant shall be certified by accepted sustainability certification systems.
- (7) The applicant shall continuously, throughout the lifetime of the Grangemouth Renewable Energy Plant, record and hold available for inspection by the Council and the Scottish Environmental Protection Agency a written register recording the quantities, nature and sources of fuel combusted including details of certification and transported to the site.

- (8) Prior to commencement of development on site a Construction Traffic Management Plan and Freight Management Plan shall be submitted to and approved in writing by the Planning Authority. This shall include procedures for the movement of traffic including sized loads and escorting requirements. Thereafter work shall commence in accordance with the approved plans.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) Prior to commencement of development, detailed flood mitigation measures shall be submitted to and approved in writing by the Council. The scheme shall include an assessment of the safety of personnel and include acceptable mitigation including consideration of methods of safe access and egress to and from the development. Thereafter the measures approved shall be implemented and maintained for the duration of operational development.
- (14) Prior to commencement of development on site a drainage impact assessment shall be submitted and approved in writing by the Council. Thereafter the development shall commence in accordance with the approved strategy.
- (15) Prior to commencement of operation of the Grangemouth Renewable Energy Plant the applicant shall submit a Biomass Sustainability Policy in consultation with Falkirk Council, Scottish Government, SEPA and SNH. Thereafter the plant shall operate in accordance with the approved policy.

- (16) Unless otherwise agreed in writing with the Council, within 12 months of the site ceasing to be used for the purposes of electricity and heat generation, a scheme for the demolition and removal of the development from the site shall be submitted to the Council for approval. The scheme shall include:
- (a) Details of all structures and buildings which are to be demolished;
 - (b) Details of the proposed reuse of any buildings to be retained;
 - (c) Details of the means of removal and materials resulting from the demolition and methods for the control of dust and noise;
 - (d) The phasing of the demolition and removal; and
 - (e) Details of the restoration works and the phasing of the restoration works.

Thereafter the demolition and removal of the development (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access road) and subsequent restoration of the site shall be implemented in accordance with the approved scheme.

- (17) Prior to development commencing on site, a risk assessment shall be submitted to and approved in writing by the Council identifying potential accident or emergency situations affecting the energy plant from either within the plant or an external source, for both construction and operational phases of the proposal.
- (18) Unless agreed in writing by the Council, or unless in an emergency, the movement of biomass fuel feedstock by conveyor and the storage of any recovered biomass fuel feedstock (such as recovered wood, paper and cardboard) and all post-combustion residues shall be undercover at all times during the operation of the development.
- (19) The commissioning of the development shall not commence until a scheme for monitoring air quality, within an area to be prescribed by the Council and SEPA, is submitted to and approved in writing. The scheme shall include measurement location(s) within the relevant areas from which air quality will be monitored, the equipment and methods to be used and frequency of measurements, not less than 12 months prior to the commissioning of the development and for measurements to be undertaken continuously thereafter until plant decommissioning.
- (20) Development shall not commence until evidence has been provided to demonstrate that there will be no exceedences of the National Air Quality Strategy S02 objectives. The methodology shall be agreed with the Council and SEPA and shall include air dispersion modelling and ambient monitoring of baseline conditions. Where the assessment predicts an exceedence of any of the LAQM national air quality objectives for S02, the applicant shall provide a scheme for mitigating their impacts for approval by the Council and SEPA and thereafter implemented in accordance with said details.
- (21) Prior to commissioning of the development an updated CHP Feasibility Review assessing potential commercial opportunities for the use of heat from the development shall be submitted to and approved in writing by the Council. This shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development and for the

provision of subsequent reviews of such commercial opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to and approved in writing by the Council. Any plant and pipework installed to the boundary of the site to enable the use of heat shall be installed in accordance with the agreed details.

- (22) Commissioning of the development shall not take place until sufficient plant and pipework has been installed to ensure that there are no barriers to the future supply of heat to the boundary of the site under Condition 21 at a later date if opportunities to do so are identified.
- (23) Commencement of the development shall not take place until a scheme for informing the local community about the progress of the development has been submitted to and approved in writing. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.

Reason(s):

- (1) To ensure work commences within a reasonable time period.
- (2,16) To ensure that the buildings are removed and the site is properly restored in the interests of visual amenity.
- (3) To enable the Council to fully consider these details and to exercise reasonable and proper control over the design and appearance of the development.
- (4) To ensure compliance with commitments made in the extant application.
- (5,8) To ensure the development does not cause unreasonable congestion within the surrounding urban road network and in particular at the M6 off ramp, junction 6, during construction and operation.
- (6-7) To ensure that only certified biomass fuel stocks are used and to ensure that the plant operates according to sound sustainable principles and policies.
- (9-12) To ensure the ground is suitable for the proposed development.
- (13,14) To ensure the site is adequately mitigated against the risk of flooding.
- (15) To ensure that only certified biomass fuel stocks are used and to ensure the plant operates according to sound sustainable principles and policies.
- (17) To ensure that the development is adequately risk assessed.
- (18) In the interest of visual amenity.
- (19) To protect air quality.
- (20) To protect public health in respect of sulphur dioxide.

- (21-22) To ensure that medium and low grade heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.
- (23) To ensure that the local community is informed about the progress of the development.



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Pp Director of Development Services

Date: 16 February 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Scottish Planning Policy
4. Scoping Statement, December 2009
5. Participation Strategy, February 2009
6. Scoping Statement, March 2010
7. Application Main Documents
8. Environmental Statement, Volume 1 -Technical Summary
9. Environmental Statement, Volume 2 - Main Text
10. Environmental Statement, Volume 3 - Appendices
11. Environmental Statement, Volume 4 - Transport
12. Environmental Statement, Volume 5 - Figures
13. Supplementary Information
14. Letter of objection from Grangemouth Community Council dated 27 November 2010
15. Examples of Operational Biomass Plants, February 2011

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

FALKIRK COUNCIL

Subject: CONSULTATION ON AN APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE A BIOMASS RENEWABLE ENERGY PLANT WITH A NET ELECTRICAL OUTPUT OF 100 MEGAWATTS (MWE) AT SITE TO THE WEST OF FORTH PORTS PLC, CENTRAL DOCK ROAD, GRANGEMOUTH, FOR FORTH ENERGY – ENQ/2010/0408

Meeting: PLANNING COMMITTEE

Date: 26 January 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grangemouth

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 Forth Energy (a joint venture between Forth Ports and Scottish & Southern Energy) has made an application to the Scottish Ministers under Section 36 of the Electricity Act 1989 to construct and operate a Biomass Renewable Energy Plant, with a net electrical output of 100 Megawatts (MWe).
- 1.2 The application site is within the operational Port of Grangemouth. The main plant area would be bounded by Central Dock Road and the Western Channel to the north, Central Dock Road to the west, a railway line to the south and industrial works to the east. The application site also includes an area of cooling water intake within the Western Channel, an area for cooling water outfall in the vicinity of the River Carron and an infrastructure corridor for fuel transfer along Central Dock Road. The port is accessed from the A904 Earls Road/Station Road and there is access to the M9 via junctions 5 and 6.
- 1.3 The Scottish Government's Energy Consents Unit (SGECU) administers the consent process under the terms of the Electricity Act 1989. 'Deemed planning permission' under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 is also sought from the Scottish Ministers alongside the application for consent under Section 36 of the Electricity Act 1989. Falkirk Council is a statutory consultee in respect of this application. Should Scottish Ministers grant a detailed planning permission for the development, application for matters specified in conditions would be submitted to Falkirk Council for determination.

- 1.4 The proposal is referred to the Planning Committee for consideration as the Council is a consultee in terms of the Electricity Act 1989.

2. BACKGROUND

- 2.1 The proposed Biomass plant would export up to 100 MWe of electricity to the local electricity network and up to 200 MWth of heat to local users utilising up to 1.55 million tonnes of biomass fuel per year. The biomass is burnt in a boiler which produces high pressure steam. The steam is then passed through a steam turbine to produce electricity. Steam can also be taken from the process and used for heat processes, space heating or hot water.
- 2.2 The proposal would incorporate fuel storage, a power plant area, an electrical switchyard and a covered conveyer transfer system for fuel transportation. The design includes a 110 metre high stack, a 65 metre high boiler hall, a 30 metre high turbine hall, a main fuel and mixed fuel stores (33 metres and 30 metres high respectively), 12 metre high ash silos and two auxiliary boilers with a single 45 metre high stack, containing two flues.
- 2.3 Fuel would be transferred to the storage area and from the storage area to the power plant via a covered conveyer system. Cooling water infrastructure would be installed in the impounding dock (Western Channel) to provide a supply of cooling water to an evaporative cooling system, using mechanical draught cooling structures. The cooling water would be discharged via an outfall into the Carron River. A new onsite 123 kV substation would be built to transform and transmit the electrical output from the plant, to the local 123 kV network, via an underground electrical connection onto the main national transmission network at Bainsford Substation. It should be noted that the off-site electrical connection is not included within this application or the Environmental Impact Assessment (EIA).
- 2.4 It is intended that the plant would operate with a range of biomass fuels. The fuel mix would primarily comprise wood chip or wood pellets with the other remainder fuel (approximately 10-30%) purpose grown energy crops i.e. grasses and agricultural residues and recovered biomass materials i.e. timber, paper and cardboard. The applicant states that all biomass fuels would be sustainably sourced.
- 2.5 Fuel would mainly be delivered to the plant by ship (anticipated to be at least 90%), discharged at the existing operational quay and then transferred to the fuel storage area via the covered conveyer system. The plant would also be able to accept fuel by road (up to 10%). Rail borne supplies are not expected as there are currently no facilities suitable for handling biomass, from the line which serves the Grangemouth container terminal and petrochemical plant. Envisaged fuel deliveries would result in approximately 120 sea vessels per annum (1 – 2 per week) and 24 lorry loads per day.
- 2.6 The construction workforce is expected to be approximately 300 staff over a three year construction period, peaking at approximately 500 staff. The operational workforce is anticipated at 40 staff, with an additional 10 existing and 21 new port operation staff to handle fuel.

3. SITE HISTORY

- 3.1 A planning application (Ref: P/09/0074/FUL) for the installation of a 70 metre high meteorology mast at the same site was granted on 16 March 2009.

4. CONSULTATIONS

- 4.1 Falkirk Council's Development Management Unit has consulted with the Roads Development Unit, Environmental Protection Unit, Education Services, Emergency Planning, Transport Planning Unit and the Health and Safety Executive (HSE). The SGECU has consulted statutory agencies and carried out public consultations.
- 4.2 The Roads and Development Unit do not object to the proposals and have not recommended any conditions be imposed in relation to matters within their remit.
- 4.3 The Environmental Protection Unit request that the results of the commissioning noise survey should be submitted to Falkirk Council for approval. The Unit suggest conditions in relation to ground contamination.
- 4.4 The application site is located within the Grangemouth Air Quality Management Area. This area has been declared as a result of a breach of the 15 minute sulphur dioxide (SO₂) objective. The Unit are concerned that SO₂ emissions from the main stack height are close to significant with a maximum process contribution towards the objective of 9.2% (10% is defined as significant). While the NO₂ and PM₁₀ objectives should continue to be met, the proposed development would reduce the headroom available for other developments. The report identifies a main stack height of 110 m as being the most suitable. Whilst there is an air quality benefit in increasing the stack height to 110 m, the benefit becomes less significant with an increase beyond this height.
- 4.5 No modelling has been carried out in relation to air quality impact of road traffic. Emission information in relation to the auxiliary boilers is required and the Unit request that the applicant comment on the impact of the development in comparison to exceeding emissions at Municipal Chambers in 2007 and 2008, where monitoring breached the (SO₂) objective.
- 4.6 Education Services do not object to the proposal.
- 4.7 The Emergency Planning Unit request that the applicant carry out a risk assessment with particular reference to identifying potential accident or emergency situation affecting the proposal, either from within the site or an external source. This assessment should address both construction and operational phases of the proposal.
- 4.8 The Transport Planning Unit advises that there is an increase in the overall fuel supply tonnage from that previously identified through the Environmental Impact Assessment scoping exercise and this may have an effect on the impact of the operation of the development. A further analysis will be required if there is a change in the delivery of the raw materials including traffic congestion at the M9 off ramp, junction 6. The assessment is based on 90% being delivered by sea. The Unit agrees with Transport Scotland and supports their recommendation for traffic signals to be installed to reduce queuing congestion in particularly as a result of construction traffic.

- 4.9 The proposal has been considered using the Health and Safety Executive's (HSE) planning advice software tool, PADHI+, where HSE does not advise on safety grounds against the granting of planning permission.

5. COMMUNITY COUNCIL

- 5.1 The Grangemouth Community Council and the Bo'ness Community Council were consulted. The Grangemouth Community Council objected to the application, raising the following issues:

- The proposal is unsustainable, to grow, harvest and process biomass overseas in an effort to improve Scotland's carbon footprint;
- The location and scale of the proposed structures would have an unacceptably dominant presence in close proximity to the community's commercial centre and residential area. The existing industrial structures surrounding the application site do not mitigate the proposals; and
- The application site is located within a designated Air Quality Management Area (AQMA) and concerns are raised in relation to the cumulative affect of plant emissions and traffic emissions undermining efforts to improve local air quality.

- 5.2 Bo'ness Community Council has not responded.

- 5.3 Polmont Community Council made objection to the Scottish Ministers on 25 October 2010, raising the following issues:

- The height of the chimney could result in fumes blowing over Polmont;
- Concern in relation to the burning of household waste as a fuel; and
- Developing countries are reducing food production to grow biomass fuel, of detriment to the indigenous population and animal life.

6. PUBLIC REPRESENTATION

- 6.1 The Scottish Ministers received 986 public representations to the proposal and no supporting representations, raising the following issues:

- Impact on designated / protected sites;
- Impact on location and amenity;
- The sites proximity to residential areas;
- Fuel supply and sustainability;
- Health and safety concerns and fire hazard;

- Negative environmental impacts;
- Air pollution;
- Visual impact;
- Negative economic impacts;
- Transportation and road safety concerns;
- No existing infrastructure;
- Food security;
- Alternative sources of renewable energy; and
- Effects of wildlife.

6.2 Of the consultations submitted to the Scottish Ministers, particular note is given to the response from Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA).

6.3 SNH advise that the proposal has the potential to affect several European designated sites, several Sites of Special Scientific Interest (SSSI), and protected species outwith designated sites. SNH consider that the proposal would not adversely affect the integrity of the protected sites subject to mitigation being undertaken as described in the application. SNH consider that the significance of the landscape and visual impacts would be reduced by the existing industrial setting of the site.

6.4 SEPA have no objection to the proposal and advise of conditions to be attached to any permission.

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 ECON.1 ‘Strategic Development Opportunities’ states:

“The Council will promote the following as strategic locations for major economic development:

Town Centres

- 1 *Falkirk Town Centre*
- 2 *Grangemouth Docks*
Gateways
- 3 *Middlefield/Westfield, Falkirk*
- 4 *Falkirk Canal Interchange*
- 5 *North Larbert / Glenbervie*
- 6 *Gilston, Polmont*
Urban/rural Regeneration Areas
- 7 *Langlea/Bainsford, Falkirk*
- 7a *Former Manuel Works, Whitecross*
Specialist Sites
- 8 *Grangemouth/Kinneil Kerse*

Site boundaries will be defined or confirmed in Local Plans. The range of acceptable uses at each of these strategic sites is indicated in Schedule ECON.1.“

7a.2 Policy ECON.2 ‘Strategic Development Opportunities - Development Criteria’ states:

“Development of the strategic development opportunities identified in Policy ECON.1 will be subject to the following conditions:

- (1) high standards of design will be required through a development brief and masterplan for each opportunity which will be approved by the Council and ensure a comprehensive and sensitive approach to site planning;*
- (2) provision must be made for walking, cycling and public transport infrastructure to allow a high level of access by transport modes other than the private car;*
- (3) the scale of any residential use must comply with the general housing allocations set out in Chapter 4 and adequate social and physical infrastructure must be in place to serve them;*
- (4) the scale and nature of out-of-centre retailing and leisure provision must be complementary to provision in Falkirk Town Centre and the District Centres. Accordingly, a Retail/Leisure Impact Assessment will be required to demonstrate this for all retail developments of 2,500 sq. m. gross floorspace or more, and for major commercial leisure developments. Assessment of smaller retail developments (between 1,000 and 2,500 sq.m. gross) may also be required in certain circumstances; and*
- (5) development at Grangemouth Docks must not prejudice the operation of the port. and should be compatible with the continuing activities of the petrochemical and chemical industries.”*

7a.3 The Grangemouth Docks are allocated as a strategic development opportunity under policy ECON.1 'Strategic Development Opportunities'. The Structure Plan outlines a number of uses for the docks including leisure/tourism and residential uses. The Falkirk Council Local Plan has been modified to take account of Forth Port's desire for business, industry and port related activity only in the Docks. Policy ECON.2 'Strategic Development Opportunities - Development Criteria' establishes criteria for strategic development including at Grangemouth Docks. It is considered that the proposal is in accordance with policy ECON.2 (5) as the proposal would not prejudice the operation of the port and would be compatible with the continuing activities of the petrochemical and chemical industries. The application accords with policies ECON.1 and ECON.2.

7a.4 Policy COM.5 'Developer Contributions' states:

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

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

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

7a.5 Traffic mitigation is required as a result of increased traffic flows through Newlands Roundabout M9, Cadgersbrae Interchange, Timber Basin Roundabout and M9 Earlsgate Interchange. An increase in the overall road tonnage of biomass to be transported to the site, which is more than indicated in the EIA scoping exercise, is now proposed. A further analysis will therefore be required if there is a change in the delivery of fuel, the assessment being based on 90% being delivered by sea. The Transport Planning Unit raise concerns in relation to congestion, delay and queuing vehicles at the M9 off slip, junction 6. The Unit supports Transport Scotland's recommendation to the Scottish Ministers that traffic signals be provided to manage the likely capacity issues during construction. Provision of traffic signals would accord with policy COM.5.

7a.6 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.7 An appropriate assessment must demonstrate that the proposal would not adversely affect the integrity of the Firth of Forth SPA. The work carried out for the EIA will form the basis of this work and SNH's view is that the proposal would not have a significant affect on the SPA. The application does not offend the terms of policy ENV.3.

7a.8 Policy ENV.4 'Coastal Planning and Flooding' states:

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

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*

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

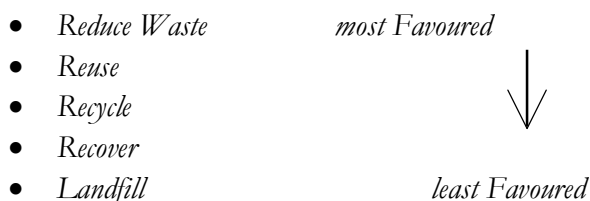
7a.9 The application site is not within the undeveloped coastal zone. The site is not considered to be at significant risk of flooding and SEPA do not object to the proposals. However, the application site is at a medium to high risk of flooding and as such information is required to demonstrate that the risk of flooding both within and out with the application site can be adequately managed. The proposal does not offend the terms of the above policy.

7a.10 Policy ENV.11 ‘General Approach to Waste Management’ states:

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

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

Fig. 2: The Waste Hierarchy



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

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

7a.11 The proposal includes an aspiration to find users for the waste ash produced, although it is acknowledged that the waste ash may be classified as hazardous waste. Clarification is sought in relation to an established market for this product, particularly if it is hazardous, or whether it would be going to landfill. Zero Waste, the Government's waste policy, wishes to see a reduction in waste going to landfill although it is accepted that there will always be a need for some waste to go to landfill. The proposed plant would also be capable of diverting recyclates from the waste stream. SEPA's Thermal Treatment of Waste Guidelines 2009 (which form part of the government's National Waste Management Plan (the Zero Waste Plan) along with National Planning Framework 2 (NPF2), the SPP and PAN's) acknowledge that thermal treatment plants should only treat residual waste once all efforts have been made to recycle materials. It also acknowledges, however, the need to reduce the amount of biodegradable commercial waste going to landfill and the proposal could potentially deliver this. The proposal is classed as a thermal treatment plant and supported by policy ENV.11, provided the waste hierarchy is adhered to and only residual waste is used alongside biomass.

7a.12 Policy ENV.13 'General Principles for Renewable Energy' states:

"Proposals for the generation of energy from renewable sources will generally be supported subject to an assessment of individual proposals in relation to Structure Plan Policies ENV.1-ENV.7.

The council will work in partnership with other agencies to set out, in the local plan, the criteria for the location and design of renewable energy developments."

7a.13 Policy ENV.13 reinforces the Structure Plans support for the principle of renewable energy.

7a.14 Policy ENV.14 'Air Quality' states:

"The Council will contribute to the improvement of local air quality through the development and implementation of the Structure Plan Strategy including: consideration of air quality standards in selecting locations for new development and in assessing development applications; reducing the need to travel through protecting the viability of individual settlements and shopping centres; and in promoting public transport and an integrated transport system."

7a.15 The Environmental Protection Unit seek clarification on a number of matters relating to air quality. The proposal does not appear to contribute to the improvement in air quality in an area which already has air quality issues as such the application is considered contrary to policy ENV. 14.

7a.16 Policy TRANS.3 'Transport Assessment' states:

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

7a.17 Policy TRANS.4 'Freight Operations' states:

"The Council will direct developments generating significant volumes of freight to sites accessible by rail and/or sea.

The preferred locations for freight related uses that require port and/or rail access will be:

- (1) Grangemouth Docks;*
- (2) Grangemouth branch line; and*
- (3) Allandale."*

7a.18 A Transport Assessment has been produced in accordance with policy TRANS.3 'Transport Assessment'. The Transport Assessment does not model any changes in the supply methods, from the proposed 90% minimum by sea and 10% maximum by road. Further analysis would therefore be required if there were a change in the expected delivery of material ratios. As such it is considered that any permission should be conditioned to allow any future changes to be accounted for through the planning system. Policy TRANS.4 supports the location of freight operations at Grangemouth Docks.

Falkirk Council Local Plan

7a.19 Policy EQ1 'Sustainable Design Principles' states:

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

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

7a.20 Policy EQ2 'Implementation of Sustainable Design Principles' states:

"In order to ensure that the principles set out in Policy EQ1 are incorporated into development proposals:

- (1) Masterplans will be required for development proposals requiring a comprehensive approach to design and infrastructure. The Council will set out the basis for the preparation of Masterplans in Development Frameworks or Briefs;*
- (2) Development Briefs will be prepared by the Council for other development sites where merited by the size, sensitivity or complexity of the site;*

- (3) *Supplementary Planning Guidance Notes will be produced to provide detailed advice on the application of the sustainable design principles; and*
- (4) *Planning applications for significant residential, business or commercial development, or smaller proposals affecting protected sites or buildings, should be accompanied by a Design Statement explaining how each of the factors in Policy EQ1 has been complied with."*

7a.21 Not enough detail is available at this stage to allow consideration of the criteria in policy EQ1 'Sustainable Design Principles'. The proposal is set within an industrial setting, with the surrounding port and petrochemicals plant of particular note. The application site is also in an edge of town centre location and whilst it is acknowledged that the proposal is acceptable within the heavy industrial backdrop, the proposal could potentially have an impact on the local area. The siting of the highest structures to the rear, north of the application site is welcomed. Policy EQ2 requires the design statement to specifically address the points in EQ1, however it is considered that the design statement fails to adequately address the policy. It is considered that the proposal could achieve the aims of policies EQ1 and EQ2 with the full consideration of detailed proposals.

7a.22 Policy EQ3 'Townscape Design' states:

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

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

7a.23 Policy EQ3 'Townscape Design' requires new development to contribute positively to the built environment and lists criteria including the consideration of scale and mass, building materials, skylines and views. While the design statement addresses some of these issues, in principle the detail of the proposal is unknown at this stage. It is, however, considered that the location of the application site within a port with surrounding heavy industry and large petrochemicals plant, would mitigate the impact on the surrounding urban area. Any consent should be conditioned to ensure full design details are submitted to ensure the criteria of policy EQ3 are adequately addressed.

7a.24 Policy EQ4 - 'Landscape Design' states:

"Development proposals should include a landscape framework which enhances the development and assists integration with its surroundings. The landscape scheme should:

- (1) *Be informed by the surrounding landscape;*

- (2) *Retain and incorporate existing vegetation, natural and cultural features where they contribute to the amenity and biodiversity of the site, with provision for replacement planting where removal is authorised;*
- (3) *Integrate with strategies for the provision of open space, pedestrian access, and sustainable urban drainage systems on the site;*
- (4) *Promote biodiversity, including the use of native tree and plant species (see Policy EQ25);*
- (5) *Incorporate robust structure planting to provide structure in larger developments, and screen the edge of developments where necessary;*
- (6) *Incorporate street trees and informal open space planting to assist in structuring and unifying streets and spaces;*
- (7) *Incorporate high quality hard landscaping, including surface materials, boundary enclosures and street furniture which are robust and complement the development; and*
- (8) *Demonstrate that satisfactory arrangements have been made for the future maintenance and management of all landscaped areas."*

7a.25 The application site is located within a port, however a landscape scheme may be appropriate to consider the boundary treatments of the site and to address any screening of the fuel storage areas. Any consent should be conditioned to allow full consideration of these details and accordance with policy EQ4.

7a.26 Policy EQ22 'Landscape and Visual Assessment' states:

"Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area."

7a.27 It is considered difficult to absorb the proposal into the landscape, however it is accepted that its setting when viewed from out with Grangemouth, will generally be seen within the context of the many industrial sites at Grangemouth. Given the height of the various components of the proposal, most notably the proposed 110 metre high stack, it is considered that the site setting would not absorb the development, in particular when viewed from the immediate surrounding urban areas of Grangemouth. Whilst it could be argued that the proposal harmonises with much of the development contained within the heavy industrial area and in particular the adjacent petrochemicals plant, it is considered more difficult to ensure the building fits into the landscape within Grangemouth, particularly when viewed from the surrounding roads and ASDA Supermarket car park. The application fails to accord with policy EQ22.

7a.28 Policy EQ24 ‘Ecological Sites and Features’ states:

- “(1) Development likely to have a significant effect on Natural 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers)..*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site’s natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required.*
- (6) The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.”*

7a.29 As discussed previously an appropriate assessment is required to ensure the proposal accords with policy EQ24.

7a.30 Policy EQ30A – ‘Air Quality’ states:

“The Council will seek to contribute to the improvement of air quality. Impacts on air quality will be taken into account in assessing development proposals, particularly within Air Quality Management Areas (AQMA’s). Air Quality Assessments may be required for developments within AQMA’s.”

7a.31 The Environmental Protection Unit seek clarification on a number of matters relating to air quality. Further information is required to ensure compliance with policy EQ30A.

7a.32 Policy EP1 - ‘Strategic Development Opportunities’ states:

“The Council will give priority to the sites detailed in Table 5.1 as the site-specific parts of the Strategic Development Opportunities identified within Policy ECON.1 and Schedule ECON.1 of the Structure Plan. These should be developed in accordance with the principles set out in Structure Plan Policy ECON.2.”

7a.33 Policy EP2 - 'Land For Business And Industrial Use' states:

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

- (1) The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*
- (2) The areas for retention in business and industrial use identified on the Proposals Map will be retained and reserved for Class 4, 5 or 6 uses, except for the established business parks of Callendar Park and Gateway Business Park, Grangemouth which will be reserved for Class 4 uses only.*

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

7a.34 ED.GRA4, Grangemouth Docks – Zone 3

Opportunity: Port related general industrial/storage

Site Area: 8.9 hectares

Agency: Forth Ports

Comments: Land identified for port related development. The retention and setting of the old Docks should be taken into account in the development of the area. A transport assessment would be required, and off-site contributions to upgrading of motorway junctions may be required. Proposals must have no adverse impact on the integrity of the adjacent Firth of Forth SPA. The Habitats regulations will apply to any detailed proposal (see tests in Policy EQ24(1)). Site has been identified as being at medium to high risk of flooding. A flood risk assessment and drainage impact assessment will be required. These assessments may influence the scale, layout and form of development.

7a.35 The proposed site is allocated as business and industry site in the Local Plan and as a strategic development opportunity area in accordance with the Structure Plan, Economic Development Proposals and Opportunities. ED.GRA4 notes that off-site contributions to the up-grading of motorway junctions may be required.

7a.36 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."*

7a.37 It is considered that the additional long term working population associated with the proposal, located in the outer zone of a consultation distance for a major hazards site, and the industrial nature of the development, is in accordance with policy EP18. The proposal has been considered using the Health and safety Executive's (HSE) planning advice software tool, PADHI+, where HSE does not advice on safety grounds against the granting of planning permission.

7a.38 Policy ST7 - 'Transport Assessments' states:

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

7a.39 Policy ST9 - 'Managing Freight Transport' states:

- "(1) Freight intensive development will be directed to locations that can be accessed without significant impact on local communities, or on the local and strategic road network. Areas with rail or sea access, notably Grangemouth Docks and the connecting branchline, will be particularly favoured.*
- (2) Development which will encourage the transfer of freight from road to rail, including the development of freight handling facilities, will be supported subject to other Local Plan policies.*
- (3) Signage strategies, junction improvements and network upgrades will be considered where these contribute to improved access for freight.*
- (4) The Council will work where appropriate with freight companies, developers and others to bring forward freight quality partnerships.*
- (5) The Council will work with other agencies and developers to explore freight use of the lowland canal network where appropriate."*

7a.40 A transport assessment has been carried out in accordance with the premise that the majority of fuel will be delivered by sea. As stated previously, consideration should be given to conditioning any consent to take this into account the potential impact on the road network if this were to change in the future. Policy ST9 supports freight developments which can be accessed without significant impact on the road network. The proposal accords with policy ST7 and ST9.

7a.41 Policy ST11 - 'Sustainable Urban Drainage' states:

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

7a.42 Policy ST12 - 'Flooding' states:

"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."

7a.43 The application site is not in an area of significant risk of flooding, but is identified as being at a medium to high risk. The applicant is therefore required to submit information that demonstrates that flood risk can be managed both within and out with the site. The applicant has not submitted a drainage strategy. It is considered appropriate that a drainage impact assessment and flooding mitigation measures are submitted at the detailed stage and should be the subject of condition to ensure compliance with the above policy.

7a.44 Policy ST20 - 'Renewable Energy Development' states:

"The Council will support development required for the generation of energy from renewable sources, and the utilisation of renewable energy sources as part of new development, subject to assessment of proposals against other Local Plan policies. Renewable energy development will be viewed as an appropriate use in the countryside where there is an operational requirement for a countryside location."

7a.45 The proposal is supported by the terms of policy ST20 'Renewable Energy Development' where Falkirk Council supports renewable energy development, in accordance with other Local Plan policies.

7a.46 Accordingly, it is considered there is a need for additional information to confirm the proposals conformity with the Development Plan.

7b Material Considerations

Scottish Planning Policy

7b.1 Scottish Planning Policy (SPP) states (paragraph 51) that strategic sites for business should be identified in the Development Plan. These should be protected from inappropriate uses and development which would compromise them.

7b.2 The submitted Planning Statement details relevant policies. While NPF2 supports the development of renewable energy projects including biomass there is no specific support in NPF2 for such a project at Grangemouth Docks which is specifically noted in NPF2 as a national development site for freight expansion.

- 7b.3 SPP highlights the need to protect sites with statutory nature conservation designations. SNH's response is noted and it is understood that an assessment under the Habitats Regulations is still required to confirm that there is no adverse impact on the Firth of Forth Special Protection Area (SPA) and any other qualifying interests.
- 7b.4 Hydro-electric and onshore wind power are noted (paragraph 182) as being the main sources of renewable energy with biomass one of the additional technologies which may contribute to renewable energy. It is also stated that planning authorities should support the development of a diverse range of renewable energy technologies (paragraph 184).

Contribution to the Local Economy

- 7b.5 The project has the potential to reduce reliance on the fossil fuel based economy which is likely to decline in the near future and is in keeping with the Scottish Government's low carbon economic strategy.
- 7b.6 The statement suggests that up to 30% of biomass could come from UK sources. Falkirk Council has a strong working relationship with the Central Scotland Forest Trust which is keen to develop markets for wood products both short and longer term. The Council is keen to see synergy between local businesses.
- 7b.7 Whilst it makes sense that the UK cannot currently meet the level of wood chip supply that the plant would require, the commitments to develop them are vague and very probably non binding in their current state. A key weakness in the sustainability statement is the proposal to source the majority of wood chip from N. America/the Americas. Once the plant is operational, based on commitments in the sustainability statements, the operator would be free to source material based purely on the economic case. Fundamentally, biomass is only sustainable as a source of 'renewable' energy if the energy plant is adjacent or very close to the fuel source.
- 7b.8 An ideal strategy would contain:
- (a) Clear plans to minimise distance travelled by fuel source & emissions arising from that transport
 - (b) Clearly stated, time bound targets to increase supply from firstly, Scotland, secondly, the UK, thirdly, Scandanavia, fourthly, the United States. They would also clearly exclude countries where chain of custody is extremely hard to police such as in South America and Russia.
 - (c) This commitment would be accompanied by details of how they intend to work with UK suppliers to foster development of a domestic supply.
- 7b.9 The Scottish Government is keen to diversify Scotland's energy sources and increase the security of future supplies in the light of rocketing energy demands in developing countries. The use of wood based biomass would contribute to this, however, the further the fuel travels, obviously the greater the threat to supply. This risk will increase as global demand for biomass wood fuel increases.

Optimum Efficiency of the Plant

- 7b.10 The plant's primary aim is to produce electricity which means roughly 30% efficiency compared with combined heat and power (CHP) which has roughly 90% efficiency rate. The sustainability statement makes reference to use of excess heat elsewhere in the area in future, however, this appears to be vague. There have been numerous studies done of the potential to use excess industrial waste heat in the area to heat homes, schools, businesses etc. Waste heat from the Callendar Flats CHP scheme is already being used to heat Callendar House and sets a welcome precedent.
- 7b.11 Development of this initiative in the Grangemouth area, however, has been very limited, due mainly to the complexity of retrofitting it to existing plant, existing homes and the upfront cost involved. If this were factored in as a fundamental part of the plant design then it could have potential. It would require a very clear demand and market for the excess heat in advance. If this were done, it would strengthen the sustainability statement's case considerably. It would also clearly demonstrate community benefit from the development which at present is unclear.

Landscape Impact

- 7b.12 It is considered that the Design Statement puts forward some interesting images and ideas which should be progressed when the detailed proposals are prepared. The architectural treatment, textures and colours of the energy plant require to be fully considered as these will influence the appearance and visual impact of the biomass energy plant, in particular on the surrounding community. Due to the scale and height of the proposal these will be of particular importance. The integration of the biomass plant into the site should also be fully considered and addressed with high quality design solutions.

Flooding

- 7b.13 The Supplementary Planning Guidance Note on 'Flooding and Sustainable Urban Drainage Systems' advises that the adjacent Grangemouth Petrochemicals Facility is at a high risk of flooding. The application site is identified in the Falkirk Council Local Plan of similarly being at a medium to high risk of flooding. A flood defense scheme has been constructed to protect the adjacent town of Bo'ness, however there are no flood defenses which protect the application site at this time.
- 7b.14 The submitted Flood Risk Assessment (FRA) acknowledges that the application site is at a medium to high risk of flooding in a 1:200 year event. As such appropriate mitigation is required to offset the risk of flood.
- 7b.15 The applicant recommends mitigation for the site which includes the safeguarding of sensitive equipment and providing adequate drainage infrastructure. The FRA advises that the levels over the application site including the biomass storage area would not be increased to take account of their safe level of 5.50 metres AOD. The applicant advises that areas of safe refuge, including within office building, would be provided. It is considered that the mitigation strategy be fully considered, developed and submitted as part of the detailed design proposals including a drainage impact assessment.

Consultation Responses

- 7b.16 the issues raised through consultation are noted. No major issues or objections have been received and it is considered that the matters raised could be the subject of condition of any permission issued by the Scottish Ministers.

Issues Raised Through Third Party Representation

- 7b.17 986 third party objections were received by the Scottish Ministers in relation to the proposals. The Scottish Ministers will assess the content of representations made and issues raised when determining the application. It is considered that the matters raised by third party representation can be appropriately addressed by condition.
- 7b.18 The comments raised by Grangemouth and Polmont Community Council are noted and the Scottish Ministers have copy of their objection.

7c Conclusion

- 7c.1 Forth Energy is seeking consent from the Scottish Ministers under Section 36 of the Electricity Act 1989 to construct and operate the proposed Grangemouth Renewable Energy Plant at the Port of Grangemouth. At the same time a detailed planning permission is also sought from the Scottish Ministers to run alongside the Section 36 consent. The combination of these two consenting procedures, mean that Scottish Ministers have the power to grant consent to generate electricity and also planning permission to use the land for the purposes of electricity generation.
- 7c.2 Should Scottish Ministers be minded to grant a deemed planning permission, a subsequent planning application to discharge matters specified in conditions would require to be submitted to Falkirk Council for determination.
- 7c.3 Falkirk Council support the use of sustainably sourced biomass, which is a recognized source of renewable energy. It is considered that the location within the Port of Grangemouth is a suitable and appropriate location for the proposed facilities, but there is still a need for additional information to confirm the proposals conformity with the Development Plan and to address the issues raised by consultees.

8. RECOMMENDATION

- 8.1 It is recommended that Falkirk Council inform Scottish Ministers that, in principle, it supports the proposal, subject to the submission and assessment of additional information in respect of detailed design, landscaping, phasing, contamination, site restoration, drainage, flooding, air quality and traffic impact.

Thereafter, if Scottish Ministers are minded to grant consent under Section 36 of the Electricity Act 1989 and a deemed planning permission, it is recommended that the following conditions are imposed.

- (1) Development shall commence no later than the date occurring 3 years after the date of this consent. If development does not commence by such a date, the site and the ground shall be fully reinstated by the Company to the specification and satisfaction of the Council.

- (2) Unless otherwise agreed in writing by the Council, in the event of the Biomass Renewable Energy Plant not generating electricity or heat for a continuous period of twelve months, the development shall be decommissioned and the site restored, in accordance with a decommissioning scheme and detailed restoration and aftercare scheme approved by the Council in terms of condition 16 of this consent.
- (3) Prior to commencement of development, the detailed design of the Grangemouth Biomass Renewable Energy Plant, shall be submitted to and approved in writing by the Planning Authority. The detailed design shall include:
- (a) Details of the siting, design and external appearance of all buildings and structures to be erected and retained following the commissioning of the development hereby approved;
 - (b) Details of the colour, materials and surface finish in respect of those building and structures referred to in (a) above;
 - (c) Details of the existing and proposed ground levels, building and structure levels and including cross sections through the site;
 - (d) Details of all proposed roads, parking, hardstandings, loading and unloading areas and turning facilities;
 - (e) Details of permanent artificial lighting;
 - (f) Details of permanent fencing or other means of enclosure;
 - (g) Details of all hard and soft landscaping; and
 - (h) Phasing of all proposed works.

Development shall not commence on site until written approval is given by the Council, thereafter the development shall proceed in accordance with the approved details.

- (4) The development shall be undertaken in accordance with the Application, EIA, Environmental Statement and Supporting Documents, except in so far as it is amended by the terms of the consent or as agreed in writing by the Council.
- (5) Prior to development commencing on site, details of the proposed traffic signals at the M9 off ramp, junction 6, shall be submitted to and approved in writing by the Council. Thereafter the traffic signals shall be installed at the applicants cost, prior to any commencement of works on site.
- (6) All forest derived fuels to be used in operating the Grangemouth Renewable Energy Plant shall be certified by accepted sustainability certification systems.
- (7) The applicant shall continuously, throughout the lifetime of the Grangemouth Renewable Energy Plant, record and hold available for inspection by the Council and the Scottish Environmental Protection Agency a written register recording the quantities, nature and sources of fuel combusted including details of certification and transported to the site.

- (8) Prior to commencement of development on site a Construction Traffic Management Plan and Freight Management Plan shall be submitted to and approved in writing by the Planning Authority. This shall include procedures for the movement of traffic including sized loads and escorting requirements. Thereafter work shall commence in accordance with the approved plans.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) Prior to commencement of development, detailed flood mitigation measures shall be submitted to and approved in writing by the Council. The scheme shall include an assessment of the safety of personnel and include acceptable mitigation including consideration of methods of safe access and egress to and from the development. Thereafter the measures approved shall be implemented and maintained for the duration of operational development.
- (14) Prior to commencement of development on site a drainage impact assessment shall be submitted and approved in writing by the Council. Thereafter the development shall commence in accordance with the approved strategy.
- (15) Prior to commencement of operation of the Grangemouth Renewable Energy Plant the applicant shall submit a Biomass Sustainability Policy in consultation with Falkirk Council, Scottish Government, SEPA and SNH. Thereafter the plant shall operate in accordance with the approved policy.

- (16) Unless otherwise agreed in writing with the Council, within 12 months of the site ceasing to be used for the purposes of electricity and heat generation, a scheme for the demolition and removal of the development from the site shall be submitted to the Council for approval. The scheme shall include:
- (a) Details of all structures and buildings which are to be demolished;
 - (b) Details of the proposed reuse of any buildings to be retained;
 - (c) Details of the means of removal and materials resulting from the demolition and methods for the control of dust and noise;
 - (d) The phasing of the demolition and removal; and
 - (e) Details of the restoration works and the phasing of the restoration works.

Thereafter the demolition and removal of the development (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access road) and subsequent restoration of the site shall be implemented in accordance with the approved scheme.

- (17) Prior to development commencing on site, a risk assessment shall be submitted to and approved in writing by the Council identifying potential accident or emergency situations affecting the energy plant from either within the plant or an external source, for both construction and operational phases of the proposal.
- (18) Unless agreed in writing by the Council, or unless in an emergency, the conveyance and storage of biomass fuel feedstocks and post combustion residues shall be undercover at all times during the operation of the development.
- (19) The commissioning of the development shall not commence until a scheme for monitoring air quality, within an area to be prescribed by the Council and SEPA, is submitted to and approved in writing. The scheme shall include measurement location(s) within the relevant areas from which air quality will be monitored, the equipment and methods to be used and frequency of measurements, not less than 12 months prior to the commissioning of the development and for measurements to be undertaken continuously thereafter until plant decommissioning.
- (20) Development shall not commence until evidence has been provided to demonstrate that there will be no exceedences of the National Air Quality Strategy S02 objectives. The methodology shall be agreed with the Council and SEPA and shall include air dispersion modelling and ambient monitoring of baseline conditions. Where the assessment predicts an exceedence of any of the LAQM national air quality objectives for S02, the applicant shall provide a scheme for mitigating their impacts for approval by the Council and SEPA and thereafter implemented in accordance with said details.
- (21) Prior to commissioning of the development an updated CHP Feasibility Review assessing potential commercial opportunities for the use of heat from the development shall be submitted to and approved in writing by the Council. This shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development and for the provision of subsequent reviews of such commercial opportunities as necessary.

Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to and approved in writing by the Council. Any plant and pipework installed to the boundary of the site to enable the use of heat shall be installed in accordance with the agreed details.

- (22) Commissioning of the development shall not take place until sufficient plant and pipework has been installed to ensure that there are no barriers to the future supply of heat to the boundary of the site under Condition 21 at a later date if opportunities to do so are identified.
- (23) Commencement of the development shall not take place until a scheme for informing the local community about the progress of the development has been submitted to and approved in writing. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.

Reason(s):

- (1) To ensure work commences within a reasonable time period.
- (2,16) To ensure that the buildings are removed and the site is properly restored in the interests of visual amenity.
- (3) To enable the Council to fully consider these details and to exercise reasonable and proper control over the design and appearance of the development.
- (4) To ensure compliance with commitments made in the extant application.
- (5,8) To ensure the development does not cause unreasonable congestion within the surrounding urban road network and in particular at the M6 off ramp, junction 6, during construction and operation.
- (6-7) To ensure that only certified biomass fuel stocks are used and to ensure that the plant operates according to sound sustainable principles and policies.
- (9-12) To ensure the ground is suitable for the proposed development.
- (13,14) To ensure the site is adequately mitigated against the risk of flooding.
- (15) To ensure that only certified biomass fuel stocks are used and to ensure the plant operates according to sound sustainable principles and policies.
- (17) To ensure that the development is adequately risk assessed.
- (18) In the interest of visual amenity.
- (19) To protect air quality.
- (20) To protect public health in respect of sulphur dioxide.

- (21-22) To ensure that medium and low grade heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.
- (23) To ensure that the local community is informed about the progress of the development.



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Pp Director of Development Services

Date: 19 January 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Scottish Planning Policy
4. Scoping Statement, December 2009
5. Participation Strategy, February 2009
6. Scoping Statement, March 2010
7. Application Main Documents
8. Environmental Statement, Volume 1 -Technical Summary
9. Environmental Statement, Volume 2 - Main Text
10. Environmental Statement, Volume 3 - Appendices
11. Environmental Statement, Volume 4 - Transport
12. Environmental Statement, Volume 5 - Figures
13. Supplementary Information
14. Letter of objection from Grangemouth Community Council dated 27 November 2010

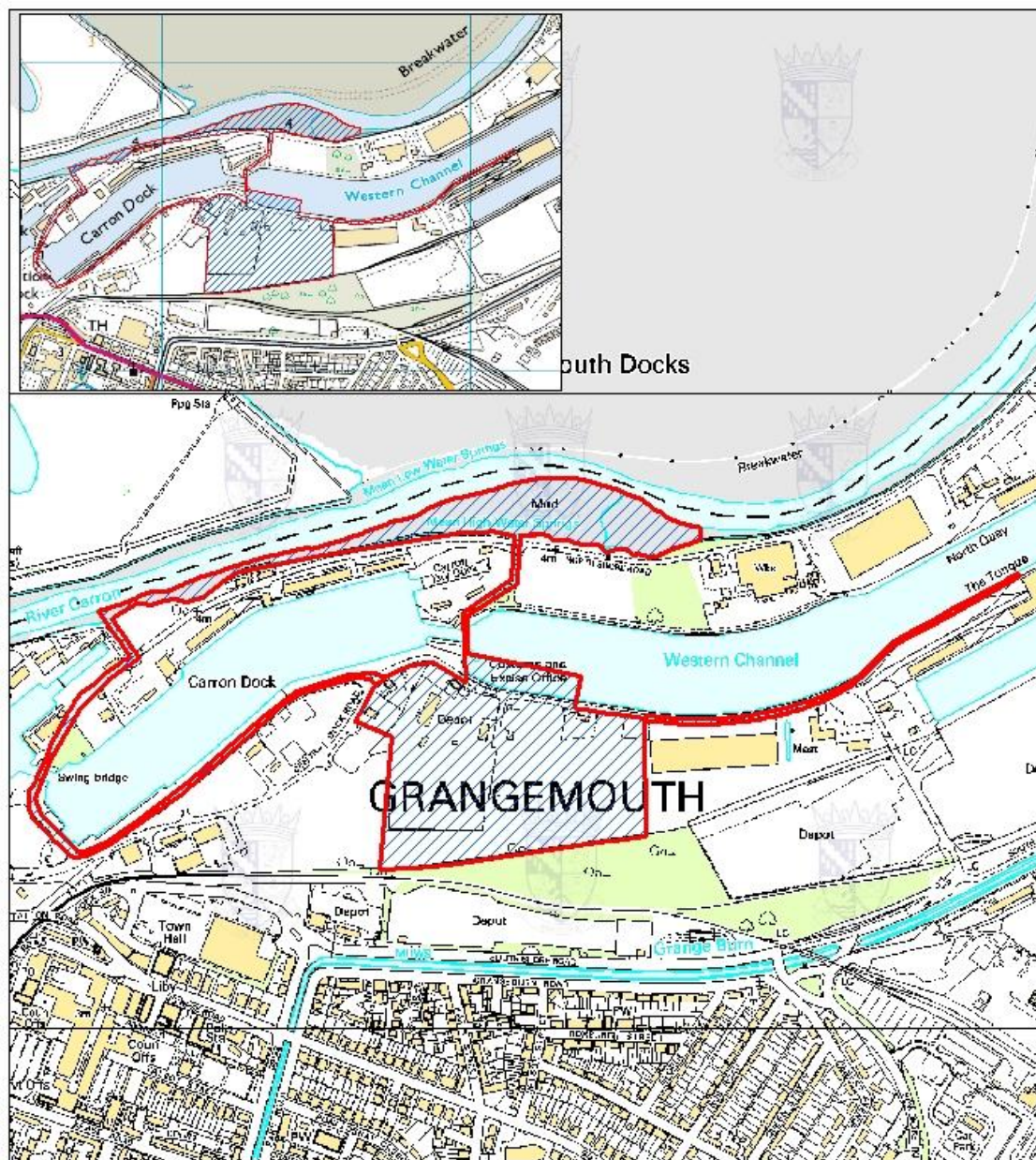
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

ENQ/2010/0408

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 THE OAKS, ARBOUR GROVE, ARBUTHNOT STREET, FALKIRK, FK1 4BX FOR MR & MRS B FLYNN – P/10/0631/FUL

Meeting: PLANNING COMMITTEE

Date: 23 February 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South
Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: None

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

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 26 January 2011 (copy of previous report appended), when it was agreed to continue the application to undertake a site visit. This visit took place on 7 February 2011.
2. At the site visit Members viewed the site of the application, surrounding properties and proposed access via Arbuthnot Street. The site was also viewed from the garden ground of an objector's property at Greenacre which bounds the site.
3. The applicant's representative was heard in support of the proposal and referred to the surrounding area as being of a mixed design character rather than having a single identifying design feature. He also referred to pre-application discussions and design amendments to the proposal which, in his view, addressed comments raised by Planning Officers, and took into account some of the concerns expressed by objectors. He pointed out that Arbuthnot Street had been upgraded by the applicant following the construction of the two dwellinghouses granted planning permission in 2002. If granted permission, the development would probably commence quickly and would provide employment for local companies.
4. Objectors were heard in relation to their concerns which related to the design, scale and position of the proposed dwellinghouse being out of character with the surrounding area. Likely impacts on adjacent properties by virtue of overshadowing, overlooking and increased use of the access road were also raised.

5. At the site meeting, concerns in relation to the possibility of roosting bats were discussed and it was noted that, although a bat survey had been carried out on the Ash tree on the site, another Ash tree, which appeared to be outwith the site, had potential for roosting bats. Following the site meeting of the Committee, Planning and Landscape Officers re-visited the site, and the tree would appear to be on or very close to the boundary. This matter was discussed with the applicant and, given the discussion at the Committee, he agreed that he would commission a further survey to address this issue. This survey was undertaken, and an inspection of the basal cavity found no evidence of roosting bats or use by roosting bats. In relation to two potential cavities higher up the tree, an inspection of these was not possible due to a dispute in relation to the ownership of the tree. In view of this, it is considered that the informative (2) attached to the original report on this application should be amended to also include the findings of the most recent bat survey.
6. It should be noted that, following the site visit, an additional representation from a resident in Arbuthnot Street has been received, and this expands on concerns in relation to loss of outlook, storey height and design of existing houses adjacent to the site. Reference is also made to the most recent bat survey. A new objection, also from a resident in Arbuthnot Street, refers to the design of the proposed dwellinghouse and potential damage to Arbuthnot Street.
7. No matters were raised which would amend the original recommendation to grant 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.**
- (2) 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.**
- (3) 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.**
- (4) 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.**

- (5) 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.
- (6) Samples of roof tiles, brick/stone, render and boundary enclosures 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.
- (7) For the avoidance of doubt the en-suite bathroom window on the north elevation shall be glazed with opaque glass.
- (8) 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 access road.
- (9) There shall be no obstruction to visibility above 1 metre in height above carriageway level within 2.5 metres at the carriageway edge along the site frontage to private road.
- (10) Any access gates shall open in an inward direction only.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5) To ensure the ground is suitable for the proposed development.
- (6) To safeguard the visual amenity of the area.
- (7) To protect the privacy of adjacent properties.
- (8-10) To safeguard the interests of the users of the highway.

Informative(s);

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference numbers(s) 01A, 02,- 04, 05A, 06, 07 and supporting documents.
- (2) Development shall be carried out in accordance with Appendix II: Bat Mitigation Method Statement contained within the Bat Surveys by Echoes Ecology Ltd dated 25 October 2010 and 14 February 2011.



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Pp Director of Development Services

Date: 15th February 2011

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Adopted Falkirk Council Local Plan
3. Falkirk Council's Supplementary Planning Guidance Note on 'Housing Layout and Design.
4. Letter of Objection from Ann Broadley, 8 Arbuthnot Street, Falkirk FK1 4BW on 28 September 2010.
5. Letter of objection from Mr Stephen Campbell, 10 Arbuthnot Street, Falkirk FK1 4BW on 29 September 2010.
6. Letter of Objection from Mrs Georgina McLaughlan, Greenacre, Arbuthnot Estate, Dorrator Road, Camelon FK1 4BN on 19 September 2010.
7. Letter of Objection from Mrs Lisa Chiles, 1 South Mews, Bennecourt Drive, Coldstream TD12 4EG on 28 September 2010.
8. Letter of Objection from Mrs Emma Chittick, Sunnybrae House, 10 Arbuthnot Street, Falkirk FK1 4BW on 2 February 2011.
9. Letter of Objection from Miss Carol Wilson, 6 Arbuthnot Street, Camelon, Falkirk FK1 4BW on 13 February 2011.

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

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AT THE OAKS, ARBOUR GROVE, ARBUTHNOT STREET, FALKIRK, FK1 4BX FOR MR & MRS B FLYNN – P/10/0631/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **26 January 2011**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Falkirk South**
Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: **None**

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks planning permission for the erection of one dwellinghouse at Arbuthnot Street, Falkirk. The proposed house type is of contemporary design character with a mono pitch roof and accommodation provided over 2 floors with an integral garage.
- 1.2 The application site lies on the south side of Arbuthnot Street and forms a grouping with two existing large properties again of contemporary design character, The Oaks and the Willows at Arbour Grove. Vehicular access would be taken via the existing access serving Arbour Grove.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Georgie Thomson.

3. SITE HISTORY

- 3.1 An application for temporary day nursery accommodation (F/91/1152), relating to the use of the application site as a day nursery, refused planning permission on 5 February 1992, subsequent appeal dismissed.
- 3.2 F/2000/0753 – erection of 4 dwellinghouses – granted on 10 August 2001.
- 3.3 F/2002/0269 – erection of 2 dwellinghouses (amendment to planning permission F/2000/0753) – granted on 22 July 2002.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit advise that the proposal would be accessed via an existing private access road serving more than three dwellinghouses, contrary to the Unit's practice. The Unit did advise of conditions to be applied to any granting of planning permission.
- 4.2 Scottish Water has no objection to the proposal, but did not guarantee a connection to Scottish Water infrastructure.
- 4.3 The Environmental Protection Unit advise of conditions relating to ground contamination.

5. COMMUNITY COUNCIL

- 5.1 The Camelon, Bantaskine and Tamfourhill Community Council is not currently operating.

6. PUBLIC REPRESENTATION

- 6.1 Four objections to the application have been received. The concerns raised can be summarised as follows:-
- The proposal would overshadow adjacent properties and restrict outlook;
 - The proposal would affect the seclusion and privacy of adjacent properties;
 - The proposal is not in-keeping with the architectural style or height of the original dwellinghouses in the surrounding area;
 - Planning conditions for the area limit property height to single storey;
 - The two adjacent properties are owned by the applicant's family;
 - The applicant and his family are good neighbours, however support cannot be given to the proposal;
 - The two adjacent properties, within the same site, are unsightly, uncharacteristic and disproportionate to the surrounding area;
 - The tree within the application site houses bats;
 - The proposal will devalue adjacent properties;
 - The proposal reflects the style of the two adjacent properties, but it is not sympathetic to the older properties within the site; and
 - Falkirk Council do not maintain the access road, which cannot sustain any more traffic.

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 of relevance contained within the approved Structure Plan.

Adopted Falkirk Council Local Plan

7a.2 Policy SC8 'Infill Development and Subdivision of Plots' states:

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

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

7a.3 Policy SC8 seeks to prevent insensitive infill whilst allowing development where a legitimate opportunity exists and can be integrated successfully into the urban fabric. The scale, density, disposition and design of the proposed dwellinghouse respects the architectural and townscape character of the area. Whilst the proposed dwellinghouse is of contemporary design character it would harmonise with the existing properties within the site of the former nursery and the adjacent traditional properties, on the other side of Arbuthnot Street. The density is considered similar to the Willows and the terraced properties directly adjacent to the site on the other side of the access road.

- 7a.4 The proposal would provide an appropriate form of development in terms of scale and design between the two large dwellinghouses already developed within the site and the smaller scale 1 ½ storey traditional properties on the north side of Arbuthnot Street. The disposition is unusual in that the proposal would only have usable garden ground to the front elevation, however, this is considered necessary to maintain an open frontage to the existing properties at the Arbour Grove site and to prevent a form of backland development being created in relation to the Oaks. Adequate garden ground would be provided with no impact on the existing properties and adequate privacy would be maintained (the site has the appearance of a vacant plot and is not utilised as garden ground for either existing property). A tree which is not covered by a Tree Preservation Order would be lost within the application site without an adverse effect on the amenity of the area. The proposed vehicle access and other infrastructure would be of an adequate standard. The proposal accords with Local Plan Policy SC8.
- 7a.5 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations in respect of this application are Falkirk Council's Supplementary Planning Guidance, the consultation responses, representations received, the planning history for the site and summary of assessment under the Conservation (Natural Habitats etc) Regulations 1994.

Falkirk Council Supplementary Guidance Note

- 7b.2 The proposal accords with Falkirk Council's Supplementary Planning Guidance Note on 'Housing Layout and Design', in particular in relation to corner gable treatment, models for house grouping and building form and elevational composition. The innovative layout prevents the creation of backland development in relation to the Oaks. The applicant has submitted a site section that demonstrates that the proposal would not overshadow the adjacent property to the east, Greenacre. Due to the proposed sloping roof and the proposed position within the application site, which is slightly offset, it is considered that the property on the opposite site of the access road, 8 Arbuthnot Street, would not be significantly overshadowed.

Planning History

- 7b.3 Planning permission for the erection of 4 dwellinghouses (Ref: F/2000/0753) on the overall application site, including The Oaks and the Willows, was approved on 10 August 2001. Whilst it is acknowledged that a later application amended planning permission to 2 dwellinghouses (Ref: F/2002/0269) the principle of an additional dwellinghouse on the site is accepted. It should be noted that the current application site is the same site as the original consent for house plot 1 (Ref F/2000/0753).

Response to Consultation

- 7b.4 The Roads and Development Unit raised concern in relation to the proposal being taken from a private access road. The same applicant received planning permission for 4 dwellinghouses on the overall application site. Further the applicant has resurfaced Arbuthnot Street in accordance with previous planning permissions. The applicant has submitted a land certificate which specifies that the applicant bears an equal share of maintaining, repairing or renewing the common access road. The land certificate does not state that the applicant does not have access rights. In cognizance of these points the Roads and Development Unit have advised of appropriate conditions.
- 7b.5 Other matters raised through consultation could be the subject of appropriate conditions.

Summary of Assessment under the Conservation (Natural Habitats etc) Regulations 1994

- 7b.6 Third party representation raised the issue of bats roosting within a tree to be felled on the application site. The applicant has submitted a bat survey concluding that the Ash tree does not house bats. Falkirk Council's Biodiversity Officer has ratified the survey and requests that the actions contained in the 'bat mitigation method statement' be included as a condition of any planning approval.

Representations Received

- 7b.7 The concerns raised in the objections received in relation to the application are summarized in section 6 of this report. In response to these concerns, the following comments are considered to be relevant:-
- It is considered that the proposal would not significantly overshadow adjacent properties and the applicant has submitted a site section which shows the relationship with the directly adjacent property, Greenacre;
 - The proposal would not significantly affect the seclusion or privacy of adjacent properties given the relationship of the proposal within the plot and the proposed boundary enclosures;
 - The contemporary architectural style of the proposal would harmonise with surrounding properties;
 - There are no planning conditions which would limit the height of the proposal;
 - The ownership of the two adjacent properties by the applicant's family and comments in relation to the neighbourliness of the occupants are noted but are not material planning considerations;
 - Comments in relation to the visual appearance of the two existing properties are noted, however the application relates to the consideration of one dwellinghouse within the remaining plot;
 - The applicant has submitted a bat survey which demonstrates that the tree does not house bats;

- The impact on adjacent property value is not a material planning consideration; and
- It is accepted that Falkirk Council do not maintain the access road. Appropriate conditions are recommended.

7c Conclusion

- 7c.1 The proposal has been assessed as being in accordance with the Development Plan and Supplementary Planning Guidance. The points raised through consultation and representation are addressed in the body of this report. Accordingly the application is recommended for approval.

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) 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.
- (3) 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.
- (4) 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.
- (5) 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.

- (6) Samples of roof tiles, brick/stone, render and boundary enclosures 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.
- (7) For the avoidance of doubt the en-suite bathroom window on the north elevation shall be glazed with opaque glass.
- (8) 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 access road.
- (9) There shall be no obstruction to visibility above 1 metre in height above carriageway level within 2.5 metres at the carriageway edge along the site frontage to private road.
- (10) Any access gates shall open in an inward direction only.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5) To ensure the ground is suitable for the proposed development.
- (6) To safeguard the visual amenity of the area.
- (7) To protect the privacy of adjacent properties.
- (8-10) To safeguard the interests of the users of the highway.

Informative(s);

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference numbers(s) 01A, 02,- 04, 05A, 06, 07 and supporting documents.
- (2) Development shall be carried out in accordance with Appendix II: Bat Mitigation Method Statement of the approved Bat Survey by Echoes Ecology Ltd dated 25 October 2010.



Pp

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Director of Development Services

Date: 18 January 2011

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Adopted Falkirk Council Local Plan
3. Falkirk Council's Supplementary Planning Guidance Note on 'Housing Layout and Design.
4. Letter of Objection from Ann Broadley, 8 Arbuthnot Street, Falkirk FK1 4BW on 28 September 2010.
5. Letter of objection from Mr Stephen Campbell, 10 Arbuthnot Street, Falkirk FK1 4BW on 29 September 2010.
6. Letter of Objection from Mrs Georgina McLaughlan, Greenacre, Arbuthnot Estate, Dorrator Road, Camelon FK1 4BN on 19 September 2010.
7. Letter of Objection from Mrs Lisa Chiles, 1 South Mews, Bennecourt Drive, Coldstream TD12 4EG on 28 September 2010.

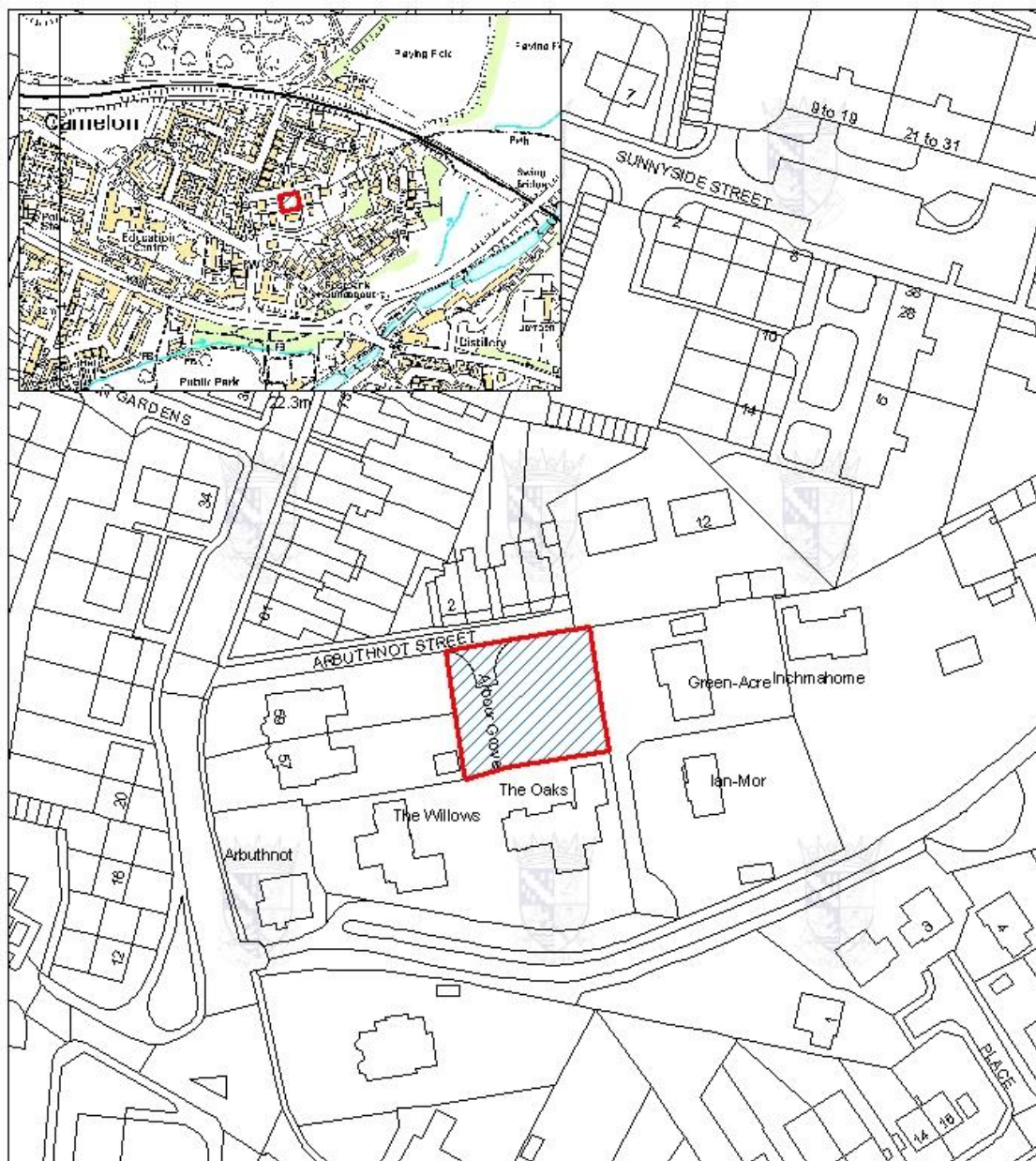
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0631/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: CHANGE OF USE OF EXISTING PUBLIC HOUSE TO HOT FOOD TAKEAWAY, ALTERATIONS TO SHOPFRONT AND INSTALLATION OF FLUE AT MAGPIE, MAGGIE WOODS LOAN, FALKIRK, FK1 5HR, FOR OBAN BAY PROPERTIES LIMITED – P/10/0621/FUL

Meeting: PLANNING COMMITTEE

Date: 23 February 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South
Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: Falkirk Central

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

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this planning application was originally considered at the Planning Committee on 26 January 2011 (copy of previous report appended), when it was agreed to continue the planning application for a site visit. This visit took place on 7 February 2011.
2. At the visit, the Committee viewed the application site boundary.
3. Members sought clarification on the opening hours of the proposed hot food takeaway, problems in relation to traffic generation and parking. Clarification was also sought on other hot-food uses in the area, a current planning application for a change of use of DVLA test centre and the layout of the proposed property.
4. An objector was also heard and raised issues in relation to traffic generation, litter and parking facilities.
5. Local Member, Councillor John Patrick was heard in relation to the proposal.

6. In response to issues raised on site Members may wish to note that planning permission (Ref: P/10/0858/FUL) was granted on 7 February, 2011 for a change of use of the driving test centre to a café at 11 Maggie Woods Loan. This permission has not yet been implemented and is dependent on alternative premises in Grangemouth being licensed by the Driving Standards Agency. There is no timescale available at the moment to confirm when this would happen. Planning permission (Ref: F/97/0634) for the part change of use of the Magpie public house to form a shop was granted in January 1998. This permission has been implemented and allows the sale of hot food ancillary to the shop use. With regard to planning application reference P/10/0621/FUL the agent has confirmed verbally, following the site meeting, that the opening hours for the proposed hot food takeaway have not yet been finalised as a lease for the site has not yet been signed. However, he did not expect it to be different to the existing hours of the public house. There are no sit-in facilities proposed; and the proposal is solely for take-away purposes. The issue of litter is not one that can be regulated by planning legislation and would be for Licensing to control/monitor. The issue of traffic generation is not considered to significantly alter the current situation when taking into consideration the existing use of the premises being a public house use.
7. No matters were raised which would amend the original recommendation to grant planning permission.

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 of the date of this permission.**
- (2) Prior to the approved use being open to the public, detailed specifications of the cooking odour extraction system, including its filters and its proposed termination point shall be submitted to the Planning Authority. For the avoidance of doubt, the approved use shall not open to the public until written approval of these details has been given by the Planning Authority and the approved cooking odour extraction system has been installed.**
- (3) Prior to the approved use being open to the public, detailed measures employed to control noise emissions from any extraction or ventilation systems shall be submitted to the Planning Authority for approval. For the avoidance of doubt, the approved use shall not open to the public until these details have been submitted and approved by the Planning Authority.**

Reason(s): -

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2,3) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.**

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 and 02.
- (2) The applicant 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.

- (3) 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.



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Director of Development Services

Date: 16 February 2011

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Falkirk Council Local Plan.
3. Letter of Objection received from Mr Peter Rowe, 16 Dundas Street, Bo'ness, EH51 0DG on 30 September 2010.
4. Letter of objection received from Mr James Baird, 56 Dumyat Drive, Falkirk, FK1 5PA on 19 November 2010.
5. Letter of objection received from Bantaskine Tenants Residents Group, 21 Shannon Drive, Falkirk, FK1 5HU on 3 December 2010.

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: CHANGE OF USE OF EXISTING PUBLIC HOUSE TO HOT FOOD TAKEAWAY, ALTERATIONS TO SHOPFRONT AND INSTALLATION OF FLUE AT MAGPIE, MAGGIE WOODS LOAN, FALKIRK, FK1 5HR, FOR OBAN BAY PROPERTIES LIMITED – P/10/0621/FUL

Meeting: PLANNING COMMITTEE

Date: 26 January 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South
Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: Falkirk Central

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This planning application proposes the change of use of a public house to a hot food takeaway. The proposed works include alterations to the shop front and the installation of a ventilation flue on the roof of the premises.
- 1.2 The application site forms part of a small retail centre, which includes a hot-food takeaway, mini supermarket, tanning salon and driving test centre.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Councillor John Patrick.

3. SITE HISTORY

- 3.1 Application F/97/0364 was granted planning permission on 22 January 1998 for alterations and part change of use of public house to form shop (Class 1)

4. CONSULTATIONS

- 4.1 The Roads Development Unit has assessed the application in terms of road safety and parking requirements and has no objection to the proposal.
- 4.2 The Environmental Protection Unit has requested further information in relation to the cooking odour extraction system, including the filter and its location, and measures to control noise emissions from any extraction or ventilation systems.

5. COMMUNITY COUNCIL

- 5.1 The Falkirk Central Community Council has not made comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 Three letters of representation have been received following the neighbour notification process. The issues raised are summarised as follows:
- proliferation of hot-food takeaways in the surrounding area;
 - size of premises;
 - no suitable access for wheelchair users;
 - cooking odours;
 - traffic generation;
 - litter.

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 Falkirk Council Structure Plan relevant to the determination of this application.

Falkirk Council Local Plan

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

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

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

7a.3 The site forms part of a group of uses including neighbourhood shops and services and is considered to be acceptable in land use terms. Detailed specifications of the proposed cooking odour extraction system and information indicating measures employed to control noise emissions from any extraction or ventilation systems can be covered by conditions.

7a.4 The proposal would be acceptable in terms of road safety and parking requirements.

7a.5 Accordingly, the proposed development accords with the Development Plan.

7b Material Considerations

Representations Received

7b.1 The number of hot-food takeaways in the surrounding area and the size of the property are not material planning considerations.

7b.2 An amended plan has been submitted showing suitable wheelchair access.

7b.3 The Roads Development Unit have raised no concerns in terms of traffic generation.

7b.4 Noise and smell issues can be covered by planning condition, with further information to be submitted to, and approved by the Planning Authority. However, if complaints were to be received regarding noise and odour nuisances the Environmental Protection Unit would be obliged to investigate and take action as necessary.

7c Conclusion

7c.1 The proposal is considered to be an appropriate form of development in accordance with the provisions of the Development Plan. There are no material planning considerations which would warrant refusal of planning permission.

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 of the date of this permission.
- (2) Prior to the approved use being open to the public, detailed specifications of the cooking odour extraction system, including its filters and its proposed termination point shall be submitted to the Planning Authority. For the avoidance of doubt, the approved use shall not open to the public until written approval of these details has been given by the Planning Authority and the approved cooking odour extraction system has been installed.
- (3) Prior to the approved use being open to the public, detailed measures employed to control noise emissions from any extraction or ventilation systems shall be submitted to the Planning Authority for approval. For the avoidance of doubt, the approved use shall not open to the public until these details have been submitted and approved by the Planning Authority.

Reason(s): -

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,3) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

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 and 02.
- (2) The applicant 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.

- (3) 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: 18 January 2011

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Falkirk Council Local Plan.
3. Letter of Objection received from Mr Peter Rowe, 16 Dundas Street, Bo'ness, EH51 0DG on 30 September 2010.
4. Letter of objection received from Mr James Baird, 56 Dumyat Drive, Falkirk, FK1 5PA on 19 November 2010.
5. Letter of objection received from Bantaskine Tenants Residents Group, 21 Shannon Drive, Falkirk, FK1 5HU on 3 December 2010.

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/10/0621/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: SITING OF SNACK VAN AT MEEKS ROAD CAR PARK, MEEKS ROAD, FALKIRK, FOR HAZEL NIBBLO – P/10/0665/FUL
Meeting: PLANNING COMMITTEE
Date: 23 February 2011
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 planning application was originally considered at the Planning Committee on 26 January 2011 (copy of previous report appended), when it was agreed to continue the planning application for a site visit. This visit took place on 7 February 2011.
2. At the visit, the Committee viewed the site and the location of the proposed snack van which would result in the use of up to three existing parking spaces.
3. The applicant was heard in support of the proposal.
4. Members sought clarification in relation to the orientation of the proposed snack van, potential loss of revenue for car parking, the proposed opening hours, concerns in relation to litter and security of the snack van outwith opening hours.
5. A representative of the Community Council was also heard. Issues in relation to opening hours, litter and loss of parking were highlighted. A letter of representation was subsequently received from the Community Council on 15 February 2011 requesting a condition in relation to opening hours.
6. Objectors were also heard, raising concerns, including potential litter and odour problems, and the existing (limited) facilities available within the station. The proximity of Tesco and Morrisons' supermarkets and an existing catering establishment in Melville Street were also highlighted. The objectors also considered that there would be an adverse impact on the local community.

7. Local Members, Councillors Alexander and Meiklejohn, were heard in relation to the proposals.
8. It was advised that competition amongst similar uses operating within the area is not a material planning consideration nor is the issue of anti-social behaviour. It is considered that the proposed snack van is located far enough away as not to cause any adverse effect on amenity for residents in the vicinity. Regarding the hours of operation the applicant confirmed that the proposed hours are 7am to 2pm and it is considered that this would not affect the amenity of neighbours. It is not considered necessary to impose a restriction on opening hours given the location of the snack van in the car park as it will be sited far enough away from residential properties not to affect amenity of neighbours. This is considered to be the case even if the hours of operation were extended, although the applicant has confirmed no intention to operate later than 2pm. Regarding the security of the snack van when it will be parked overnight insitu, this is being investigated and an update will be provided at Committee.
9. No matters were raised which would amend the original recommendation to grant temporary planning permission.

10. RECOMMENDATION

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

- (1) This permission shall be valid for a limited period until 31st December 2013 and, at that time, unless further permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition.

Reason(s):

- (1) The proposal is not considered to be a suitable form of permanent development.

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.



Pp

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Director of Development Services

Date: 15 February 2011

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Falkirk Council Local Plan.
3. Letter of Objection from Mrs J Forsyth, 6/6 Leishman Tower, Falkirk, FK1 1TP.
4. Letter of Objection from Mrs K Rutherford, 16 Meeks Road, Falkirk, FK2 7ES.
5. Letter of Objection from Mrs J Paterson, 28 Meeks Road, Falkirk, FK2 7ET.
6. Letter from Grahamston, Middlefield and Westfield Community Council

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: SITING OF SNACK VAN AT MEEKS ROAD CAR PARK, MEEKS ROAD, FALKIRK, FOR HAZEL NIBBLO – P/10/0665/FUL
Meeting: PLANNING COMMITTEE
Date: 26 January 2011
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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located in the south-east corner of Meeks Road Car Park, adjacent to Falkirk Grahamston railway station.
- 1.2 It is proposed to locate a snack van on site. The applicant has indicated that the proposed operating times would be Monday-Friday 07.30 – 14.00 and Saturday and Sunday 09.00 – 14.00.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application relates to land in the ownership of the Council and, under the Council's amended Scheme of Delegation, such applications require to be consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 There is no relevant site history.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has raised no objections.
- 4.2 The Environmental Protection Unit has raised no objections.

5. COMMUNITY COUNCIL

- 5.1 Grahamston, Middlefield and Westfield Community Council have made no comment.

6. PUBLIC REPRESENTATION

- 6.1 During the consideration of the application, three letters of objection were received. The grounds of objection relate to the proximity of existing businesses, litter and traffic problems associated with the intended use.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 The proposed development is not of a strategic nature. The policies of the Falkirk Council Structure Plan do not therefore apply.

Falkirk Council Local Plan

- 7a.2 Policy EP10 - 'Mobile Snack Bar Outlets' states:

"Proposals for mobile snack bar vans will not be permitted as permanent uses. Temporary consent may be granted within the Urban or Village Limits where:

- (1) A specific need is demonstrated, which cannot be met by existing permanent facilities;*
- (2) There is no adverse affect on local amenity or the visual quality of the area, particularly as viewed from major transport routes; and*
- (3) Parking and access requirements are satisfied."*

- 7a.3 Given the site's location, existing permanent facilities are not within easy reach of the proposed snack van which would presumably meet the needs of rail travellers.

- 7a.4 It is not considered that the proposal will have an adverse affect on local amenity, or the visual quality of the area, and parking and access requirements have been satisfied.

- 7a.5 The proposal is considered to accord with Policy EP10 of the Falkirk Council Local Plan.

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

7b Material Considerations

Representations Received

- 7b.1 The proximity of businesses in the area is not a material planning consideration
- 7b.2 The Environmental Health Unit have no objections to the proposal, however, if complaints were to be received regarding noise, odour and litter nuisances the Environmental Protection Unit would be obliged to investigate and take action as necessary.
- 7b.3 The Roads Development Unit have no objections to the proposal, and have raised no concerns in terms of traffic generation.

7c Conclusion

- 7c.1 The proposed development is considered to accord with the Development Plan for reasons detailed in this report. The points raised through representation are addressed in this report. There are no material planning considerations which would justify refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following condition:
- (1) This permission shall be valid for a limited period until 31st December 2013 and, at that time, unless further permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition.

Reason:

- (1) The proposal is not considered to be a suitable form of permanent development.

Informative:

- (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.



Pp

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Director of Development Services

Date: 18 January 2011

LIST OF BACKGROUND PAPERS

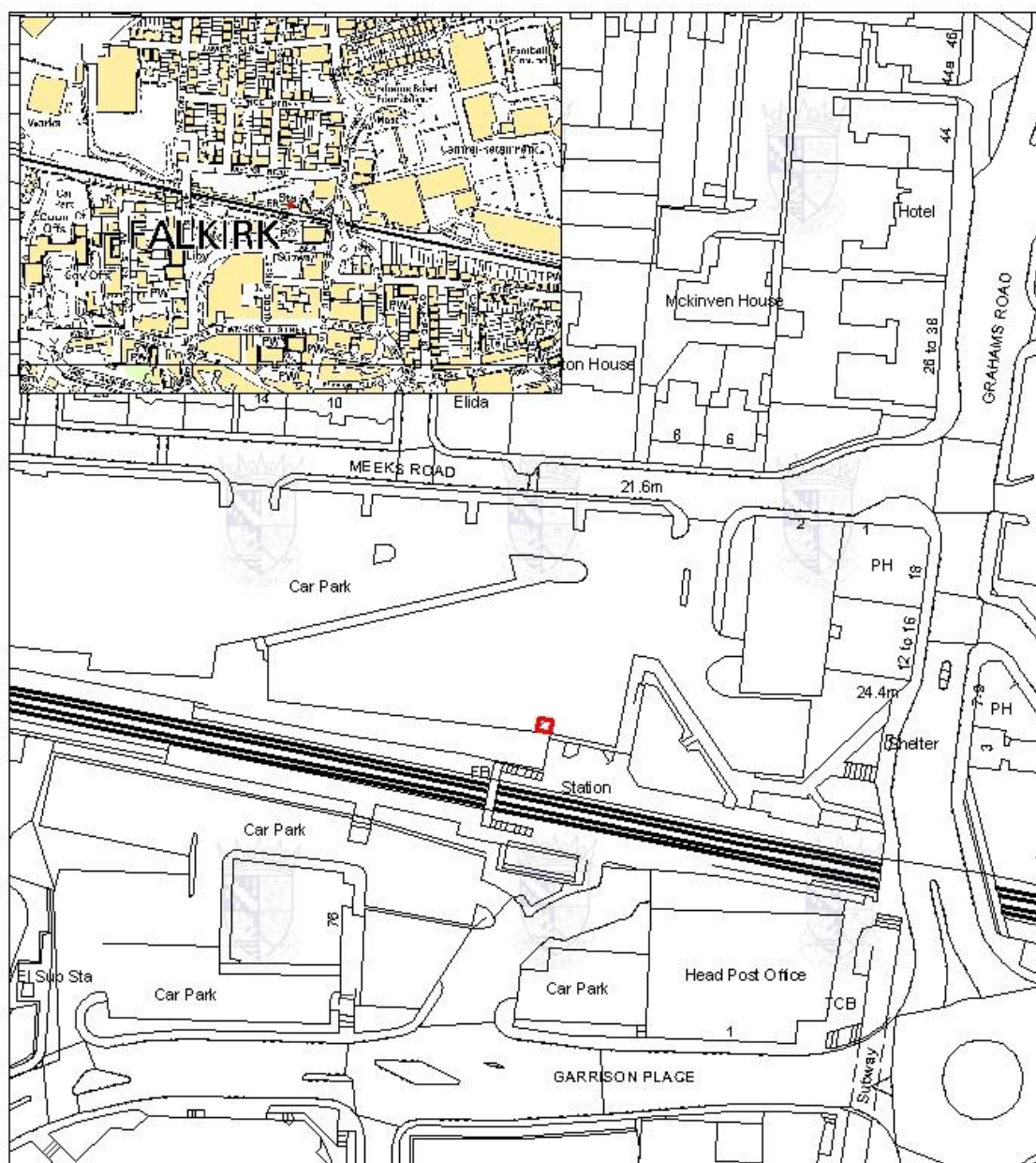
1. Structure Plan
2. Falkirk Council Local Plan.
3. Letter of Objection from Mrs J Forsyth, 6/6 Leishman Tower, Falkirk, FK1 1TP.
4. Letter of Objection from Mrs K Rutherford, 16 Meeks Road, Falkirk, FK2 7ES.
5. Letter of Objection from Mrs J Paterson, 28 Meeks Road, Falkirk, FK2 7ET.

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/10/0665/FUL**

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FALKIRK COUNCIL

Subject: SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT AONACH-MOR, GLEN ROAD, TORWOOD, LARBERT, FK5 4SN FOR MR MICHAEL BLOCK - P/10/0589/PPP

Meeting: PLANNING COMMITTEE

Date: 23 February 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir and Torwood

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

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 26 January 2011 (copy of previous report appended), where it was agreed to continue the application and to undertake a site visit. The site visit took place on 10 February 2011.
2. At the site meeting, the applicant highlighted that the rear portion of garden ground which makes up the majority of the planning application site is outwith the settlement boundary of Torwood as identified in the recently adopted Falkirk Council Local Plan. Although it is accepted that it falls within an area designated as countryside it was put forward that the character of the site was akin to it being garden ground, urban in character as opposed to countryside. The applicant's agent also advised that there would be no impact upon existing trees as it was confirmed that the site boundary as originally submitted was incorrect. This indicates possible tree loss within the ownership of the adjoining neighbour. At the time of writing this report, a revised site plan is awaited from the applicant.
3. The Planning Committee viewed the site access which would be taken from Glen Road and run parallel to the existing site access which serves Aonach-Mor and serve the rear garden area which is the site of the proposed house. The position of the house (although indicative only) does show that privacy/overlooking can be addressed.

4. Neighbours were in attendance but no new comments were raised at the meeting. Comments were made in support of the proposal by the applicants agent citing the land was urban in character, was an infill site and not backland and the application should be treated in line with other recent planning decision.
5. In response to the above comments, the recently granted developments comprise a single house and plotted development. However, neither of these developments are 'backland' developments which this proposal constitutes. The other plots referred to all have proportional street frontage while this proposal has a street frontage of circa 3 metres (width of vehicle access only). The predominant street form of Glen Road constitutes a linear pattern. This proposal does not comply with this aspect and it could equally be considered that in approving such a proposal, it would set an undesirable precedent.
6. The large shed in the rear garden is to be removed as part of the proposal as it is in a state of disrepair due to recent snow damage.
7. There is an extensive history of refusals on the site for housing applications and there are no material changes in circumstances which would merit reversal of these decisions.
8. No matters were raised which would amend the original recommendation to refuse planning permission.

RECOMMENDATION

- 8.1 It is recommended that the Planning Committee refuse planning permission for the following reason(s):-**
- (1) The proposal is considered contrary to Falkirk Council Structure Plan Policy ENV.1 - Countryside and Protected Areas - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.**
 - (2) The proposal is considered contrary to Falkirk Council Local Plan Policy SC3 - Housing development in the Countryside- and Policy EQ19 – Countryside - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.**
 - (3) The proposal is considered contrary to Falkirk Council Local Plan Policy SC8 - Infill Developments and Sub-Division of Plots – as it would result in tandem/backland development, not respecting the townscape character of the area and, if approved, the application would represent an unwarranted precedent which could not be fairly resisted in similar application sites.**



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Director of Development Services

Date: 16 February 2011

LIST OF BACKGROUND PAPERS

1. Scottish Planning Policy.
2. Falkirk Structure Plan.
3. Falkirk Council Local Plan.
4. Letter of Objection received from Sheila Dow, Kinnaird, Glen Road, Torwood, Larbert on 27 August 2010.
5. Petition, containing 32 signatories of support.

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

FALKIRK COUNCIL

Subject: SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT AONACH-MOR, GLEN ROAD, TORWOOD, LARBERT, FK5 4SN, FOR MR MICHAEL BLOCK - P/10/0589/PPP

Meeting: PLANNING COMMITTEE

Date: 26 January 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

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 comprises part of the rear and side garden area of a large 2 storey detached dwellinghouse at Glen Road, Torwood.
- 1.2 The application seeks to establish the principle of development on the site, with the suggested footprint of a dwellinghouse shown on the submitted block plan.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Billy Buchanan and Councillor Tom Coleman.

3. SITE HISTORY

- 3.1 F/2002/0593 - Erection of dwellinghouse (Outline) - refused.
- 3.2 F/92/0525 - Erection of dwellinghouse (Outline) - refused.
- 3.3 F/92/0524 - Erection of dwellinghouse (Outline) - refused.
- 3.4 F/91/0407 - Erection of dwellinghouse ((Outline) - refused.

- 3.5 F/91/0009 - Erection of dwellinghouse and garage (Detailed) – granted. This being the house known as Aonach-Mor, the donor property.

4. CONSULTATIONS

- 4.1 Falkirk Council's Environmental Protection Unit advises that, whilst no sources of land contamination are located within 250 metres of the application site, an informative addressing land contamination should be imposed on any issued planning permission.
- 4.2 Scottish Water advise that they have no objection to the application, but are not able to reserve capacity at the water and waste treatment facility in advance of any formal agreement with the applicant.
- 4.3 Falkirk Council's Roads Development Unit advise that, should the application be approved, conditions regarding road access, visibility and drainage be imposed.

5. COMMUNITY COUNCIL

- 5.1 Larbert, Stenhousemuir and Torwood Community Council object to the application for the following reasons:-
- Concern over the number of ongoing developments in the area outwith the local plan and housing allocation for the area.
 - The application is not for an infill site but instead appears to be expanding the settlement by backfill.
 - Concern over the impact on local infrastructure of this and other developments.
 - There would appear to be potential access issues to the site.
 - Concern over encroachment on the woodland area which we understood was protected.

6. PUBLIC REPRESENTATION

- 6.1 One letter of objection has been received, commenting that:-
- The proposal, if approved, would act as a precedent and may attract similar applications.
 - There are existing structures on site used for commercial purposes, including the storage of excavation machinery and building materials.
- 6.2 The applicant has submitted a petition of support to the application, containing 32 signatures.

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 No evidence has been submitted by the applicant that, in principle, development of a dwellinghouse at this site requires a countryside location.

Falkirk Council Local Plan

7a.3 Policy EQ19 - ‘Countryside’ states:

- “(1) *The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- *it can be demonstrated that they require a countryside location;*
 - *they constitute appropriate infill development; or*
 - *they utilise suitable existing buildings.*
- (2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*
- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
 - *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council’s ‘Design Guide for Buildings in the Rural Areas’; and*
 - *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

- 7a.4 Although the application site lies outwith the village boundary, no information has been submitted to support of the application in relation to the dwellinghouse location, in terms of tourism, rural employment or rural recreation. In addition, the proposed site is not a 'gap site', the site being part of the garden ground to the rear of an existing dwellinghouse.
- 7a.5 The site, if developed, would result in an unacceptable form of backland development as the site of the dwellinghouse does not enjoy a direct road frontage.
- 7a.6 Policy SC3 - 'Housing Development In The Countryside' states:

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

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

- 7a.7 The application has failed to meet the terms of the above policy, as the proposed new dwellinghouse does not involve the rehabilitation or conversion of an existing building and no other provisions within the policy would favour the proposal, which would result in an unacceptable form of backland development.
- 7a.8 Policy SC8 'Infill Development and Subdivision of Plots' states:

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

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

7a.9 The proposal is considered to offend the above policy in that, if the application is approved, the proposal would not respect the townscape character of the area and result in tandem/backland development, where no direct road frontage would be enjoyed by the new dwellinghouse.

7a.10 In addition, the proposal would not comply with other Local Plan policies (see 7c.1 Conclusion).

7a.11 Policy EQ26 - ‘Trees, Woodland And Hedgerows’ states:

“The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- (1) *Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) *In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) *Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.”*

7a.12 Policy EQ26 gives protection to existing areas of woodland, particularly of ancient or semi-natural origin, as a habitat resource, and affords protection to trees and hedgerows of amenity value affected by development.

7a.13 Given the surrounding woodland cover and the existing dwellings to the north-east along Glen Road, any single dwelling here would be screened in the wider landscape. However, if the proposal were to be accepted here, regardless of it being contrary to policy, it would set a precedent for further backland development of this type just outside the village limit; such further development would cumulatively result in woodland loss and make a permanent change to the local landscape character of the village as a result of additional build and loss of tree cover.

7a.14 There is some tree cover around the boundary of the current application site, which could potentially be affected should development occur.

7a.15 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are Scottish Planning Policy (February 2010) , the points raised through comment and the planning history of the site.

Scottish Planning Policy

7b.2 Scottish Planning Policy (SPP) gives more policy support to development in rural areas. Its provisions are directed at Development Plans which are expected to set out a strategy which "supports more opportunities for small scale housing development in rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holidays home and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding". The site is not supported by the adopted Falkirk Council Local Plan and the proposal is not supported by SPP.

Points Raised Through Comment

7b.3 With regard to the petition submitted by the applicant, no specific points have been raised by the contributors beyond voicing support to the proposal.

7b.4 With regard to the points raised by objectors:-

- The site, if approved, would constitute an unacceptable form of backland development.
- Some additional loss of landscape may result on the site if the proposal is approved, but no definitive proposals have been submitted through this application as this is an application for planning permission in principle only.
- The proposal, if approved, could act as an unwarranted precedent for future development in the area.

Site History

7b.5 Since the grant of planning permission for the existing house in 1991, a number of approaches have been made to develop the application site. The applicant has endeavoured to erect housing on various parts of the application site, all approaches being refused on planning concerns regarding the expansion of the village limit, unwarranted new development in the countryside and the introduction of backland development. Falkirk Council has been consistent in interpretation of Development Plan policy and no new factors have been introduced through the current application which would set aside previous considerations and conclusions.

7c Conclusion

7c.1 The proposal is located in the designated countryside, albeit in the garden ground of an existing dwellinghouse. In this circumstance there is an "in principle" policy presumption against development. Any proposal would have to demonstrate that it requires a countryside location and meet other exceptions to the general presumption against development. No justification for a countryside location has been provided. As regards other policy exceptions, the proposal represents backland development, and therefore would not conform to the policy exception in relation to infill development. There are issues around the potential cumulative loss of tree cover in this sensitive locality.

7c.2 It is therefore considered that there is a policy presumption against the proposed development.

8. RECOMMENDATION

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

- (1) The proposal is considered contrary to Falkirk Council Structure Plan Policy ENV.1 - Countryside and Protected Areas - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.
- (2) The proposal is considered contrary to Falkirk Council Local Plan Policy SC3 - Housing development in the Countryside- and Policy EQ19 – Countryside - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.
- (3) The proposal is considered contrary to Falkirk Council Local Plan Policy SC8 - Infill Developments and Sub-Division of Plots – as it would result in tandem/backland development, not respecting the townscape character of the area and, if approved, the application would represent an unwarranted precedent which could not be fairly resisted in similar application sites.



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Pp Director of Development Services

Date: 18 January 2011

LIST OF BACKGROUND PAPERS

1. Scottish Planning Policy.
2. Falkirk Structure Plan.
3. Falkirk Council Local Plan.
4. Letter of Objection received from Sheila Dow, Kinnaird, Glen Road, Torwood, Larbert on 27 August 2010.
5. Petition, containing 32 signatories of support.

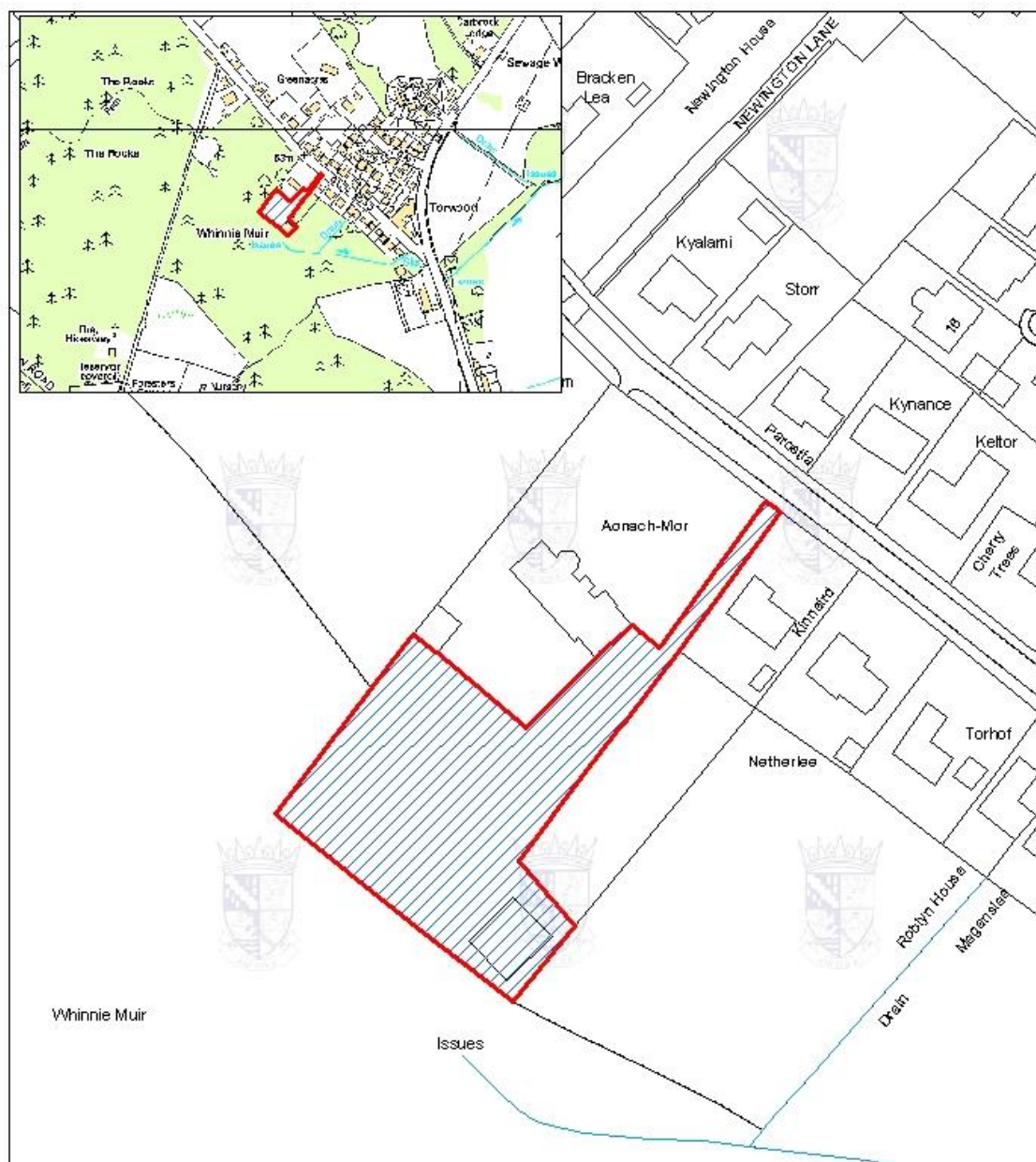
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0589/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 DWELLINGHOUSE WITH INTEGRATED DOMESTIC GARAGE AT KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA, STIRLING FK7 7NJ FOR MR GARY PATERSON – P/09/0849/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **23 February 2011**

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: Julie Seidel (Planning Officer), Ext. 4880

UPDATE REPORT

1. Members will recall that this application has previously been considered by the Planning Committee, the last time being on 21 April 2010. It was agreed that Members were minded to grant the application subject to appropriate conditions and the conclusion of a Section 75 legal agreement, restricting occupancy of the dwellinghouse to the manager, operator or other person employed full time in the adjacent business, Paterson Garden Buildings.
2. Although signed by the relevant parties, the agreement has not been sent to the Registers of Scotland as the applicant's representative has requested that it be put on hold as the applicant has concerns about potential VAT issues in relation to the property.
3. With a number of months having elapsed since the signing of the agreement, the applicant was notified that unless we heard from them in relation to progressing registration within 21 days, the application would be referred back to the Planning Committee with a recommendation to refuse planning permission.
4. The applicant failed to respond to the case officer within the specified time period (1 January 2011). However, an email was received on 8 February 2011. The applicant advised that conclusion of the required Section 75 legal agreement would mean that VAT could not be reclaimed for the proposed dwellinghouse, this position being confirmed by the applicant's accountant.

5. Finance Services have looked into this and advise that, normally, the construction of a new dwellinghouse would be zero rated for VAT purposes. In this instance the proposal would not benefit from zero rating and VAT would be charged at the standard rate, as the occupation of the proposed dwellinghouse would be restricted by the Section 75 legal agreement. A condition restricting occupancy of the dwellinghouse would similarly incur standard VAT charges.
6. The applicant submitted a letter, via his solicitor, on 10 February 2011. The applicant now wishes planning permission to be granted without the required Section 75 legal agreement.
7. The proposed development is assessed as being contrary to the Development Plan, namely Policy ENV.1 'Countryside and Protected Areas' of the Falkirk Council Structure Plan and Policy SC3 'Housing Development in the Countryside' of the Falkirk Council Local Plan (since this application was last considered by the Committee, the Falkirk Council Local Plan has been adopted). It has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not considered to represent an appropriate infill opportunity. The proposed development represents unjustified development in the countryside. Material considerations are therefore required to justify setting aside the terms of the Development Plan and approve the application.
8. Members considered that planning permission should be granted subject to a legal agreement which would justify a departure from the Development Plan. The applicant now requests that planning permission be granted without a legal agreement. In the absence of such an agreement there is no justification or operational need for the proposed dwellinghouse within this countryside location. It is considered that the payment of VAT in relation to the proposed dwellinghouse is not a material planning consideration and would not provide justification for the proposed dwellinghouse, within the countryside, without the restriction of occupancy. It is therefore recommended that the Planning Committee now refuse planning permission.

9. RECOMMENDATION

- 9.1 It is therefore recommended that Committee refuse planning permission for the following reason(s):
 - (1) **The application does not accord with Policy ENV. 1 'Countryside and Protected Areas' of the Falkirk Council Structure Plan and Policy SC3 'Housing Development in the Countryside' of the Falkirk Council Local Plan as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.**

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01 - 10 and additional information.



.....
Pp Director of Development Services

Date 15 February 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy.

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

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE WITH INTEGRATED
DOMESTIC GARAGE AT KERSIE BANK, KERSIE TERRACE,
SOUTH ALLOA, STIRLING FK7 7NJ FOR MR GARY
PATERSON – P/09/0849/FUL

Meeting: PLANNING COMMITTEE

Date: 21 April 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: Julie Seidel (Planning Officer), Ext. 4880

UPDATE REPORT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 24 March 2010 (copy of previous report appended), when it was agreed to continue the application to undertake a site visit. This visit took place on 15 April 2010.
2. Members viewed the site of the application, the applicant's business premises and also the proposed access. It was noted that there were no proposals to fell existing trees within the site.
3. In support of the application, the applicant referred to the site's location in relation to the village limit and existing developments within South Alloa. He referred to the success of his business, his wish to live close to the premises due to his working hours, and the need to provide security. He confirmed that the house would be for his use and that there was no intention to develop the site for further housing.
4. Following a question from Members, the applicant confirmed that if permission were to be granted, he would be willing to accept an occupancy restriction by means of a Section 75 Agreement or by condition.
5. No matters were raised which would amend the original recommendation to refuse planning permission.

6. RECOMMENDATION

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

- (1) The application does not accord with Policy ENV. 1 'Countryside and Protected Areas' of the approved Falkirk Council Structure Plan, Policy Rural 1 'New Development in the Countryside' and policy RURAL 2 'Village Limits' of the adopted Rural Local Plan and Policy SC3 'Housing Development in the Countryside' of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01 - 10 and additional information.



Pp

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Director of Development Services

Date: 20 April 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Scottish Planning Policy

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

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE WITH INTEGRATED DOMESTIC GARAGE AT KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA FK7 7NJ FOR MR PATERSON - P/09/0849/FUL

Meeting: PLANNING COMMITTEE

Date: 24 March 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Airth Parish

Case Officer: Julie Seidel (Planning Officer) ext 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks detailed planning permission for the erection of a single dwellinghouse.
- 1.2 The application site is located within the countryside and currently forms part of the existing 'Patersons Garden Buildings' site. Access would be taken via the existing business access from Kersie Terrace.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 F/2004/0505 - extension to workshop - granted on 19 July 2004.
- 3.2 F/2004/0865 - extension to existing yard to form storage area, car park, lorry turning facility and extension to display - granted on 21 December 2004.
- 3.3 05/1013/REM - erection of fence and landscaping works - granted on 29 November 2005.
- 3.4 06/1102/FUL - extension to existing building to provide additional covered storage area - refused on 6 August 2007.
- 3.5 P/07/0167/ADV - display of non-illuminated advertisement - granted on 6 March 2007.

- 3.6 P/07/0965/FUL - extension to existing building to provide additional covered storage - granted on 20 March 2008.

4. CONSULTATIONS

- 4.1 Scottish Water has no objections.
- 4.2 Scottish Natural Heritage (SNH) has no objections. SNH comment that it is unlikely the proposal will have a significant effect on any qualifying interests of the Firth of Forth Special Protection Area (SPA) either directly or indirectly. An appropriate assessment is not required.
- 4.3 The Roads Development Unit request that the applicant confirms that the parking area and turning head is in compliance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. The Unit also advise of a condition relating to visibility at the vehicular access.
- 4.4 The Environmental Protection Unit request the undertaking of a contaminated land assessment and the submission of measures to protect the proposed dwelling from noise associated with the adjacent business.
- 4.5 The Scottish Environment Protection Agency (SEPA) has no objections. SEPA comment that the development will not be at risk from coastal flooding.

5. COMMUNITY COUNCIL

- 5.1 The Airth Parish Community Council has made no comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, no letters of representation were received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 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 Policy ENV.1 'Countryside and Protected Areas' seeks to protect the countryside from development unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. It has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposal is not an appropriate form of agricultural diversification. The application fails to accord with policy ENV.1.

7a.3 Policy ENV.3 'Nature Conservation' states:

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

- (1) Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:*
- (a) it will not adversely affect the integrity of the site, or;*
- (b) there are no alternative solutions and there are imperative reasons of overriding national public interest.*
- (2) Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*

- (4) *The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats.”*

7a.4 Policy ENV.3 'Nature Conservation' seeks to protect and promote nature conservation interests. SNH comment that it is unlikely the proposal will have a significant effect on any qualifying interests of the Firth of Forth Special Protection Area (SPA) either directly or indirectly and as such the application accords with policy ENV.3.

7a.5 Policy ENV.4 'Coastal Planning and Flooding' states:

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

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

7a.6 Policy ENV.4 'Coastal Planning and Flooding' seeks to prevent development in areas where there is a significant risk of flooding. The existing ground level of the application site is above the currently agreed flood levels for the River Forth and as such the proposal will not be at risk of coastal flooding and accords with the terms of policy ENV.4.

Rural Local Plan

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

7a.8 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.9 Policy RURAL 1 'New Development in the Countryside' seeks to protect and conserve the open nature and character of the countryside whilst at the same time encouraging a level of beneficial development appropriate to the rural location. This policy has a general presumption against new development in the countryside except in limited circumstances. In this instance the relevant potential exceptions are Criteria 1 and 3. With regard to Criterion 1, it has not been demonstrated that the proposed dwellinghouse is essential to the pursuance of agriculture or any other economic activity requiring a rural location. With regard to Criterion 3, the proposed dwellinghouse would not occupy a clear gap in an existing development pattern and would arguably contribute to further sporadic, ribbon development at this countryside location. The proposed development is therefore not considered to represent appropriate infill development at this location. The proposal is contrary to policy RURAL 1.

7a.10 Policy RURAL 2 'Village Limits' states:

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

7a.11 Policy RURAL 2 'Village Limits' seeks to prevent ribbon development and intrusion into open countryside. The proposal is not infill development as the application site is separate from the existing business buildings to the south-west of the application site. There are no buildings to the south-east of the application site and as such the proposal would contribute to sporadic, ribbon development in the countryside. The application is contrary to policy RURAL 2.

7a.12 Policy RURAL 12 'Ecological Sites' states:

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

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

7a.13 Policy RURAL 12 'Ecological Sites' seeks to protect and conserve significant wildlife and other natural features of significance. SNH comment that it is unlikely the proposal will have a significant effect on any qualifying interests of the Firth of Forth Special Protection Area (SPA) either directly or indirectly and as such the application accords with policy RURAL 12.

7a.14 Accordingly, the proposal does not accord 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);
- Scottish Planning Policy;
- Responses to consultation; and
- Information Submitted in support of the proposal.

Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.2 The application site lies outwith any urban or village limit, within the countryside, under the emerging Local Plan, Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 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.4 Policy EQ19 'Countryside' of the above Local Plan sets out the detailed policies for consideration of development proposals in the countryside. In this instance the detailed policy is Policy SC3 'Housing Development in the Countryside'.

7b.5 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.6 Policy SC3 'Housing Development in the Countryside' continues the general presumption of the Development Plan against new housing development in the countryside except in limited circumstances. The relevant potential exceptions in this instance are 1 and 3. With regard to 1, it has not been demonstrated that the proposed dwellinghouse is essential for the pursuance of an activity for which a countryside location is essential. With regard to 3, the proposed dwellinghouse would not be sited within the envelope of an existing group of residential buildings and it would arguably contribute towards sporadic development at this countryside location. The proposed dwellinghouse is therefore not considered to represent an appropriate infill opportunity. The application does not accord with policy SC3.

7b.7 Policy EQ24 'Ecological Sites and Features' states:

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

creation of replacement habitat to compensate for any losses will be required along with provision for its future management.

- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.”*

7b.8 Policy EQ24 'Ecological Sites and Features', sets out the Council's policy for protecting the network of sites of ecological importance within the area. SNH comment that it is unlikely the proposal will have a significant effect on any qualifying interests of the Firth of Forth Special Protection Area (SPA) either directly or indirectly. The application accords with policy EQ24.

7b.9 Policy EQ28 'The Coastal Zone' states:

“The Council will promote an integrated approach to the management of the coastal zone, and will support the provisions of the Forth Integrated Management Strategy. Development and other land management proposals within the coastal zone will be assessed in terms of:

- (1) Impacts on the amenity, ecology and water quality of the coastal environment (see Policies EQ24 and EQ25);*
- (2) The requirement to safeguard the undeveloped coast, as defined on the Proposals Map, from further development unless it is proven that the development is essential, a coastal location is essential, and no suitable sites exist within the developed coast;*
- (3) Long-term flooding risk (see Policy ST12), and compatibility with existing coastal defence strategies, including the desirability of working with natural coastal processes where possible and the need to recognise the wider impacts where intervention is unavoidable; and*
- (4) Appropriate promotion of the recreational potential of the coastal zone, including the development of the Forth Foreshore Path and linked coastal access networks, providing it is compatible with Policy EQ24 and the protection of coastal habitats and species.”*

7b.10 Policy EQ28 'The Coastal Zone' provides a list of criteria against which proposals within the coastal zone will be considered. The application site is adjacent to the River Forth and as such is considered to be within the coastal zone. The application is unlikely to have a significant impact on the amenity, ecology and water quality of the coastal environment and as such the application does not offend the terms of policy EQ28.

7b.11 Policy ST12 - 'Flooding' states:

“In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site.”

7b.12 Policy ST12 'Flooding' seeks to prevent new development in areas which are likely to be at significant risk from flooding. The existing ground level of the application site is above the currently agreed flood levels for the River Forth and as such the proposal will not be at risk of coastal flooding and therefore accords with the terms of policy ST12.

- 7b.13 The emerging District wide Local Plan supports the policies set out in the Development Plan, Falkirk Council Structure Plan and Rural Local Plan covering this site and described earlier in this report. The proposed development is contrary to the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Scottish Planning Policy

- 7b.14 Scottish Planning Policy 'A Statement of the Scottish Government's Policy on Nationally Important Land Use Planning Matters' promotes opportunities, through the Development Plan, for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. Planning authorities should apply proportionate standards to access roads to enable small developments to remain viable.
- 7b.15 Scottish Planning Policy promotes the Development Plan as the means by which to identify opportunities for housing in the countryside. In this instance the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) are considered to provide an appropriate policy framework to support a range of sustainable development opportunities for housing in the countryside. The proposed development has been found, in this report, to be contrary to the relevant policies of these plans.

Responses to Consultation

- 7b.16 The Environmental Protection Unit advise that contamination is a material consideration and should be dealt with at the application stage. The area surrounding the application site has been recorded as producing ground gas readings of methane at elevated concentrations. Other contaminative activities relating to the site and surrounding area have also been identified. The applicant was advised on 12 January 2010 that a contaminated land assessment and noise mitigation details are required. To date the required information has not been submitted. The other issues raised through consultation are noted.

Information Submitted in Support of the Proposal

- 7b.17 The applicant has submitted a letter of support for the proposal as follows:
- The applicant's business was set up in 1993 and moved to Kersie bank in 2000. Eight people are employed on a permanent full time basis and the business has built up an excellent reputation;
 - The business has helped with work experience from Falkirk College and Alloa Academy;
 - The proposed house is in keeping with the surrounding area of South Alloa and will not intrude in anyone's privacy;
 - The house is required for security reasons, to protect the machinery and stock and to enable the applicant to run a successful business; and

- The house is required due to a change in family circumstances.

7b.18 The points raised by Mr Paterson are noted. However, these fail to demonstrate the operational need for a house in association with the business, particularly as the business has been operating at this location without the need for a dwellinghouse since 2000. The applicant was given an opportunity to provide further information to support the proposal but, to date, further supporting information has not been received.

7c Conclusion

7c.1 The proposed development, for the erection of a dwellinghouse, is contrary to the Development Plan for the reasons detailed in this report. Material considerations are therefore required to justify setting aside the terms of the Development Plan and approve the application. In this instance it is considered that the weight of material considerations, as detailed in this report, do not support a departure from the above mentioned policies in the Development Plan.

7c.2 Accordingly, the application is recommended for refusal.

8. RECOMMENDATION

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

- (1) The application does not accord with Policy ENV. 1 'Countryside and Protected Areas' of the approved Falkirk Council Structure Plan, Policy Rural 1 'New Development in the Countryside' and policy RURAL 2 'Village Limits' of the adopted Rural Local Plan and Policy SC3 'Housing Development in the Countryside' of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refers bear our reference number(s) 01 - 10 and additional information.



Pp

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Director of Development Services

Date: 16 March 2010

LIST OF BACKGROUND PAPERS

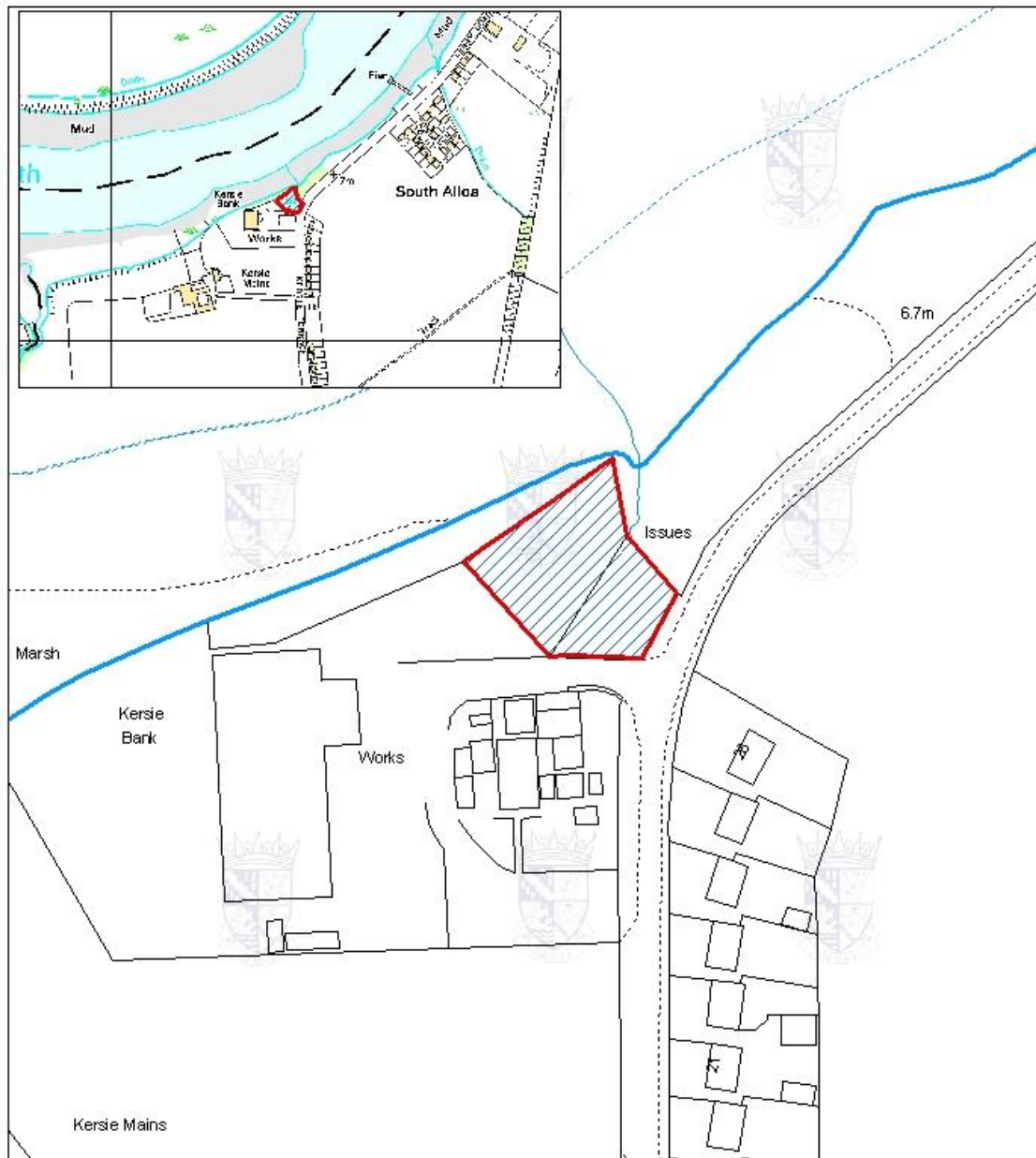
1. Falkirk Council Structure Plan.
2. Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Scottish Planning Policy

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/09/0849/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: CHANGE OF USE FROM PUBLIC HOUSE TO HOT FOOD TAKE-AWAY, ALTERATIONS TO SHOPFRONT AND INSTALLATION OF FLUE AT THE CRITERION, 6 - 10 STIRLING STREET, DENNY FK6 6DU FOR SUNSHINE FOODS – P/10/0553/FUL

Meeting: PLANNING COMMITTEE

Date: 23 February 2011

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: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the change of use from a public house to a hot food take away and includes alterations to the shopfront and the installation of a flue at 6 – 10 Stirling Street, Denny.
- 1.2 The application site is located within Denny Town Centre and is the former ‘Criterion Bar’. The public house sits at the junction of Stirling Street, Duke Street, Broad Street and Glasgow Road and has residential accommodation at the first floor level.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 An application for the display of illuminated advertisements (Ref: F/90/0542/FUL) was granted on 19 July 1990.

- 3.2 An application for the change of use from a flat dwelling to a house in multiple occupation (HMO) (Ref: P/10/00865/FUL) at 10 Stirling Street, Denny, the flat above the application site, is currently pending consideration.

4. CONSULTATIONS

- 4.1 The Roads Development Unit comments that the application site is located directly adjacent to Denny Cross, formed by the meeting of Stirling Street, Broad Street, Duke Street and Glasgow Road. All roads are adopted, lit and have footway provision. Whilst the Unit accept that the former public house generated vehicular traffic, they consider it likely that customers of the public house would have used one of the public car parks in the vicinity of the application site. The Unit consider that vehicular movements associated with a hot food takeaway are likely to be short stay, and as such, are concerned that the proposals will attract short term on-street parking in the vicinity of Denny Cross. The Unit are concerned on-street parking would reduce the effectiveness of the junction and potentially create a road safety issue.
- 4.2 The Environmental Protection Unit advise that the submitted carbon filter specification and ventilation specification are satisfactory. The Unit advise of an informative relating to contamination to be attached to any granting of planning permission.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council did not comment.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 6 objectors submitted letters to the Council. The salient issues are summarised as follows:
- The proposal will result in noise nuisance as a result of customers and late opening hours;
 - The proposed use will result in cooking odour in adjacent flats;
 - The proposal is located on a dangerous bend at traffic lights. Customers and goods vehicles stopping on the road may cause an accident or obstruct the road;
 - Falkirk Council Roads Officers will oppose the application;
 - The proposal will result in over provision of hot food take-away shops. Denny has at least 9 take-away shops within 200 yards of the application site;
 - Question raised in relation to the maintenance of common areas being kept clean and clear and the location of bins;
 - Question raised in relation to opening hours;

- The common close should be restricted to property owners only, including William Hill, to prevent unsocial behaviour by customers;
- The proposed use does not have the interests of the Denny people or the future regeneration of Denny Town Centre in mind. The proposal will not enhance the town or fit into the character of the shopping area; and
- The use is not a desirable use and should be refused.

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 Structure Plan

7a.1 There are no policies relevant to this proposal contained in the Structure Plan.

Falkirk Council Local Plan

7a.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.”*

7a.3 Policy EQ11 ‘Shopfronts’ seeks to ensure that shopfront design contributes to the environmental quality of shopping areas. The proposal involves alterations to the shopfront to remove the two high level public house windows and to replace them with two large shop windows and a new recessed doorway. It is considered that the proportions of the proposed shopfront would respect the original building and surrounding shops. It is considered that the existing high level windows are not an attractive contribution to the streetscape and that the proposed large windows will create an active frontage within the town centre. The proposed external security measures to the front entrance, which comprise open mesh roller security grilles within a concealed box, are considered acceptable. The application accords with policy EQ11.

7a.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.”*

7a.5 Policy EQ13 ‘Areas of Townscape Value’ seeks to protect areas of townscape value which do not currently have Conservation Area status. It is considered that the alterations to the shop front would harmonise with the architectural style and character of the established town centre area. The currently high level public house windows do not make an active shopping frontage at the prominent building. The application accords with policy EQ13.

7a.6 Policy EP6 ‘Hierarchy of Centres’ states:

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

7a.7 Policy EP6 ‘Hierarchy of Centres’, sets out the hierarchy of centres within the Council area. Denny is a district centre, to serve the larger towns, in terms of food shopping, limited comparison shopping and services. The application does not offend the terms of policy EP6.

7a.8 Policy EP9 - ‘Food And Drink’ states:

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

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

7a.9 Policy EP9 ‘Food and Drink’ provides criteria for judging the acceptability of class 3 uses, hot food take-away shops and public houses, where such uses are encouraged to locate within town centres. The proposal would not result in an adverse impact on the amenity of adjacent residential properties by virtue of noise, disturbance, litter or odours. It should be noted that the flat above the application site is in the ownership of the applicant and is currently unoccupied. It is considered that the current public house use, whilst vacant, would have a similar impact on the surrounding area as a hot food take-away. The proposal is consistent with the relevant town centre policy and parking, access and traffic generation is considered acceptable within a town centre location. The application accords with policy EP9.

7a.10 Policy DEN1 - ‘Denny Town Centre’ states:

- “(1) The Council will promote the role of Denny Town Centre as a District Centre with additional emphasis on the redevelopment of Church Walk and improving the retail environment.*
- (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; and*
- (3) Within the secondary areas of the Town Centre (within the Town Centre boundary, but outwith the core area), a mixture of residential and commercial development will be appropriate.”*

7a.11 Policy DEN1 ‘Denny Town Centre’ seeks to maintain active commercial frontages and it is considered that the alterations to the shop front would support the vibrancy of the town. Whilst it is acknowledged that the proposal does not relate to a class 1 or 2 use the proposal would not result in a concentration of non-retail uses. The application accords with policy DEN1.

7a.12 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 Material considerations of relevance to the proposal are Falkirk Council’s Supplementary Planning Guidance, response to third party representation and the response to consultation.

Falkirk Council’s Supplementary Planning Guidance

7b.2 The application accords with the advice contained within the Supplementary Planning Guidance Note on ‘Shopfronts’, in particular in relation to the elevational composition, material finishes and recessed doorways. It should be noted that the application site has a curved frontage. The application includes internal open mesh roller security grilles to the windows and external open mesh roller security grilles within a concealed box on the entrance door, which is considered acceptable.

Responses to Consultation

7b.3 The concerns of the Roads Development Unit are noted in relation to on-street parking in the vicinity of the cross and the potential to create a road safety hazard.

7b.4 The applicant has submitted a statement raising the following comments in response to the Roads Development Unit's consultation as follows:

- The property was a public house, arguably with as much traffic as the proposed use, people being picked up and dropped off;
- There is a public car park within 100 metres of the application site;
- The adjoining uses, cafe, bookmakers are not resulting in on street parking problems;
- There is no demand for shops within Denny Town Centre;
- The road outside and adjacent to the application site is the filter lane to turn left towards Falkirk. It would be highly dangerous to park outside the shop; and
- The Police station is only 150 metres from the site who should enforce the double yellow lines situated outside the application site.

7b.5 The applicant's agent has submitted eight example photographs of hot food take-away shops within Falkirk District similarly located on double yellow lines and close to traffic lights. It is accepted that the application site is located at a very busy junction, served by traffic lights. Double yellow lines and a set of traffic lights are located outside the application site and traffic queues past the frontage of the building to turn left into A883 Broad Street and towards Falkirk and to pass along Glasgow Road. Indiscriminate parking outside the application site would cause a severe road obstruction and would lead to a road safety hazard.

7b.6 It is considered that the lack of parking directly outside the application site is typical of the town centre location and it should be noted that there is a public house, bookmakers, architects office and shops directly adjacent to the application site who do not have on-street parking. It is considered that a public house and hot food take-away are similar in terms of traffic generation and parking requirements. The Roads and Development Unit consider that patrons of the public house would park in the public car park and that customers of the proposed hot food shop would park on-street. There is a public car park approximately 130 metres from the application site and another car park to the rear of the application site approximately 89 metres from the site. None of the shops, public houses or offices within this immediate location within Denny Town Centre have direct on-street parking, however the town centre is well served by two large public car parks on either side of Stirling Street. It is considered that the concerns raised in relation to the proposal causing a road safety hazard are unfounded and the use is entirely appropriate and in keeping with the town centre location.

Assessment of Public Representations

7b.7 The proposed hot food shop is considered to complement the range of uses within the town centre location. It is not considered that the proposed change of use will result in a significant impact on the residential amenity of adjacent residents and it is noted that the flat above the application site is owned by the applicant.

7b.8 The proposed odour filtration specification is acceptable.

- 7b.9 It is considered that parking restrictions outside the application site, double yellow lines, would prevent indiscriminate parking.
- 7b.10 The Roads Development Unit have concerns about road safety in relation to the proposals.
- 7b.11 The applicant intends to relocate an existing hot food shop to the application site and the proposal would not result in a concentration of non-retail uses.
- 7b.12 The maintenance of common areas is not a material planning consideration.
- 7b.13 The proposed opening hours are a matter to be regulated by Licensing.
- 7b.14 The proposal would not adversely affect the future regeneration of Denny Town Centre.

7c Conclusion

- 7c.1 The application has been assessed as being in accordance with the Development Plan. It should also be noted that the application is in accordance with the Supplementary Planning Guidance Note on 'Shopfronts'. The consultation response and the comments of third parties are noted and addressed in the body of this report.
- 7c.2 The application relates to the change of use from one *sui generis* use, public house, to another *sui generis* use, hot food take-away. As such it is considered that there would be no net loss of a retail unit within the town centre and no significant material change in the town centre as a result of the proposals. It is considered that the use as a public house had a similar impact on the area as a hot food take-away use, when considering opening hours, traffic generation and the potential for noise and odour nuisance.
- 7c.3 The application is recommended for approval of planning permission.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) For the avoidance of doubt no permission is given to the proposed elevation on approved drawing, bearing our online reference number 01A.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) 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) 01A, 02, 03 and supporting documents.



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Director of Development Services

Date: 15 February 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council's Supplementary Planning Guidance on 'Shopfronts'.
4. Letter of objection from Mr Habib Awan, 7 Broad Street, Denny, FDK6 6DX on 20 August 2010.
5. Letter of objection from Councillor John McNally, Municipal Buildings, Falkirk, FK1 5RS on 24 August 2010.
6. Letter of objection from Mrs Shenaz Ahmed, 11 Stepend Road, Cumnock, KA18 1ES on 24 August 2010.
7. Letter of objection from Miss Sarah Henderson, 14 Stirling Street, Denny, FK6 6DU on 29 August 2010.
8. Letter of objection from Miss M Gardner, 1 Broompark Gardens, Denny, FK6 6NU on 31 August 2010.
9. Letter of objection from Mr Robert Horton, 14 Stirling Street, Denny FK6 6DU on 15 September 2010.

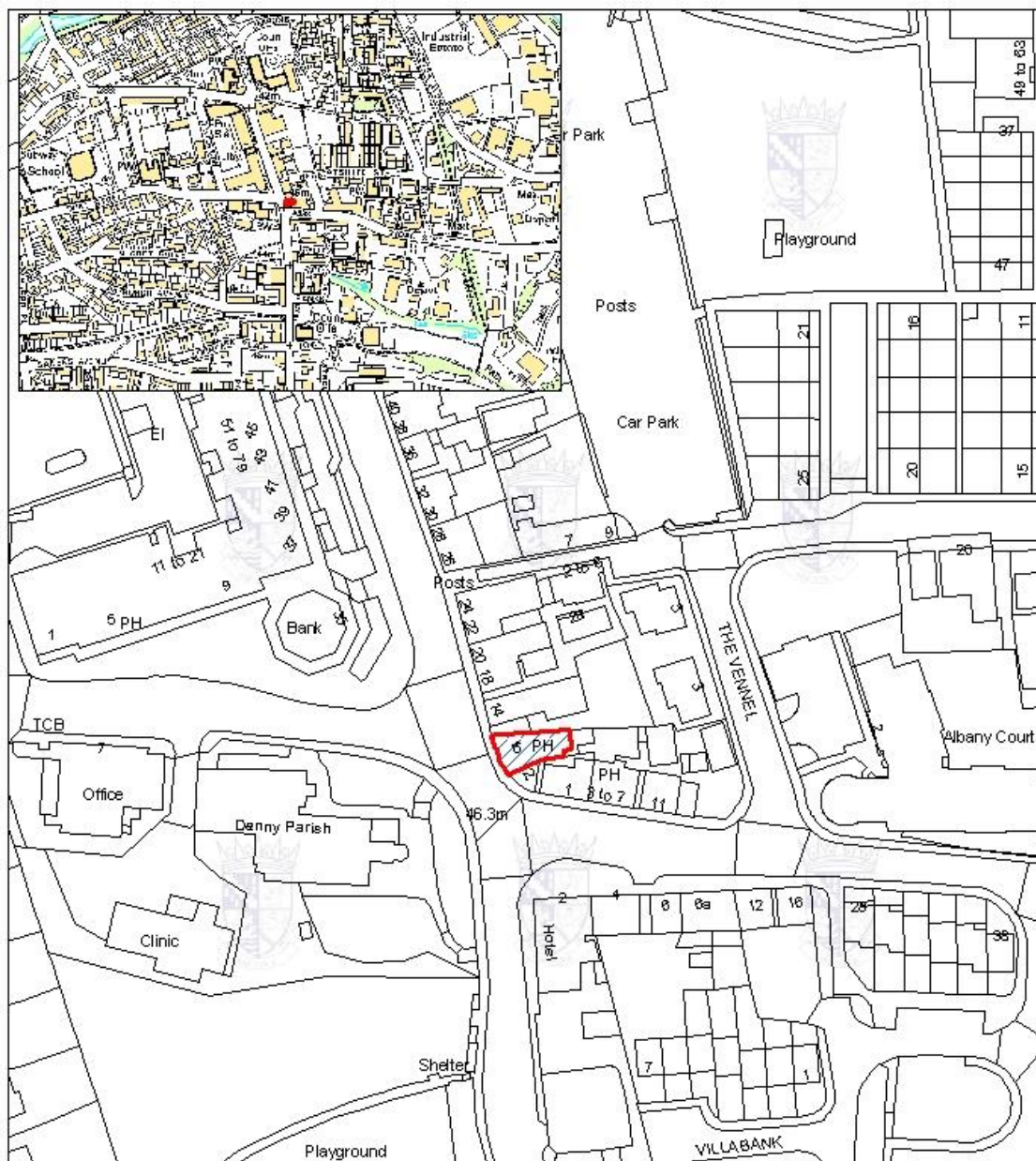
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0553/FUL

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FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES
AT LOCKUPS, GRAHAMSDYKE ROAD, BO'NESS FOR
BENJAMIN CADELL – P/10/0630/PPP

Meeting: PLANNING COMMITTEE

Date: 23 February 2011

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: Kevin Brown, Planning Officer Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks planning permission in principle for the development of an existing privately owned garage compound for residential purposes.
- 1.2 The application site is located to the rear of existing dwellinghouses on Grahamsdyke Road, and Graham Crescent, Bo'ness and is accessed via the existing garage compound access adjacent to number 40 Grahamsdyke Road.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Constable.

3. SITE HISTORY

- 3.1 F/93/0472 – erection of dwellinghouse (outline) – refused 17 August 1993.
- 3.2 F/93/0478 – erection of dwellinghouse (outline) – refused 17 August 1993.

4. CONSULTATIONS

- 4.1 Environmental Protection Unit – no objections raised, however a request has been made for a Contaminated Land Survey to be undertaken. It is considered that this can be adequately covered by a condition attached to any permission given.

4.2 Scottish Water – no objections.

4.3 Roads and Development Unit – no objections have been raised. However, it has been noted, that as the only access to the site is effectively a private drive leading from Grahamsdyke Road, development on the site should be restricted to three dwellinghouses. It is considered that visibility at the existing access onto Grahamsdyke Road is sufficient to serve this level of development.

5. COMMUNITY COUNCIL

5.1 The Bo'ness Community Council has not commented on the proposal.

6. PUBLIC REPRESENTATION

6.1 12 letters of objection were received following the neighbour notification process. Issues raised include:

- Overshadowing.
- Overbearing height of development.
- Overlooking/privacy.
- Disturbance due to traffic movements.
- Limited access and potential damage to boundary of 40 Grahamsdyke Road during construction.
- Road safety and parking provision.
- Narrow nature of sited.
- Loss of a view.
- Drain on local infrastructure.
- Access for emergency vehicles.
- Impact on drainage/sewerage infrastructure.

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

The Falkirk Council Structure Plan

7a.1 The site raises no strategic considerations.

Falkirk Council Local Plan

7a.2 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

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

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

7a.3 The application site is on brownfield land within the urban limit and it is considered that the proposed residential land use is compatible with the neighbouring residential uses. As the site access is restricted in terms of width and cannot be improved to an adoptable standard, it is considered relevant to limit development on the site to three dwellinghouses. It is considered that existing community facilities and physical infrastructure can accommodate an additional three houses. The proposal accords with Policy SC2.

7a.4 Policy SC8 'Infill Development and Subdivision of Plots' states:

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

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

7a.5 The applicant accepts that development on the site requires to be limited to three dwellinghouses and has submitted an indicative layout demonstrating how three houses could theoretically be accommodated on the site. Bearing in mind that this is an application for planning permission in principle and is not a full application, it is considered that the submitted layout demonstrates that three houses can be accommodated in a manner which would respect the scale, density, disposition and design of the area and would provide adequate garden ground and parking provision. Despite the narrow nature of the site, it is considered that there is sufficient space to ensure adequate privacy, and residential amenity levels are maintained. The proposed access is considered suitable for three dwellinghouses, particularly when considering that the existing garage compound use on the site could intensify and generate more traffic movements without requiring any planning permission. The proposal accords with Policy SC8.

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

7b Material Considerations

7b.1 The material considerations relating to this proposal are the representations received.

Representations Received

7b.2 The submitted indicative layout demonstrates that development can be achieved whilst maintaining adequate privacy levels, including window to window distances in excess of the recommended 18 metres, while ensuring that distances between properties would result in no overshadowing concerns. These issues can be further assessed on receipt of further detailed proposals.

7b.3 Disturbance and damage to property during construction is not a material planning consideration.

7b.4 The existing access is considered sufficient to accommodate three houses on the site with plenty of space available for in-curtilage parking and turning provision well in excess of required standards. While it is accepted that three houses would generate traffic movements at the site, it is not considered that these would total more than what could be generated were the existing garage compound to be better used. The expected traffic coming and going from the site is not anticipated to cause adverse impacts on existing residential amenity levels.

7b.5 Access for emergency vehicles would be no different to the current restrictions at the site and is not considered to be a determining factor in this application.

7b.6 Loss of a view is not a material planning consideration.

7b.7 Existing local community facilities and physical infrastructure are considered able to cope with the provision of three additional houses.

7c Conclusion

7c.1 The proposal is considered to be an acceptable form of development and is considered to be in accordance with 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 therefore recommended that Committee grant planning permission in principle 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 and parking arrangements;
 - (c)** details of landscaping of the site and future maintenance of landscaping;
 - (d)** details of boundary treatments;
 - (e)** details of drainage.

- (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)** Development on the site shall be limited to no more than three dwellinghouses.

- (5) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (ii) Where contamination (as defined by Part 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.
- (6) The sketch drawing and plan (our reference 02) is not approved.

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 safeguard the interests of the users of the highway.
- (5) To ensure the ground is suitable for the proposed development.
- (6) For the avoidance of doubt.

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: 15February 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of Objection from Miss H Williamson, 21 Graham Crescent Bo'ness EH51 9QQ on 12 October 2010
4. Letter of Objection from Mr & Mrs Meikle, 31 Graham Crescent Bo'ness EH51 9QQ on 12 October 2010
5. Letter of Objection from Jackie and Lawson Thomson, Manzel 38 Grahamsdyke Road Bo'ness EH51 9EA on 19 October 2010
6. Letter of Objection from Mr Roderick Aird, 26 Grahamsdyke Road, Boness EH51 9EA on 2 October 2010
7. Letter of Objection from Mr Gordon Hutcheson, 67 Grahamsdyke Rd Bo'ness EH51 9DZ on 10 October 2010
8. Letter of Objection from Mrs Elizabeth Maher, 23 Graham Crescent Bo'ness EH51 9QQ on 2 November 2010
9. Letter of Objection from Mr Derek MaGuire, 27 Graham Crescent Bo'ness EH51 9QQ on 11 October 2010
10. Letter of Objection from Mr and Mrs A Anderson, 35 Graham Crescent Bo'ness EH51 9QQ on 12 October 2010
11. Letter of Objection from Mrs R M Robertson, Shiloh 40 Grahamsdyke Road Bo'ness EH51 9EA on 8 October 2010
12. Letter of Objection from Mr Donald Murray, Maridell 32 Grahamsdyke Road Bo'ness EH51 9EA on 12 October 2010
13. Letter of Objection from Mrs Christine Sugden, 65 Grahamsdyke Road Bo'ness EH51 9DZ on 12 October 2010
14. Letter of Objection from Miss Diane Lawrie, 25 Graham Crescent, Bo'ness EH51 9QQ on 12 October 2010.

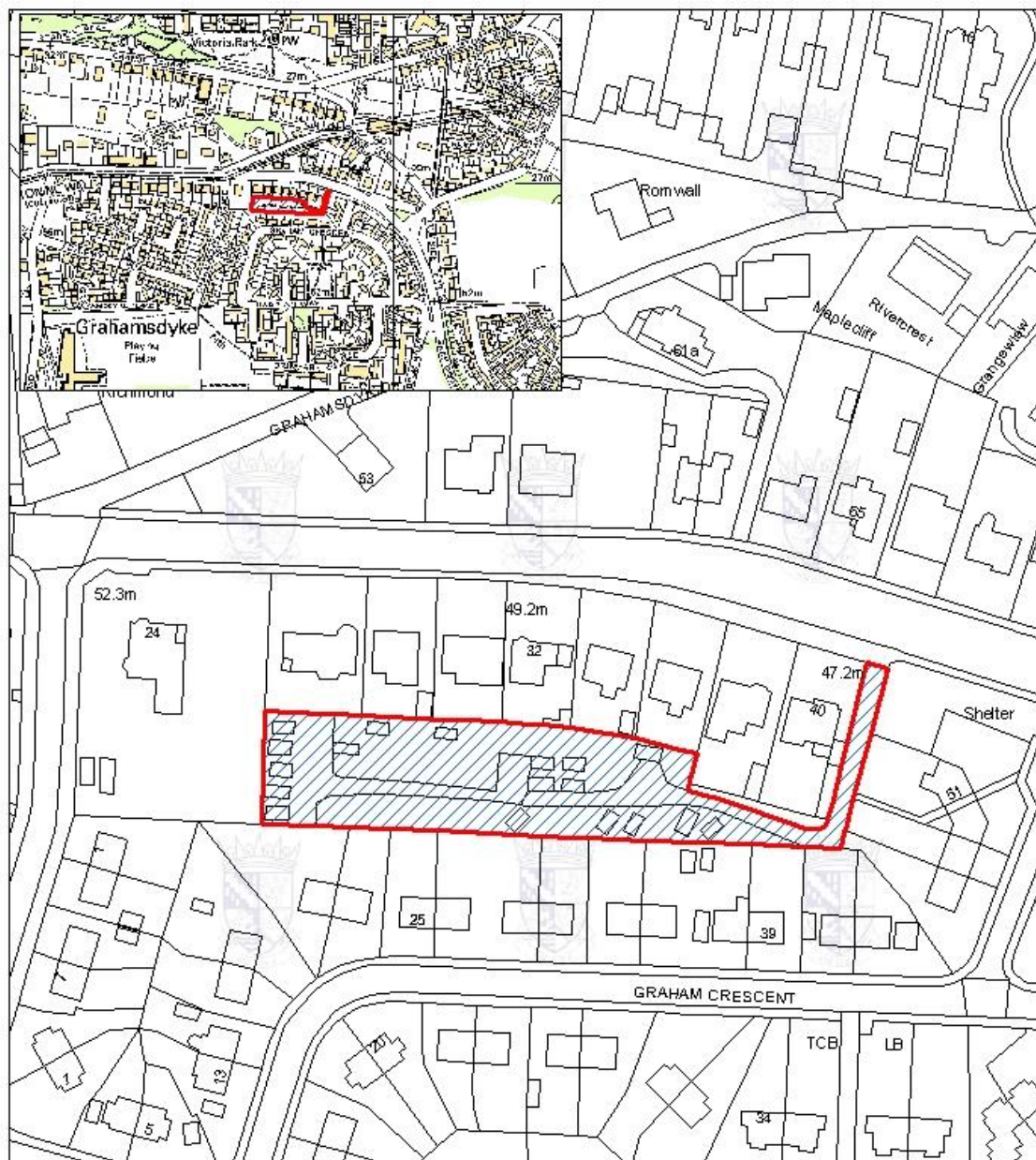
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0630/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: USE OF CAR PARK FOR OVERNIGHT PARKING OF BUSES AT
LITTLE KERSE LEISURE LTD, GRANGE ROAD,
GRANGEMOUTH FK3 9UY FOR STEPHEN BARR -
P/10/0774/FUL

Meeting: PLANNING COMMITTEE
Date: 23 February 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes
Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Polmont

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the temporary use of a section of car park, for the overnight parking of buses, at Little Kerse Leisure Ltd, Grange Road, Grangemouth. The applicant has requested temporary consent for 5 years.
- 1.2 The application would see approximately 12 buses being parked overnight, during Falkirk school term time. The buses would not be parked at weekends or during daytime.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to the Planning Committee at the request of Councillor William F Buchanan.

3. SITE HISTORY

- 3.1 F/2004/1070 - recreation facility with synthetic field turf football pitch, fencing, lighting, new additional changing facility and jogging track - granted on 2 March 2005.
- 3.2 F/2005/0294 - use of car park for overnight parking of buses - granted temporary consent until 21 June 2007 on 15 August 2005.
- 3.3 06/0020/FUL - change of use from garage/store to changing accommodation - granted on 8 February 2006.

- 3.4 PRE/2010/0004/PAN – proposal of application notice for multi sport and leisure facilities with associated accommodation and child care - no application submitted to date.
- 3.5 P/10/0421/FUL - installation synthetic field turf football pitch, fencing and lighting - granted on 17 September 2009.
- 3.6 P/10/0798/FUL-Erection of Temporary Changing Facility - pending consideration.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objections.
- 4.2 The Health and Safety Executive (HSE) do not advise against the granting of planning permission.

5. COMMUNITY COUNCIL

- 5.1 The Polmont 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 The proposal raises no strategic issues and was therefore assessed against the Falkirk Council Local Plan alone.

Falkirk Council Local Plan

7a.2 Policy EP16 – ‘Leisure And Tourism Development in the Countryside’ states;

“Leisure and tourism development within the countryside will only be permitted where the use demonstrates a particular need for a countryside location and could not more appropriately be located within the Urban or Village Limits, or where existing buildings are to be utilised. In particular:

- (1) Proposals for small-scale self-catering chalet developments, caravan and camping sites may be acceptable, subject to appropriate siting and compliance with Policy EP15. Proposals for new hotels, B&Bs, guest houses and pubs/restaurants will generally only be permitted where existing buildings are being utilised or where a specific opportunity is identified in the Local Plan;*
- (2) Proposals for outdoor sport and recreation which require a countryside location may be acceptable, subject to appropriate siting. Associated built development will be limited to that which is directly ancillary to the activity (e.g. clubhouses, changing facilities, parking);*
- (3) Proposals for new visitor attractions, heritage and interpretative centres may be acceptable, subject to appropriate siting and compliance with Policy EP15. The nature and theme of the facility must provide a clear rationale for the countryside location chosen; and*
- (4) Proposals for new roadside facilities will not be permitted unless it is demonstrated that there is a clear need for additional services. Proposals for facilities on motorways and the trunk road network should comply with the guidance in NPPG9.*

Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ16), and of the adequacy of access and car parking arrangements must be satisfactory.”

7a.3 The proposal relates to an existing outdoor sport and recreation use within the green belt. The proposal would not undermine aims of policy EP16 or erode the principal use of the site.

7a.4 Policy EQ17 – ‘Antonine Wall’ states;

“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- (1) There will be a presumption against development which would have an adverse impact on the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*
- (2) There will be a presumption against development within the the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with with other Local Plan policies; and*
- (3) The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall.”*

7a.5 The application site is located within the Antonine Wall World Heritage Site Buffer Zone. Policy EQ17 seeks to retain, protect, preserve and enhance the Antonine Wall and its setting. It is considered that the temporary parking of buses would have no adverse impact on the site and its setting. The application does not offend the terms of policy EQ17.

7a.6 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.*
- (3) The potential impact that the proposals may have upon chemical and petrochemical establishments.”*

7a.7 The application site is located within a Major Hazard Consultation Zone. HSE do not advise, on safety grounds, against the granting of planning permission. It is considered that future users of the proposal would not significantly add to the number of people exposed to risk in the area. The application accords with policy EP18.

7a.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.”*

7a.9 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."

7a.10 The application site is within the green belt and countryside as defined in the adopted Falkirk Council Local Plan. The proposal would cause no serious detrimental impact on the character of the green belt by the temporary parking of buses within an existing car park area. The application accords with policies EQ19 and EQ20.

7b Material Considerations

7b.1 An application ref: F/2005/0294 for the use of the car park for the overnight parking of buses was granted temporary consent on 15 August 2005. This permission lapsed on 21 June 2007. This current application would see buses parked in an area adjacent to the previous approved site.

7c Conclusion

7c.1 The proposal has been assessed as being in accordance with the Development Plan. There are no material considerations that would warrant refusal of the application and as such the proposal is recommended for approval.

8. RECOMMENDATION

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

- (1) This permission shall be valid for a limited period until 1 February 2016 and at the end of that time, unless further permission is granted, the site shall not be used for the overnight parking of buses.**

Reason(s):

- (1) To ensure that the Planning Authority can control the future 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.



Pp

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Director of Development Services

Date: 9 February 2011

LIST OF BACKGROUND PAPERS

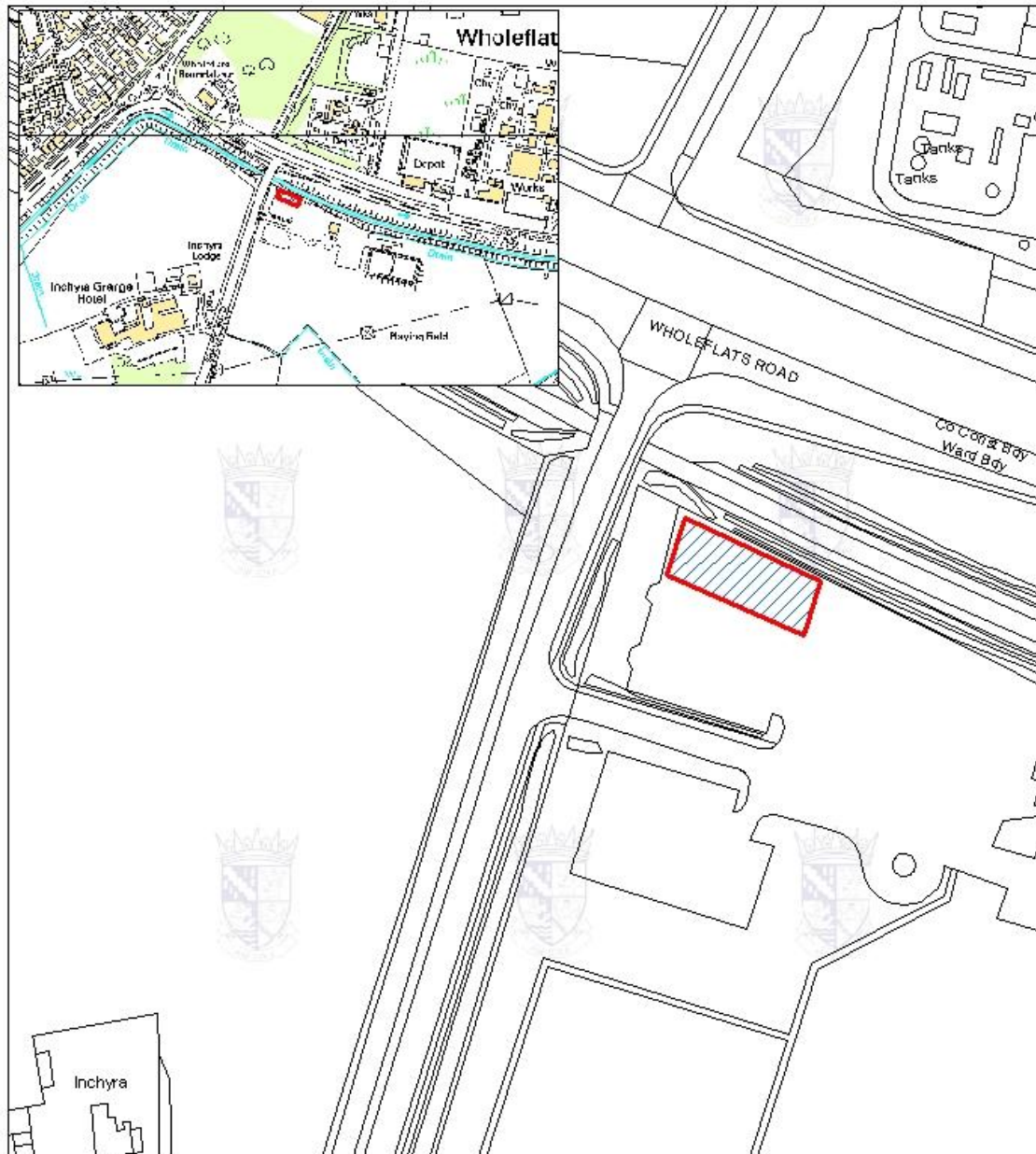
1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.

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/10/0774/FUL**

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FALKIRK COUNCIL

Subject: PROPOSED EARTHWORKS TO IMPROVE CONTOURS OF LAND AT LAND TO THE NORTH WEST OF 4 GARNGREW COTTAGE, GLENVIEW AVENUE, BANKNOCK FOR MR SANDY BROWN - P/10/0633/FUL

Meeting: PLANNING COMMITTEE

Date: 23 February 2011

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: Banknock, Haggs and Longcroft

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed planning permission for the carrying out of earthworks to improve the contours of land between Glenview Avenue and Old Cumbernauld Road, Haggs.
- 1.2 The application site extends to approximately 1.5 hectares and lies at the edge of the urban limit. The northern part of the site, adjoining Glenview Road, lies below road level. The site bounds the A80/M80 embankment to the west and an access track, descending to dwellinghouses accessed from Old Cumbernauld Road, to the east.
- 1.3 The existing levels of the site rise to create a hummock in the middle of the site, against the A80/M80 boundary. The proposal is to cut from the hummock and fill in the lower lying areas of the site. The intention of upfilling the area adjoining Glenview Avenue is to facilitate housing development. The relevant applications for housing development are detailed in section 3 of this report.
- 1.4 The higher ground on the site is used for grazing. The remainder of the site is scrubland, and there are some stands of more mature trees and scrub. Outdoor storage of materials/tipping is evident in places.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development does not accord with the Development Plan.

3. SITE HISTORY

- 3.1 The land to the south of Glenview Avenue, between Garngrew Road and the M80/A80, has been subject to a number of planning applications for housing development.
- 3.2 Outline planning application refs: F/2000/0166, F/2002/0196 and F/2003/0941 for the development of land for housing purposes were refused. The grounds for refusal were that the land lay outwith the urban limits as defined in the then adopted Local Plan, in the countryside, where there is a general presumption against housing development.
- 3.3 Detailed planning application ref: F/2004/0947 for the erection of a dwellinghouse and a detached garage was refused. The grounds for refusal were the same as the previous outline planning applications mentioned in paragraph 3.2.
- 3.4 Detailed planning application ref: P/09/0352/FUL for the erection of three dwellinghouses (Plots 1 to 3) was approved in November 2009. Since refusal of the previous applications, land adjoining Glenview Road had been included within the urban limits and identified as a housing opportunity site as a consequence of a Proposed Pre-Inquiry Modification to the Falkirk Council Local Plan Finalised Draft (Deposit Version). In determining planning application ref: P/09/0352/FUL, significant weight was afforded to this proposed modification, as it was not subject to any representations under consideration in the Local Plan Inquiry process. This change in circumstances overcame the grounds for refusal of the previous applications.
- 3.5 Detailed planning application ref: P/10/0229/FUL for an amendment to house type (Plot 3) was approved in June 2010. This house is currently under construction.
- 3.6 Detailed planning application ref: P/10/0230/FUL for an amendment to house type (Plot 2) was approved in July 2010. This house is currently under construction.
- 3.7 The current application for earthworks proposes to raise and level the rear garden ground for approved Plots 2 and 3. These plots, as currently approved, have a series of terraces and a rear boundary retaining wall.
- 3.8 Detailed planning application ref: P/10/0632/FUL for the erection of two dwellinghouses (Plots 4 and 5) was approved in February 2011. The existing levels of these plots lie below Glenview Avenue, and are proposed to be raised as part of the current application for earthworks.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have investigated a culvert that crosses the application site and has advised that it would not appear to actively convey water. They request the submission of a diversion strategy for approval by the Flood Prevention Officer if, during the construction stage, the pipe is found to convey water.

- 4.2 The Environmental Protection Unit has requested the submission of a contaminated land assessment due to the presence of potentially contaminated material and other potential sources of contaminated land within 250 metres of the site.
- 4.3 Transport Scotland has requested the provision of an unclimbable stock-proof fence along the boundary of the site with the trunk road.
- 4.4 SEPA have no objection to the application. They advise that the proposed works should comply with The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) and adhere to best practice in relation to pollution prevention. They advise that a Waste Management Licence or exemption will not be required, as waste material is not to be brought onto the site.
- 4.5 Historic Scotland has no comments to make on the application.
- 4.6 Museum Services has no objection to the application and has advised that there are no known archaeological sites in the area. They consider that the proposed removal of undulations in the landform and a few drystone dykes would not change the overall view of the site from the Antonine Wall World Heritage Site.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 One objection to the application has been received. The concerns raised in this objection can be summarised as follows:-
- The need to level the land is questioned, as it has been grazed for centuries in its present form.
 - The proposal has the potential to impact on the historic environment, including the setting of the Antonine Wall World Heritage Site.
 - The levelling of the site would expose the housing around the site to increased noise from the A80/M80.
 - Raising the levels above the stormwater culvert could lead to future problems in gaining access to maintain and repair the pipe.
 - Planning permission has been refused on many occasions since 2003 at this location.

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 The application site lies outwith the urban limit, within the countryside, as defined in the adopted Falkirk Council Local Plan. The proposed development is, or is at least partly, to facilitate housing development along the south side of Glenview Avenue. The proposed cut and fill operation is therefore not solely linked to development or economic activity requiring a countryside location. Therefore, in strict terms, the proposed development is contrary to this policy, which generally presumes against new development in the countryside unless the essential need for a countryside location has been demonstrated.

Adopted Falkirk Council Local Plan

7a.3 The Glenview Avenue end of the site lies within the urban limit and housing opportunity area H.B & B18 as defined in the adopted Falkirk Council Local Plan. The balance of the application site lies within the countryside.

7a.4 The proposed land raising within the urban limits, to provide suitable building platforms and usable garden ground, complies with the adopted Falkirk Council Local Plan, as it is linked to housing development within a housing opportunity area.

7a.5 Policy EQ19 - ‘Countryside’ states:

- “(1) *The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- *it can be demonstrated that they require a countryside location;*
 - *they constitute appropriate infill development; or*
 - *they utilise suitable existing buildings.*
- (2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

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

7a.6 This policy only permits development proposals that require a countryside location. However, the proposed cut and fill operation outwith the urban limit is not solely linked to development or economic activity that requires a countryside location. Therefore, in strict terms, the proposed development is contrary to this policy.

7a.7 Policy EQ17 – ‘Antonine Wall’ states;

“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- (1) *There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*
- (2) *There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other Local Plan policies; and*
- (3) *The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall."*

7a.8 The application site lies within the Antonine Wall Buffer Zone. Historic Scotland and Museum Services have considered the potential impact of the proposed earthworks on the setting of the Antonine Wall, and have not raised any concerns. It will be important to ensure that the period for undertaking the earthworks is kept to a minimum and that the subsequent grass seeding is undertaken as soon as practicable, in order to ensure that disturbed and bare ground does not stand out within the setting of the Wall. Subject to this matter being covered by suitably worded conditions, the proposed development accords with this policy.

7a.9 Overall, however, the proposed development does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the consultation responses, the representation received and the planning history.

Consultation Responses

- 7b.2 The consultation responses are summarised in section 4 of this report. The matters raised by the Environmental Protection Unit and Transport Scotland could be the subject of conditions of any grant of permission. The matters raised by SEPA could be the subject of Informatives.
- 7b.3 Matters raised by the Roads Development Unit could also be the subject of conditions of any grant of permission. The impact of the proposed earthworks on the existing culvert which crosses the site would be subject to further consideration. The applicant would need to address any issues in that regard.

Representations Received

- 7b.4 The concerns raised in the representation to the application are summarised in section 6 of this report. In response to these concerns, the following comments are considered to be relevant:-
- The proposed development is linked to the need to land raise to facilitate housing development within a housing opportunity area defined in the Falkirk Council Local Plan;
 - Provided that the period for fully completing the proposed recontouring is kept to a minimum, no adverse impacts on the historic environment, including the setting of the Antonine Wall, are anticipated.
 - No evidence has been presented to substantiate the suggestion that the proposed recontouring would increase noise levels from the A80/M80.
 - The applicant would need to address all relevant issues in respect of the existing culvert which crosses the site.

7c Conclusion

- 7c.1 This application, for earthworks to recontour land, is considered to be contrary to the Development Plan, for the reasons detailed in this report. However, the proposal is linked to facilitating development of a housing opportunity area as defined in the adopted Falkirk Council Local Plan. It is evident that significant landraising is required to develop approved Plots 4 and 5 and the proposed levelling of the rear gardens of approved Plots 2 and 3 would enhance these properties. The sourcing of the upfill material from adjoining land brings some benefits, as it avoids the need for significant heavy vehicle movements to import material to the site and the associated potential for disturbance and amenity impacts to the local area. In addition, recontouring of the balance of the land can be seen to enhance its use for countryside uses, such as grazing. Overall, it is considered that setting aside the terms of the Development Plan is justified, and the application is recommended for approval, subject to the imposition of appropriate conditions.

8. RECOMMENDATION

8.1 It is 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 of the date of this permission.**
- (2) Unless otherwise agreed in writing by this Planning Authority, the proposed earthworks shall be completed in accordance with the approved levels within 2 months of the date of commencement of the development.**
- (3) Unless otherwise agreed in writing by this Planning Authority, the site shall be grass seeded before the end of the first planting and seeding season following the completion of the proposed earthworks.**
- (4) Unless otherwise agreed in writing by this Planning Authority no development shall commence until a contaminated land assessment has been submitted to and approved in writing by this Planning Authority. Before the land is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy. Any necessary remediation completion report / validation certificate shall be submitted to and approved in writing by this Planning Authority.**
- (5) An unclimbable/stockproof fence shall be erected and maintained within the site along the boundary with the Trunk Road in accordance with details and specifications to be submitted to and agreed in writing by this Planning Authority before development commences.**
- (6) All works on site shall cease until a diversion strategy has been submitted to and approved in writing by this Planning Authority if, during the construction stage, the existing pipe that crosses the application site is found to convey water. Thereafter the approved diversion strategy shall be implemented in accordance with a timescale approved in writing by this Planning Authority.**

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2, 3) To safeguard the visual amenity of the area and the setting of the Antonine Wall.**
- (4) To ensure the ground is suitable for the intended end use.**
- (5) To minimise the risk of pedestrians or animals gaining uncontrolled access to the Trunk Road.**
- (6) To safeguard the provision of adequate drainage in the local area.**

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02 and 03.
- (2) The applicant should ensure that the works comply with General Binding Rules 10 and 11 under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). Surface water should be treated using sustainable urban drainage systems (SUDs).
- (3) The applicant should ensure that best practice in relation to pollution prevention is adhered to. Guidance can be found on SEPA's website and by referring to their Pollution Prevention Guidelines.
- (4) Any engineering activities in, on or near the water environment may require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).



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Director of Development Services

Date: 15 February, 2011

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. Letter of Objection received from Mr Allan Sheret, 57 Glenview Avenue, Banknock, Bonnybridge, FK4 1JX on 4 October 2010.

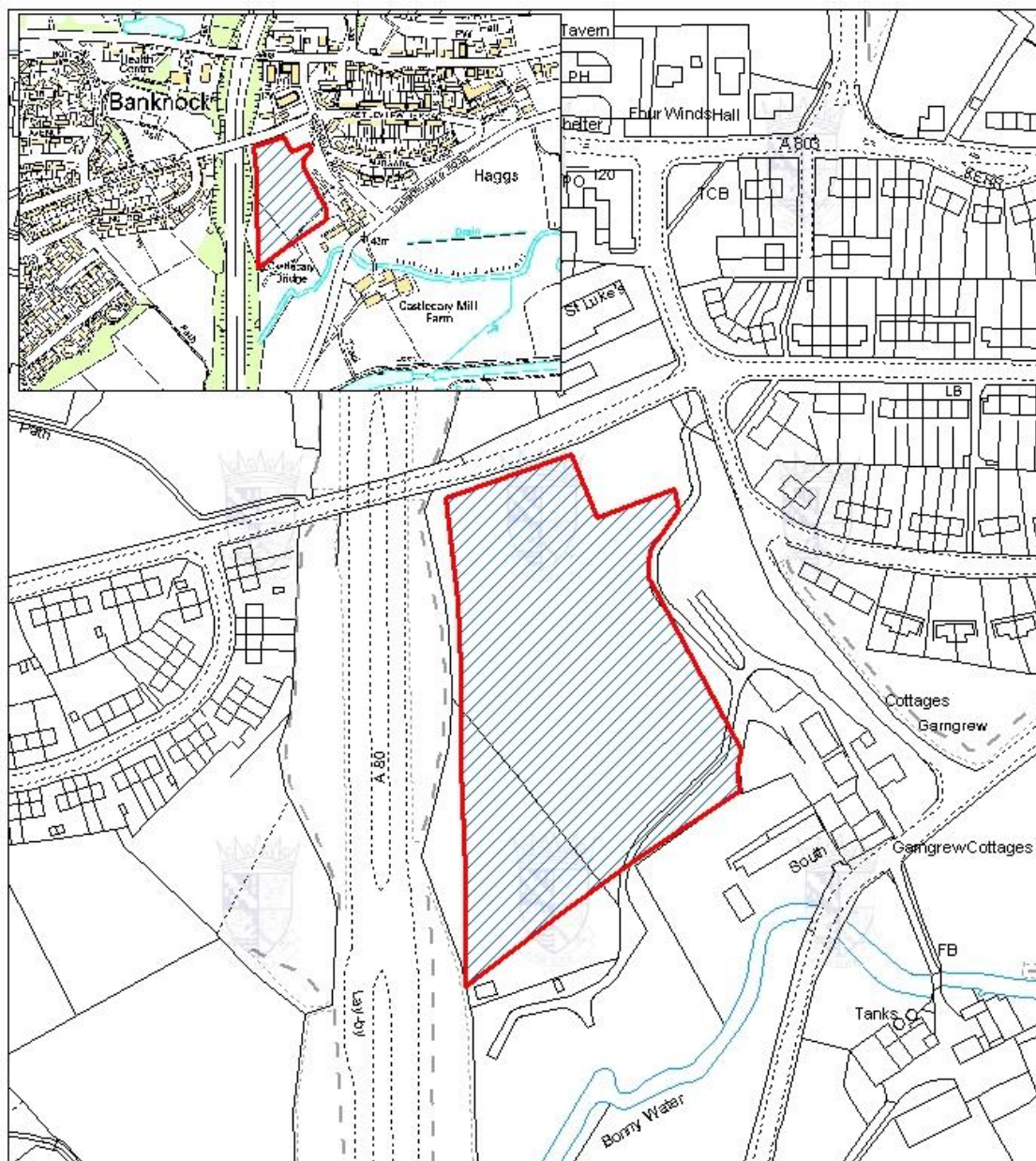
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0633/FUL

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FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT
GLEN ROMA, SHIELDHILL ROAD, REDDINGMUIRHEAD,
FALKIRK FK2 0DU FOR IAIN GIFFEN – P/10/0776/PPP

Meeting: PLANNING COMMITTEE

Date: 23 February 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes
Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Reddingmuirhead and Wallacestone

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 an existing single house plot in Reddingmuirhead for residential purposes. An indicative layout plan has been submitted showing the site being developed for two detached dwellinghouses.
- 1.2 The application site is located in the centre of Reddingmuirhead on the northern side of Shieldhill Road. The application site was previously occupied by a detached dwellinghouse but, during the course of this application, this dwellinghouse has been demolished and the site cleared.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Jackson.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 Scottish Water – no objections.

- 4.2 Environmental Protection Unit – No objection has been raised however a request has been made for a noise and contaminated land survey to be carried out. This request can be adequately covered by way of conditions attached to any permission granted.
- 4.3 Roads Development Unit – No objections.

5. COMMUNITY COUNCIL

- 5.1 The Reddingmuirhead and Wallacestone Community Council has objected to the proposal on the grounds of overlooking road safety and parking issues, sewerage limitations, overdevelopment issues, impact on surrounding character of the area and construction traffic disturbance.

6. PUBLIC REPRESENTATION

- 6.1 11 letters of representation were received following the neighbour notification process. One of these letters was submitted by the applicant in support of the application. Three of the letters were submitted by the Community Council/Community Councillors objecting to the application as is outlined in section 5 of this report. The remaining 7 letters were submitted by 3 individuals and raised the following concerns: -

- Overdevelopment.
- Overshadowing.
- Impact on privacy.
- Road Safety i.e. parking.
- Flooding from surface water run off.
- Asbestos in existing building.
- Construction work disturbance.
- Impact on character of the area.

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 This development does not raise any strategic considerations.

Falkirk Council Local Plan

7a.2 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.”*

7a.3 The application site is located within the urban limit and the proposed residential land use is considered to be compatible with the surrounding area. The location of the site enjoys good accessibility to public transport, shops, recreational and community facilities and the existing physical infrastructure and network of community facilities is considered to be able to cope with the additional unit at the site.

7a.4 The proposal accords with Policy SC2 of the Falkirk Council Local Plan.

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

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

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

- 7a.6 The application is for planning permission in principle and therefore the submitted layout plan and house designs are entirely indicative at this stage. The layout plan, which was revised during the assessment of the application, shows two detached dwellinghouses taking access from and directly fronting onto Shieldhill Road. The plan shows two typical housetypes which, whilst indicative at this stage, would respect the scale, density, disposition and design of the area. It is demonstrated that rear garden ground in excess of 13 metres in length could be achieved with sufficient space to the front of each property for access and parking provision. This stretch of Shieldhill Road benefits from good levels of visibility in both directions. Based on consideration of the indicative layout and the surrounding townscape, it is considered that adequate privacy levels can be achieved and existing levels of residential amenity can be maintained.
- 7a.7 The proposal accords with Policy SC8 of the Falkirk Council Local Plan.
- 7a.8 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations relating to this proposal are the representations received.

Representations Received

- 7b.2 Issues relating to overdevelopment, overshadowing, privacy and character are assessed in paragraph 7a.6 of this report. It is considered that the submitted indicative layout demonstrates that each of these issues can be overcome by good design. These issues can be further assessed on submission of a detailed planning application should Members grant the application for planning permission in principle.
- 7b.3 The method of demolition, presence of asbestos and disturbance, damage or road safety associated with the construction process are not material planning considerations, but Members may wish to note that a Warrant was granted by Building Standards for demolition of the existing house.
- 7b.4 The Roads Development Unit have assessed the proposal and are satisfied that road safety and parking standards can be met.
- 7b.5 Surface water run-off and drainage can be assessed on submission of further detailed proposals. It is not considered that they are a determining factor in the assessment of this application.
- 7b.6 In relation to sewer limitation, Scottish Water has raised no objection to the proposed development. Separate consent is required to be sought from Scottish Water for any new connections into the sewer network. It is not therefore considered that this is a determining factor in the assessment of this application.

7c Conclusion

- 7c.1 The proposal is an acceptable form of development and is in accordance with 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 therefore recommended that planning permission be granted subject to the following condition(s):-

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
 - (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access and parking arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping;
 - (d) details of drainage arrangements;
 - (e) details of all boundary treatments.
- (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.
- (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.

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.

- (4) (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.
- (5) Development shall not begin until a scheme for protecting the 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.

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 that the occupants of the property are safeguarded against excessive noise intrusion.

Informative:-

- (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: 16 February 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of Objection received from Mr. Alexander Whyte, 9 Nobel View, Reddingmuirhead, Falkirk, FK2 0EF on 6 November 2010.
4. Letters of Objection received from Mr Walter Campbell, Masetta, Sheildhill Road, Reddingmuirhead, FK2 0DU on 16 November 2010 and 28 January 2011.
5. Letters of Objection received from Mr Danny Callaghan, Reddingmuirhead & Wallacestone Community Council, 2 Nobel View, Reddingmuirhead, Falkirk, FK2 0EF on 8 November 2010 and 18 November 2010.
6. Letters of Objection received from Mrs Sarah Muir, Mayben View, Shieldhill Road, Reddingmuirhead, Falkirk, FK2 0DU on 16 November 2010 and 24 January 2011.
7. Two Letters of Objection received from Mr James McGovern, 1 Nobel View, Falkirk, FK2 0EF - two on 14 November 2010 and one additional letter on 14 January 2011.
8. Letter of Support received from Mr Iain Giffen, 57 Glengarry Crescent, Falkirk, FK1 5UE on 24 January 2011.

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/10/0776/PPP

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