

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 23 FEBRUARY 2011 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Head of Economic Development; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (B Whittle); Roads Development Co-ordinator (B Raeburn); Transport Planning Coordinator; Environmental Health Officer (S Henderson); Planning Officer (J Seidel); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST: Councillor Lemetti declared a non financial interest in agenda item 6 (P191) in consequence of his own business interests in Camelon and having regard to the issue of public perception in relation to the application stated that he would take no part in consideration or discussion of this item of business.

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

- Councillor Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of item ENQ/2010/0408 and planning applications P/10/0631/FUL and P/10/0665/FUL (minute P189, P190 and P192) but that he would take part in consideration of planning application P/10/0621/FUL (minute P191) as he was sufficiently familiar with the site.
- Councillor Carleschi informed the Committee that as he had not attended the site visits he would not take part in consideration of item ENQ/2010/0408 and planning applications P/10/0631/FUL and P/10/0665/FUL (minute P189, P190 and P192) but that he would take part in consideration of planning application P/10/0621/FUL (minute P191) as he was sufficiently familiar with the site.
- Councillor MacDonald informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/10/0608/FUL (minute P187) but that he would take part in consideration of planning application P/10/0587/FUL (minute P188) as he was sufficiently familiar with the site.
- Councillor McNeill informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/10/0589/PPP and

P/09/0849/FUL (minute P194 and P195) but that he would take part in consideration of planning application P/10/0587/FUL (minute P188) as he was sufficiently familiar with the site.

- Councillor Nicol informed the Committee that he had not attended the site visit for item ENQ/2010/0408 (minute P189) but that he would take part in consideration of the matter as he was sufficiently familiar with the site.
- Councillor Mahoney informed the Committee that that as he had not attended the site visit he would not take part in consideration of planning application P/09/0849/FUL (minute P195).
- Councillor Oliver informed the Committee that as he had not attended the site visits he would not take part in consideration of item ENQ/2010/0408 and planning applications P/10/0608/FUL, P/10/0587/FUL, P/10/0631/FUL, P/10/0621/FUL, P/10/0665/FUL and P/10/0589/PPP (minute P189, P188, P190, P188, P191, P192 and P194).
- Councillor Thomson informed the Committee that as she had not attended the site visits she would not take part in consideration of planning applications P/10/0608/FUL, P/10/0587/FUL and P/10/0589/PPP (minute P187, P188 and P193) but that she would take part in consideration of item ENQ/2010/0408 (minute P189) as she was sufficiently familiar with the site.

P185. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/10/0630/PPP, P/10/0774/FUL and P/10/0776/FUL (minute P197, P198 and P200) to allow inspections of the sites by the Committee.

P186. MINUTES

There was submitted and **APPROVED**:-

- (a) Submit Minute of Meeting of the Planning Committee held on 26 January 2011;
- (b) Submit Minute of Meeting of the Planning Committee held On-Site on 7 February 2011; and
- (c) Submit Minute of Meeting of the Planning Committee held On-Site on 10 February 2011.

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

P187. ERECTION OF VETERINARY PRACTICE ON LAND TO THE SOUTH OF ASHBANK, BO'NESS ROAD, POLMONT FOR I LINE DESIGNS - P/10/0608/FUL (CONTINUATION)

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 by the Director of Development Services and an additional Report (circulated) dated 15 February 2011 by the said Director on an application for full planning permission for the erection of a one and a half storey detached building, to operate as a veterinary practice, on grassland to the south of Ashbank, Bo'ness Road, Polmont.

Councillor Nicol, seconded by Councillor McNeill, moved that the application be refused on the basis that it was contrary to Policy SC7 and would have an adverse impact on road safety.

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

On a division, 6 Members voted for the Motion and 3 voted for the Amendment.

Accordingly, **AGREED** to **REFUSE** planning permission on the basis that the development is contrary to Policy SC7 and would have an adverse impact on road safety.

P188. 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 (CONTINUATION)

Prior to consideration of this item of business, Councillors Nicol and McNeill informed the Committee that they 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 26 January 2011 (Paragraph P171 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 by the Director of Development Services and an additional Report (circulated) dated 15 February 2011 by the said Director on an application for full planning permission (in retrospect) for the construction of a garage (amendment to planning permission P/07/0364/FUL) at Cherrybank, Dunmore, Falkirk.

AGREED to **GRANT** planning permission, Councillor A MacDonald dissenting, subject to the following conditions:-

- (1) the roof materials of the garage be changed to slate to match those on the house roof;

- (2) in so far as it is competent to do so and as determined by the Director of Development Services, the hedges and shrubbery screening the development site shall be maintained and retained to provide screening; and
- (3) other appropriate conditions as determined by the Director of Development Services.

Councillors Constable and Carleschi left the meeting prior to consideration of the following item of business.

Councillor Carleschi re-entered the meeting during consideration of the following item of business but took no part in consideration thereon.

P189. 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 (CONTINUATION)

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 and an additional Report (circulated) dated 16 February 2011 by the said Director 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.

Councillor A MacDonald, seconded by Councillor McNeill, moved that:-

‘Falkirk Council is, in principle, opposed to the development, and calls on the Scottish Ministers to defer any decision until an Air Quality Survey shows there will be no adverse impact on air quality, there is a more detailed report on the carbon impact of the plant and a more detailed transport assessment is submitted, should there be a change in the expected delivery of material ratios. Should, however, Scottish Ministers approve the application, it should be 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 and subject to the conditions detailed in the Report, with such amendments to Condition 5 of the Report to reflect the foregoing as determined by the Director of Development Services’.

By way of an Amendment, Councillor Mahoney, seconded by Councillor C Martin, moved the recommendations in the Report.

On a division, 6 Members voted for the Motion and 3 voted for the Amendment.

Accordingly, **AGREED** to inform Scottish Ministers that Falkirk Council is, in principle, opposed to the development, and calls on the Scottish Ministers to defer any decision

until an Air Quality Survey shows there will be no adverse impact on air quality, there is a more detailed Report on the carbon impact of the plant and a more detailed transport assessment is submitted, should there be a change in the expected delivery of material ratios. Should, however, Scottish Ministers approve the application, it should be 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 and the following conditions, with such amendments to Condition 5 to reflect the foregoing as determined by the Director of Development Services:-

- (1) Development shall commence no later than the date occurring three years after the date of any planning 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 the 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 twelve 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 SO₂ 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 SO₂, 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 M9 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.

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

Councillor Carleschi re-entered the meeting during consideration of the following item of business but took no part in consideration thereon.

P190. ERECTION OF DWELLINGHOUSE AT THE OAKS, ARBOUR GROVE, ARBUTHNOT STREET, FALKIRK FK1 4BX FOR MR AND MRS B FLYNN - P/10/0631/FUL (CONTINUATION)

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 and an additional Report (circulated) dated 15 February 2011 by the said Director for an application for full planning permission to erect one dwellinghouse, of contemporary design with a mono pitch roof, over two floors and with an integral garage at the Oaks, Arbour Grove, Arbuthnot Street, Falkirk.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) 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 the decision refer(s) bear the online reference numbers(s) 01A, 02-04, 05A, 06 and 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 respectively.
- (3) That contractors take due care and attention during the construction period for safety and congestion reasons.

The Convener agreed a 10 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt.

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

P191. 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 (CONTINUATION)

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 and an additional Report (circulated) dated 16 February 2011 by the said Director on an application for full planning permission for the change of use of a public house to a hot food take away, including alterations to the shop front and the installation of a ventilation flue at the Magpie, Maggie Woods Loan, Falkirk.

AGREED to **CONTINUE** consideration of this item of business to allow a further inspection of the site by Committee and in particular to enable access to the premises.

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

P192. SITING OF SNACK VAN AT MEEKS ROADS CAR PARK, MEEKS ROAD, FALKIRK FOR HAZEL NIBBLO - P/10/0665/FUL (CONTINUATION)

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 by the Director of Development Services and an additional Report (circulated) dated 15 February 2011 by the said Director for 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 **GRANT** planning permission, subject to the reiteration that the hours of operation are from 7 a.m. to 2 p.m. seven days per week and 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:-

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

The Convener agreed a recess at 12:25 p.m. and prior to consideration of the following item of business. The meeting reconvened at 1.15 p.m. with all Members present as per the sederunt, with the exception of Councillors McNeill, Thomson and Oliver.

P193. REQUEST FOR FURTHER SITE VISIT

Having heard a further request by a Member for a site visit, the Committee agreed to the continuation of planning application P/10/0553/FUL (minute P196) to allow an inspection of the site by the Committee.

P194. 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 (CONTINUATION)

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 by the Director of Development Services and an additional Report (circulated) dated 16 February 2011 by the said Director on an application for planning permission in principle for the sub-division of garden ground for the erection of a dwellinghouse, on a site to the rear and side garden area of a large two storey dwellinghouse at Aonach-Mor, Glen Road, Torwood, Larbert.

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

Councillors Thomson and Oliver re-entered the meeting following consideration of the foregoing item of business.

Councillors A MacDonald and Mahoney left the meeting prior to consideration of the following item of business.

Councillors McNeill and Mahoney re-entered the meeting during consideration of the following item of business but took no part in consideration thereon.

P195. 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

With reference to Minute of Meeting of the Planning Committee held on 24 March and 21 April 2010 (Paragraphs P199 and P9 refers), Committee gave further consideration to Reports (circulated) dated 16 March and 20 April 2010 by the Director of Development Services and an additional Report (circulated) dated 15 February 2011 by the said Director on an application for full planning permission for the erection of a dwellinghouse with an integrated domestic garage at a site currently forming part of the existing Paterson's Garden Buildings site at Kersie Bank, Kersie Terrace, South Alloa.

The Committee on 21 April 2010 had minded to grant planning permission, subject to the satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to restrict occupation of the living accommodation to a person employed in the business. Thereafter, on conclusion of the agreement, to remit to the Director of Development Services to grant planning permission subject to appropriate conditions.

AGREED to **CONTINUE** consideration for further information in relation to financial issues associated with VAT, including HMRC regulations and clarification from other local authorities, as appropriate, and to receive an update Report from the Director of Development Services.

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

P196. 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

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:-

P197. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT LOCKUPS, GRAHAMSDYKE ROAD, BO'NESS FOR BENJAMIN CADELL - P/10/0630/PPP

P198. USE OF CARPARK FOR OVERNIGHT PARKING OF BUSES AT LITTLE KERSE LEISURE LTD, GRANGE ROAD, GRANGEMOUTH FK3 9UY FOR STEPHEN BARR - P/10/0774/FUL

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

P199. PROPOSED EARTHWORKS TO IMPROVE CONTOURS OF LAND ON LAND TO THE NORTH WEST OF 4 GARNGREW COTTAGE, GLENVIEW AVENUE, BANKNOCK FOR MR SANDY BROWN - P/10/0633/FUL

There was submitted Report (circulated) dated 15 February 2011 by the Director of Development Services on an application for full planning permission to carry out earthworks to improve the contours of land on a site extending 1.5 hectares, lying at the edge of the urban limit, to the north west of 4 Garngrew Cottage, Glenview Avenue, Banknock.

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) Unless otherwise agreed in writing by the Planning Authority, the proposed earthworks shall be completed in accordance with the approved levels within two months of the date of commencement of the development.
- (3) Unless otherwise agreed in writing by the 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 the Planning Authority no development shall commence until a contaminated land assessment has been submitted to and approved in writing by the 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 the 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 the 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 the 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 the Planning Authority.

Reason(s):-

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

- (2, 3) To safeguard the 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 the decision refer(s) bear the 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).

In accordance with a decision 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:-

P200. DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT GLEN ROMA, SHIELDHILL ROAD, REDDINGMUIRHEAD, FALKIRK FK2 0DU FOR IAIN GIFFEN - P/10/0776/PPP

FALKIRK COUNCIL

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

PRESENT: Councillors Buchanan, Constable (for application P/10/0630/PPP); Lemetti (except for application P/10/0621/FUL); McLuckie, McNeill, Mahoney, Nicol and Thomson (for applications P/10/0621/FUL and P/10/0553/FUL).

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors A MacDonald and Oliver.

ATTENDING: Development Manager; Development Management Co-ordinator (B Whittle) (for applications P/10/0774/FUL and P/10/0630/PPP); Roads Development Co-ordinator; Planning Officer (K Brown) (for applications P/10/0776/FUL and P/10/0630/PPP); Planning Officer (J Seidel) (for applications P/10/0553/FUL and P/10/0774/FUL); Assistant Planning Officer (G Clark) (for application P/10/0621/FUL); Solicitor (K Quin); and Committee Officer (A Sobieraj).

**DECLARATION
OF INTEREST:**

Councillor Lemetti declared a non financial interest in agenda item 2 (P201) 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.

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

P201. 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

With reference to Minutes of Meetings of the Planning Committee held on 26 January and 23 February 2011 (Paragraphs P168 and P191 refer), Committee gave further consideration to Reports (circulated) dated 18 January and 16 February 2011 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.

Neither the applicant nor their agent was present on site. The applicant had prior to the site visit emailed the Council's Law and Administration Services to indicate that no representative from the applicant would be in attendance. No response was received from the agent. Following further communication by email with Law and Administration Services, the applicant agreed to contact the tenant to allow access to the premises. Mr McBride, the tenant's father, was in attendance for this purpose.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

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

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

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

The objectors 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.

Mr McBride, the tenant's father responded briefly to Members' questions but indicated that he had little knowledge of the application.

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

P202. CHANGE OF USE FROM PUBLIC HOUSE TO HOT FOOD TAKEAWAY, ALTERATIONS TO SHOPFRONT AND INSTALLATION OF FLUE AT THE CRITERION, 6 - 10 STIRLING STREET, DENNY FK6 6DU FOR SUNSHINE FOODS - P/10/0553/FUL

With reference to Minute of Meeting of the Planning Committee held on 23 February 2011 (Paragraph P195 refers), Committee gave further consideration to Report (circulated) dated 15 February 2011 on an application for full planning permission for the change of use from a public house to a hot food take away and the installation of a flue at the Criterion public house at 6 to 10 Stirling Street, Denny.

The Convener introduced the parties present.

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

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

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

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

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

Councillor McNally, an objector and local member, was heard in relation to the application.

The objectors highlighted the following issues:-

- The noise nuisance as a result of customers and late opening hours;
- The cooking odour in adjacent flats;
- The location on a dangerous bend at traffic lights with customers and goods vehicles stopping on the road and causing an accident or obstructing the road;
- The importance of maintaining the frontage of the building as at present and the internal design;
- The view that Roads Officers would oppose the application;
- The overprovision of hot food take aways in the area;
- The associated litter issues within common areas within the community and the location of bins and opening hours;
- The importance of the restriction to property owners only, including William Hill, to prevent unsocial behaviour by customers;
- The lack of consideration of the interests of the local community and the regeneration of the Town Centre;
- The lack of enhancement of the town and the effect on the character of the shopping area; and
- The undesirable use of the premises.

Questions were then asked by Members of the Committee.

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

Members thereafter visited the rear of the building to view where the flue would be located and the car park to be used for deliveries.

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

P203. DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT GLEN ROMA, SHIELDHILL ROAD, REDDINGMUIRHEAD, FALKIRK FK2 0DU FOR IAIN GIFFEN - P/10/0776/PPP

With reference to Minute of Meeting of the Planning Committee held on 23 February 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 development of land for housing purposes at Glen Roma, Shieldhill Road, Reddingmuirhead, Falkirk.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

Mr Callaghan, on behalf of Reddingmuirhead and Wallacestone Community Council, an objector, was heard in relation to the application.

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

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

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

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

The objectors highlighted the following issues:-

- The overdevelopment of the site from the construction of two houses and the small size;
- The overshadowing of neighbouring properties and the impact on privacy;
- The road safety issues including access and egress from the site and parking;
- The flooding from surface water run off;
- The concern at the demolition of the bungalow previously at the site;
- The asbestos in the previous building (now demolished);
- The disturbance associated with construction;
- That the development was contrary to the Local Plan;
- The future of the hedging on the site; and
- The adverse impact on the character of the area.

Questions were then asked by Members of the Committee.

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

P204. USE OF CARPARK FOR OVERNIGHT PARKING OF BUSES AT LITTLE KERSE LEISURE LTD, GRANGE ROAD, GRANGEMOUTH FK3 9UY FOR STEPHEN BARR - P/10/0774/FUL

With reference to Minute of Meeting of the Planning Committee held on 2011 (Paragraph P174 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 on an application for full planning permission for the use of a car

park for overnight parking of buses at Little Kerse Leisure Ltd, Grange Road, Grangemouth.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

Questions were then asked by Members of the Committee.

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

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

P205. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT LOCKUPS, GRAHAMSDYKE ROAD, BO'NESS FOR BENJAMIN CADELL - P/10/0630/PPP

With reference to Minute of Meeting of the Planning Committee held on 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 development of land for residential purposes at lockups, Grahamsdyke Road, Bo'ness.

The Convener introduced the parties present.

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

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

Mrs Robertson, although indicating support, was concerned about the narrow access to the site.

Mr Thomson, although indicating support, was concerned about the narrow access to the site.

The supporters highlighted the improvement of area of land from the development but with the reservations detailed above.

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

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

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

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

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

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

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

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

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

The objectors highlighted the following issues:-

- The overshadowing and overlooking of neighbouring properties and the impact on privacy;
- The overbearing height of the development;
- The disturbance due to traffic movements;
- The limited access and potential damage to boundary of 40 Grahamsdyke Road during construction;
- The road safety issues and parking provision;
- The narrowness of the site;
- The loss of a view for neighbouring properties;
- The drain on the local infrastructure including drainage and sewerage; and
- The problem of access by emergency vehicles.

Questions were then asked by Members of the Committee.

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

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 March 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 and 23 February 2011 (copy of previous reports appended), when it was agreed to continue the planning application for a further site visit to undertake an internal inspection. This visit took place on 7 March 2011.
2. At the site visit, the Committee viewed the internal layout of the property.
3. The current tenant's father was heard in support of the application and advised that the current use as a public house was not viable and that the property since it had become vacant it had been the subject of vandalism.
4. Objectors were heard on issues including amendments to the front of the property, parking, opening hours, vandalism, litter and noise.
5. The Roads Officer advised that a hot-food takeaway required fewer parking spaces than that of a public house (10-15 spaces per 100 sq m as opposed to 10-40 spaces per 100 sqm) and that parking counts on Westburn Road in 2009 showed 1500 vehicles northbound and 800 vehicles southbound and advised that this was lower than on a number of streets in the surrounding area.

6. Members sought clarification on the opening hours of the proposed hot food takeaway, highlighted issues about the site history, parking, litter / anti social behaviour and the lack of required information to assess the application.
7. Issues relating to anti-social behaviour and litter are not material planning considerations, the litter being a matter for licensing. It should also be noted that the public house operation could resume from the premises without the need for further planning permission requiring to be sought.
8. No matters were raised which would amend the original recommendation to grant planning permission.

9. RECOMMENDATION

9.1 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: 15 March 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: 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.

Pp

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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: 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 March 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

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this planning application was originally considered at the Planning Committee on 23 February 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 March 2011.
2. Following a factual summary of the proposal by the case officer, the applicant's representative spoke in support of the proposal and emphasised the Town Centre location of the site and that there would be no opportunity to park outside the building, as it sits in the middle of a junction (traffic light controlled) and on double yellow lines. The applicant's representative advised that most of the deliveries (approximately 60%) would be by telephone.
3. Objectors who were also present raised concern in relation to the inappropriateness of the site for a hot food take-away, the potential for illegal parking outside the shop, noise and odour nuisance and the loss of the 'Criterion Bar'. A neighbour also raised concern in relation to the communal area being used for bins and vandalism of other hot food shops within Denny.

4. Comment was made by Members that the application site is at a very bad junction and the 'Criterion Bar' is a historic site for a public house. Concerns were also raised in relation to people parking outside the existing building, over provision of hot food take-away shops in Denny and the loss of a community facility. Member of the committee noted the lack of dedicated parking immediately adjacent to the premises and the potential for the customers to park outside the shop. The issue of noise nuisance for local residents, particularly in the lane adjacent to the public car park was also noted. Members also raised concerns about parking and drop off in association with the proposed use.
5. The Roads Officer advised that whilst there is parking available in the Town Centre location close by, a hot food use could result in short term parking at Denny Cross which is recognized as a busy road junction. He did, however, comment that it is a Police issue to manage illegal parking by enforcing the double yellow line restrictions.
6. In response to the above, the applicant's agent considered that customers and delivery drivers would not park outside the shop, owing to the busy junction and double yellow lines restrictions. The existing use generated traffic and requires the pick up and drop off of patrons and deliveries. The applicant's agent considers that there would be more complaints in relation to a public house than in relation to a hot food shop. The pub has been vacant for over a year and a use for the site should be promoted. The applicant's agent also gave example of other hot food shops within the Falkirk Council area, similarly located at a busy junction and on double yellow lines.
7. Although it was noted that the public house is in the process of reopening this is not relevant to the consideration of this particular proposal as it is possible for the premises to have the benefit of alternative planning permission.
8. Clarification was also sought in respect of the car park to the rear, north of the vennel. It has been confirmed by Falkirk Council Estates that the car park area was owned by Falkirk Council, Housing but has it has now been sold to the Co-operative
9. No issues were raised which would amend the recommendation to grant planning permission.

10. RECOMMENDATION

10.1 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.

Pp

.....
Director of Development Services

Date: 15 March 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.

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.

Pp

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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.

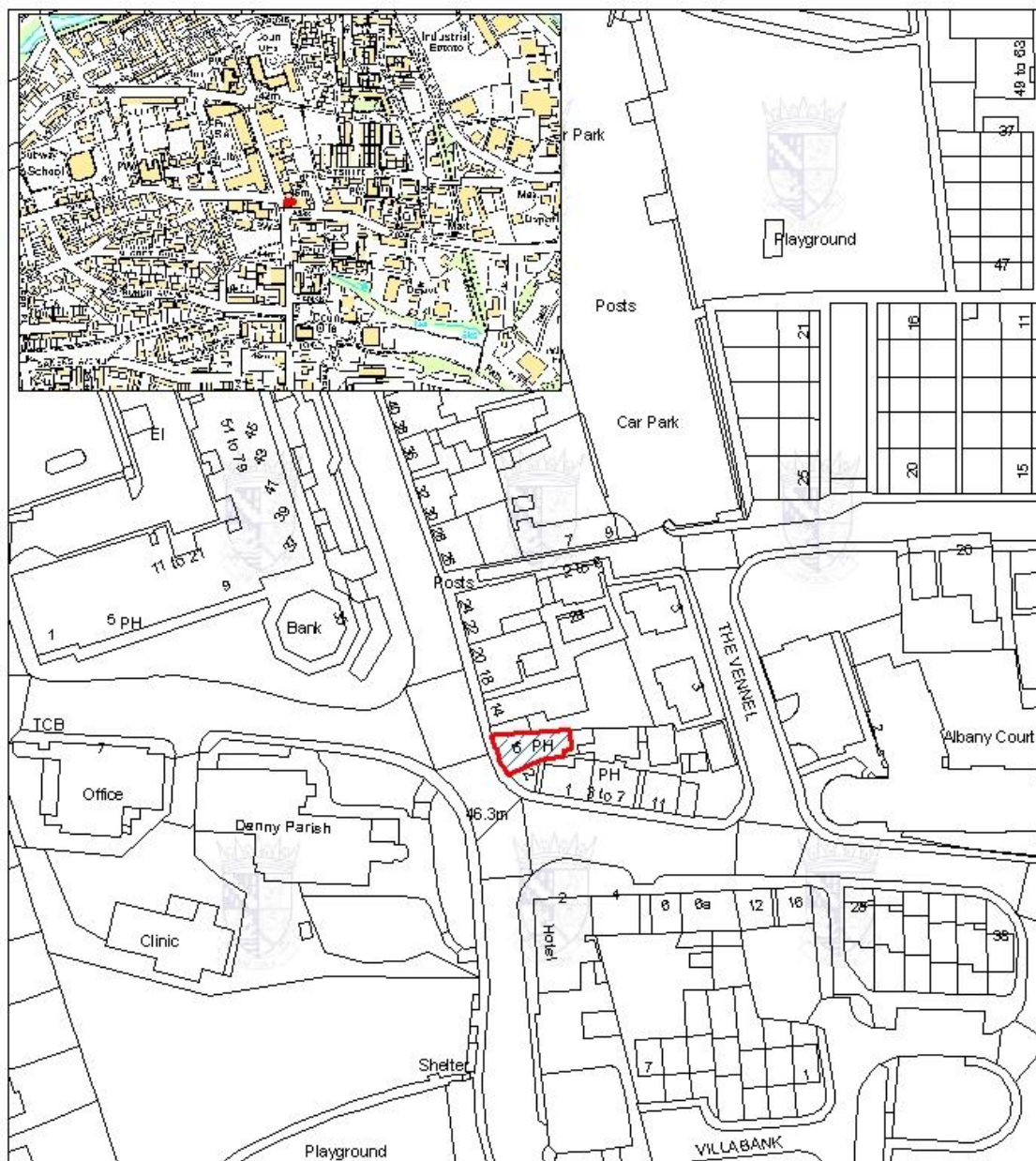
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0553/FUL

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



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FALKIRK COUNCIL

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

Meeting: PLANNING COMMITTEE

Date: 23 March 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

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this planning application was originally considered at the Planning Committee on 23 February 2011 (copy of previous report appended), when it was agreed to continue the planning application for a site visit. This visit took place on Monday 7 March 2011.
2. At the site meeting the applicant was heard in support of the proposal and advised that this is an application for planning permission in principle and as such no detailed plans have yet been drawn up.
3. Objectors were heard in opposition to the proposal primarily on the grounds of road safety and residential amenity. A number of residents did however express that developing the site in some way would improve security in the area.
4. Members asked about the tight vehicular access particularly in regard to emergency vehicles. The Roads Development Unit advised that the site access complies with visibility, width and alignment standards for a development containing only three units but accepted that fire appliances may find it difficult to navigate the tight corner into the site. It should also be noted that the existing use of the site as a parking/garage area could intensify without the need for planning permission.
5. Vehicular access for emergency vehicles is not a material planning consideration but is something which is required to be demonstrated at the building warrant stage of any development such as is proposed.

6. Following discussions with the Building Standards Unit, it would appear that the building regulations do not always require a fire appliance to be able to reach the exact position of every building. In instances where an appliance cannot reach the access to each building other solutions can be found including the installation of new dry riser inlets to supply portable pumps. It is advised that in order to ensure compliance with the building regulations, the applicant, or any future prospective developer, should contact the Fire Service to discuss options and constraints fully. It is considered however that these considerations require to be assessed on submission of a building warrant application and would not be a material consideration for refusal of planning permission in principle.

7. RECOMMENDATION

- 7.1 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: 15 March 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.

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 March 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

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this planning application was originally considered at the Planning Committee on 23 February 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 March 2011.
2. The case officer provided a factual summary of the proposal. The applicant spoke, confirming that, following lapse of the previous planning permission (Ref: F/2005/0294), buses were stored on another site. Incidents of vandalism at this site led to the current application. The applicant confirmed that the proposal is intended as a short term solution and would cease on commencement of any other development, associated with the outdoor leisure use, at the wider application site. The applicant wishes to form a partnership with the bus company to keep people within the Falkirk area and to tap into the leisure break and weekend market. Many football clubs are now using the facility at Little Kerse and a recent trip to Newcastle Sports Academy was a success.
3. Members commented that the previous application resulted in complaints from the Inchyra Grange Hotel, because the stored yellow buses were highly visible in the Green Belt area. Members noted that the application site is screened from the surrounding area and the Inchyra Grange Hotel by existing mature trees and shrubbery, even during the current winter season. Members noted that the buses are only proposed to be parked during Falkirk term time, at night and would not be parked at weekends or during daytime, therefore reducing the visual impact of the proposed.

4. Members enquired whether the Inchyra Grange Hotel were neighbour notified in relation to the application. It can be confirmed that there was no requirement to notify the Inchyra Grange Hotel because it is distant from the application site, but the application has been advertised in the Falkirk Herald. Members asked a number of questions relating to site security. The applicant responded by confirming that there was no CCTV at the application site, but he intended to have it installed. The applicant also advised that there are no major issues with security or vandalism and the site benefits from lockable gates and security lighting.
5. Members suggested opportunities for additional tree planting. The applicant has advised that he intends to promote tree planting as part of future development on the wider outdoor leisure site and does not wish any conditions relating to tree planting to be imposed on this application for a temporary use at the site.
6. No issues were raised on site that would amend the recommendation to approve temporary planning permission.

7. RECOMMENDATION

7.1 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

.....
Director of Development Services

Date: 15 March 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.

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

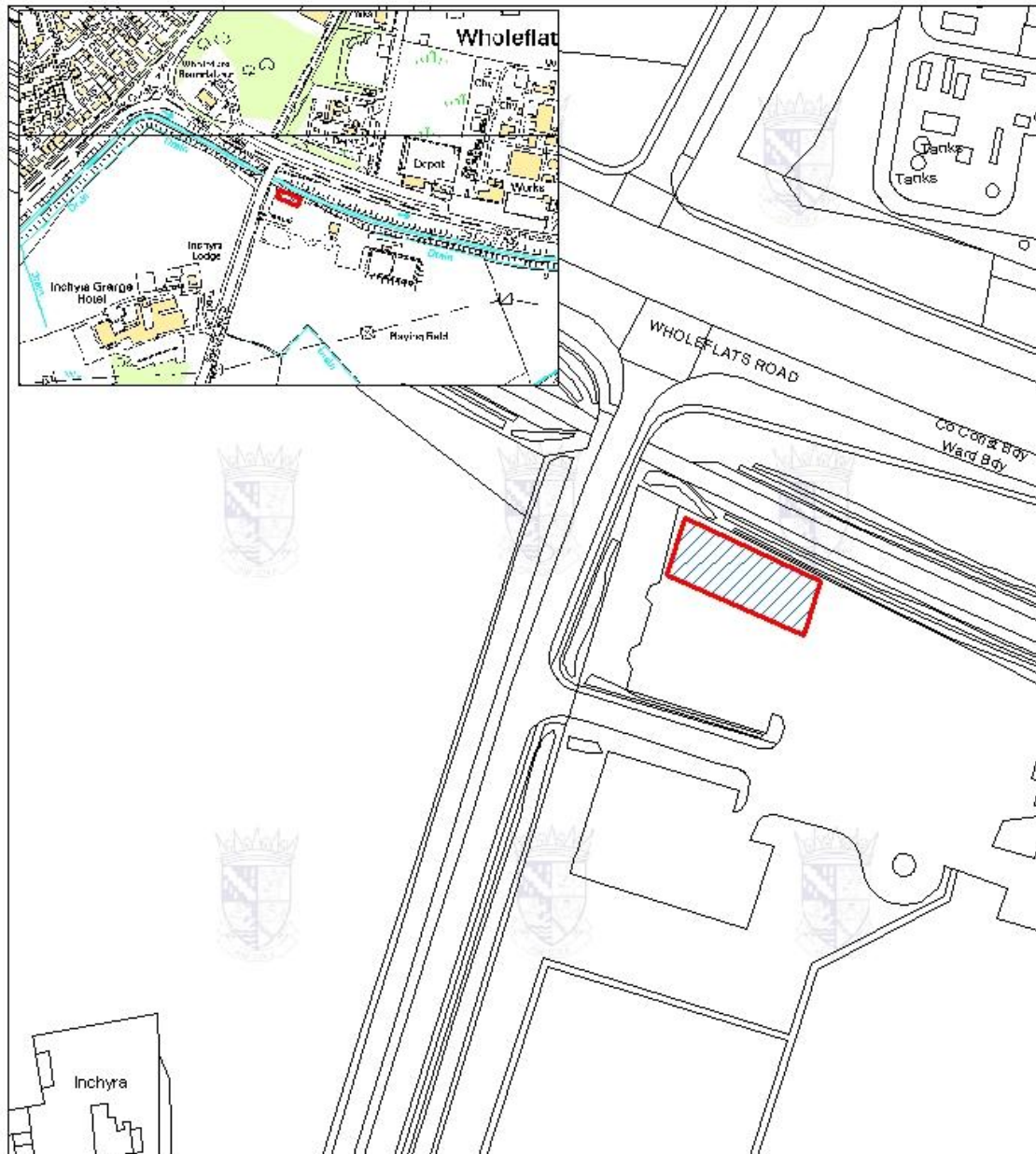
3. Falkirk Council Structure Plan.
4. Falkirk Council Local Plan.

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**

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



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FALKIRK COUNCIL

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

Meeting: PLANNING COMMITTEE
Date: 23 March 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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 23 February 2011 (copy of the previous report appended), when it was agreed to continue the application and to undertake a site visit. This site visit took place on Monday 7 March 2011.
2. The applicant was heard in support of the proposals, and sought to address many of the concerns raised in the submitted representations. Reference was made to a historical use of the site as a plant hire business, some 35 years ago.
3. Representations from the Community Council and neighbouring residents expressed their concerns relating to road safety, residential amenity and overdevelopment of the site. The Roads Development Unit representative responded by advising that the proposals raised no concerns in regard to road safety, and it was reiterated that the application is for planning permission in principle and that any plans submitted are purely indicative at this stage. Concerns in relation to privacy and overshadowing are not therefore relevant at this stage, and would require to be addressed on submission of full design details at a later date.
4. Members of the Committee requested clarification on the potential scope of any potential planning permission, and officers confirmed that, if so inclined, Members could condition matters such as building line position, building height and window positioning.

5. Specific clarification was sought in regard to plot ratios for the proposed site and the surrounding area. Following some simple calculations it can be confirmed that the application site, based on the indicative layout plan, would have a plot ratio of approximately 1:4.1, which is fairly standard for modern housing sites. The surrounding area has a variety of plot ratios, ranging from very large sites such as Elmbank (1:12) to smaller sites such as Kilbanda (1:3.6) and 8 Fairhaven (1:3.96). Within the immediate vicinity of the site, Marett (directly to the north of the application site) has a plot ratio of 1:4.1 and Mayben View (directly to the west of the site) has a plot ratio of 1:5.3. With the above ratios in mind, it is considered that the indicative plot ratios proposed by the applicant are generally in keeping with the character of the area. It is accepted that plot ratios in Nobel View are generally larger than those proposed at the application site, however the variety of house styles, design and appearance within the wider Reddingmuirhead area allows plot ratios such as those proposed to be absorbed without any detrimental impacts on character or amenity.

6. RECOMMENDATION

- 6.1 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(s):-

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

.....
Pp Director of Development Services

Date: 15 March 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.

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.

Pp

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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

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 March 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 23 February 2010. At this meeting Members agreed to continue the application to allow preparation of an update report, from the Director of Development Services, in relation to financial issues associated with VAT.
2. Since the last meeting of the Planning Committee, the applicant's solicitor has written to Falkirk Council's Legal Services requesting that the Section 75 legal agreement, previously signed by both parties, now be released to the Keeper of the Registers of Scotland. This action would trigger approval of planning permission and the release of the decision notice, in accordance with the Committee's decision of 21 April 2011.
3. It is therefore recommend that, if Members are still minded to grant planning permission, that the Section 75 legal agreement be released to the Keeper of the Registers of Scotland.
4. A report in response to Members' questions on VAT and related matters will be presented to a future Planning Committee meeting. Further questions have resulted in the need for legal as well as accountancy advice.

5. RECOMMENDATION

5.1 It is therefore recommended that Committee either release the Section 75 Legal Agreement to the Keeper of the Registers of Scotland (thus resulting in the issue of the planning permission) or 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 refers bear our reference number(s) 01 - 10 and additional information.**

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Director of Development Services

Date 15 March 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: 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.

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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.

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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 effect 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

.....
Director of Development Services

Date: 16 March 2010

LIST OF BACKGROUND PAPERS

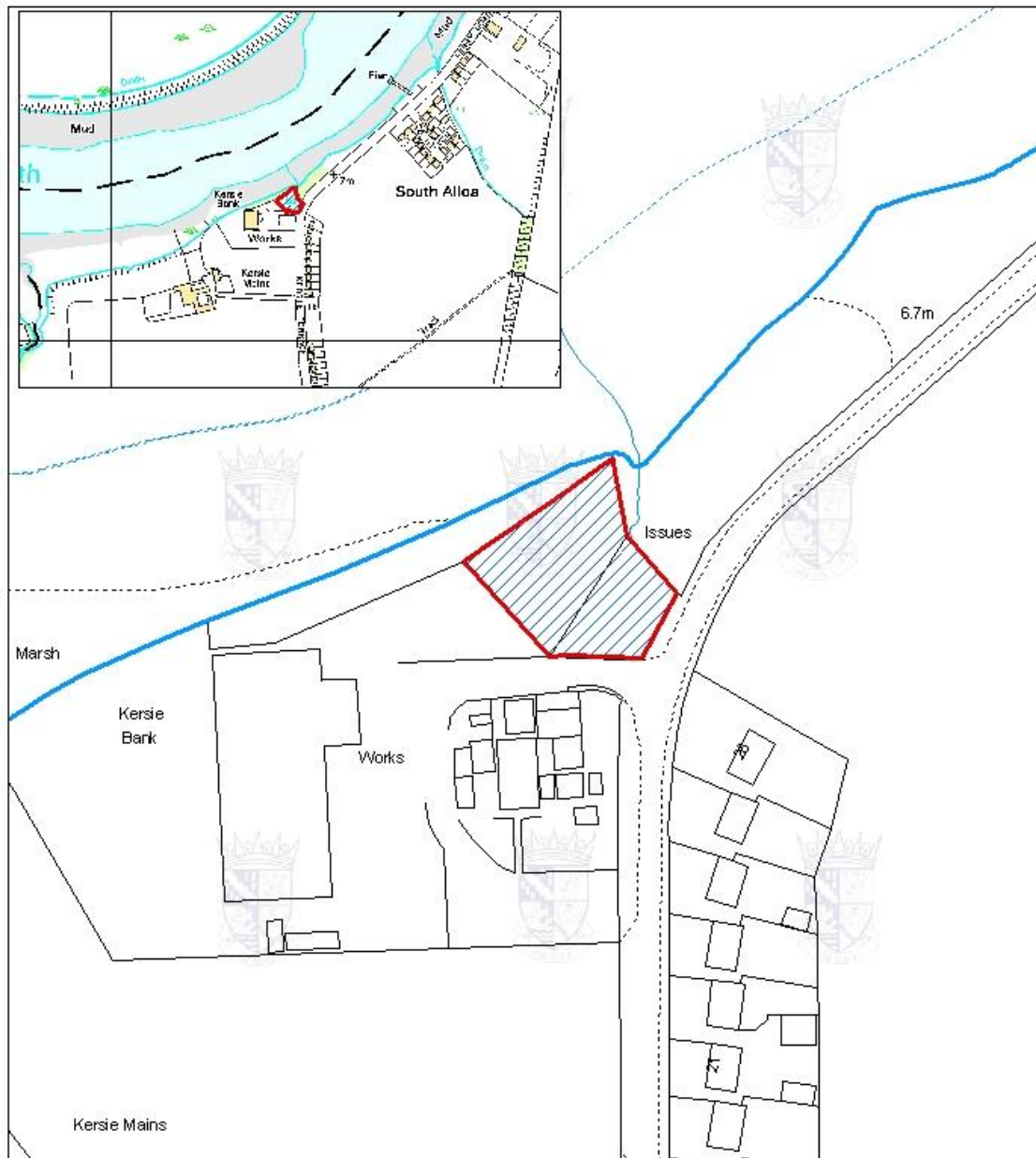
1. Falkirk Council Structure Plan.
2. Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Scottish Planning Policy

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: USE OF LAND FOR BUS PARKING AND INSTALLATION OF PLANT AND MACHINERY FOR REFUELLING AND WASHING DEPOT AT D J MANNING AUCTIONEERS, BRIDGENESS ROAD, BO'NESS EH51 9SF FOR FIRST SCOTLAND EAST LTD – P/10/0848/FUL

Meeting: PLANNING COMMITTEE

Date: 23 March 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 for full planning permission proposes the use of an existing industrial yard for bus parking including the erection of plant and machinery for refueling and washing. The site is located on the north side of Bridgeness Road, Bo'ness within the established DJ Manning auctioneers site and is located behind an existing office building and car park.
- 2.2 The limited size of the site means an approximate capacity of around 15 buses can be stored at any one time. The proposal includes the installation of new gates on the existing security fencing and installation of 3 no 10 metre high lighting columns and 4 no 6 metre high CCTV columns.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor John Constable.

3. SITE HISTORY

- 3.1 The application site has historically always been part of the yard area for wider uses within the DJ Manning site and has recently been used for caravan storage. It is not considered that there is any planning history on the site relevant to the assessment of this application.

4. CONSULTATIONS

- 4.1 SEPA has no objection to the proposal in terms of flooding or surface water drainage.
- 4.2 The Environmental Protection Unit has no objection to the proposed development but a request for a noise survey has been made to establish the effect of the development on residential properties within the vicinity of the site. Given the existing industrial nature of the site, distance to residential properties and the limited scale of the proposals, it is considered that this can be adequately covered by way of a condition attached to any consent given.
- 4.3 The Roads Development Unit has no objection to the proposal in terms of road safety and access design. The applicants have submitted supporting information demonstrating that the site will operate with vehicles entering and exiting the site in a forward gear negating the need for difficult reversing manoeuvres to be carried out.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 At the time of writing this report 19 letters of representation have been received objecting to the proposed development. Issues raised include:-
- Traffic noise
 - Traffic volume
 - Better sites elsewhere in Bo'ness
 - Diesel spills
 - Existing parking problems
 - Historically a residential area
 - Traffic movements during the night

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Falkirk Council Local Plan

- 7a.2 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.3 The proposed development is located within an area safeguarded for business and industrial use. Whilst the proposed development does not fit neatly into one specific use class and is therefore considered to be a sui generis use, the proposed use of the site is closely related to use class 6 – Storage and Distribution and use class 5 – General Industrial, by virtue of the proposed washing and refueling installations at the site. The proposals are considered to be broadly compatible with the principal business and industrial use of the wider area and would not result in a significant loss of business land. The proposal complies with Policy EP2.
- 7a.4 The proposal is considered to accord with the terms of the Falkirk Council Local Plan.
- 7a.5 Accordingly, the proposal accords with the terms of the Development Plan.

7b Material Considerations

- 7b.1 The material planning considerations to be addressed are the representations received in so far as they relate to material planning considerations.

Representations Received

- 7b.2 As outlined in section 4.3 of this report, the Roads Development Unit has assessed the proposals and is satisfied that no adverse road safety impacts would come about as a result of this proposal.
- 7b.3 Parking for employees would be accommodated within the site boundaries and would therefore not exacerbate existing parking issues in the surrounding area.

- 7b.4 The staggered nature of bus operating times and the limited site capacity in terms of bus numbers is considered to ensure that impact on residential amenity would be minimal. The site is within an established industrial area where traffic movements, including HGVs, could intensify at any given time without the need for planning permission. It is not considered that concerns in relation to traffic movements, both during the day and during the night, are significant enough to warrant a refusal of planning permission in this instance.
- 7b.5 Diesel spills are not material planning considerations.
- 7b.6 Concerns relating to the historical residential nature of the area are noted. However, the industrial use of this site is now well established and is protected within the recently adopted Falkirk Council Local Plan.
- 7b.7 References to suggested better sites elsewhere in Bo'ness are noted, but these cannot be assessed as part of this application.

7c Conclusion

- 7c.1 The proposed development is considered to be in accordance with the terms of the Development Plan and there are no material considerations that warrant a refusal of planning permission in this instance.

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) Development shall not begin until a scheme for protecting residential properties from noise from the proposed development and associated plant and machinery has been submitted to and approved in writing by the Planning Authority. The development 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 accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

Informative(s):

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

- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (3) The applicants should be aware that this site is within the area covered by the SEPA indicative flood maps and is therefore identified as being potentially at risk of flooding. Mitigation in the form of the recently constructed Bo'ness flood prevention scheme should provide some degree of comfort in this regard however the responsibility for operational resilience remains the applicants' responsibility.

.....
Pp Director of Development Services

Date: 15 March 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of Objection from Owner/Occupier Carriden Brae Bo'ness EH51 9SL received on 2 March 2011.
4. Letter of Objection from Mr Jeff Adams 1 Carriden Glade Bo'ness EH51 9LU received on 24 February 2011.
5. Letter of Objection from Mrs Elaine Allan 1 Foredale Terrace Boness EH51 9LW received on 27 February 2011.
6. Letter of Objection from Mr and Mrs R & N Caie Cairndhu Carriden Brae Bo'ness EH51 9SL received on 4 March 2011.
7. Letter of Objection from Joyce Hastie Aviemore Carriden Brae Bo'ness West Lothian received on 2 March 2011.
8. Letter of Objection from Harry & Brenda Holmes Library House Acre Road Bo'ness EH51 9SX received on 7 March 2011.
9. Letter of Objection from Lt. Col. I. B. Lauder Bridgeness Cottage 13 Bridgeness Lane Bo'ness EH51 9LQ received on 16 February 2011.
10. Letter of Objection from M K Lawrie Grange Lodge Carriden Brae Bo'ness EH51 9SL received on 2 March 2011.
11. Letter of Objection from Mrs P Lyon Riversdale Carriden Brae Bo'ness EH51 9SL received on 7 March 2011.
12. Letter of Objection from John Lyon Riversdale Carriden Brae Bo'ness EH51 9SL received on 7 March 2011.
13. Letter of Objection from E S Marshall Bruan Carriden Brae Bo'ness EH51 9SL received on 2 March 2011.

14. Letter of Objection from Yvonne McBlaine Old Schoolhouse Bridgeness Road Bo'ness EH51 9LR received on 9 February 2011.
15. Letter of Objection from Avril McInnes Old School House Carriden Brae Bo'ness received on 9 March 2011.
16. Letter of Objection from Maurice & Ann Mitchell Ashgrove Carriden Brae Bo'ness EH51 9SL received on 2 March 2011.
17. Letter of Objection from Mrs Pamela Mullen 4 Carriden Glade Carriden Bo'ness EH51 9LU received on 12 February 2011.
18. Letter of Objection from Mr John Mullen 4 Carriden Glade Bo'ness EH51 9LU received on 13 February 2011.
19. Letter of Objection from Owner/Occupier No Address Given received on 2 March 2011.
20. Letter of Objection from Verity & Ian Smith 7 Hope Cottages Bo'ness EH51 9SU received on 7 March 2011.
21. Letter of Objection from Mr E Tooey Muirhouses Amenity Association Red Tiles Carriden Brae Bo'ness received on 4 March 2011.

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

P/10/0848/FUL



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FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND AS ANIMAL SANCTUARY, (INCORPORATING SHELTERS, STABLES AND STORES) AND SITING OF TEMPORARY RESIDENTIAL ACCOMMODATION (PART RETROSPECTIVE) AT LAND TO THE SOUTH WEST OF AN CALA, CALIFORNIA ROAD, MADDISTON FOR MR PAUL BORG GRECH - P/10/0197/FUL

Meeting: PLANNING COMMITTEE

Date: 23 March 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Maddiston

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located to the west of Greenwells Farm, Rumford, accessed from the C66 California Road into a loose surface access and parking area. The site falls from California Road to the south and is characterized by a number of animal shelter buildings irregularly arranged under the canopy of trees spread throughout the site.
- 1.2 The proposal seeks part retrospective permission for these buildings and the change of use of land to form a sanctuary for animals and birds with the potential to sell animal produces such as eggs. In addition, permission is sought for the erection of temporary residential accommodation in order to care for the animals kept at the site.
- 1.3 The applicant submits that there is a need for residential accommodation at the site for reasons of site security and animal husbandry.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The applicant has been called to Planning Committee by Councillor Gordon Hughes.

3. SITE HISTORY

- 3.1 Outline planning permission for the erection of a dwellinghouse on the site was refused in 2001 (ref: F/2000/0835).
- 3.2 Planning permission for the erection of a stable building on the application site was approved in 2009 (ref: P/09/0276/FUL).
- 3.3 Planning permission for the erection of livestock structures was approved on adjacent land in 2010 (ref: P/09/0620/FUL).

4. CONSULTATIONS

- 4.1 The Roads Development Unit has identified poor visibility to the east when exiting the site onto the C66 California Road. High vehicle speeds are considered typical on what is a 60mph de-restricted rural road.
- 4.2 The proximity of the site access to a blind summit to the east presents a further road safety concern. It is considered that any development at the site, and particularly residential development, would increase vehicular movements accessing and egressing from the site resulting in increased road safety concerns over and above those that exist at present.
- 4.3 The Environmental Protection Unit has advised of conditions to be imposed requiring the assessment for potential contamination on the site given historic uses.
- 4.4 SNH has confirmed that the assessment of impact on a designated wildlife site is a matter for Falkirk Council to consider in its position as planning authority. SNH has questioned whether the applicant proposes to fell trees.
- 4.5 Scottish Wildlife Trust has not responded to consultation,

5. COMMUNITY COUNCIL

- 5.1 The Local Community Council did not comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application two letters of support has been received. Both letters express the view that development of the site brings interest to the area and has tidied up the site from its previous condition.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

7a.1 The proposed development was assessed against the undernoted Plans:

Falkirk Council Structure Plan

7a.2 The application is not of a strategic nature and therefore there are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

7a.3 The proposed development was assessed against the following policies:

7a.4 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.5 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 effect 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."*

7a.6 Policy EQ25 - 'Biodiversity' states:

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

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

7a.7 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.8 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.9 Policy EQ19 - 'Countryside' states:

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

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

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

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

7a.10 The proposal is contrary to Policy EQ4 Landscape Design in that the fragmented character of the structures on site and the proposed temporary residential accommodation would result in detrimental visual impact when viewed from California Road and from the Public Right of Way which runs along the eastern site boundary. The number and arrangement of structures proposed would have an adverse effect on existing woodland integrity and may lead to further tree felling and unnecessary tree root compression.

7a.11 The proposed residential accommodation requires to be assessed against Policy SC3 Housing Development in the Countryside and Policy EQ19 Countryside. The proposed house is not required for the purposes of agriculture, horticulture, forestry or for the management of a business for which a countryside location is essential. The applicant has sought to justify residential need in the interests of animal husbandry. No significant evidence of the need for permanent residential occupation has been provided however.

7a.12 In assessment against Policy EQ19 Countryside, it is considered that a countryside location is required for the proposed animal sanctuary but not the proposed residential accommodation. The proposed siting of structures (residential and animal related) is obtrusive and contrary to the maintenance and use of land as a designated wildlife site, and would have an adverse impact on the character of the countryside.

- 7a.13 The proposed development is considered to be contrary to Policy EQ24 Ecological Sites and Features, Policy EQ25 Biodiversity and Policy EQ26 Trees Woodland and Hedgerows. The application site is designated as part of a local wildlife site and provides an important wildlife habitat link from the former railway to the south to another wildlife area to the north. Retention of tree cover, ground cover vegetation and minimal disruption are therefore important. The existence of structures for housing animals and residential occupation would significantly impede use by wildlife and therefore links with surrounding wildlife areas. The applicant has already felled some trees and is likely to require to fell more if the development were to be supported. The proposal has not therefore demonstrated that the wildlife biodiversity on the site would not be compromised by the development.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the site history, responses to consultation, supporting information submitted by the applicant and the representations received.
- 7b.2 The refusal of a dwellinghouse in 2000 (ref F/2000/0835) was on the grounds of non-compliance with Development Plan policy presuming against residential development not essential for countryside uses.
- 7b.3 The views of the Environmental Protection Unit could be addressed by the submission of a Contaminated Land Assessment. This has not been requested in view of the recommendation to refuse planning permission.
- 7b.4 The concerns of the Roads Development Unit with respect to road safety are noted. Some of the structures contained in the application already exist on the site and the applicant visits the site regularly. Whilst no road safety issues have arisen to date, the proposed site intensification and introduction of a residential use are not considered to be in the best interests of road safety.
- 7b.5 The comments of SNH are noted. The applicant has carried out tree felling on the site and may require a felling licence from the Forestry Commission for any future felling. The felling that has taken place has been undertaken to clear ground for the intensification of the animal sanctuary use. Tree felling is considered to compromise the integrity of the site as a designated wildlife area.
- 7b.6 The applicant has provided supporting information to explain the intentions of site usage to demonstrate the necessity to have residential occupation of the site in the best interests of animal husbandry and site security. The animals kept at the site include 20 - 30 fowl, 2 goats, a pony and 6 adult pigs. The animals kept at the site have been voluntarily accepted from external sources and the intentions of the applicant with regard to their care is not questioned. The applicant lives approximately 2 miles from the site, however, and visits the site regularly. His presence during the birth of pigs has been cited as a reason for the need for residential occupation at the site. The average gestation period for a sow is approximately 4 months and breeding can take place twice a year. The birth process is not therefore a regular occurrence and is not considered to require residential occupation on either a temporary or permanent basis. Alternative measures such as short periods of touring caravan use or the use of webcam technology could successfully ensure animal welfare during the birth period. Ovine species at the site can be considered similarly. Fowl species clearly require less intensive assistance.

- 7b.7 The need for residential occupation at the site is not therefore considered to be essential on the basis of site usage and the animal husbandry obligations identified by the applicant.

Representations Received

- 7b.8 Two letters of support have been received. Both representations express the view that the development adds visual interest to the area and has improved the site from its formerly untidy condition.
- 7b.9 The site historically was an unauthorised tip but was restored to countryside use following the cessation of that use. Prior to the initiation of unauthorised development the site was self regenerated open countryside under a canopy of mature trees. Photographic records of the site prior to use by the applicant confirm this site condition. No evidence of fly tipping has been recorded at the site prior to the initiation of unauthorised works.

7c Conclusion

- 7c.1 The development is therefore considered to be contrary to Policies EQ4 Landscape Design, EQ24 Ecological Sites and Features, E26 Trees, Woodland and Hedgerows and SC3 Housing Development in the Countryside. In addition, the development is considered to represent an intensification of an unsatisfactory access as a re-restricted rural road that would compromise road safety at a location of poor visibility.

8. RECOMMENDATION

- 8.1 It is recommended that Committee refuse planning permission for the following reason(s):-
- (1) The development is contrary to Policy SC3 Housing Development in the Countryside of the Falkirk Local Plan in that the proposed residential accommodation is not essential for the pursuance of agriculture, horticulture, forestry or the management of a business for which a countryside location is essential. The applicant has failed to demonstrate that there is an operational need for residential accommodation at the site.
 - (2) The development is contrary to Policy EQ4 Landscape Design and Policy EQ19 Countryside of the Falkirk Local Plan in that the animal structures and proposed residential accommodation would visually disrupt the existing landscape setting of the site when viewed from California Road to the north of the site and the Public Right of Way to the east. The development would result in a loss of existing vegetation and consequently the amenity and biodiversity of a designated wildlife site.
 - (3) The development is contrary to Policy EQ24 Ecological Sites and Features and Policy EQ25 Biodiversity of the Falkirk Local Plan in that the integrity of existing wildlife biodiversity would be adversely affected and there is no overriding public interest to justify allowing this to occur. The development would inhibit the sites use as an established wildlife corridor that being the principle reason for designation by Falkirk Council.

- (4) The proposal is contrary to Policy EQ26 Trees, Woodland and Hedgerows of the Falkirk Local Plan in that felling within a designated wildlife site has already taken place and the grant of planning permission would result in further felling following on from intensified use of the site.
- (5) The development would result in the intensified use of an unsatisfactory junction on the de-restricted C66 California Road at a location with poor junction visibility and would not therefore be in the best interests of road safety.

Informative(s):-

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

.....
Pp Director of Development Services

Date: 15 March 2011

LIST OF BACKGROUND PAPERS

- 1. Falkirk Council Structure Plan.
- 2. Falkirk Council Local Plan.
- 3. Letter of Support from Mr Scott Jaffray, 4 MacArthur Crescent, Maddiston, Falkirk, FK2 0NL received on 22 February 2011.
- 4. Letter of Support from Robin and Elizabeth Todd, Hilton Farm Cottage, Cowie, Stirling, FK7 7DN received on 23 February 2011.

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

Planning Committee

Planning Application Location Plan **P/10/0197/FUL**

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



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FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR UP TO 550 HOUSES, A COMMERCIAL BLOCK INCLUDING A CONVENIENCE STORE AND NURSERY, AND ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS JUNCTION WORKS, NEW ROADS AND PATHS, OPEN SPACE, WOODLAND PLANTING, SURFACE WATER DRAINAGE PONDS AND PLAY FACILITIES AT LAND TO THE NORTH OF WATSON PLACE, GLASGOW ROAD, LONGCROFT FOR MACTAGGART & MICKEL – P/09/0508/OUT

Meeting: PLANNING COMMITTEE

Date: 23 March 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 is a major development and seeks planning permission in principle for the development of land for up to 550 dwellinghouses and a commercial block and associated infrastructure including access junction works, new roads and paths, open space, woodland planting, surface water drainage ponds and play facilities.
- 1.2 The application site extends to approximately 31.5 hectares and is bounded by an established housing area to the east, a disused railway line to the south, Station Road to the west and field boundaries and the natural contours of the land to the north. The application site extends across the A803 (Glasgow Road) at two locations, where junctions to access the site are proposed. To the north of the site is the M80.
- 1.3 The site consists of predominately open fields and there is derelict industrial land in the south-east corner. There are few trees on the site apart from along the southern boundary and the lower eastern boundary. The proposed western access point is at the location of a former plant/tree nursery. The landform rises from south to north and the site is steeply sloping in places. There are extensive views over the valley from the elevated areas of the site.

- 1.4 The application was registered prior to the commencement of the requirements of the Planning Etc. (Scotland) Act 2006 for the undertaking of Pre-Application Consultation for major developments. Therefore, the pre-application consultation procedures do not apply to this proposed development.
- 1.5 The applicant has, however, undertaken a community consultation exercise. This consisted of public exhibitions held at Head of Muir Primary School on 22 and 23 April 2010. These events were advertised in the Falkirk Herald and 1600 leaflets were distributed to local residents and businesses advising of the events. A Consultation Report has been submitted with the application, which provides a detailed account of the community consultation exercise and the comments made. The comments informed the Masterplan Finalised Draft, dated October 2010, and local residents and businesses were notified of the availability of this finalised draft and further comments were invited.
- 1.6 The following information has been submitted in support of the application:-
- A Masterplan Document;
 - An Air Quality Assessment;
 - A Drainage Overview;
 - A Services Review;
 - A Geo-environmental Desk Study;
 - A Noise Impact Assessment;
 - An Ecological Assessment;
 - A Great Crested Newts Report;
 - A Transport Assessment; and
 - A Community Consultation Report;
- 1.7 The Masterplan indicates the following land uses:-
- Up to 550 residential units, including 15% affordable units for sale or rent;
 - The creation of a commercial centre, fronting onto Glasgow Road, comprising a local retail store and children's nursery;
 - Two new junctions on the A803 that would be linked via an internal road network; and
 - A series of formal and informal open spaces, which would include an area of equipped children's and toddler play, new and retained woodland planting, sustainable urban drainage features and amenity areas, all linked by a path network.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as the application site includes land within the ownership of Falkirk Council.

3. SITE HISTORY

- 3.1 Various parts of the application site, particularly where close to the A803, have been subject to a lengthy history of refused or withdrawn planning applications for residential development, due to the land lying outwith the settlement limits as defined at that time. These applications are summarised as follows:-

- Application ref: F/90/0792 for the development of land for housing/industrial purposes was refused;
- Application ref: F/91/0613 for the erection of a dwellinghouse (outline) was refused;
- Application ref: F/91/0615 for the development of land for residential purposes (outline) was withdrawn;
- Application ref: F/95/0003 for the development of land for residential purposes (outline) was withdrawn;
- Application ref: F/96/0686 for the development of land for residential purposes (outline) was refused;
- Application ref: F/2003/1052 for the development of land for housing purposes was withdrawn; and

- 3.2 Land within the settlement limits, where the western access junction is proposed, has been granted two planning permissions for housing development. These are:

- Application ref: F/97/0290 for the erection of a dwellinghouse (outline); and
- Application ref: F/2000/0044 for the erection of 6 dwellinghouses (detailed). This permission was not implemented. A subsequent application for the erection of housing (ref: 05/0943/OUT) was withdrawn.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have noted that the masterplan has been informed by the Scottish Government's Policy Statement: Designing Streets (March 2010). They note that there are conflicts between Designing Streets and the Design Guidelines and Construction Standards in the Falkirk Council Area (DGCS) but would consider exercising discretion in respect of the gradients of the proposed secondary and tertiary roads, the horizontal curve radius of the roads and the visibility splays. They advise that the maximum gradient of the proposed primary road should adhere to the maximum gradient for local distributor roads specified in the DGCS. This is because the steeper gradients proposed by the applicant would increase the likelihood of access and safety issues during severe winter weather and an increased maintenance burden. They advise that the surface water drainage systems should be designed to accommodate a 1 in 100 storm event and that any discharge to the Bonny Water should be at a rate of 3.2 litres/second/hectare, in accordance with the Council's guidelines.
- 4.2 Scottish Water have no objection to the application but note that any grant of planning approval does not guarantee a connection to their infrastructure. They advise that, due to the size of the proposed development, a fully completed Drainage Impact Assessment form would need to be submitted.
- 4.3 The Scottish Environmental Protection Agency (SEPA) have reviewed the Drainage Overview submitted with the application and are satisfied with the proposal for a first level of treatment consisting of source control via roadside swales and porous paving and a second level of treatment consisting of four detention basins. They have no objection to the application, provided these proposals are incorporated into the final drainage plan.
- 4.4 The Environmental Protection Unit have reviewed the noise impact assessment, air quality assessment and geo-environmental desk study submitted with the application. They note the assumptions made in the noise impact assessment regarding the minimum distance of the new dwellinghouses to the M80 and that the dwellinghouses would be masonry constructed. They advise that the detailed noise mitigation in relation to layout, construction detail and window specification would be considered at the detailed planning stage. They accept that the predicted changes to nitrogen dioxide and particulate concentrations, arising from the traffic flows associated with the proposed development, would meet the statutory objectives at the majority of receptor locations. They note the recommendation to locate the proposed dwellinghouses more than 23 metres from the M80 carriageway, in order to meet the statutory nitrogen dioxide objective. They advise that a revised Conceptual Site Model will be required in order to fully assess potential sources of contaminated land and note that intrusive site investigations and risk assessment will be required.

- 4.5 The Transport Planning Unit are satisfied that the impact of the proposed development on the capacity of the A803 at the new access points has been modelled correctly and accept the proposed signalised western junction and the priority eastern junction. They advise that the A803/M80 slip road junctions would be over-capacity as a consequence of the impact of cumulative housing development in the area but the modeling to inform the detailed mitigation has not been submitted and the mitigation and delivery mechanisms and phasing/timing have not been agreed. They advise that financial contributions would be required towards provision of the Denny Eastern Access Road (DEAR) and potentially towards enhancements to public transport services. They advise that road safety audits of the proposed access junctions would be required. They note that existing bus stops would be upgraded and advise that the westbound bus stop adjacent to the proposed western access would need to be relocated. They advise that a welcome travel pack should be produced for each new dwellinghouse, which provides information on local walking and cycling networks and public transport services and facilities.
- 4.6 Scottish Natural Heritage have no objection to the application. They have reviewed the Great Crested Newts Report submitted with the application and are satisfied that there is no evidence of current use of the existing ponds on the site by great crested newts. They request the carrying out of a badger survey as a small area of semi-natural woodland on the eastern edge of the site may have badgers and setts.
- 4.7 Transport Scotland note that work is currently underway to identify the impact of both the Dennyloanhead and Banknock and Hags SIRR development sites on the junctions of the M80 slip roads and the A803. They note that an overall improvement scheme to mitigate the impacts and procurement and delivery of the scheme has not yet been agreed. They advise that they would recommend refusal of the application due to insufficient information if they were to formally respond to the planning application.
- 4.8 Central Scotland Police have advised that the entire development should be designed to 'Secured by Design' award standards. They advise that properties and car-parking should be overlooked to provide natural surveillance. They make recommendations in relation to boundary treatments and open space landscaping.
- 4.9 Education Services have advised that a single stream extension to Head of Muir Primary School would be required to meet the anticipated capacity needs associated with the proposed development. They advise that draft design and delivery timescales for the proposed extension have been agreed and that the detailed costs, the delivery mechanism and nursery provision would need further consideration. They have requested a pro-rata contribution at a rate of £1000 per dwellinghouse and £550 per flats towards the provision of future capacity at Denny High School.
- 4.10 Community Services (Parks and Recreation) have requested the provision of recreation facilities to the value of £412,500, based on their current benchmark value of £750 per dwellinghouse. They accept the principle of the proposed central play facility and the proposed replacement all-weather sports pitch at Head of Muir Primary School.
- 4.11 Museum Services have advised that the site is not known to contain any ancient monuments and that historic features include the Kilsyth and Bonnybridge Railway Line (which skirts the southern edge of the site), coal pits and Easter Shielyards Farm (of which there are standing remains). They request that the line of the railway be preserved and that a survey be undertaken of the farm buildings prior to demolition.

5. COMMUNITY COUNCIL

- 5.1 The Banknock, Hags and Longcroft Community Council have not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 A total of 20 representations were initially received to the application. Nineteen of these were objections. The concerns raised in these representations can be summarised as follows:-

Planning

- The site area has increased from 20 to 29 hectares;
- The number of units has increased;
- The area is Green Belt;
- The application is premature pending the outcome of the local plan inquiry;
- Overdevelopment at a large scale;
- Not in keeping with existing density of the area;
- Unsuitable location for a major development;
- A previous planning application was withdrawn;
- No need for the proposed development as there is sufficient new housing in the area;

Visual Impact/Rural Character

- Loss of open space;
- Impact on setting of Antonine Wall Heritage Site;

Rural Land

- Loss of greenfield agricultural land

Amenity

- Construction related impacts e.g. noise, mud on roads;
- Length of construction period;
- Traffic noise at new access junctions;
- Overlooking;

- Overshadowing/Loss of natural light;
- Loss of privacy;
- Differences in levels either side of the site boundaries;
- Loss of woodland views;
- Proximity of proposed path network to existing residences;

Natural Environment

- Destruction of natural habitat;
- Loss of woodland;
- Loss of trees and hedges;
- Impacts on wildlife e.g. deer, badger, foxes, bats and bird species;
- The site has Japanese Knotweed;

Traffic Impact/Road Safety

- Existing road structure and layout cannot support the increase in traffic;
- Existing problems with access onto the main road;
- Increased traffic congestion on the A803;
- Longer queues to get access on and off the A80/M80 at Banknock;
- Concerns if access is taken from Station Road;
- Additional traffic would compromise vehicle safety and lead to an increase in road traffic accidents;
- Additional access roads would raise road safety concerns;

Surface Water Drainage/Flooding

- Existing drainage and flooding problems;
- Flooding problems due to run off from the site;
- Land re-profiling would lead to drainage, flooding and landslip problems;

Infrastructure and Community Facilities

- Impacts on infrastructure and community facilities e.g. schools, doctors surgeries and dentists;
- Lack of local facilities e.g. shops;
- No recreational facilities in the area;
- The field is used by dog walkers and as a play area by children;
- Inadequate public transport;

Ground Suitability

- The land is unsuitable due to old mine workings;

Others

- Devaluation of properties.

6.2 Following the public exhibitions at Head of Muir Primary School on 22 and 23 April 2010, a further 102 representations were received. Ninety eight of these were letters in support of the application. Two were objections.

6.3 The reasons in support of the application can be summarised as follows:-

- Benefits to the community;
- The area needs regeneration;
- The development is needed for the area;
- Improvements to infrastructure;
- Provision of community facilities and amenities;
- Provision of affordable housing;
- Provision of public walkways;
- Extension of Head of Muir Primary School;
- Provision of childcare facilities;
- Provision of new recreational facilities, including play areas and sports pitches;
- Improved access to key transportation routes, including the M80;

- The road layout would lead to safer roads;
- The Denny Eastern Access Road (DEAR), which the applicant is to help fund, would provide a safer route to Denny High School and ease congestion at Denny Cross;
- Enhancement of a disused area;
- The proposed development is sympathetic to the area;
- High quality housing;
- The houses would be built in a safe and pleasant landscaped environment;
- Increased business to local trades and businesses; and
- Employment creation.

6.4 Additional concerns raised in the further representations can be summarised as follows:-

- The proposed retail/licensed premise is not supported;
- Query regarding the nature of the proposed affordable housing;
- An extension to Head of Muir nursery would be needed;
- The proposed road upgrades are inadequate;
- The proposal for a walkway on the disused railway line would encourage anti-social behaviour e.g. loitering, vandalism and littering.

6.5 In October 2010, the applicant notified local residents of the availability of the Masterplan Finalised Draft. Following this, 41 objections to the application were received. Previously raised concerns were re-iterated. Additional concerns or queries can be summarised as follows:-

- The site is a natural gap between Dennyloanhead and Longcroft;
- Lack of foresight in considering the combined impact of new development in the area;
- What proposals are there for community facilities such as shops, a community centre, a GP surgery and play facilities?;
- No agreed timescale for the proposed improvements to Head of Muir Primary School;
- What impact would there be on other schools such as St Patrick's, St Joseph's and St Mungo's?;
- There are limits to school extensions without eroding open space;

- Local affordable housing need would not be met;
- The NHS is unlikely to provide a new health centre.
- Loss of visual appearance;
- Adverse effect on land with recreational value;
- What protection and enhancement measures of green space and wildlife habitats are proposed?;
- There are bats and great crested newts on the site;
- The A803 and M80 slip road junctions are currently at capacity;
- There are very few options to assist with traffic flows on the A803;
- There would be a significant increase in congestion as a consequence of trips to Falkirk Town Centre, work trips and school trips;
- There would be a significant increase in vehicle use and public transport patronage is declining;
- Has a traffic impact analysis been carried out or green travel plans introduced?;
- Road safety hazard on the A803 for pedestrians and vehicles;

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 ECON. 5 'Location of New Retail and Commercial Leisure Development' states:

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

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

7a.2 The proposed development incorporates a commercial development block at the western entrance to the site. The block is proposed to accommodate two units, including a 1000m2 convenience store. Retail development at this scale is considered to be commensurate with the local catchment and with maintaining the hierarchy of shopping centres in the Falkirk Council area, and would serve a local need. It is below the threshold size where a retail impact assessment is required. The proposed retail development therefore accords with this policy.

7a.3 Policy COM.1 ‘Housing Land Allocations’ states:

“The Council will:

1. *support the phased provision of land for new housing as detailed in Schedule COM.1a to which a flexibility allowance of 10% will be added under Policy COM.2;*
2. *maintain an effective 5 year supply of the housing land set out in Schedule 1a;*
3. *review the housing calculations and allocations at intervals of no more than 5 years; and*
4. *In delivering the requirement in Schedule Com.1a the Council will support special initiatives for residential led regeneration at the location listed in Schedule Com.1b, provided that action plans and masterplans/development frameworks are prepared in accordance with the local plan. In particular these must address phasing, social and physical infrastructure provision, the avoidance of adverse impacts on European sites, the removal of significant restraints and land acquisition as appropriate.”*

7a.4 The application site is allocated for housing in the adopted Falkirk Council Local Plan. The Local Plan indicates that, due to faster building rates than expected through the early years of the Structure Plan, there is a need to allocate additional sites to maintain a continuity of housing land supply in the Local Plan period and beyond. The allocation of the application site responds to this need. Accordingly, the proposed development supports the Structure Plan housing land requirement and maintenance of an effective 5 year supply of housing land. The proposed development therefore accords with this policy.

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7a.5 The Bonnybridge and Banknock Village Statement identifies the application site as new housing allocation H.B&B07 (Longcroft/Dennyloanhead). The accompanying text indicates the following:-

- A capacity of 500 units;
- A development brief and masterplan is required;
- The design will have to address access issues and the visual impact of the development on the rising ground;
- There may be a history of poor ground instability and land contamination;
- Provision will have to be made for social and physical infrastructure;
- Developer contributions will be raised in accordance with the tests set out in national planning policy guidance;
- A proportionate contribution will be required towards the Denny Eastern Access Road.

7a.6 These matters are considered in the context of the relevant Local Plan policies as detailed in this report. A masterplan has been prepared by the applicant in consultation with the local community and in collaboration with the Council's planning service. This collaborative approach to produce a masterplan was agreed as an alternative to the Council first producing a development brief.

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

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

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

7a.8 The masterplan sets out a comprehensive framework to inform the detailed applications and achieve design quality. It includes general design principles, identifies the key generators of character and has drawings which illustrate the overall urban structure, the road hierarchy, the landscape framework and the key frontages and views. The various elements have been carefully designed to work with the rising landform and are well connected to create a coherent structure. The design principle of 'place making' has informed the road hierarchy and proposed street standards. The fronting of buildings onto streets and public spaces is promoted and the key locations for landmark buildings are identified. Low, medium and high density areas are identified, which respond to the landform and would guide the creation of different character areas. Lower densities occupy the more visible higher land. The detailed design and materials would be considered at detailed planning stage. In principle, the proposed development is considered to accord with this policy.

7a.9 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.10 The masterplan includes a landscape framework, which comprises a connected network of amenity open space, woodland planting, a park with an equipped play area, sustainable urban drainage features, avenue planting and paths. The network has been informed by the surrounding landscape and existing woodland would be retained and the elevated northern edge of the site would be planted in woodland to screen and integrate the development into its surroundings. The proposed landscape framework provides a significant opportunity to enhance local biodiversity. The detailed soft and hard landscaping proposals and maintenance arrangements would be considered at detailed planning stage. In principle, the proposed development is considered to accord with this policy.

7a.11 Policy EQ5 'Design and Community Safety' states:

"Development proposals should create a safe and secure environment for all users through the application of the following principles:

- (1) Buildings, public spaces, access routes and parking areas should benefit from a high level of natural surveillance;*

- (2) *Boundaries between public and private space should be clearly defined;*
- (3) *Access routes should be direct, clearly defined and well lit, with recognised points of entry; and*
- (4) *Contributions to the provision of CCTV may be sought, where appropriate.”*

7a.12 The fronting of buildings onto public spaces and creating well defined open spaces is promoted in the masterplan and reflected in the general design principles. In principle, the proposed development is therefore considered to accord with this policy. Detailed consideration of safety and security in design would be considered at detailed planning stage.

7a.13 Policy EQ6 ‘Design and Energy Use’ states:

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

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

7a.14 The masterplan promotes a sustainable approach to development and therefore, in principle, the proposed development is considered to accord with this policy. An energy strategy would need to be prepared to consider in detail the opportunities for embedding sustainable energy use into the proposed development, for example, through site and building design and the utilisation of renewable energy sources.

7a.15 Policy EQ9 - ‘Public Art’ states:

“The Council will encourage the incorporation of public art in the design of buildings and the public realm. Developers will be required to adopt ‘Percent for Art’ schemes in respect of major commercial development schemes.”

7a.16 The masterplan indicates that a public realm area would be created at the proposed commercial development. It has been agreed that this area would be the most suitable for public artwork. In principle, the proposed development is therefore considered to accord with this policy. The applicant proposes to commission the work and the detail would be subject to further consideration and community consultation.

7a.17 Policy EQ16 ‘Sites of Archaeological Interest’ states:

- (1) *Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances;*
- (2) *all Other archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*

- (3) *Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development."*

7a.18 The site does not contain any ancient monuments and is not known to contain any other nationally important archaeological resources. The line of the former Kilsyth and Bonnybridge railway, which skirts the southern edge of the site, would be preserved where feasible. There is no strong case to preserve the standing remains of Easter Shielyards Farm however an archaeological investigation would be required to provide for excavation, analysis and recording. The proposed development is considered to accord with this policy.

7a.19 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.20 A Landscape Appraisal has been submitted with the application. The appraisal recognises that the proposed development would change a principally open area of farmland into a residential area but this would be seen as an extension to the existing residential area to the east. No significant landscape impacts are identified subject to mitigation measures. One significant visual impact is identified locally, being views from Station Road. Proposed mitigation measures, to minimise landscape and visual effects, include preservation of prominent landform features, such as the open ridge along the northern boundary, the setting down of the built form to avoid the skyline and the establishment of a substantial landscape framework. These measures are reflected in the masterplan. The findings and recommendations of the appraisal are accepted. Accordingly, it is considered that the setting is capable of absorbing the proposed development subject to mitigation. The proposed development therefore accords with this policy.

7a.21 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.22 The proposed development would not affect any Natura 2000 site or Site of Special Scientific Interest. Parts 1 and 2 of this policy are therefore not relevant.

7a.23 Part 3 of the policy is relevant as the Parkfoot Marsh Wildlife Site lies to the south of the application site, on the opposite side of the A803. The potential for the proposed development to impact on the hydrology of this wildlife site would need to be considered in a comprehensive Ecological Impact Assessment. The assessment would identify any necessary mitigation measures to protect the overall integrity of the wildlife site and inform the detailed layout.

7a.24 With regard to Part 4 of the policy, the species surveys undertaken to date have not found any evidence of bats, great crested newts or badgers. Further protected species surveys would be required, at a suitable time of year, to update the situation and inform any necessary mitigation.

7a.25 It is considered that there are no fundamental issues within the terms of this policy. In principle, the proposed development therefore accords with this policy. Any necessary mitigation would be identified at detailed planning stage.

7a.26 Policy EQ25 'Biodiversity' states:

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

- (1) *Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*
- (2) *The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in 'The Biodiversity of Falkirk' will be given particular attention in the consideration of development proposals;*
- (3) *Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design, having reference to the Supplementary Planning Guidance Note on 'Biodiversity and Development'; and*

- (4) *Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued.”*

- 7a.27 A phase 1 habitat survey and site walkovers have identified six habitat types including semi-natural broadleaved woodland, improved grassland, standing water and hedges. It was concluded that the habitat resource of the site is restricted and most the land is grassland habitat of low habitat value. The surveys were undertaken during January and March when many plant and animal species are difficult to detect and identify or are not present. A breeding bird survey has not been undertaken. Further surveys, at a suitable time of year, would therefore be required, to the satisfaction of the Council’s Biodiversity Officer. The assessment would inform the detailed mitigation, compensatory and enhancement measures to promote local biodiversity, which would be detailed in a Site Biodiversity Action Plan.
- 7a.28 The masterplan has taken biodiversity interests into account as existing woodland areas and ponds are to be retained and included within an extensive green network. The ponds would be incorporated within the proposed SUDS facilities. It is evident that the extensive green network would provide opportunities to compensate for any loss of valuable local priority habitats and species.
- 7a.29 It is considered that there are no fundamental issues within the terms of this policy. In principle, the proposed development therefore accords with this policy.
- 7a.30 Policy EQ29 ‘Outdoor Access’ states:

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

7a.31 The masterplan indicates an extensive path network that safeguards existing informal routes on the site and improves and extends opportunities for public access. The path network provides a perimeter route and a central north-south link. In addition, a financial contribution would be payable to help fund the provision of a link from the north east corner of the site to Denny Road, adjacent to the northern edge of Rankin Crescent and Glen View. This would provide a shorter walking distance to Head of Muir Primary School and the Archibald Russell Centre for new and existing residents. An existing Core Path is proposed to be diverted and this would be subject to a formal request under the Land Reform (Scotland) Act 2003. This is considered to be acceptable in principle. Suitable arrangements to use the Core Path network would need to be in place during construction works. In principle, the proposed development is considered to accord with this policy. The details regarding exact path location and specification would be subject to consideration at detailed planning stage.

7a.32 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 development within AQMA's.

7a.33 The application site does not currently fall within an Air Quality Management Area (AQMA) but mean annual nitrogen dioxide objectives are exceeded within the proximity of the A/M80 in the local area. An Air Quality Assessment has been submitted with the application which recommends that the new dwellinghouses be located greater than 23 metres from the M80 carriageway, in order to meet the statutory objective. The masterplan indicates a setback from the M80 substantially greater than 23 metres. In addition, the Air Quality Assessment concluded that impacts during the construction phase, due to particulate matter, would be minor adverse and the impact of traffic flows associated with the proposed development would be minor adverse to insignificant in respect of nitrogen oxide and insignificant in respect of particulate matter. It is considered that air quality impacts have been satisfactorily taken into account in assessing the proposed development. The proposed development therefore accords with this policy.

7a.34 Policy SC1 - ‘Housing Land Provision’ states:

- “(1) *Through the Local Plan, the Council will aim to meet the housing land requirements of the Falkirk Council Structure Plan for at least the period up to 2012, as detailed in Table 4.1. Sites contributing towards the requirement are detailed under the relevant Settlement Statements.*
- (2) *Sites identified as long-term development opportunities on the Proposals map will be the preferred locations for residential growth within the relevant settlements for the period 2012 - 2020. Consideration will only be given to bringing forward these sites for development prior to 2012 where clearly justified by supply, phasing and infrastructure factors.*
- (3) *Within the areas identified as Special Initiatives for Residential-Led Regeneration (SIRRs) on the Proposals Map, housing development in addition to the base requirement will be supported subject to:*
 - *the preparation of a satisfactory masterplan or development framework for the area; and*
 - *demonstration that the necessary social and physical infrastructure requirements for the area will be met through a co-ordinated approach to developer contributions.”*

7a.35 The application site is identified in the adopted Local Plan as an allocated housing site to contribute towards meeting the housing land requirement and allowing a continuity of housing land supply up to 2020 and beyond. The proposed development therefore accords with this policy.

7a.36 Policy SC4 ‘Special Needs and Affordable Housing’ states:

“For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:

- (1) Provision of general needs social rented houses;*
- (2) Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) Provision of shared equity or shared ownership housing*

Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy.”

7a.37 The proposed development would provide for 15% of the total number of units as affordable or special needs housing, in accordance with the requirements of this policy. The applicant has indicated that the affordable and special needs housing could include accommodation for private rent, low cost private ownership, shared-ownership/equity as well as key worker accommodation, sheltered housing and special needs accommodation. This matter would be subject to a Section 75 Legal Agreement and the specific details of the location and nature of provision would be considered at detailed planning stage. In principle, the proposed development accords with this policy.

7a.38 Policy SC6 - ‘Housing Density And Amenity’ states:

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

7a.39 The indicative capacity for this allocated housing site (H.B&B07) is 500 units whilst the proposed development is for up to 550 units. It is recognised that the capacities identified in the adopted Local Plan are indicative only and that the actual numbers of units would be informed by detailed analysis. The applicant considers that the site could accommodate a 10% increase in units, to provide for a mix of house types and densities whilst respecting the character of the area and incorporating sufficient open space. However, it is not necessarily the case that an increase to 550 units is needed to help achieve design excellence, which is the test under part 1 of the policy, to support a higher density. The masterplan indicates low, medium and higher density areas, which would support a range of house types and areas of different character, therefore part 2 of the policy is satisfied. The matters referred to in parts 3 and 4 of the policy would be considered at detailed planning stage. These matters relate to the provision of suitable private amenity space and adequate privacy, and to avoiding excessive over-shadowing. On balance, in principle, taking all relevant matters into account, the proposed development is considered to accord with this policy.

7a.40 Policy SC11 - 'Developer Contributions To Community Infrastructure' states:

"Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities required to meet demand generated from new development. The nature and scale of developer contributions will be determined by the following factors:

- (1) Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 12/1996."*

7a.41 The scale and nature of the proposed development requires the applicant to contribute to the provision, upgrade and maintenance of community infrastructure. The infrastructure needs relate to roads and access improvements, bus service enhancements, increasing capacity at local schools and new and improved recreational facilities at Head of Muir Primary School. These matters are discussed in further detail in respect of the relevant policies. In some cases, developer contributions would be sought, whilst in other cases, the applicant may deliver the necessary works. The contributions are considered reasonable and necessary to mitigate the impact of the proposed development and satisfy the principles set out in Circular 1/2010. Subject to the satisfactory completion of a Section 75 Legal Agreement, the proposed development accords with this policy.

7a.42 Policy SC13 'Open Space and Play Provision in New Development' states:

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

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

7a.43 The Council’s Open Space Strategy indicates that access to a range of types of open space should be provided at a rate of 5 hectares per 1000 people. The masterplan indicates woodland, amenity open space and a centralised play facility, which in total amounts to nearly 9 hectares, whilst the estimated population is some 1200 people. The overall access standard is therefore clearly met.

7a.44 The Open Space Strategy sets out further accessibility thresholds indicating that households should have access to parks or play space within 400 metres, sports areas within 800 metres and semi-natural open space within 1200 metres. The applicant proposes a centralised play facility which would be beyond 400 metres of peripheral eastern and western parts of the site. On balance, however, a larger, centralised facility, rather than several smaller facilities, is supported. The application site is not within 800 metres of a sports area and the provision of a sports field within the application site is constrained by topography. The applicant proposes to upgrade existing facilities at Head of Muir Primary School, which lies some 1200 metres from the eastern edge of the application site. This would entail the provision of a 7 aside all weather football pitch, with lighting, and the availability to the community of the gym, changing area and kitchen within the proposed extension to the primary school. On balance, the proposed recreational enhancements at Head of Muir Primary School are supported. They would enhance a centralised facility within the Head of Muir/Dennyloanhead area and reinforce the primary school as the hub of the local community. The proposed development would be within 1200 metres of natural/semi-natural open space.

7a.45 The detailed design of the proposed centralised play facility would be considered at detailed planning stage, to ensure it is fit for its intended neighbourhood wide purpose and integrates with the open space and path network. The specification and timescales/phasing of delivery of the recreational enhancements to Head of Muir Primary School would be subject to a Section 75 Legal Agreement.

7a.46 In light of these comments, it is considered that the proposed development would satisfactorily contribute to open space and play provision. Subject to the satisfactory completion of a Section 75 Legal Agreement, the proposed development accords with this policy.

7a.47 Policy SC14 ‘Education and New Housing Development’ states:

“Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council’s education policies. The contribution will be a proportionate one, the basis of which will be set out in the SPG Note on ‘Developer Contributions; Education and New Housing Development’. In cases where the school cannot be improved in a manner consistent with the Council’s education policies, the development will not be permitted.”

7a.48 The proposed development would result in the need to expand the capacity of Head of Muir Primary School. This matter has been subject to detailed consideration and draft design and delivery timescales have been agreed. The proposal is to alter the existing building, to provide for new classrooms, and extend the school. The extension would provide facilities displaced by the alterations such as a new gym/dining hall. The detailed costs and delivery mechanism would require further consideration as part of a Section 75 Legal Agreement. A financial contribution may be taken or the applicant may undertake the works in accordance with an approved specification. A financial contribution would be required towards increasing future capacity at Denny High School, in accordance with the rates specified in the Council’s Supplementary Planning Guidance Note for Education and New Housing Development. Subject to the satisfactory conclusion of a Section 75 Legal Agreement, the proposed development accords with this policy.

7a.49 Policy SC15 - ‘Nursery And Child Care Facilities’ states:

“New proposals or the change of use of premises for nursery and child care facilities will be permitted, provided that:

- (1) The site affords a suitable environment for child care, including the provision of outdoor play space;*
- (1) Properties in residential areas are detached;*
- (2) Areas used as play space are enclosed and demonstrate the ability to minimise disturbance to neighbouring properties; and*
- (4) The proposal is satisfactory in access, parking and road safety terms.”*

7a.50 The masterplan indicates a 315m² nursery within the proposed commercial block. The detailed design, access and parking arrangements would be considered at detailed planning stage. The applicant has advised that there would be sufficient space to provide for outdoor play space. The provision of a nursery would enhance local facilities and, in principle, is considered to accord with this policy.

7a.51 Policy EP7 - 'New Retail Development' states:

- “(1) New retail development in excess of 250 sq.m. gross will be permitted where it is consistent with Policies ECON.5 and ECON.6 of the Structure Plan, and specific policies for individual centres in the Settlement Statements.*
- (2) Retail developments smaller than 250 sq.m. serving neighbourhood needs will be permitted within the urban area, subject to other Local Plan policies.*
- (3) Retail development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate functionally and visually with any centre of which it is to form part.”*

7a.52 The masterplan indicates a 1000m2 convenience store within the proposed commercial block. This proposal has been assessed as commensurate with the local catchment, in accordance with Policy ECON.5 of the approved Structure Plan. The detailed design and relationship to adjoining properties would be assessed at detailed planning stage. The masterplan indicates that the commercial building would have frontage to the A803 and a public façade and public realm area. In principle, the proposed development accords with this policy.

7a.53 Policy ST2 - 'Pedestrian Travel And Cycling' states:

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

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

7a.54 The masterplan indicates a comprehensive and integrated network of pedestrian routes, with links to the A803, Station Road and the north-east corner of the site, where a financial contribution would be payable towards the provision of a possible footpath link to Denny Road. The majority of the development site lies within 400 metres of existing bus infrastructure on the A803, thereby satisfying the Council's threshold walking distance. The applicant proposes to mark an advisory cycle lane, where practicable, along the A803 and Bonnyside Road, to link with existing cycle routes leading to the Forth and Clyde Canal towpath. The proposed primary road within the site would have a 3 metre wide shared cycle/footway on one side. As a matter of principle, the proposed development is considered to provide an appropriate standard of pedestrian and cycle infrastructure and accords with this policy.

7a.55 Policy ST3 - 'Bus Travel And New Development' states:

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

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

7a.56 The majority of the application site lies within convenient walking distance of bus stops on the A803, which would need to be upgraded/relocated as part of the proposed development. The details regarding pedestrian linkages to the existing bus facilities would be considered at detailed planning stage. In addition, the new primary road within the site would be designed to accommodate buses, to provide the opportunity for buses to serve the site in the future. In principle, the proposed development is considered to accord with this policy.

7a.57 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.58 A Transport Assessment has been submitted with the application. The Transport Planning Unit is satisfied with the traffic modeling and proposed arrangements in respect of the two new junctions to access the site from the A803. Traffic modeling information for the M80/A80 slip road junction on the A803, which reflects the requirements of the Transport Planning Unit in respect of trip generation rates and trip distribution, is outstanding. Therefore, the measures to mitigate the impact of the proposed development on these junctions (combined with other development proposals), and the delivery mechanism and phasing/timing for delivery, have not been agreed. The measures would include significant upgrades to the junctions, and may include a financial contribution towards enhancements to local bus services. These matters would need to be satisfactorily resolved prior to planning permission being granted, at which time it would be concluded that the proposed development accords with this policy.

7a.59 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.60 A Drainage Overview report has been submitted with the application, which outlines a drainage strategy. The strategy consists of a first level of treatment consisting of source control via road side swales and porous surfacing and a second level of treatment consisting of four detention basins. Two possible outfalls have been identified being, firstly, an historical culvert on the southern boundary which is assumed to discharge to a ditch (with eventually outfall to Bonny Water) and, secondly, existing surface water sewers. Bonny Water is known to have flooding issues therefore surface water discharge would need to be controlled. The proposed drainage strategy reflects a SUDS approach and the proposed basins form part of the open space network and offer opportunities to enhance local biodiversity. The detailed SUDS design and maintenance arrangements would be considered at detailed planning stage. In principle, the proposed development is considered to accord with this policy.

7a.61 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.62 The Drainage Overview report submitted with the application acknowledges that Bonny Water is prone to flooding. Any discharge from the site which eventually outfalls to Bonny Water would therefore need to be carefully considered in respect of the rate of discharge. The Roads Development Unit has indicated that a discharge rate of 3.2 litres per second per hectare may be stipulated and that surface water drainage systems would need to be designed to accommodate a 1 in 100 storm event. In addition, the potential for overland flooding on the site from uphill areas would require consideration. These matters would be considered in a Flood Risk Assessment submitted at detailed planning stage. Fundamentally, however, it is anticipated that any flood risk, both within and outwith the site, could be adequately managed. In principle, the proposed development is therefore considered to accord with this policy.
- 7a.63 In principle, subject to the satisfactory conclusion of a Section 75 Legal Agreement, and resolution of the outstanding transportation matters, the proposed development is considered to accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations in respect of this application are National Planning Policies and Guidance, Falkirk Council's Supplementary Planning Guidance, the consultation responses and the representations received.

National Planning Policies and Guidance

- 7b.2 Designing Places (2001) is a national policy statement to promote design quality. It identifies six key qualities of successful places, being: identity; safe and pleasant spaces; ease of movement; a sense of welcome; adaptability; and good use of resources.
- 7b.3 Designing Streets (2010) is a national policy statement to promote quality in street design. It is based on the premise that good street design derives from creating successful places, rather than from the application of rigid standards with no appreciation of context.
- 7b.4 Scottish Planning Policy (2010) is a statement of Scottish Planning policy on land use planning and indicates the following:-

Housing

- The planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures.

Historic Environment

- Development that would have an adverse effect on a scheduled ancient monument or the integrity of its setting should not be permitted, unless there are exceptional circumstances. Archaeological sites are an important, finite resource. Where preservation in situ is not possible, appropriate excavation and recording should be undertaken.

Landscape and Natural Heritage

- Landscape and natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects are considered when deciding planning applications. A strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses and areas of open space are linked together in integrated habitat networks can make an important contribution to biodiversity.

Open Space and Natural Heritage

- Access to good quality open space and opportunities for sport and recreation make important contributions to a healthier Scotland. Planning authorities should support, protect and enhance open space and opportunities for sport and recreation. New development should incorporate new and enhanced access opportunities, linked to wider access networks.

Transport

- The planning system should support a pattern of development that reduces the need to travel, facilitates travel by public transport and provides safe and convenient opportunities for cycling and walking.

Flooding and Drainage

- Planning authorities must take the probability of flooding from all sources and the risk involved into account in deciding planning applications. Development which would have a significant probability of flooding or would increase the probability of flooding elsewhere should not be permitted. The Water Environment (Controlled Activities) (Scotland) Regulations 2005 require all surface water for new development to be treated by SUDS before it is discharged into the water environment.

7b.5 The proposed development is considered to be supported by national planning policy and guidance. Its aims, as detailed above, have informed the masterplan process and are reflected in the policies of the Development Plan, which the application is considered, in principle, to accord with.

Falkirk Council Supplementary Planning Guidance

7b.6 The following Falkirk Council supplementary planning guidance is relevant to the proposed development:-

- Housing Layout and Design;
- Design Statements;
- Education and New Housing Developments;
- Flooding and Sustainable Urban Drainage Systems;
- Biodiversity and Development;

- Trees and Development;
- Affordable Housing; and
- Sustainable Design and Construction (Draft)

7b.7 The proposed development is considered to be supported by this guidance. The considerations under the guidance would be reflected in conditions of any approval of the application and the Section 75 Legal Agreement, as appropriate, and would be applied at the detailed planning stage.

7b.8 The proposed development is considered to be supported by this guidance. The considerations under the guidance would be reflected in conditions of any grant or planning permission and a Section 75 Legal Agreement, as appropriate, and would be applied at detailed planning stage.

Consultation Responses

7b.9 The consultation responses are summarised in Section 4 of this report.

7b.10 The matters raised in the consultation responses would be the subject of conditions of any grant of planning permission or a Section 75 Legal Agreement, as appropriate.

7b.11 The Transport Planning Unit has advised that all the necessary traffic modeling information has not been submitted for the M80/A803 slip road junctions and, therefore, the measures to mitigate the capacity issue at these junctions have not been agreed. In addition, the means of delivery of the junction upgrades and the phasing/timing for the works have not been agreed. These matters would need to be agreed prior to the application being determined. In addition, the junction upgrade works would need to be completed prior to the first dwellinghouse being completed, unless otherwise agreed. This would be the subject of a condition of any grant of permission. The application would need to be referred to Scottish Ministers should the slip road capacity issue not be resolved to the satisfaction of Transport Scotland and they formally respond by recommending refusal of the application.

7b.12 Community Services (Parks and Recreation) are satisfied that the proposed on and off-site works would amount to a value which satisfies their benchmark figure of £750 per unit. In calculating this, an allowance has been made to recognise that the new dining room/gym and changing facilities at Head of Muir Primary School are proposed to be available for community use after school hours and therefore represent a community benefit.

Representations Received

7b.13 A total of 163 representations have been received to the application. Of these, 98 are letters of support and 62 are objections. The remaining 3 are representations raising concerns or queries.

7b.14 The representations are summarised in Section 6 of this report. In response to the concerns raised, and the reasons in support, the following comments are considered to be relevant:-

- The application site is a new allocated site for housing in the adopted Local Plan (H.B & B07). The size of the allocated site was increased as a consequence of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010). The indicative capacity was maintained at 500 units. The increase in size of the allocated site is reflected in the adopted Local Plan;
- The new allocation responds to the need to allocate additional sites to maintain a continuity of housing land supply up to and beyond 2020;
- The proposed housing would inevitably reduce the existing open space character of the site however this is anticipated by the new housing allocation;
- Substantial open space and landscaping is proposed in the masterplan to mitigate the visual impact of the development;
- The site lies outwith the Antonine Wall Buffer Zone and would appear as an extension to the existing settlement which extends to a similar height;
- A Construction Environmental Management Plan would set out measures to mitigate construction related impacts;
- Specific amenity considerations in relation to privacy, overshadowing and levels would be considered at detailed planning stage when housing layouts are brought forward;
- The habitat survey has concluded that the site has low habit value;
- The existing woodland areas would be retained and the opportunities to retain other features such as field hedges would be considered at detailed planning stage;
- The proposed green network provides a substantial area within which to enhance local biodiversity and a Site Biodiversity Action Plan would be prepared;
- The surveys undertaken to date have not found any evidence of protected species. Updated surveys, including a breeding bird survey, would be required to inform any necessary mitigation;
- A Japanese Knotweed Management Plan would be required;
- A Transport Assessment has been submitted with the application. The Transport Planning Unit is satisfied with the traffic modelling for the proposed junction arrangements to access the site from the A803 (a signalised western junction and a priority eastern junction);
- The signalised junction and an additional new pedestrian crossing would enhance pedestrian and cyclist safety by providing safe and direct crossing facilities on the A803;

- A Road Safety Audit would need to be submitted prior to the application being determined, to demonstrate that there would be no potential road safety issues arising from possible queuing on the A803 at peak times when the pedestrian crossing is activated;
- No vehicular access is proposed to be taken from Station Road;
- Upgrades of the existing M80/A80 junctions on the A803 would be required to increase their capacity to cope with the traffic generated by proposed new development in the area;
- A financial contribution towards enhancing local bus services may form part of the measures to mitigate the impact of an increase in traffic in the area;
- A Travel Plan Framework would be required to promote alternative modes of transport to the private car;
- A Drainage Overview Report has been submitted as detailed in this report and detailed considerations with regard to drainage and any flooding issues would be considered at detailed planning stage;
- The reasons in support of the proposed development are noted and the provision of new community facilities and infrastructure would be subject to conditions regarding the detail of provision, including the timing/phasing of delivery;
- The proposals include the provision of community facilities at Head of Muir Primary School, a commercial block, which would be available for retail use, and new play facilities;
- The masterplan indicates that space would be set aside for a Health Centre should the NHS identify a need in the area for a new facility;
- The exact nature of affordable housing provision would be subject to detailed consideration;
- Extension of the nursery at Head of Muir Primary School is subject to consideration involving the Council's Education Service;
- The site would be subject to intrusive surveys to identify any contaminated land and any necessary mitigation measures to make the ground suitable for the proposed development;
- Concerns regarding property valuation are not a material planning consideration.

7c Conclusion

- 7c.1 The proposed development represents a substantial opportunity to extend the housing supply in the local area and enhance community facilities and infrastructure. A comprehensive and high quality masterplanning process has been undertaken, which provides a framework to inform the subsequent detailed design and layout. The site is an allocated housing site in the adopted Falkirk Council Local Plan and is considered, overall, to accord with the Development Plan, subject to outstanding transportation matters being resolved and the satisfactory conclusion of a Section 75 Legal Agreement. Detailed comments have been made in this report in response to the public representations, which include a substantial number of letters of support and objection.
- 7c.2 Accordingly, it is recommended that the Committee indicates that it is **Minded to Grant** the application, subject to the satisfactory conclusion of a Section 75 Legal Agreement and resolution of the outstanding transportation related matters as detailed in the terms of the recommendation. These terms, and the recommended conditions, are considered to address the matters raised in the consultation responses.
- 7c.3 Should Transport Scotland recommend refusal of the application, due to the capacity issues at the M80/A80 slip road junctions on the A803 not being resolved to their satisfaction, the application would need to be referred to Scottish Ministers, and only if the issue is satisfactorily resolved could the application be granted planning permission.

8. RECOMMENDATION

- 8.1 **It is recommended that Committee indicate that it is **Minded to Grant Planning Permission in Principle** subject to:-**
- (a) **The submission of further traffic modeling information and the subsequent approval in writing by this Planning Authority of the location, design, timing/phasing of provision and means of delivery, and Roads Safety Audit(s), in respect of the proposed upgrade works to the M80/A80 slip road junctions on the A803; and/or the satisfactory conclusion of an Agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of any matter, as appropriate, relative to these proposed upgrade works;**
 - (b) **The submission and approval in writing by this Planning Authority of a Stage 1 Safety Audit for the proposed western and eastern access junctions on the A803; and the imposition of conditions by the Director of Development Services on grant of planning permission in respect of any matter, as appropriate, relative to this Safety Audit;**
 - (c) **The satisfactory conclusion of an Agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-**
 - (i) **The provision of an extension to Head of Muir Primary School;**
 - (ii) **The payment of a financial contribution towards increasing the future capacity of Denny High School, at a rate of £1000 per dwellinghouse and £550 per flat;**
 - (iii) **The provision of enhanced nursery facilities;**

- (iv) The provision of enhanced community recreational facilities at Head of Muir Primary School, including an all-weather, lit, sports pitch;
 - (v) The payment of a financial contribution towards the provision of the Denny Eastern Access Road (DEAR);
 - (vi) The payment of a financial contribution towards the provision of a footpath link from the north-east corner of the site to Denny Road;
 - (vii) The payment of a financial contribution towards enhancing local bus services, if it is agreed by this Planning Authority that enhancing bus services would form part of the measures to mitigate the impact of the proposed development on the M80/A80 slip road junctions on the A803 or for other reasons;
 - (viii) The preparation of a Travel Plan Framework; and
 - (ix) The details, as appropriate, of the exact location, specification, timing/phasing of provision and means of delivery in respect of the above matters;
- (d) Referral of the application to Scottish Ministers should Transport Scotland fail to respond or formally respond by recommending refusal.
- (e) And thereafter, subject to the satisfactory conclusion of the foregoing matters, remit to the Director of Development Services to 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 arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping.
- (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.

Approval of Further Details

- (4) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, the following details shall be submitted for the written approval of this Planning Authority:-
- (a) An Energy Strategy;
 - (b) An Ecological Impact Assessment;
 - (c) A Site Biodiversity Action Plan; and
 - (d) Stage 2 Safety Audits for the proposed western and eastern access junctions on the A803.
- (5) Each application for the approval of Matters Specified in Conditions shall be accompanied by the following details (where relevant) for consideration for approval in writing by this Planning Authority:-
- (a) Detailed site layout and design information, which accords with the land uses, site layout, landscape framework, road hierarchy and design principles set out in the Masterplan, dated 11 February 2011, submitted with the PPP application, unless otherwise agreed in writing by this Planning Authority or a variation is required by a condition of this permission;
 - (b) A detailed Phasing Plan showing the exact sequence of development for the proposed land uses, provision of infrastructure, landscaping and open space;
 - (c) A Construction Environmental Management Plan;
 - (d) Detailed proposals for embedding sustainable energy use into the proposed development through, for example, site and building design and the utilisation of renewable energy sources, which accord with the approved Energy Strategy;
 - (e) A detailed scheme of proposed soft landscaping works and measures to promote, enhance and add to biodiversity, which accords with the approved Site Biodiversity Action Plan and the Ecological Impact Assessment. The scheme shall include: an indication of existing trees and hedges proposed to be retained or removed (accompanied by a tree survey); the location of all proposed new trees, shrubs, hedges and grass areas; and a schedule of plants to comprise species, plant sizes and proposed numbers/densities;
 - (f) A Japanese Knotweed Management Plan;

- (g) A detailed scheme of proposed hard landscaping works, which includes: the specification and colour of all proposed surface materials; and the location and design of all other proposed artefacts and structures e.g. street furniture, lighting, walls, fences and gates;
- (h) Updated surveys for badgers, bats and breeding birds, and species protection plans (where necessary);
- (i) A full site-specific surface water drainage scheme, which accords with SUDS principles;
- (j) A Flood Risk Assessment/Statement;
- (k) A Contaminated Land Assessment;
- (l) A scheme for the protection of the proposed dwellinghouses from transportation noise, which ensures that the internal levels, with windows closed, do not exceed 45dB daytime and 35dB night-time when measured as LAeqT, and provides for permanent ventilation so that windows can be kept closed without the loss of ventilation;
- (m) The exact location and specification of all proposed foot / cycle paths, including connections to the wider path network;
- (n) The exact details with regard to the proposals for retention and any removal of the former railway line;
- (o) The exact location and design of all proposed waste management facilities, which accords with the Council's guidance for refuse and recycling collection in new housing and commercial developments; and
- (p) The proposed management and maintenance arrangements in respect of the matters specified in this condition (where relevant).

Natural Heritage

- (6) All areas of existing vegetation which are to be retained shall be fenced off and signposted as 'exclusion areas' prior to the relevant development phase commencing, in accordance with details approved in writing by this Planning Authority, and shall not be used for the storage of soils, materials, plant or machinery, or as a compound area.
- (7) Where the proposed development has not commenced within 12 months of the last survey of the site for badgers, bats and breeding birds, further walkover survey(s) and any necessary species protection plan shall be submitted to and approved in writing by this Planning Authority prior to the relevant phase of the development commencing.
- (8) Vegetation removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds, unless otherwise agreed in writing by this Planning Authority.

Cultural Heritage

- (9) No development shall take place until a scheme of archaeological investigation (including a timetable) in respect of Easter Shielyards Farm has been submitted to and approved in writing by this Planning Authority.

- (10) During the undertaking of the scheme approved under Condition 9, access at all reasonable times shall be afforded to any archaeologist nominated by this Planning Authority, to allow that person to observe work in progress and record items of interest and finds. Notification of the commencement date of ground breaking works, the site contact person and the name of the archaeologist retained by the applicant shall be submitted in writing to the Planning Authority not less than 14 days prior to the development commencing.

Commercial Development Block

- (11) Prior to completion of the 100th residential unit, or any other timescale that may be agreed in writing by this Planning Authority, the proposed commercial development block shall be fully completed and available for occupancy, in accordance with details approved in writing by this Planning Authority.
- (12) Prior to completion of the 100th residential unit, or any other timescale that may be agreed in writing by this Planning Authority, a public realm area at the commercial development block, incorporating public artwork, shall be provided, in accordance with details approved in writing by this Planning Authority.

Equipped Play Area

- (13) Prior to completion of the 250th residential unit, the proposed equipped play area shall be fully completed in accordance with details approved in writing by this Planning Authority in respect of the type of play equipment, seating, fences and walls, litter bins and surface finishes.

Surface Water Drainage

- (14) The proposed surface water drainage scheme shall be designed to accommodate 1 in 100 storm events.
- (15) Surface water discharge to watercourses shall be limited to 3.2 litres/second/hectare unless otherwise agreed in writing by this Planning Authority.

Core Path

- (16) The existing Core Path located within the application site shall be protected during construction works or temporarily diverted, in accordance with details approved in writing by this Planning Authority, and shall be reinstated to its original position unless a request for a formal diversion is approved.
- (17) In the event of a request for formal diversion of the Core Path being approved, a footpath shall be provided along the east side of Station Road, to link the Core Path across Station Road, in accordance with details and a timescale for implementation approved in writing by this Planning Authority.

Transportation

- (18) The proposed western and eastern access junctions shall be designed and constructed in accordance with the Design Manual for Road and Bridges and the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (19) Within one month of the opening of the western and eastern access junctions, a Stage 3 Road Safety Audit shall be submitted for the written approval of this Planning Authority.
- (20) Prior to the completion of the first dwellinghouse, the proposed pedestrian crossing of the A803 shall be completed in accordance with details approved in writing by this Planning Authority in respect of the exact design and location.
- (21) The primary road shall be designed in order to accommodate bus use, and shall incorporate stopping points and shelter facilities, in accordance with details and approved in writing by this Planning Authority.
- (22) Prior to the completion of the first dwellinghouse, the existing bus stops on the A803 shall be upgraded or relocated in accordance with details approved in writing by this Planning Authority.
- (23) Prior to the completion of the first dwellinghouse, an on-road cycle route shall be marked on Glasgow Road/Bonnybridge Road, at the location indicated on Figure 4 of the Updated Transport Assessment, dated December 2010, in accordance with details approved in writing by this Planning Authority.
- (24) Prior to the completion of the first dwellinghouse, the approved upgrade works to the M80/A80 slip road junctions on the A803 shall be fully completed, unless otherwise agreed in writing by this Planning Authority.
- (25) The proposed signage in respect of the surrounding road network and the footpath/cycle route network shall be submitted for the written approval of this Planning Authority and shall be erected prior to the completion of the first dwellinghouse, unless otherwise agreed in writing by this Planning Authority.

Roads

- (26) The maximum gradient of the proposed primary road shall accord with the maximum gradient specified for a local distributor road in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, unless otherwise agreed in writing by this Planning Authority.
- (27) The maximum gradients of the proposed secondary and tertiary roads and the provision of visibility splays shall accord with the relevant standards as specified in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, unless otherwise agreed in writing by this Planning Authority.

- (28) All roads and associated infrastructure shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, unless otherwise agreed in writing by this Planning Authority.
- (29) Upon request by this Planning Authority, autotrack layouts shall be submitted for the approval in writing by this Planning Authority, to demonstrate the effective operation of the road layout.
- (30) Vehicle and cycle parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.

Implementation of Approved Details

- (31) The proposed development shall be implemented in full accordance with the details approved within the terms of the conditions of this permission and in accordance with agreed timescales unless a non-material change has been approved in writing by this 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.
- (4-5) To enable the respective matters to be considered in detail at the appropriate time following grant of planning permission in principle.
- (6-8) To protect and mitigate potential impacts on natural heritage and protected species interests.
- (9-10) To ensure that archaeological remains are safeguarded.
- (11-13) To secure the delivery of new facilities in accordance with appropriate timescales.
- (14-15) To mitigate the potential for flood risk to an acceptable level.
- (16-17) To safeguard the local Core Path Network.
- (18-19) To safeguard the interests of the users of the highway.
- (20-23) To provide appropriate infrastructure in the interests of transport alternatives to the private car.
- (24-25) To secure the delivery of the necessary infrastructure in accordance with appropriate timescales.
- (26-29) To safeguard the interests of the users of the highway.

- (30) To ensure that adequate parking is provided.
- (31) To ensure that the development is carried out in accordance with the approved details and appropriate timescales.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this permission refers bear our on line reference number(s) 01.

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Director of Development Services

Date: 16 March 2011

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan
2. Adopted Falkirk Council Local Plan
3. Scottish National Planning Statement: Designing Places (2001)
4. Scottish National Planning Statement: Designing Streets (2010)
5. Scottish Planning Policy (2010)
6. Falkirk Council Supplementary Planning Guidance
7. Letter of Objection from Mr and Mrs Maurice & Dorothy Cunningham, Broomridge Cottage 31 Glasgow Road Dennyloanhead Bonnybridge FK4 1QS on
8. Letter of Representation from W Watson & A Thomson, Knowehead 17 Station Road Longcroft Bonnybridge on
9. Letter of Objection from Mr Graham Marr, 71 Glasgow Road Dennyloanhead Bonnybridge FK4 1QT on
10. Letter of Objection from Mrs Margaret Kane, Springbank, Station Road, Longcroft, Bonnybridge on
11. Letter of Objection from Mr Mark Rooney, 25 Lind Place Dennyloanhead Bonnybridge FK4 1NQ on
12. Letter of Representation from Mr Thomas Hopkins, 2 High Street Bonnybridge, FK4 1DA on 3 November 2009
13. Letter of Objection from Pamela Forbes, 6 Watson Place Longcroft Bonnybridge FK4 2BG on
14. Letter of Objection from Mr Bruce Perry, 19 Lind Place, Dennyloanhead Bonnybridge FK4 1NQ on
15. Letter of Objection from Mr Bill Campbell, Bramblebank, Station Road, Longcroft Bonnybridge
16. Letter of Objection from Mr Richard Boyd, 153 Glasgow Road, Dennyloanhead, Bonnybridge FK4 1QX on
17. Letter of Objection from Mr Colin Mitchell, Mitchell652@btinternet.com on
18. Letter of Objection from Mr Andrew Moon, 187 Glasgow Road, Dennyloanhead, Bonnybridge FK4 1QY on

19. Letter of Objection from Mr and Mrs D McCabe, 4 Watson Place Longcroft Bonnybridge FK4 2BG on
20. Letter of Objection from Lesley Granton, 25 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on
21. Letter of Objection from Mrs Angela Shanks, 7 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on
22. Letter of Objection from Malcolm and Alison Jolly, 5 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on
23. Letter of Objection from Louise Hagen, 2 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on
24. Letter of Objection from Graham Hagen, 2 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on
25. Letter of Objection from Dominique Bowie, 1 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on
26. Letter of Objection from Kenny Bowie, 1 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on
27. Letter of Objection from Mr Paul McFarlane, 29 Lind Place Dennyloanhead Bonnybridge FK4 1NQ on
28. Letter of Objection from Mrs Wendy MacNeill, 23 Walker Drive Dennyloanhead Bonnybridge FK4 1RW on
29. Letter of Objection from Tracey MacNeill, 23 Walker Drive Dennyloanhead Bonnybridge FK4 1RW on
30. Letter of Support from Mrs E Kerr, 81 Braes View Denny FK6 5NG on 26 April 2010
31. Letter of Support from Miss N Lawrence, 23 Hayfield Terrace Head Of Muir Denny FK6 5LA on 26 April 2010
32. Letter of Support from Mr McColl, 17 Solway Drive Head Of Muir Denny FK6 5NS on 26 April 2010
33. Letter of Support from Mr Michael Kane, 91 Wheatlands Avenue Bonnybridge FK4 1PJ on 26 April 2010
34. Letter of Objection from Mr Alistair Waters, 3 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on 23 November 2010
35. Letter of Support from Owner/Occupier, 10 Caledonia Terrace Bonnybridge FK4 1DQ on 27 April 2010
36. Letter of Support from Nadine McMenamy, 97 Dryburgh Avenue Denny FK6 6AF on 27 April 2010
37. Letter of Support from Mr T Bryson, 9 Hayfield Terrace Head Of Muir Denny FK6 5LA on 27 April 2010
38. Letter of Support from Miss C L Smith, 31 Annet Road Head Of Muir Denny FK6 5LQ on 27 April 2010
39. Letter of Support from Lisa and Steven Marr, 118 Dick Crescent Burntisland Fife KY3 0BT on 27 April 2010
40. Letter of Support from Mr Eric Milne, 10 Cowan Street Bonnybridge FK4 1ND on 27 April 2010
41. Letter of Support from Mrs Keay Annette, 49 Fairfield Avenue Bonnybridge FK4 1LX on 27 April 2010
42. Letter of from Mr Alex Cleland, 8 Princess Street Bonnybridge FK4 1BJ on 27 April 2010
43. Letter of Support from Miss E Boyd, 15 Park Street High Bonnybridge Bonnybridge FK4 2AS on 27 April 2010
44. Letter of Support from Mr Craig Riddle, 72 Chacefield Street Bonnybridge FK4 1PS on 27 April 2010

45. Letter of Support from Mr M Gallagher, 10 Carronside Place Denny FK6 6LP on 27 April 2010
46. Letter of Support from Owner/Occupier, 5 Duncarron Place Denny FK6 6HL on 27 April 2010
47. Letter of Support from Mr James Riddle, 72 Chacefield Street Bonnybridge FK4 1PS on 27 April 2010
48. Letter of Support from Miss C Irvine, 86 Woodburn Crescent Bonnybridge FK4 2DL on 27 April 2010
49. Letter of Support from Debbie McNeil, 63 Reedlands Drive Denny FK6 5NX on 27 April 2010
50. Letter of Support from Mr Andy Dick, Bankhead House Bankhead Crescent Dennyloanhead Bonnybridge on 27 April 2010
51. Letter of Support from Mr Johnstone Duncan, 38 Garvald Road Head Of Muir Denny FK6 5NR on 27 April 2010
52. Letter of Support from Mr Ian Johnston, 42 Greenhill Road Bonnybridge FK4 2DN on 27 April 2010
53. Letter of Support from Owner/Occupier, 9 Milton Place Dunipace Denny FK6 6NE on 27 April 2010
54. Letter of Support from W Brennan, 11 Tullibody Road Alloa FK10 2LN on 27 April 2010
55. Letter of Support from Mr Ronnie Higgins, 1 St. Johns Grove Stoneywood Denny FK6 5HQ on 27 April 2010
56. Letter of Support from J Morrison, 12 Hollandbush Avenue Banknock Bonnybridge FK4 1JB on 27 April 2010
57. Letter of Support from Rosslyn Petale, 65 Ferguson Drive Denny FK6 5AF on 27 April 2010
58. Letter of Support from Miss M Thacker, 8 Park Avenue Dennyloanhead Bonnybridge FK4 1SB on 27 April 2010
59. Letter of Support from Janet Buchanan, 15 Dunure Crescent Bonnybridge FK4 1EG on 27 April 2010
60. Letter of Support from Jade Stokes, 18 Lithgow Place Denny FK6 5BF on 27 April 2010
61. Letter of Support from Claire Ogilvie, 17 Wallace Place Cambusbarron Stirling FK7 9PB on 27 April 2010
62. Letter of Support from Miss Gemma Tulloch, 75 Sutherland Drive Denny FK6 5EP on 27 April 2010
63. Letter of Support from Owner/Occupier, 10 Johnston Place Denny FK6 5HD on
64. Letter of Support from J R Hamilton, 58 Hayfield Terrace Head Of Muir Denny FK6 5PB on 26 April 2010
65. Letter of Support from Mr and Mrs J Boyle, 83 Braes View Denny FK6 5NG on 27 April 2010
66. Letter of Objection from Julia McNulty, julia.mculty@hotmail.com on
67. Letter of Objection from Ms Pamela Forbes, 6 Watson Place Dennyloanhead Bonnybridge on 9 May 2010
68. Letter of Objection from Mr Stephen Crookston, 30 Lind Place Dennyloanhead Bonnybridge FK4 1NQ on 19 April 2010
69. Letter of Support from Margaret Cleland, 52 Main Street Bainsford Falkirk FK2 7PA on
70. Letter of Support from Charlene Kilpatrick, 1 Castle Terrace Denny FK6 6PH on 26 April 2010
71. Letter of Support from Mrs Louise Sutherland, 34 Hillhouse Road Head Of Muir Denny FK6 5PG on 26 April 2010
72. Letter of Support from Mrs Lyndsey Buchanan, 82 Bankhead Crescent Dennyloanhead Bonnybridge FK4 1RZ on 26 April 2010
73. Letter of Support from Jacqueline Cleland, 8 Princess Street Bonnybridge FK4 1BJ on 26 April 2010

74. Letter of Support from MR P Lawrence, 23 Hayfield Terrace Head Of Muir Denny FK6 5LA on 26 April 2010
75. Letter of Support from Owner/Occupier, Glen Far House Bankhead Crescent Dennyloanhead Bonnybridge on 26 April 2010
76. Letter of Support from Mr and Mrs Lawrence, Glen Far House Bankhead Crescent Dennyloanhead Bonnybridge on 26 April 2010
77. Letter of Support from Mrs Janet Cleland, 2 Highland Dykes Crescent Bonnybridge FK4 1ES on 26 April 2010
78. Letter of Support from Mr George MacFarlane, 46 Larbert Road Bonnybridge FK4 1EE on 26 April 2010
79. Letter of Support from Mrs D Cunningham, 11 Peathill Road Bonnybridge FK4 1LS on 26 April 2010
80. Letter of Support from Mrs C McKintosh, 6 Ferguson Drive Denny FK6 5AE on 26 April 2010
81. Letter of Support from Ryan Kelly, 22 Haughs Way Denny FK6 6HQ on 26 April 2010
82. Letter of Support from Mrs J E Ashby, 80 Chacefield Street Bonnybridge FK4 1PS on 26 April 2010
83. Letter of Support from Mrs V Kelly, 22 Haughs Way Denny FK6 6HQ on 26 April 2010
84. Letter of Support from Mrs Agnes Kane, 91 Wheatlands Avenue Bonnybridge FK4 1PJ on 26 April 2010
85. Letter of Support from Mr and Mrs Ross, 12 Bairns Ford Drive Falkirk FK2 7JD on 26 April 2010
86. Letter of Support from Mr B Buchanan, 75 Wheatlands Avenue Bonnybridge FK4 1PJ on 26 April 2010
87. Letter of Support from Mr M Lawrence, 23 Hayfield Terrace Head Of Muir Denny FK6 5LA on 26 April 2010
88. Letter of Support from Owner/Occupier, 37B Main Street Bonnybridge FK4 1AF on 26 April 2010
89. Letter of Support from Mr and Mrs Fitzpatrick, 66 Bankhead Crescent Dennyloanhead Bonnybridge FK4 1RZ on 26 April 2010
90. Letter of Support from Jim and Helen Stirling, 30 Bonnywood Avenue Bonnybridge FK4 1NT on 26 April 2010
91. Letter of Support from Mr Marc Young, NO ADDRESS GIVEN on 28 April 2010
92. Letter of Support from Owner/Occupier, 37B Main Street Bonnybridge FK4 1AF on 27 April 2010
93. Letter of Support from Owner/Occupier, 21 Sawers Avenue Denny FK6 5BS on 27 April 2010
94. Letter of Support from Owner/Occupier, 41 Park Avenue Dennyloanhead Bonnybridge FK4 1SD on 27 April 2010
95. Letter of Support from Mrs Dorothy Dick, Bankhead House Bankhead Crescent Dennyloanhead Bonnybridge on 27 April 2010
96. Letter of Support from Vikki Morrison, 12 Hollandbush Avenue Banknock Bonnybridge FK4 1JB on 27 April 2010
97. Letter of Support from Miss Michelle Lawrence, 23 Hayfield Terrace Head Of Muir Denny FK6 5LA on 27 April 2010
98. Letter of Support from Mrs J Bryson, 13 Johnston Place Denny FK6 5HD on 27 April 2010
99. Letter of Support from Mr A McLaurin, 49 Glenbo Drive Head Of Muir Denny FK6 5PQ on 27 April 2010
100. Letter of Support from Janet Fraser, 15 Dunure Crescent Bonnybridge FK4 1EG on 27 April 2010

101. Letter of Support from Mr William Buchanan, 75 Wheatlands Avenue Bonnybridge FK4 1PJ on 27 April 2010
102. Letter of Objection from Mr R Bryde, 5 Solway Drive Head Of Muir Denny FK6 5NS on 27 April 2010
103. Letter of Support from Mr G Kerr, 81 Braes View Denny FK6 5NG on 27 April 2010
104. Letter of Support from Owner/Occupier, 17 Castle Terrace Denny FK6 6PH on 26 April 2010
105. Letter of Support from Mr John Cummins, Glenruane 1 Robertson Avenue Bonnybridge FK4 1PA on 26 April 2010
106. Letter of Support from Malissa Gaston, 19 West Boreland Road Denny FK6 6PA on 26 April 2010
107. Letter of Support from Mr Andrew Cunningham, 3 Fairways Place Bonnybridge FK4 1PZ on 26 April 2010
108. Letter of Support from Mr Michael Livingstone, 16 Hogan Place Dennyloanhead Bonnybridge FK4 1FB on 26 April 2010
109. Letter of Support from Mr Ewan Marshall, 69 Main Street Bonnybridge FK4 1AL on
110. Letter of Support from Mr James Tripney, 6 Bankview Terrace Denny Road Dennyloanhead Bonnybridge on
111. Letter of Support from Mr & Mrs Vint, 9 Whithorn Crescent Moodiesburn G69 0HR on
112. Letter of Support from Jane Winters, No Address Given on
113. Letter of Representation from Mrs Lisa McDonald, 27 Lind Place Dennyloanhead Bonnybridge FK4 1NQ on
114. Letter of Support from Miss J Hall, 25 Brewster Place Denny FK6 6PS on 28 April 2010
115. Letter of Support from Mr Stuart Buchanan, 82 Bankhead Crescent Dennyloanhead Bonnybridge FK4 1RZ on 28 April 2010
116. Letter of Support from Margaret Kerr, 3 Auchincairn Gardens Bishopbriggs Glasgow G64 1DZ on 28 April 2010
117. Letter of Support from Owner/Occupier, 108 Ure Crescent Bonnybridge FK4 1NR on 28 April 2010
118. Letter of Support from R Campbell, 4 Glenbo Drive Head Of Muir Denny FK6 5PQ on 28 April 2010
119. Letter of Support from T Hardie, 48 Spence Street Bonnybridge FK4 1NH on 28 April 2010
120. Letter of Support from Mr J Brennan, 11 Kerr Crescent Haggs Bonnybridge FK4 1HH on 28 April 2010
121. Letter of Support from Jay Tonner, 9 Cairnoch Walk Denny FK6 5DD on 28 April 2010
122. Letter of Support from I Mrs McCool, 19 Sawers Avenue Denny FK6 5BS on 28 April 2010
123. Letter of Support from Lesley Kane, 1 Highland Dykes Crescent Bonnybridge FK4 1ES on 28 April 2010
124. Letter of Support from Lisa Young, 66 Westquarter Avenue Westquarter Falkirk FK2 9RF on 28 April 2010
125. Letter of Support from Mrs M Buchanan, 75 Wheatlands Avenue Bonnybridge FK4 1PJ on 28 April 2010
126. Letter of Support from Owner/Occupier, 80 Bankhead Crescent Dennyloanhead Bonnybridge FK4 1RZ on 28 April 2010
127. Letter of Support from Mr Craig Riddell, 73 Chacefield Street Bonnybridge FK4 1PS on 28 April 2010
128. Letter of Support from Jean Binnie, 12 Bog Road Banknock Bonnybridge FK4 1TL on 28 April 2010
129. Letter of Support from Jane Healy, 7 Hillhead Avenue Banknock Bonnybridge FK4 1JN on 28 April 2010

130. Letter of Support from Mr and Mrs H Young, 16 Hallglen Terrace Glen Village Falkirk FK1 2AP on 28 April 2010
131. Letter of Support from Mr Gary Bond, 27 Alloway Crescent Bonnybridge FK4 1EY on 28 April 2010
132. Letter of Support from Louise Cleland, 8 Princess Street Bonnybridge FK4 1BJ on 28 April 2010
133. Letter of Support from Mrs Rosemary Leitch, 22 Ferguson Drive Denny FK6 5AE on 28 April 2010
134. Letter of Objection from Mr Mike Smith, 4 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on 18 October 2010
135. Letter of Objection from Mr David Dunn, 25 Rankin Crescent Dennyloanhead Fk4 1RA on 25 October 2010
136. Letter of Objection from Ian Binnie, Colians House Glasgow Road Longcroft on
137. Letter of Objection from June Waters, 3 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on 23 November 2010
138. Letter of Objection from Mr A Shanks, 7 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
139. Letter of Objection from Mrs A Shanks, 7 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
140. Letter of Objection from Mr and Mrs C Morton, 15 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
141. Letter of Objection from Mrs Bowie, 1 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on 23 November 2010
142. Letter of Objection from Mr Bowie, 1 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on 23 November 2010
143. Letter of Objection from Karen Smith, 4 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on 23 November 2010
144. Letter of Objection from Mr Mike Smith, 4 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on 23 November 2010
145. Letter of Objection from AGH Munn, 6 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on 23 November 2010
146. Letter of Objection from A MacGregor, 31 Walker Drive Dennyloanhead Bonnybridge FK4 1RW on 23 November 2010
147. Letter of Objection from Mr John Harris, 27 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
148. Letter of Objection from Elizabeth Harris, 27 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
149. Letter of Objection from Mr Stephen Wheatley, 29 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
150. Letter of Objection from Donna Wheatley, 29 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
151. Letter of Objection from Mr Martin Sievwright, 23 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
152. Letter of Objection from Ms Carole Campbell, 25 Walker Drive Dennyloanhead Bonnybridge FK4 1RW on 23 November 2010
153. Letter of Objection from Mr Daniel Campbell, 25 Walker Drive Dennyloanhead Bonnybridge FK4 1RW on 23 November 2010
154. Letter of Objection from Mr Raymond Paulley, 3 Walker Drive Dennyloanhead Bonnybridge FK4 1RW on 23 November 2010
155. Letter of Objection from Ms Wilma Paulley, 3 Walker Drive Dennyloanhead Bonnybridge FK4 1RW on 23 November 2010

156. Letter of Objection from Mr Graham Paulley, 3 Walker Drive Dennyloanhead Bonnybridge FK4 1RW on 23 November 2010
157. Letter of Objection from Mr B Duffy, 7 Walker Drive Dennyloanhead Bonnybridge FK4 1RW on 23 November 2010
158. Letter of Objection from Mrs Duffy, 7 Walker Drive Dennyloanhead Bonnybridge FK4 1RW on 23 November 2010
159. Letter of Objection from Mr David Buchanan, 37 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
160. Letter of Objection from Mr Graham Wagen, 2 Montrose Way Dennyloanhead Bonnybridge FK4 1SJ on 23 November 2010
161. Letter of Objection from Councillor Martin Oliver, Municipal Buildings West Bridge Street Falkirk FK1 5RS on 23 November 2010
162. Letter of Objection from Mr G Walker, 1 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
163. Letter of Objection from Mr D Sneddon, Address Incomplete on 23 November 2010
164. Letter of Objection from Ms Alison Jolly, 5 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
165. Letter of Objection from Ms Laura Sneddon, Incomplete Address on 23 November 2010
160. Letter of Objection from Mrs Angela Sneddon, Incomplete Address on 23 November 2010
167. Letter of Objection from Mrs M Walker, 1 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
168. Letter of Objection from Mr Malcolm Jolly, 5 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 23 November 2010
169. Letter of Objection from Mr Malcolm Jolly, 5 Rankin Crescent Dennyloanhead Bonnybridge FK4 1RA on 14 October 2010

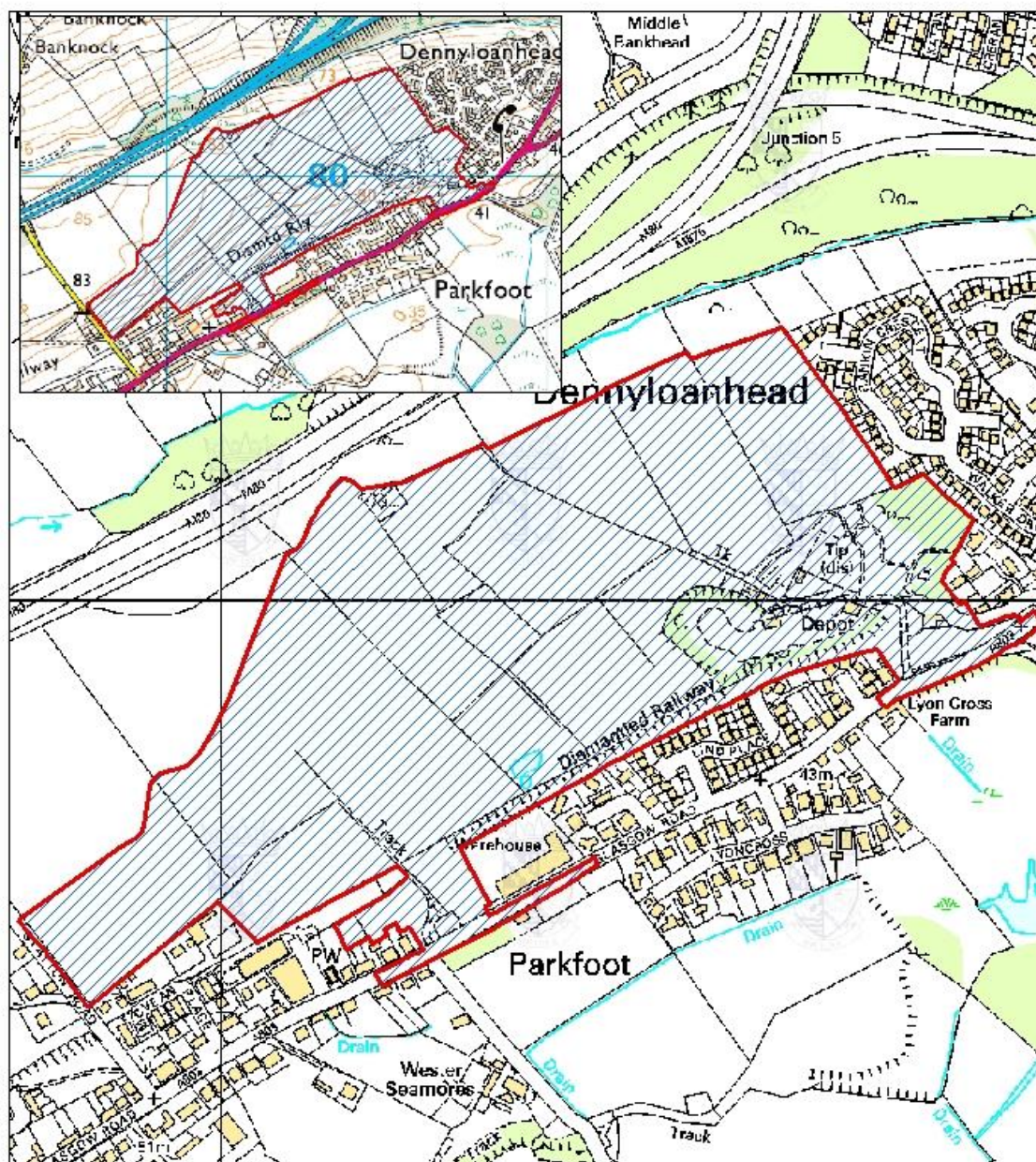
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/09/0508/OUT

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



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FALKIRK COUNCIL

Subject: **CHANGE OF USE OF PUBLIC HOUSE TO (CLASS 1) RETAIL UNITS AT THE PINES, 5 FLEMING COURT, DENNY FK6 5HA FOR MR STEPHEN CARR – P/10/0869/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **23 March 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: **Kirsty Hope (Assistant Planning Officer), Ext. 4705**

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks full planning permission to change the use of The Pines public house into three retail units. The proposal includes internal alterations to subdivide the building and external alterations to remove existing windows on the west elevation, replace existing windows on the east elevation to form glazed doors, remove windows on the south elevation and form new access ramps to the proposed units.
- 1.2 The application site forms part of a small neighbourhood centre at Fleming Court, Denny. To the south of the site there is an existing convenience store, a hair and beauty salon and a hot food takeaway. The Little Denny Burn lies to the north of the site and there are residential properties to the west. To the east there is a shared parking area and turning head which serves the public house and other uses within this neighbourhood centre.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATIONS

4.1 The Roads Development Unit does not object to the proposed development.

4.2 The Environmental Protection Unit has raised no objection to the proposal.

5. COMMUNITY COUNCIL

5.1 The Denny and District Community Council has not commented on the application.

6. PUBLIC REPRESENTATION

6.1 185 letters of objection have been received from 182 contributors. Two petitions of objection with a total of 342 signatures have also been received.

6.2 The grounds of objection can be summarised as follows:-

- Loss of a community facility and entertainment venue as there are no other adequate facilities in the area.
- Over provision of shops within the area.
- Competition with existing shops in the area which may lead to vandalism of derelict shops.
- No creation of additional employment.
- Visual amenity and concerns about delivery movements and the storage of refuse.
- Lack of parking and an increase in traffic (particularly at school drop off and pick up times) leading to concerns about road safety.
- Noise levels from refrigeration units and deliveries 7 days a week.
- Hot food being sold from premises, knock on affect of rubbish in area and youths hanging around the area.
- No neighbour notification received at 24 Ochil View or 26 Ochil View, Denny.
- De-value residential properties.

6.3 One letter of support has been received. The issues raised can be summarised as follows:-

- Unsociable disruption with noise from public house.

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. 5 ‘Location of New Retail and Commercial Leisure Development’ states:

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

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

7a.2 The proposed retail units are not considered to be significant. This development would be located in an existing local neighbourhood centre and, taking into account the state and location of the development, it is not considered that this proposal would detrimentally impact on the vitality of the Denny District centre. The proposal complies with Policy ECON. 5.

Falkirk Council Local Plan

7a.3 Policy EP7 - ‘New Retail Development’ states:

- “(1) New retail development in excess of 250 sq.m. gross will be permitted where it is consistent with Policies ECON.5 and ECON.6 of the Structure Plan, and specific policies for individual centres in the Settlement Statements.*
- (2) Retail developments smaller than 250 sq.m. serving neighbourhood needs will be permitted within the urban area, subject to other Local Plan policies.*

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

7a.4 The proposal would create approximately 469m² gross retail floor area but is consistent with relevant Structure Plan policy. It is considered that the units would serve the neighbourhood and local requirements. The design and scale of the proposal is considered to be compatible with the neighbourhood centre, which it would form. Accordingly, the proposal complies with Policy EP7.

7a.5 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.6 The proposed external alterations to the property are considered to be well proportioned and the design is sympathetic to the character of the area and existing building. The existing entrance on the south elevation would remain and the two proposed entrances on the east elevation facing onto Nethermain Road are considered to be sympathetic in terms of scale and surroundings. There are no security measures proposed. Accordingly, the proposal complies with Policy EQ11.

7a.7 Policy SC10 - ‘Existing Community Facilities’ states:

“There will be a presumption against the loss of existing community facilities unless the Council is satisfied that there is no longer a need for the facility or an acceptable alternative facility is available.”

7a.8 The public house is a facility that some of the community can use, however a retail unit can be fully utilised by all members of the community and would be more accessible for all age groups. It is considered that the proposed use would retain a community facility in this area, albeit of a different type. Accordingly, the proposal does not conflict with Policy SC10.

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

7b Material Considerations

7b.1 The material considerations are the Falkirk Council Supplementary Guidance, consultation responses and the public representations.

Falkirk Council Supplementary Guidance - Shopfronts

7b.2 The proposed shop units are considered to be well designed and are sympathetic to the existing property and the surrounding area. The alterations to the building are considered to be appropriate and the external finishes are acceptable. It is therefore considered that the proposal accords with the Falkirk Council’s Supplementary Guidance Note on Shopfronts.

Consultation Responses

- 7b.3 The Roads Development Unit do not object to the proposed development. It is not considered the proposed use would generate a greater demand for parking than the existing public house. There is considered to be sufficient parking and manoeuvring space to serve the proposed retail development and existing retail uses adjacent to the application site.
- 7b.4 The Environmental Protection Unit has raised no objection to the proposal but recommended that if planning permission is granted informatives be attached with regard to ground conditions, hours of construction work and noise.

Assessment of Public Representations

- 7b.5 The proposal is not considered to be detrimental to the community, in terms of an existing community facility, for the reasons set out in paragraph 7a.8.
- 7b.6 Competition with other existing shops is not a material planning consideration.
- 7b.7 Employment cannot be controlled by this application and is not a material planning consideration.
- 7b.8 Amended drawings were provided and indicate that deliveries will be accessed via the front of the building to lessen the impact on nearby residents. The refuse collection would remain where it is as existing.
- 7b.9 The Roads Development Unit has expressed no concerns in relation to parking provision and there are no concerns in relation to the interests of highway safety.
- 7b.10 The Environmental Protection Unit has raised no concern in relation to noise and have advised that if a noise complaint were received this would be investigated by the Environmental Protection Unit.
- 7b.11 The application does not propose the selling of hot food on the premises.
- 7b.12 The attraction of customers and clientele cannot be controlled by this planning application.
- 7b.13 There is no requirement for the Council to notify numbers 24 and 26 Ochil View, Denny because both properties fall outwith the statutory consultation area. However, the application has been advertised in the local press and the occupants of both properties are aware of the application and have made representations.
- 7b.14 Vandalism and valuation of properties nearby are not material planning considerations, and cannot be controlled by this application.

7c Conclusion

- 7c.1 This application has been assessed as according with the Development Plan and the Falkirk Council's Supplementary Planning Guidance. There are no material considerations which would merit refusal of this application.

8. RECOMMENDATION

8.1 It is recommended that Planning 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) The proposed turning area as indicated on drawing 03A, shall be retained and maintained unless otherwise agreed in writing by the Planning Authority.
- (3) Before any works start on site details of the specification and colour of all proposed external finishes shall be submitted to and approved in writing by the Planning Authority.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) In the interests of road safety.
- (3) In the interest of visual orientate to ensure that external finishing material are appropriate to the character 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, 03A and 05A.
- (2) For the avoidance of doubt this planning permission does not grant permission for advertisements shown on the above mentioned plans. The advertisements are the subject of a separate application to Falkirk Council.
- (3) The builder shall ensure that noisy work which is audible at the site boundary shall only be conducted between the following hours:-

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

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

- (4) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall close. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary recommendation works. Development shall not recommence without the prior approval of the Planning Authority.

.....
Pp Director of Development Services

Date: 15 March 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Council Supplementary Guidance
4. Letter of Objection from Mr David Stokes, 34 Ochil View Denny FK6 5NQ on 1 February 2011
5. Letter of Objection from Joyce Herd, 32 Ochil View Denny FK6 5NQ on 1 February 2011
6. Letter of Objection from Miss Jacqueline Kennedy, 101 Sutherland Drive Denny FK6 5EP on 18 January 2011
7. Letter of Support from Mrs Penny Davidson, 6 Ochil View Denny FK6 5NQ on 22 January 2011
8. Letter of Objection from Mr Stuart Malcolm, 27 Ochil View Denny FK6 5NQ on 10 January 2011
9. Letter of Objection from K A'Hara, 20 Ochil View Denny FK6 5NQ on 2 February 2011
10. Letter of Objection from Mr Scott Hamilton, 56 Ochil View Denny FK6 5NH on 2 February 2011
11. Letter of Objection from Pauline McVicar, 81 Ochil View Denny FK6 5NJ on 2 February 2011
12. Letter of Objection from Elaine McKenzie, Greg McKenzie and David Hall, 24 Ochil View Denny FK6 5NQ on 2 February 2011
13. Letter of Objection from John and Mary Geddes, 22 Ochil View Denny FK6 5NQ on 2 February 2011
14. Letter of Objection from Gwen Gallagher, 40 Ochil View Denny FK6 5NQ on 2 February 2011
15. Letter of Objection from B Henderson, 55 Braes View Denny FK6 5NG on 2 February 2011
16. Letter of Objection from Mr John Wright, 25 Paris Avenue Denny FK6 5AD on 2 February 2011
17. Letter of Objection from Mrs N Speirs, 9 Braes View Denny FK6 5NG on 2 February 2011
18. Letter of Objection from Mr Anthony Green, 45 Blaeaulds Crescent Denny FK6 5EL on 2 February 2011
19. Letter of Objection from Anne Gilfillan, 99 Little Denny Road Denny FK6 5AU on 2 February 2011
20. Letter of Objection from Marie Lavery, 84 Ochil View Denny FK6 5NH on 2 February 2011

21. Letter of Objection from L Gray, 76 Ochil View Denny FK6 5NH on 2 February 2011
22. Letter of Objection from W McLuckie, 28 Ochil View Denny FK6 5NQ on 2 February 2011
23. Letter of Objection from Mr Ricky Dunn, 78 Torwood Avenue Grangemouth FK3 0DP on 2 February 2011
24. Letter of Objection from Mr Ken Jarvie, 24 Woodland Way Denny FK6 5NZ on 2 February 2011
25. Letter of Objection from Mr Alan Brown, 5 Glenyards Road Greenhill Bonnybridge FK4 2EA on 2 February 2011
26. Letter of Objection from Mr Kevin Kennedy, 44 Braes View Denny FK6 5ND on 2 February 2011
27. Letter of Objection from G Burns, 49 Blaufaulds Crescent Denny FK6 5EJ on 2 February 2011
28. Letter of Objection from Mr Gordon Herd, 32 Ochil View Denny FK6 5NQ on 2 February 2011
29. Letter of Objection from Shirley Wilson, 190 Braes View Denny FK6 5NE on 2 February 2011
30. Letter of Objection from Mr Suart Malcolm, 27 Ochil View Denny FK6 5NQ on 2 February 2011
31. Letter of Objection from L Gourdie, 77 Bulloch Crescent Denny FK6 5AW on 2 February 2011
32. Letter of Objection from Mr James Millar, 21 Glen Terrace Denny FK6 5DE on 2 February 2011
33. Letter of Objection from Jacqui Allan, 75 Reedlands Drive Denny FK6 5NX on 2 February 2011
34. Letter of Objection from Mr Craig Kennedy, 33 Reedlands Drive Denny FK6 5NX on 2 February 2011
35. Letter of Objection from Mr Adrian McInnes, 68 Blaufaulds Crescent Denny FK6 5EJ on 2 February 2011
36. Letter of Objection from Mr Fraser Johnston, 100 Glasgow Road Denny FK6 5DN on 2 February 2011
37. Letter of Objection from W Christie, 20 Sutherland Drive Denny FK6 5ER on 2 February 2011
38. Letter of Objection from Margaret Elrick, 12 Laxdale Drive Head of Muir Denny FK6 5PR on 2 February 2011
39. Letter of Objection from Mr Kevin Mowatt, 26 Ochil View Denny FK6 5NQ on 2 February 2011
40. Letter of Objection from P Gourdie, 77 Bulloch Crescent Denny FK6 5AW on 2 February 2011
41. Letter of Objection from N Adams, 178 Braes View Denny FK6 5NE on 2 February 2011
42. Letter of Objection from Mr John Johnston, 8 Randolph Gardens Netherfaulds Drive Denny FK6 5DB on 2 February 2011
43. Letter of Objection from P Gourdie, 77 Bulloch Crescent Denny FK6 5AW on 1 February 2011
44. Letter of Objection from Mr Gordon McKenzie, 53 Lithgow Place Denny FK6 5BF on 1 February 2011
45. Letter of Objection from Mr Keith Belbin, 35 Ochil View Denny FK6 5NQ on 1 February 2011
46. Letter of Objection from Michelle Murphy, 53 Lithgow Place Denny FK6 5BF on 1 February 2011
47. Letter of Objection from Evonne McColl, 50 Reedlands Drive Denny FK6 5NL on 1 February 2011

48. Letter of Objection from Mr Michael Traynor, 17 Sutherland Drive Denny FK6 5ER on 1 February 2011
49. Letter of Objection from M C Gowdie, 12 Annfield Gardens Stirling FK8 2BJ on 1 February 2011
50. Letter of Objection from N Gowdie, 12 Annfield Gardens Stirling FK8 2BJ on 1 February 2011
51. Letter of Objection from M Gourdie, 77 Bulloch Crescent Denny FK6 5AW on 1 February 2011
52. Letter of Objection from Alexandra Harrison, 106 Blaefaulds Crescent Denny FK6 5EJ on 1 February 2011
53. Letter of Objection from S Cummings, 8 Dundaff Court Denny FK6 5BZ on 1 February 2011
54. Letter of Objection from Margaret Elrick, 14 Laxdale Drive Head Of Muir Denny FK6 5PR on 1 February 2011
55. Letter of Objection from Mr Robert Gardiner, 18 Garvald Lane Denny FK6 5DA on 1 February 2011
56. Letter of Objection from Mr Thomas Allan, 75 Reedlands Drive Denny FK6 5NX on 1 February 2011
57. Letter of Objection from Paula Marshall, 12 Sutherland Drive Denny FK6 5ER on 1 February 2011
58. Letter of Objection from T McNeil, 29 Hazel Crescent Dunipace Denny FK6 6LN on 1 February 2011
59. Letter of Objection from Ms Michelle Murphy, 4 Fleming Court Denny FK6 5HB on 30 December 2010
60. Letter of Objection from Mr. Gordon. Herd, 32 Ochilview. Denny FK6 5NQ on 8 January 2011
61. Letter of Objection from Mr David Mitchell, 41 Kilbirnie Terrace Denny FK6 6JJ on 9 January 2011
62. Letter of Objection from Mr David Stokes, 34 Ochil View Denny FK6 5NQ on 9 January 2011
63. Letter of Objection from Mr Muhammad Afzal, 2 Nicolton Court Maddiston Falkirk FK2 0LB on 8 January 2011
64. Letter of Objection from Mr David Hall, 24 Ochilview Denny FK6 5NQ on 10 January 2011
65. Letter of Objection from Mr Andy Crème, 46 Wallace Crescent Denny FK6 6PQ on 30 January 2011
66. Letter of Objection from Miss Dawna Allan, 26 Bulloch Crescent Denny FK6 5AL on 9 January 2011
67. Letter of Objection from Miss Dawna Grierson, 31 Hunter Gardens Denny FK6 6PP on 9 January 2011
68. Letter of Objection from Owner/Occupier, 50 Laxdale Drive Head of Muir Denny FK6 5PR
69. Letter of Objection from Mr Thomas Wilson, 234 Braes View Denny FK6 5NF on 1 February 2011
70. Letter of Objection from Ricky Dornion, 89A Duke Street Denny FK6 6NS on 1 February 2011
71. Letter of Objection from Mr Craig Dewar, 35 Glebe Street Denny FK6 6AA on 1 February 2011
72. Letter of Objection from Mr Bobby MacLean, 87 Ochil View Denny FK6 5NJ on 1 February 2011
73. Letter of Objection from Mr Gregor Taylor, 36 Herbertshire Street Denny FK6 6HD on 1 February 2011
74. Letter of Objection from Charlene MacLean, 87 Ochil View Denny FK6 5NJ on 1 February 2011

75. Letter of Objection from R McLean, 33 Braes View Denny FK6 5NG on 1 February 2011
76. Letter of Objection from Mr Barry McLean, 136 Bulloch Crescent Denny FK6 5AN on 1 February 2011
77. Letter of Objection from Margaret Hislop, 62 Reedlands Drive Denny FK6 5NL on 1 February 2011
78. Letter of Objection from Anne Marie Maley, 45 Braes View Denny FK6 5NG on 1 February 2011
79. Letter of Objection from Owner/Occupier, 11 Braes View Denny FK6 5NG on 1 February 2011
80. Letter of Objection from Owner/Occupier, 75 Blaefaulds Crescent Denny FK6 5EJ on 1 February 2011
81. Letter of Objection from Mr Richard Burrowes, 29 Brewster Place Denny FK6 6PS on 1 February 2011
82. Letter of Objection from Mr Thomas Hislop, 62 Reedlands Drive Denny FK6 5NL on 1 February 2011
83. Letter of Objection from Mr Martyn Hamilton, 6 Sinclair Crescent Denny FK6 5BT on 1 February 2011
84. Letter of Objection from Megan Miller, 6 Sinclair Crescent Denny FK6 5BT on 1 February 2011
85. Letter of Objection from Fiona Hamilton, 6 Sinclair Crescent Denny FK6 5BT on 1 February 2011
86. Letter of Objection from Ryan Hamilton, 6 Sinclair Crescent Denny FK6 5BT on 1 February 2011
87. Letter of Objection from Zoe Johnson, 78 Ure Crescent Bonnybridge FK4 1NB on 1 February 2011
88. Letter of Objection from Darren Mcateer, 3 Timmons Place Denny FK6 5AH on 1 February 2011
89. Letter of Objection from Mr Iain Moffat, 48 Glasgow Road Denny FK6 5DW on 1 February 2011
90. Letter of Objection from Mr Graeme Norris, Helenbank 45 Herbertshire Street Denny FK6 6HF on 1 February 2011
91. Letter of Objection from Mr Craig McIntosh, 6 Ferguson Drive Denny FK6 5AE on 1 February 2011
92. Letter of Objection from Mr Gary Stainton, 17 Paris Avenue Denny FK6 5AB on 1 February 2011
93. Letter of Objection from Mr Greg McKenzie, 24 Ochil View Denny FK6 5NQ on 1 February 2011
94. Letter of Objection from Mr Davie Gordon, 64 Anderson Drive Denny FK6 5DY on 1 February 2011
95. Letter of Objection from Mr Billy Sinclair, 28 Reedlands Drive Denny FK6 5NL on 1 February 2011
96. Letter of Objection from L Stewart, 28 Ochil View Denny FK6 5NQ on 1 February 2011
97. Letter of Objection from Janice McGibbon, 41 Sutherland Drive Denny FK6 5ER on 1 February 2011
98. Letter of Objection from Catherine Hunter, 91 Ochil View Denny FK6 5NJ on 1 February 2011
99. Letter of Objection from Sandra Torrance, 64 Blaefaulds Crescent Denny FK6 5EJ on 1 February 2011
100. Letter of Objection from Nicole Smith, 102 Ochil View Denny FK6 5NJ on 1 February 2011
101. Letter of Objection from Mr Ross O'Raw, 59 Wheatlands Avenue Bonnybridge FK4 1PL on 1 February 2011

102. Letter of Objection from Mr Jamie Callaghan, 42 Anderson Drive Denny FK6 5DY on 1 February 2011
103. Letter of Objection from Mr Alan Wilson, 7 Tarduff Place Stoneywood Denny FK6 5HT on 1 February 2011
104. Letter of Objection from Mr Sean Kennedy, 96 Overton Crescent Denny FK6 5AZ on 1 February 2011
105. Letter of Objection from Denise Brown, 34 Woodland Way Denny FK6 5NZ on 1 February 2011
106. Letter of Objection from Mr Stephen Grant, 130 Ochil View Denny FK6 5NJ on 1 February 2011
107. Letter of Objection from Mr Daniel Doherty, 124 Ochil View Denny FK6 5NJ on 1 February 2011
108. Letter of Objection from Dawn Kelly, 50 Blaefaulds Crescent Denny FK6 5EJ on 1 February 2011
109. Letter of Objection from Mr Scott Morrison, 33 Blaefaulds Crescent Denny FK6 5EL on 1 February 2011
110. Letter of Objection from Mary Sturgess, 66 Ochil View Denny FK6 5NH on 1 February 2011
111. Letter of Objection from Mr Alan Adams, 178 Braes View Denny FK6 5NE on 1 February 2011
112. Letter of Objection from Jane O'Donnell, 20 Sutherland Drive Denny FK6 5ER on 1 February 2011
113. Letter of Objection from Mr Ian Wallace, 21 Blaefaulds Crescent Denny FK6 5EL on 1 February 2011
114. Letter of Objection from Yvonne Burns, 8 Godfrey Avenue Denny FK6 5BU on 1 February 2011
115. Letter of Objection from Mr Derek McAllister, 31 Ochil View Denny FK6 5NQ on 1 February 2011
116. Letter of Objection from Claire Gillespie, 66 Braes View Denny FK6 5ND on 1 February 2011
117. Letter of Objection from Mr John O'Donnell, 15 Ochil View Denny FK6 5NQ on 1 February 2011
118. Letter of Objection from Miss Pauline Cullen, 82 Blaefaulds Crescent Denny FK6 5EJ on 1 February 2011
119. Letter of Objection from Mrs Marie Irvine, 208 Braes View Denny FK6 5NF on 1 February 2011
120. Letter of Objection from Mr Thomas Reddy, 23 Brewster Place Denny FK6 6PS on 1 February 2011
121. Letter of Objection from Jonathan Greer, 108 Ochil View Denny FK6 5NJ on 1 February 2011
122. Letter of Objection from Mr Barry Chalmers, 122 Ochil View Denny FK6 5NJ on 1 February 2011
123. Letter of Objection from Mr Richard Milne, 55 Blaefaulds Crescent Denny FK6 5EJ on 1 February 2011
124. Letter of Objection from Karen Binnie, 52 Blaefaulds Crescent Denny FK6 5EJ on 1 February 2011
125. Letter of Objection from Mr Donald MacDonald, 28 Ochil View Denny FK6 5NQ on 1 February 2011
126. Letter of Objection from Mr Bob Gardiner, 17 Sutherland Drive Denny FK6 5ER on 1 February 2011
127. Letter of Objection from Mr Philip Lynch, 100 Ochil View Denny FK6 5NJ on 2 February 2011

128. Letter of Objection from Mrs Nicola Henderson, 55 Braes View Denny FK6 5NG on 2 February 2011
129. Letter of Objection from Owner/Occupier, 53 Avon Street Dunipace Denny FK6 6LB on 2 February 2011
130. Letter of Objection from J Todd, 18 Souillac Drive Denny FK6 5HE on 2 February 2011
131. Letter of Objection from Tariq Sattar, 5 Blaeaulds Crescent Denny FK6 5EL on 2 February 2011
132. Letter of Objection from Angela McCabe, 87 Braes View Denny FK6 5NG on 2 February 2011
133. Letter of Objection from Senga Barr, 33 Blaeaulds Crescent Denny FK6 5EL on 2 February 2011
134. Letter of Objection from Margaret Gray, 176 Braes View Denny FK6 5NE on 2 February 2011
135. Letter of Objection from Midge Singh, 92 Ochil View Denny FK6 5NH on 2 February 2011
136. Letter of Objection from Sandra Rankin, 14 Woodland Way Denny FK6 5NZ on 2 February 2011
137. Letter of Objection from Mr Robert Morgan, 32 Braes View Denny FK6 5ND on 2 February 2011
138. Letter of Objection from Elizabeth Smart, 40 Braes View Denny FK6 5ND on 2 February 2011
139. Letter of Objection from Jackie B Allan, 58 Ochil View Denny FK6 5NH on 2 February 2011
140. Letter of Objection from Owner/Occupier, 19 Braes View Denny FK6 5NG on 2 February 2011
141. Letter of Objection from R Robertson, 248 Braes View Denny FK6 5NF on 2 February 2011
142. Letter of Objection from Hazel McMullan, 26 Windsor Drive Dunipace Denny FK6 6NL on 2 February 2011
143. Letter of Objection from Mr Michael Thompson, 31 Auchincloch Drive Banknock Bonnybridge FK4 1LA on 2 February 2011
144. Letter of Objection from Owner/Occupier, 56 Blaeaulds Crescent Denny FK6 5EJ on 2 February 2011
145. Letter of Objection from John McCartney, 73 Blaeaulds Crescent Denny FK6 5EJ on 2 February 2011
146. Letter of Objection from H Beveridge, 36 Reedlands Drive Denny FK6 5NL on 2 February 2011
147. Letter of Objection from J Leckie, 57 Glenbo Drive Head Of Muir Denny FK6 5PQ on 2 February 2011
148. Letter of Objection from Martyn Rankin, 14 Woodland Way Denny FK6 5NZ on 2 February 2011
149. Letter of Objection from E Hardie, 12 MacLachlan Avenue Denny FK6 5HF on 2 February 2011
150. Letter of Objection from P Thompson, 5 Lithgow Place Denny FK6 5BF on 2 February 2011
151. Letter of Objection from Anthony, Carole and Anton Mowatt, 38 Ochil View Denny FK6 5NQ on 2 February 2011
152. Letter of Objection from Mrs M Gentles, 1 Langhill Place Denny FK6 5BY on 2 February 2011
153. Letter of Objection from G Manuel, 7 Laxdale Drive Head of Muir Denny FK6 5PL on 2 February 2011
154. Letter of Objection from S O'Hare, 36 Souillac Drive Denny FK6 5HE on 2 February 2011
155. Letter of Objection from G Fullard, 5 Laxdale Drive Head of Muir Denny FK6 5PL on 2 February 2011
156. Letter of Objection from F Burrowes, 6 Argyll Path Denny FK6 5EN on 2 February 2011

157. Letter of Objection from Mr David Reid, 71 Reedlands Drive Denny FK6 5NX on 2 February 2011
158. Letter of Objection from Sheree McGuckin, 59 Lithgow Place Denny FK6 5BF on 2 February 2011
159. Letter of Objection from L Skinner, 202 Braes View Denny FK6 5NF on 2 February 2011
160. Letter of Objection from Mr Darren Kerr, 96 Braes View Denny FK6 5ND on 2 February 2011
161. Letter of Objection from Mr Jonathan Hird, 94 Ochil View Denny FK6 5NH on 2 February 2011
162. Letter of Objection from Owner/Occupier, 20 Loney Crescent Denny FK6 5EG on 2 February 2011
163. Letter of Objection from Mr John Henderson, 21 Braes View Denny FK6 5NG on 2 February 2011
164. Letter of Objection from Mr Ramond Gibb, 47 Ochilview Denny FK6 5NH on 10 January 2011
165. Letter of Objection from Kevin Mowatt, 26 Ochil View Denny FK6 5NQ on 11 January 2011
166. Letter of Objection from Mr Peter O'Donnell, 5 Milton Close Dunipace Denny FK6 6HR on 11 February 2011
167. Letter of Objection from Mrs Carole Mowatt, 38 Ochil View Denny FK6 5NQ on 12 January 2011
168. Letter of Objection from Mrs Christine Horner, 20 Slandersburn Road Denny FK6 5LP on 13 January 2011
169. Letter of Representation from Mr Mark Paterson, 30, Ochilview Denny FK6 5NQ on 10 January 2011
170. Letter of Objection from Miss Maria-Claire Paterson, 14 Lithgow Place Denny FK6 5BF on 9 January 2011
171. Letter of Objection from Miss Deborah Cathcart, 41 Braes View Denny FK6 5NG on 11 January 2011
172. Letter of Objection from Mr Alan Brown, 5 Glenyards Road Bonnybridge Fk4 2EA on 16 January 2011
173. Letter of Objection from Mr Kevin Mowatt, 26 Ochil View Denny FK6 5NQ on 9 January 2011
174. Letter of Objection from Miss Kirsty Hamilton, 56 Ochilview Denny FK6 5NH on 9 January 2011
175. Letter of Objection from Miss Jodie Mowatt, 38 Ochil View Denny FK6 5NQ on 10 January 2011
176. Letter of Objection from Mr William Allen, 11 Sinclair Crescent Denny FK6 5BT on 1 February 2011
177. Letter of Objection from Fiona Clark, 5 Bridge Crescent Denny FK6 6PB on 1 February 2011
178. Letter of Objection from Lisa McClare, 3 Rosemary Court Denny FK6 6NX on 1 February 2011
179. Letter of Objection from Mr David Smith, 29 Argyll Path Denny FK6 5EW on 1 February 2011
180. Letter of Objection from Rita Burrowes, 6 Argyll Path Denny FK6 5EN on 1 February 2011
181. Letter of Objection from F Burrowes, 6 Argyll Path Denny FK6 5EN on 1 February 2011
182. Letter of Objection from Zoe Brown, 34 Woodland Way Denny FK6 5NZ on 1 February 2011
183. Letter of Objection from Mr Stevan Millar, 50 Reedlands Drive Denny FK6 5NL on 1 February 2011
184. Letter of Objection from Mr Kenneth Brown, 34 Woodland Way Denny FK6 5NZ on 1 February 2011

185. Letter of Objection from Owner/Occupier, 10 Johnston Place Denny FK6 5HD on 1 February 2011

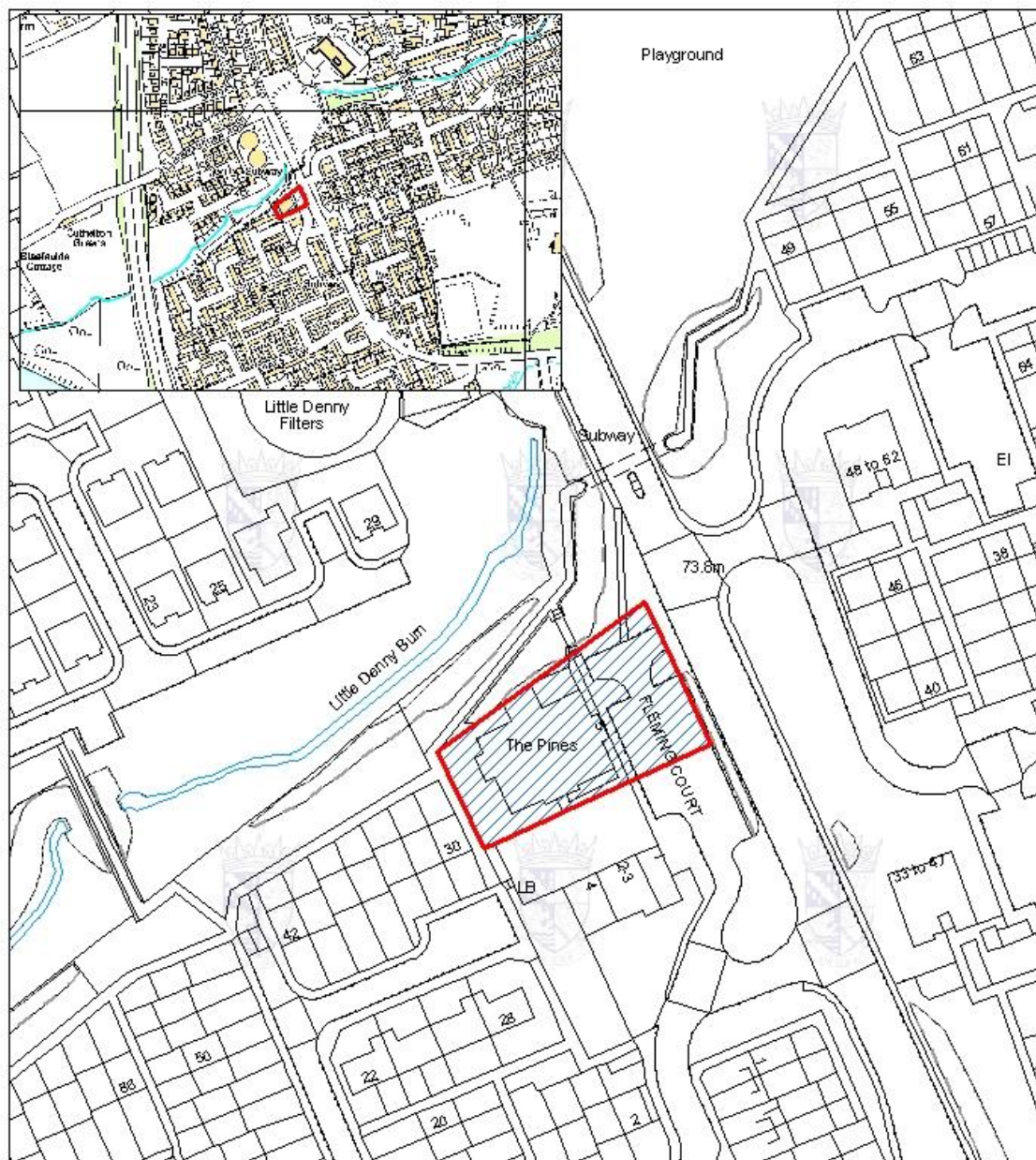
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0869/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 AGRICULTURAL WORKERS DWELLINGHOUSE
AT HOUSEHILL FARM, LARBERT, FK5 4RZ FOR JOHN
POLLOCK AND SONS LTD - P/08/0874/OUT

Meeting: PLANNING COMMITTEE

Date: 23 March 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: Brent Vivian (Senior Planning Officer), ext. 4935

UPDATE REPORT

1. Members will recall that this application was considered by the Planning Committee on 17 June 2009 (copy of previous report appended). The application was recommended for refusal by the Director of Development Services and the Committee indicated that it was minded to Grant the application subject to the satisfactory conclusion of a Section 75 Legal Agreement restricting the occupation of the proposed dwellinghouse to an agricultural worker.
2. Following the resolution of the Committee and, as part of initial proceedings to progress the legal agreement, the applicant advised, in November 2009, that there is a standard security over the property in favour of Scottish Ministers. Consent of Scottish Ministers would therefore be required in relation to the legal agreement.
3. In May 2010, the applicant advised that Scottish Ministers were seeking a substantial clawback in respect of the legal agreement. In June 2010, the applicant advised that they were seeking to negotiate a reduced clawback with Scottish Ministers. In October 2010, the applicant advised that the clawback expires on 14 May 2012 and queried whether the application could be held until then. The applicant was subsequently advised in October 2010 that it would not be acceptable to hold an application for this length of time. No further information regarding how the applicant wishes to progress matters had been received at the time of writing this report.
4. Members considered that the legal agreement was necessary to make the application acceptable in planning terms. They supported the proposed dwellinghouse at this countryside location provided it is occupied by an agricultural worker and this is secured by legal agreement. It is considered that a reasonable timescale has been afforded to complete the legal agreement and that, in the absence of any evidence to support the prospect of its conclusion in the near future, the application should now be determined.

5. The application is therefore recommended for refusal, for the reason detailed below. If or when the circumstances of the applicant changes in respect of the clawback issue, the application could make a further application for the proposed dwellinghouse.

6. RECOMMENDATION

6.1 It is therefore recommended that the Committee refuse planning permission for the following reason:-

- (1) The application is considered to be contrary to Policy ENV.1 'Countryside and Protected Areas' of the approved Falkirk Council Structure Plan and Policy SC3 'Housing Development in the Countryside' of the adopted Falkirk Council Local Plan as the essential need for a countryside location for the proposed dwellinghouse, to accommodate an agricultural worker, has not been demonstrated or secured by the satisfactory conclusion of a Section 75 Legal Agreement. The proposed development therefore represents unjustified development in the countryside.

Pp

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For Director of Development Services

Date: 15 March 2011

LIST OF BACKGROUND PAPERS

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

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

FALKIRK COUNCIL

Subject: ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT
HOUSEHILL FARM, LARBERT, FK5 4RZ FOR JOHN POLLOCK AND
SONS LTD (OUTLINE) – P/08/0874/OUT
Meeting: PLANNING COMMITTEE
Date: 17 JUNE 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Larbert, Stenhousemuir & Torwood

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks outline planning permission for the erection of a dwellinghouse for an agricultural worker.
- 1.2 The application site lies to the east of the existing farmhouse at Househill Farm near Larbert. The site is some 900m² in area, square shaped and currently in open farmland. There is an existing stone wall along the road frontage to the site.
- 1.3 An Agricultural Labour Requirement Report has been submitted with the application. In summary it states: -
- The applicant runs an agricultural business based at Bonnyhill Farm. The business also farms several other sites in the Falkirk area. The main ones are Bonnyside Farm and Househill Farm.
 - The business is run as a dairy and arable cropping farm with all calves born to the dairy cows reared as dairy herd replacements or as finished cattle for the beef market. In addition, winter sown cereals, spring cereals and grass for silage are grown.
 - The business processes and retails all the milk produced by the dairy herd. The processing and distribution operation is based at Bonnyhill Farm and employs 8 full time people. There has recently been a substantial investment in the dairy buildings and new milking parlour at Bonnyhill Farm.
 - The dairy herd at Bonnyhill has been expanded, necessitating the movement of the rearing of the heifers and beef cattle to the other farm sites owned by the business.

- The business has a requirement to comply with animal welfare regulations. A failure to meet those requirements would jeopardise membership of the Quality Assurance Scheme for livestock. To fulfil those requirements it is necessary to have appropriately qualified people resident on the site where the livestock are kept.
- The business currently has 8 houses available to it with one house occupied by Mrs Pollock (Senior) who is no longer actively involved in the business.
- In order to have key personnel situated at the sites where livestock are kept it has been identified that the business requires a further two houses to fulfil this function.
- The labour requirement of the current farming business has been calculated at 13.42 labour units.
- It is concluded that there is an agricultural justification to support an additional 2 houses for key workers based on the labour requirements for the business using standard labour data.

- 1.4 The applicant's agent has confirmed that the farming operation (excluding the milk processing operation) employs 12 full time workers. He has named these workers and advised that 7 of them occupy dwellinghouses owned by the business and that the remainder live in a variety of other houses, some of which are not very convenient to the farm operation.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 There is no planning history for the application site.
- 3.2 Planning application ref: P/08/0866/OUT for the erection of a dwellinghouse for an agricultural worker at Bonnyside Farm has also been submitted and is pending consideration.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that access to the proposed development would be by means of an existing private access road of restricted width and alignment, that lacks footway and lighting provision. Development accessed by a private road is contrary to this department's practice.
- 4.2 The Environmental Protection Unit has advised that the undertaking of a Contaminated Land Assessment will be required. Its database shows the application site to be within 250 metres of a working farm and other potential sources of land contamination.
- 4.3 Scottish Water has no objection to the application. It has noted that there are no public sewers in the vicinity of the proposed development.

- 4.4 Museum Services have advised that the site lies at the centre of a large Roman temporary camp dating to the 3rd century AD, such that a condition should be attached to any permission to require an archaeological survey. It is advised that Roman temporary camps are generally devoid of internal structures other than ovens and pits and that the visual impact of the proposed development on the archaeological setting would be minimised by its proximity to the existing farm buildings.
- 4.5 The Council's Rural Business Consultant has raised concerns in relation to the operational need for the proposed dwellinghouse. In particular, he considers that the system of measurement used to justify a requirement for 13.42 labour units is outdated and not appropriate in this instance given the size of the farm (giving rise to efficiencies through economies of scale), family involvement and the likelihood that the hours worked are longer than the standard labour unit. In addition, he is not aware of the current location of the 8 existing farm dwellinghouses because the applicant has not provided this information despite being asked to do so. The consultant considers that, unless there are a significant number of animals at a particular location, it may not be feasible to justify a dwellinghouse on site for welfare reasons if the stock can be looked after in a satisfactory fashion from nearby.

5. COMMUNITY COUNCIL

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council has not made any representations.

6. PUBLIC REPRESENTATION

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

7. DETAILED APPRAISAL

7a The Development Plan

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

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

Accordingly: -

Approved Falkirk Council Structure Plan

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

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

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

- 7a.2 This policy requires consideration of whether the proposed dwellinghouse is essential to a countryside location. The justification put forward is that the proposed dwellinghouse is required for an agricultural worker, and an Agricultural Labour Requirement Report has been submitted in support of this. The ‘essentiality’ test in respect of the proposed dwellinghouse is considered to require assessment of the operational need for the proposed dwellinghouse, whether there is an existing dwellinghouse that could meet that need or there is an opportunity for an existing building to be converted to meet that need, and whether the business as a whole is capable of providing the main source of income for the occupant.
- 7a.3 The operational need for the proposed dwellinghouse requires consideration of whether the agricultural worker needs to be resident on the site rather than somewhere else and whether the business provides sufficient full-time employment to support an additional dwellinghouse. In this instance insufficient information has been submitted in regard to how the animal husbandry currently takes place across the different farm units, the location of the existing dwellinghouses owned by the business and the place of residence of the regular staff. It has therefore not been demonstrated that the stock could not be looked after in a satisfactory fashion without the need for the proposed dwellinghouse. With regard to employment, the concerns raised by the Council’s Rural Business Consultant are noted, however it is accepted that the labour unit requirement of 13.42 has been calculated in accordance with agreed labour data requirements. It is therefore considered that the application could not be properly opposed on these grounds.
- 7a.4 The existing cluster of buildings at Househill Farm includes a dwellinghouse. It has not been demonstrated that this dwellinghouse could not meet any operational need at this location. In addition, there are a number of existing buildings at this location. It has not been demonstrated that there is no opportunity to convert an existing building to meet any operational need.
- 7a.5 No information has been submitted to demonstrate that the business could provide the main source of income for the occupant of the proposed dwellinghouse.
- 7a.6 It is therefore considered that it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse. Accordingly, the application does not accord with this policy.

Adopted Rural Local Plan

- 7a.7 The application site lies 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 This policy presumes against new development in the countryside except in limited circumstances. The relevant potential exception in this instance is criteria 1. For the reasons detailed in relation to Policy ENV. 1 of the approved Falkirk Council Structure Plan it has not been demonstrated that the proposed dwellinghouse is absolutely essential to the pursuance of an economic activity appropriate to a rural location. The application therefore does not accord with this policy.

7a.10 The policy requires strict control of the siting, scale and design of those developments in the countryside which are granted planning permission. In this instance the location of the application site is considered to be acceptable given its proximity to the existing farm buildings. The design and layout of the proposed dwellinghouse would be considered as part of a detailed application should permission be granted. Boundary treatments would be important given the open nature of the site. There would be a preference for stone walling and hedging using native species and a presumption against timber fencing.

7a.11 Accordingly, the application does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses and the submissions by the applicant.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

- 7b.3 The relevant policies under this plan are Policy EQ19 (Countryside) and Policy SC3 (Housing Development in the Countryside). These policies are similar to Policy ENV.1 of the approved Falkirk Council Structure Plan and to Policy Rural 1 of the adopted Rural Local Plan and do not raise any additional issues. For the reasons detailed in relation to Policy ENV 1 of the Falkirk Council Structure Plan, the application is similarly considered to be contrary to Policy EQ19 and SC3 of the emerging replacement Local Plan.

Consultation Responses

- 7b.4 The consultation responses are summarised in Section 4. of this report. The comments of the Roads Development Unit, Scottish Water and Museum Services are noted, however it is considered that the concerns of the Roads Development Unit concerning access to the site could not justify refusal of the application in this instance.
- 7b.5 The request by the Environmental Protection Unit for a contaminated land assessment could be the subject of a condition of any approval of the application.
- 7b.6 The concerns of the Council's Rural Business Consultant regarding the operational need for the proposed dwellinghouse are noted and are reflected to a large extent in assessment of the application against the relevant Development Plan policies.

Submissions by the Applicant

- 7b.7 The submission by the applicant is set out in paragraph 1.3 of this report. The applicant contends that appropriately qualified people require to be resident where livestock is kept, in order to comply with animal welfare regulations. However, the Council's Rural Business Consultant has advised that there are plenty of farm units carrying livestock that do not have farm staff resident on the site. The applicant has not detailed how the animal husbandry currently takes place across the different farm units, the location of the existing dwellinghouses owned by the business and the place of residence of the regular staff, in spite of this information having been requested. If a case could be made that there are no existing dwellinghouses occupied by a regular staff member or family member within close proximity of the livestock accommodation, then this Planning Service may be able to accept an operational need for the proposed dwellinghouse on welfare grounds. In addition, cash flow accounts would need to be submitted to demonstrate that the business would provide the main source of income to the occupant of the proposed dwellinghouse.

7c Conclusion

- 7c.1 This application, for the erection of an agricultural workers dwellinghouse, is considered to be contrary to the Development Plan for the reasons detailed in this report. The application is therefore recommended for refusal. There are considered to be no material planning considerations to justify setting aside the terms of the Development Plan in this instance. The application founders on a deficiency of information as detailed in this report.
- 7c.2 If the Committee is of a mind to support this proposal it is considered that this would not constitute a significant departure to the Development Plan because of the minor nature of the development.

8. RECOMMENDATION

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

- (1)** The application is considered to be contrary to Policies ENV.1 (Countryside and Protected Areas) of the approved Falkirk Council Structure Plan, Rural 1 (New Development in the Countryside) of the adopted Rural Local Plan and EQ19 (Countryside) and SC3 (Housing 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. In particular the operational need for the proposed dwellinghouse, whether any existing dwellinghouse or conversion of an existing building could meet that need, and whether the existing business would provide the main source of income for the occupant of the proposed dwellinghouse have not been demonstrated. The proposed dwellinghouse is therefore considered to represent unjustified development in the countryside.

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For Director of Development Services

Date: 10 June 2009

LIST OF BACKGROUND PAPERS

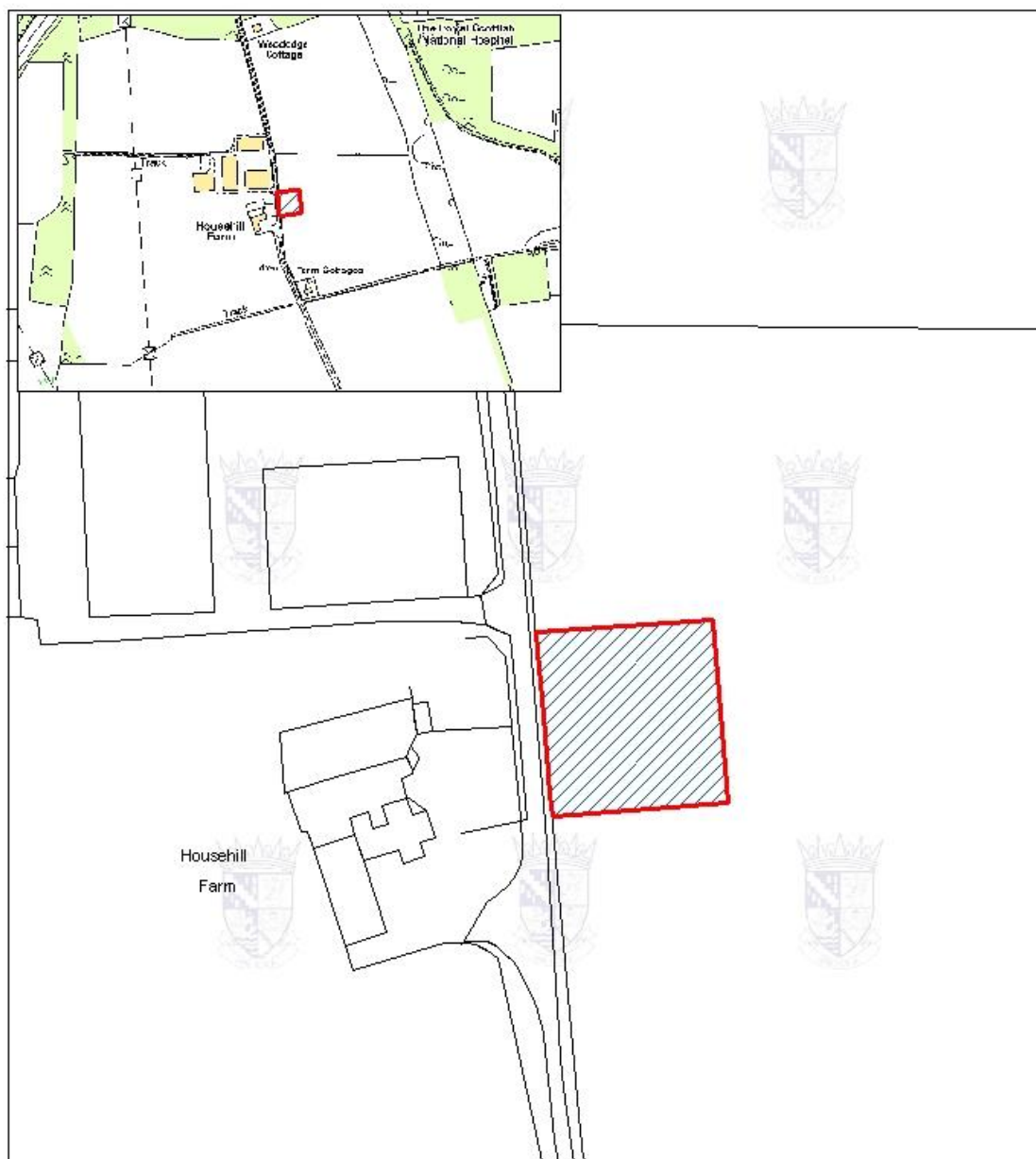
1. Approved Falkirk Council Structure Plan
2. Adopted Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

Planning Committee

Planning Application Location Plan **P/08/0874/OUT**

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



Falkirk Council

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