

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 24 AUGUST 2011 at 9.30 A.M.**

**PRESENT:** Councillors Alexander, Buchanan, Carleschi, Lemetti, C Martin, McLuckie, McNeill, Nicol, Thomson and Turner.

**CONVENER:** Councillor Buchanan.

**ATTENDING:** Director of Development Services; Chief Governance Officer; Development Manager; Development Management Co-ordinator (B Whittle); Transport Planning Co-ordinator; Roads Development Officer (R Mackenzie); Senior Forward Planning Officer (R Teed); Senior Environmental Health Officer; Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

**DECLARATIONS**

**OF INTEREST:** None.

**P50. OPENING REMARKS**

Prior to the commencement of business, the Convener:-

- (a) welcomed Councillors Alexander and Turner as new members of the Committee; and
- (b) informed Members that following consideration of the formal business on the agenda he would invite the Development Manager to provide an update on the West Carron Landfill, Stenhouse Road, Carron. This would include an update on the continuing issues associated with the site, the Council's involvement and the enforcement measures being considered by SEPA.

**P51. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Planning Committee held on 15 June 2011.

**P52. ERECTION OF DWELLINGHOUSE, STABLES AND EQUESTRIAN ARENA ON LAND TO THE EAST OF DENOVAN COTTAGE, DENNY FOR MR A THOMSON - P/10/0646/PPP**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for planning permission in principle for the

erection of a dwellinghouse, stables and equestrian arena in association with an existing horse breeding and stabling operation on land to the east of Denovan Cottage and to the south of Denovan Road, north of Denny.

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

**P53. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES WITH PROVISION FOR 20% AFFORDABLE HOUSING AT PARKHALL FARM, VELLORE ROAD, MADDISTON, FALKIRK FK2 0BN FOR CENTRAL SCOTLAND HOUSING - P/11/0194/PPP**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for planning permission in principle for the development of part of an existing field within the countryside to the east of Maddiston for residential purposes and comprising 35 units separated by overhead electricity lines and pylons and accessed via the eastern spur of the new roundabout recently granted planning permission (P/10/0249/MSC). The application includes provision for 20% affordable housing and is located at Parkhall Farm, Vellore Road, Maddiston, Falkirk.

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

**P54. ERECTION OF DWELLINGHOUSE ON LAND TO THE NORTH OF 4 MERRYLEES COTTAGES, LINLITHGOW FOR MR AND MRS STODDART -P/11/0311/FUL**

There was submitted Report (circulated) dated 17 August 2011 by the Director of Development Services on an application for full planning permission for the erection of a dwellinghouse on land (formerly garden ground) to the north and rear of 4 Merrylees Cottages, Linlithgow.

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

**P55. EXTENSION TO DWELLINGHOUSE (2 STOREY TO REAR) AT 8 MCCAMBRIDGE PLACE, LARBERT FK5 4FY FOR MRS LESLEY HENDERSON - P/11/0322/FUL**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full planning permission for a two storey extension to the rear of a two storey detached dwellinghouse at 8 McCambridge Place, Larbert.

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

**P56. CHANGE OF USE OF PUBLIC OPEN SPACE TO FORM PRIVATE GARDEN GROUND, ERECTION OF DOMESTIC GARAGE AND 1.8M TIMBER FENCING ON LAND TO THE EAST OF 14 BLINKBONNY ROAD, BLINKBONNY ROAD, FALKIRK FOR MR ALEXANDER GRAHAM - P/11/0254/FUL**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full planning permission for the change of use of public open space to the rear of two semi detached residential properties to form private garden ground, the erection of a domestic garage and 1.8 metre timber fencing on land to the east of 14 Blinkbonny Road, Blinkbonny Road, 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)
  - (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.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.

Informative:-

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

**P57. SUBDIVISION OF GARDEN, ERECTION OF DWELLINGHOUSE AND EXTENSION TO EXISTING DWELLINGHOUSE AT WINDYKNOWE, CROMWELL ROAD WEST, FALKIRK FK1 1SE FOR MR GREIG MAXWELL - P/11/0112/FUL**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full planning permission to demolish an existing flat roof extension to a dwellinghouse, to construct a one and a half storey extension with a reduced footprint, to subdivide a large garden area to the side of the property and to erect a dwellinghouse thereon. The site is situated at Windyknowe, Cromwell Road West, Falkirk.

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

**P58. ERECTION OF DWELLINGHOUSE AT GLEN HOUSE, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR MR ALAN MILLIKEN - P/11/0347/FUL**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full planning permission for the erection of a single storey dwellinghouse and detached garage within the rear garden area of an existing detached dwellinghouse at Glen House, Glen Road, Torwood, Larbert and also to the rear of Torwood Tower and Torwood Cottage.

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

**P59. MODIFICATION OF AGREEMENT ON PLANNING PERMISSION F/96/0002 TO ALLOW THE DWELLINGHOUSE TO BE OCCUPIED BY A PERSON "MAINLY OR LASTLY EMPLOYED IN AGRICULTURE, FORESTRY OR LANDSCAPE INDUSTRIES LIKE A TREE NURSERY, IN THE LOCAL AREA, OR TO A DEPENDANT OF SUCH A PERSON RESIDING WITH HIM OR HER, OR A WIDOW OR WIDOWER OF SUCH A PERSON" AT ALMA COTTAGE, 7A MANNERSTON HOLDINGS, LINLITHGOW EH49 7LY FOR MARTIN AND ALISON WATT - P/11/0439/75M**

There was submitted Report (circulated) dated 16 August 2011 by the Director of Development Services on a request to modify an Agreement in relation to planning permission F/96/0002 made under the terms of Section 50 of the Town and Country Planning (Scotland) Act 1972 (now Section 75 of the Town and Country Planning (Scotland) Act 1997), as amended, and relating to restrictions on the occupancy of a dwellinghouse known as Alma Cottage at 7A Mannerston Holdings, Linlithgow.

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

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 5 SEPTEMBER 2011 at 9.30 A.M.**

**PRESENT:** Councillors Alexander, Buchanan, Lemetti, McLuckie, McNeill; Mahoney, Nicol, Thomson (for applications P/10/0646/PPP and P/11/0439/75M); and Turner.

**CONVENER:** Councillor Buchanan.

**APOLOGIES:** Councillor Oliver.

**ATTENDING:** Development Manager; Senior Planning Officer (B Vivian) (for application P/10/0646/PPP); Planning Officer (K Brown) (for application P/11/0194/PPP); Planning Officer (D Paterson) (for application P/11/0311/FUL); Outdoor Access Officer (M Brown) P/10/0646/PPP); Roads Development Officer (C Russell) (for application P/10/0646/PPP); Roads Development Officer (R Mackenzie) (for application P/11/0194/PPP); Roads Development Officer (R Crawford) (for application P/11/0311/FUL); Solicitor (K Quin); and Committee Officer (A Sobieraj).

**DECLARATIONS** None  
**OF INTEREST:**

**P60. VISIT TO CENTRAL DEMOLITION, CHATTAN INDUSTRIAL ESTATE, BONNYSIDE, BONNYBRIDGE**

This visit was postponed to another date at the request of the site.

**P61. ERECTION OF DWELLINGHOUSE, STABLES AND EQUESTRIAN ARENA ON LAND TO THE EAST OF DENOVAN COTTAGE, DENNY FOR MR A THOMSON - P/10/0646/PPP**

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P52 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for planning permission in principle for the erection of a dwellinghouse, stables and equestrian arena in association with an existing horse breeding and stabling operation on land to the east of Denovan Cottage and to the south of Denovan Road, north of Denny.

The Convener introduced the parties present.

The Senior Planning Officer (B Vivian) outlined the nature of the application.

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

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

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

The objections included the following issues:-

- That the development was contrary to the Structure Plan relating to development in the countryside;
- The extension of the settlement area and the further loss of agricultural land;
- The lack of requirement for the dwellinghouse;
- The need for clarification on whether trotting was to take place on the site;
- The detail of the equestrian centre i.e. show jumping, horse riding, stables or breeding;
- The proximity to a large equestrian facility nearby;
- The loss of countryside amenity and the guest house in the area;
- The existing and cumulative impact on the environment, flooding, visual intrusion, hardstanding and excess storage including a static caravan;
- The unsuitability of Denovan Road to support proposals including poor sightlines and the bend east of the site;
- A significant increase in traffic, road safety and associated accidents, congestion and dangerous junctions and site access and visibility;
- The obstruction of ambulances and other vehicles to the new hospital to and from the site;
- A public Right of Way through the site towards the River Carron and the importance of maintenance, improvement and upkeep including the gate, signage and public access;
- The rubble overspill in construction of a level base for the agricultural shed and the need for Right of Way access free from obstruction; and
- The large culvert to the rear of the land overshadowed by a large amount of rubble and contamination of the watercourse.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advised that the matter would be determined by the Planning Committee on 21 September 2011.

The Committee thereafter walked through the site and viewed the access path to the public Right of Way.

**P62. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES WITH PROVISION FOR 20% AFFORDABLE HOUSING AT PARKHALL FARM, VELLORE ROAD, MADDISTON, FALKIRK FK2 0BN FOR CENTRAL SCOTLAND HOUSING - P/11/0194/PPP**

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P53 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for planning permission in principle for the development of part of an existing field within the countryside to the east of Maddiston for residential purposes and comprising 35 units separated by overhead electricity lines and pylons and accessed via the eastern spur of the new roundabout recently granted planning permission (P/10/0249/MS). The application includes provision for 20% affordable housing and is located at Parkhall Farm, Vellore Road, Maddiston, Falkirk.

The Convener introduced the parties present.

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

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

The Convener thereafter read out emails from Mr Horsburgh, Mr and Mrs Taylor and Mr Irwin, objectors, in relation to the application.

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

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

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

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

Mr Datt, an objector, although not having officially objected, was heard in relation to the application.

The objections included the following issues:-

- The pressure on the existing schools infrastructure, school capacity and issues associated with children travelling by bus to schools outwith the area;
- The increase in traffic and road safety issues;
- The non compliance with Development Plan policies;
- The maintenance of the existing SUDS pond and issues relating to flooding;
- The issues relating to the creation of a through road and the roundabout;
- The safety concerns relating to pylons near housing and the hazards to children;
- The loss of a view;
- The loss of flora, fauna and green space;
- The overdevelopment of the area and the loss of the countryside; and
- The negative effect of affordable housing on surrounding property values.

Questions were then asked by Members of the Committee.

Councillor Hughes, 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 21 September 2011.

**P63. ERECTION OF DWELLINGHOUSE ON LAND TO THE NORTH OF 4 MERRYLEES COTTAGES, LINLITHGOW FOR MR AND MRS STODDART - P/11/0311/FUL**

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P55 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full planning permission for the erection of a dwellinghouse on land (formerly garden ground) to the north and rear of 4 Merrylees Cottages, Linlithgow.

The Convener introduced the parties present.

The Planning Officer (D Paterson) outlined the nature of the application.

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

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

Mr Archibald, on behalf of Blackness Area Community Council, an objector, was heard in relation to the application.

The objections included the following issues:-

- That the proposal is contrary to the Development Plan;
- The road safety, visibility and access issues to and from the road;
- The adequate space within the existing house for wheelchair access and the disabled facilities;
- The overdevelopment of the site and the intrusion into the countryside; and
- That approval would set a precedent for further development in the countryside.

Questions were then asked by Members of the Committee.

Councillor Ritchie, 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 21 September 2011.



**P64. MODIFICATION OF AGREEMENT ON PLANNING PERMISSION F/96/0002 TO ALLOW THE DWELLINGHOUSE TO BE OCCUPIED BY A PERSON “MAINLY OR LASTLY EMPLOYED IN AGRICULTURE, FORESTRY OR LANDSCAPE INDUSTRIES LIKE A TREE NURSERY, IN THE LOCAL AREA, OR TO A DEPENDANT OF SUCH A PERSON RESIDING WITH HIM OR HER, OR A WIDOW OR WIDOWER OF SUCH A PERSON” AT ALMA COTTAGE, 7A MANNERSTON HOLDINGS, LINLITHGOW, EH49 7LY, FOR MARTIN AND ALISON WATT - P/11/0439/75M**

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P59 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services on a request to modify an Agreement in relation to planning permission F/96/0002 made under the terms of Section 50 of the Town and Country Planning (Scotland) Act 1972 (now Section 75 of the Town and Country Planning (Scotland) Act 1997), as amended, and relating to restrictions on the occupancy of a dwellinghouse known as Alma Cottage at 7A Mannerston Holdings, Linlithgow.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

Councillor Ritchie, as local Member for the area, indicated that she had no comments or questions relating 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 21 September 2011.



**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on FRIDAY 9 SEPTEMBER 2011 at 2. 15 P.M.**

**PRESENT:** Councillors Alexander, Buchanan, Carleschi, Lemetti, McLuckie, and Turner.

**CONVENER:** Councillor Buchanan.

**APOLOGIES:** Councillors Mahoney, Nicol and Thomson.

**ATTENDING:** Development Manager; Senior Planning Officer (J Milne) (for application P/11/0347/FUL); Roads Development Officer (R Mackenzie) (for application P/11/0112/FUL); Roads Development Officer (C Russell) (for application P/09/0347/FUL); Planning Officer (S McClure) and Assistant Planning Officer (K Thorley) (for application P/11/0112/FUL); Solicitor (K Quin); and Committee Officer (A Sobieraj).

**DECLARATIONS** None  
**OF INTEREST:**

**P65. SUBDIVISION OF GARDEN, ERECTION OF DWELLINGHOUSE AND EXTENSION TO EXISTING DWELLINGHOUSE AT WINDYKNOWE, CROMWELL ROAD WEST, FALKIRK, FK1 1SE FOR MR GREIG MAXWELL - P/11/0112/FUL**

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P57 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full planning permission to demolish an existing flat roof extension to a dwellinghouse, to construct a one and a half storey extension with a reduced footprint, to subdivide a large garden area to the side of the property and to erect a dwellinghouse thereon. The site is situated at Windyknowe, Cromwell Road West, Falkirk.

The Convener introduced the parties present.

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

The applicant was not present and had not submitted apologies for the meeting.

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

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

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

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

The objections included the following issues:-

- The loss of amenity of neighbouring properties;
- The close proximity of the proposed dwelling to 2 Cromwell Road and associated privacy issues;
- The overshadowing, overlooking and privacy of 3 Cromwell Road;
- The heavy construction lorries and construction's structural damage to 3 Cromwell Road;
- The increase in traffic in Cromwell Road due to the new dwelling;
- The effect on the surrounding poorly constructed dwellings, associated subsidence issues and poor quality of ground;
- The disruption and mess from construction at the site and access and safety of children;
- The effect on the value of neighbouring properties;
- That the property would be out of character with surrounding dwellings;
- The effect of the burn running under the property and on other surrounding properties;
- The safety issue from the proposed driveway location;
- The history in the area from a burst water main and the exacerbation from the new dwelling;
- The overdevelopment of the site, the inadequate garden ground and the property sitting forward of the street building line;
- The significant height of the property, particularly the roofspace;
- The concerns about the later use of the void area within the dwelling; and
- The loss of a view of the adjacent park and open space for neighbouring dwellings.

Questions were then asked by Members of the Committee.

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

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

Members thereafter viewed the vehicular access of the proposed new dwelling.

The Convener concluded by thanking the parties for their attendance and advised that the matter would be determined by the Planning Committee on 21 September 2011.

**P66. EXTENSION TO DWELLINGHOUSE (2 STOREY TO REAR) AT 8 MCCAMBRIDGE PLACE, LARBERT FK5 4FY FOR MRS LESLEY HENDERSON - P/11/0322/FUL**

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P55 refers), Committee further gave consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full

planning permission for a two storey extension to the rear of a two storey detached dwellinghouse at 8 McCambridge Place, Larbert.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

Mr Matear, the applicant's father, was heard in relation to the application.

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

Mr Baxter, the owner of the neighbouring property, indicated that he did not object to the application in principle, was heard in relation to his letter of representation.

Members thereafter moved to re-convene the meeting within the living room of Mr Baxter's home at his request, and with the consent of all parties, with the purpose of viewing the position of the proposed extension from that position and from the neighbouring property's garden.

The concerns within the letter of representation included the loss of amenity, specifically privacy from overlooking due to the habitable nature of the extension's sun room design in relation to the side windows and folding doors.

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 21 September 2011.

**P67. ERECTION OF DWELLINGHOUSE AT GLEN HOUSE, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR MR ALAN MILLIKEN - P/11/0347/FUL**

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P58 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services on an application for full planning permission for the erection of a single storey dwellinghouse and detached garage within the rear garden area of an existing detached dwellinghouse at Glen House, Glen Road, Torwood, Larbert and also to the rear of Torwood Tower and Torwood Cottage.

The Convener introduced the parties present.

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

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

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

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advised that the matter would be determined by the Planning Committee on 21 September 2011.

**FALKIRK COUNCIL**

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR  
DISABLED PERSONS) (No.96) ORDER 2010**  
**Meeting: PLANNING COMMITTEE**  
**Date: 21<sup>st</sup> September, 2011**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**1. INTRODUCTION**

- 1.1 This report seeks a decision on The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No.96) Order 2010, the purpose of which is to reserve a parking space in Duncan Avenue, Carronshore for disabled persons. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as unresolved objections have been received to the making of the Order. In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.
- 1.2 Members should be aware that it is available to them to call for a hearing on the Order should they find themselves unable to determine whether the Order should be made or not at this stage. Such a hearing would be conducted by an independent party appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider the report and recommendation of the Reporter before making a determination.

**2. BACKGROUND**

- 2.1 Falkirk Council currently provides on-street parking spaces in residential areas, enforceable by virtue of a traffic regulation order, for people with a disability who are in receipt of a Blue Badge and who meet the criteria as laid down in the Disabled Persons' Parking Place (Scotland) Act 2009 (the 2009 Act).
- 2.2 It should be noted that, although a disabled parking place is marked as a result of an application by an individual, any person who displays a Blue Badge on their vehicle may park in the bay.
- 2.2 On receipt of an application for a disabled bay, the 2009 Act requires Falkirk Council to decide whether it is possible to identify a suitable street parking place from which there is convenient access to the applicant's address. An assessment of Main Street and Duncan Avenue, Carronshore identified that the applicant's vehicle was generally parked in Duncan Avenue, Carronshore which would be suitable for allocating a parking place. In terms of road safety and congestion, there are no issues which would prevent a disabled bay being provided in this area of carriageway and given the level of mobility difficulties experienced by the applicant, is deemed a safer location than on Main Street, Carronshore.
- 2.3 The applicant for the bay has confirmed that the most convenient location of a proposed disabled bay for them is in Duncan Avenue as indicated on the attached drawing number

CR/001. This location is also deemed most suitable in terms of road safety by both Council officers and Central Scotland Police.

- 2.4 An application for a disabled person's parking space on Duncan Avenue was previously received from a resident of Main Street, Carronshore. The associated Traffic Regulation Order received objections from residents of Duncan Avenue. The Planning Committee meeting of 22 September 2010, following objections and a site visit, refused to make the Order. The Order was refused on the grounds that the committee considered the location was contrary to road safety due to its close proximity to the busy nearby junction with Main Street, Carronshore. The new Order takes into consideration concerns raised by residents of Duncan Avenue and the discussions at the Planning Committee meeting of 22 September 2010 when refusing the previous Order (RDTRAF/960).

### **3. PROPOSAL**

- 3.1 Following the necessary checks against the criteria laid down in the 2009 Act, the statutory procedure for promoting a traffic regulation order was initiated taking into consideration the discussion at the 22 September 2010 Planning Committee.
- 3.2 Drawing CR/001 indicates the proposed disabled persons' parking place location. Also shown is the extension to double yellow line waiting restrictions as proposed in TRO/10/004 - The Falkirk Council (Duncan Avenue and Main Street, Carronshore)(Prohibition of Waiting) Order 2010.
- 3.3 In accordance with Local Authorities Traffic Orders (Procedure) (Scotland) Regulations, 1999, notices of intention were posted on-street and in the local press in the prescribed manner in November 2010.

### **4. CONSULTATION**

- 4.1 16 matching objections dated 15 December 2010 were received from residents of Duncan Avenue, Carronshore.
- 4.2 The objectors advise that their objections to the previous Order (RDTRAF/960) still stand. The basis of the previous objections received was that the provision of a disabled parking space as proposed in the new Order would have road safety implications for residents accessing and egressing their street, Duncan Avenue. Objectors also perceive the space to be encouraging non-residents to park in their street.
- 4.3 The objectors also state that the location of the advisory disabled persons' parking space exacerbates congestion around the junction between Duncan Avenue and Main Street.
- 4.4 In addition to previous objections as stated above, objectors indicate their belief that the entrance to Duncan Avenue will remain a "single track" with a space located as indicated in drawing number CR/001 despite the proposed disabled persons' parking place location being in excess of 15 metres (49 feet) from the give way line.
- 4.5 The objectors also state that the bay will be further from the applicant's property thus defeating the purpose of the bay. Objectors believe the bay would be more conveniently and easily located outwith Duncan Avenue, on Main Street, Carronshore.



- 4.6 Development Services responded to the objectors on 23 February 2011 explaining:-
- a) the criteria for the provision of disabled persons' parking places and that there are no road safety concerns for the space as proposed.
  - b) Development Services' proposals to extend waiting restrictions into Duncan Avenue as suggested by the objectors in their correspondence of 25 May 2010 in relation to the previous Order (RDTRAF/960).
  - c) the road safety concerns of locating a disabled persons' parking place on Main Street, Carronshore.
- 4.7 Objectors were asked to formally withdraw their objections.
- 4.8 Two objectors formally withdrew their objections. Fourteen objectors have not withdrawn their objections and hence a Committee decision is required in accordance with para 1.1.
- 4.9 Central Scotland Police have attended the location and advised that they have no adverse road safety concerns regarding the location of the proposed disabled persons' parking space. Central Scotland Police advise that they support the location as proposed in The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No.96) Order 2010.

## **5.0 CONCLUSION**

- 5.1 The purpose of Falkirk Council's policy and of this particular Order is to provide a parking space for a disabled person who meets the requirement of impaired mobility and has difficulties parking near their house. The 2009 Act requires local authorities to consider road safety and congestion as part of the application process. The proposed location is considered satisfactory bearing in mind these considerations.
- 5.2 The applicant for whom this Order was promoted meets the current assessment criteria for obtaining a disabled person's parking space in accordance with the 2009 Act.

## **6.0 RECOMMENDATION**

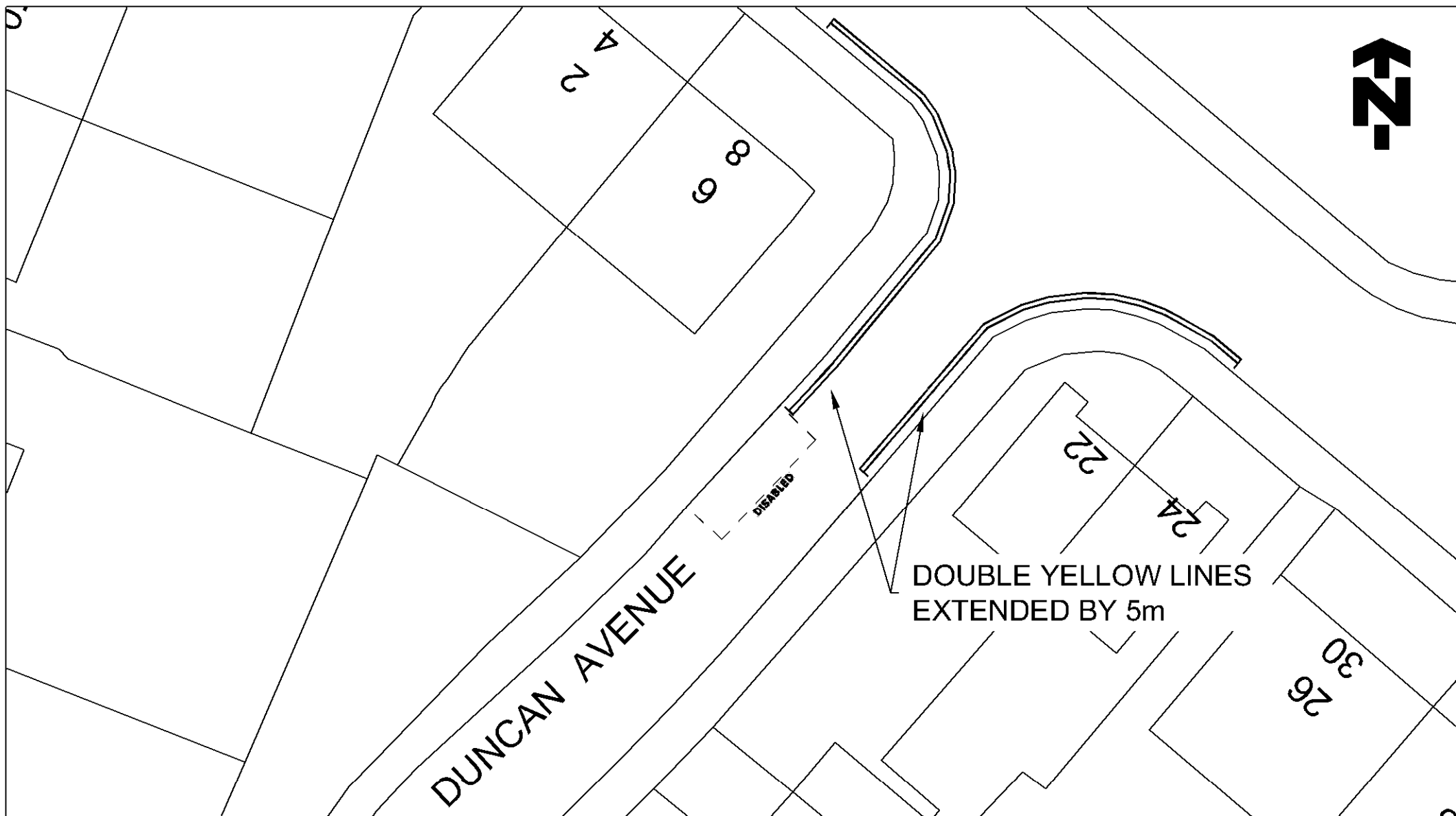
- 6.1 **Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.**


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**Director of Development Services**  
**Date: 14 September, 2011**

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

### **LIST OF BACKGROUND PAPERS**

1. The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No.96) Order 2010
2. Consultation responses
3. Letters of objection and correspondence



REVISIONS AND ISSUES				PROJECT LOCATION OF DISABLED PERSONS' PARKING PLACE		DRAWING DUNCAN AVENUE, CARRONSHORE		
NO	DATE	BY	DETAILS					
				DRAWING NO. <b>CR/001</b>		 <p>Falkirk Council Development Services (Roads) Abbotsford House, David's Loan Falkirk FK2 7YZ Tel: 01324 504850 Fax: 01324 504850 Director: Rhona Connor</p>		



**FALKIRK COUNCIL**

**Subject:** **ERECTION OF DWELLINGHOUSE, STABLES AND EQUESTRIAN ARENA AT LAND TO THE EAST OF DENOVAN COTTAGE, DENNY FOR MR A THOMSON - P/10/0646/PPP**

**Meeting:** **PLANNING COMMITTEE**  
**Date:** **21 September 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:** **Brent Vivian (Senior Planning Officer), Ext. 4935**

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this planning application was originally considered at the meeting of the Planning Committee on 24 August 2011 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. The site visit took place on 5 September 2011.
2. At the site meeting, the planning officer summarised his report, the applicant's agent described the proposal, an objector was heard and Members were heard.
3. The applicant's agent highlighted that the application has been subject to extensive discussions with Council officers in order to address all the relevant matters.
4. The objector reiterated and expanded on the concerns raised in his objection. These concerns related to increase in traffic, cumulative traffic impacts taking into account other developments and development proposals in the area, the unsuitability of Denovan Road, visual impact and right-of-way issues.
5. Members were heard in relation to vehicular access and the right-of-way, and whether the location of the new access could be identified now. They requested the accident records for the area. They viewed the line of the right-of-way and a possible location for a new access where visibility could be maximised. The agricultural notification received by the Council in 2008 for the existing shed was queried in the context that the proposed development is not classified as "agriculture".

6. The positions of Scottish Water and SEPA were queried. It was confirmed that Scottish Water did not object in their formal response to the application. Members viewed the location of an existing manhole for a Scottish Water mains pipe, which the applicant advised is at the original ground level and has not been affected by the existing shed. He advised that the distance between the shed and the pipe meets Scottish Water's requirements. It was advised that SEPA is investigating the deposition of materials on the banks of the River Carron in the locality.
7. Councillor Waddell, a local Member, intimated that there are material considerations which give him cause for concern. Following the site meeting, Councillor Waddell was invited in writing to confirm if he seeks any further information or clarification to assist the Planning Committee in its deliberations. Any update regarding this matter will be provided at the Committee meeting.
8. The accident records for the locality are attached. They cover a distance of 150 metres in both directions of the mid point along the frontage of the applicant's property. They indicate that there have been four reported personal injury accidents at this location between 1981 and 2010.
9. Recommended condition 6 of any grant of the application would require the existing vehicular access to be closed off and relocated to a position agreed to by the Planning Authority. The condition therefore provides for detailed consideration of this matter at full planning stage, although a specific location for a new access could be identified at Planning in Principle stage, which maximises the available visibility and therefore achieves betterment compared to visibility at the existing access.
10. Recommended Condition 12 of any grant of the application would require upgrade of the right-of-way and consideration of potential links to other access routes.
11. The agricultural notification received in 2008 indicated that the use of the proposed building was for hay store, farm implements and parking for a tractor and trailer. The Planning Service was satisfied with the proposed siting, design and external appearance and, based on the information submitted at the time, advised that prior approval was not required.
12. The recommendation contained in the previous report is reiterated as follows:

### **13. RECOMMENDATION**

- 13.1 **It is recommended that Committee indicate that it is minded to Grant Planning Permission in Principle subject to:-**
  - (a) **The satisfactory completion of an Agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to restrict the occupancy of the proposed dwellinghouse to the rural business;**
  - (b) **And thereafter, on the conclusion of the foregoing matter, 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.
- (4) Construction of the proposed dwellinghouse shall not commence until the proposed stables and outdoor riding arena have been fully completed, in accordance with details approved in writing by this Planning Authority.
- (5) Before the development commences, a Contaminated Land Assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by this Planning Authority.

- (6) Before the development commences, the existing vehicular access to the site from Denovan Road shall be closed off and relocated to a position and in accordance with details approved in writing by this Planning Authority. For the avoidance of doubt, the indicative location for the formation of a new access, as shown on the Illustrative Block Plan (Dwg. DR 01 C), is not approved.
- (7) The relocated access shall be formed at a minimum width of 6 metres, at a maximum gradient of 10%, and shall be constructed in a manner to ensure that no loose materials or surface water is discharged onto the public road.
- (8) The first 15 metres of the new bellmouth and access road from the existing carriageway edge shall be surfaced with a coated material in accordance with details approved in writing by the Planning Authority.
- (9) In-curtilage parking shall be provided for the proposed dwellinghouse, stables and riding arena, in accordance with the Design Guidance and Construction Standards for Roads in the Falkirk Council Area if relevant or, alternatively, in accordance with details approved in writing by this Planning Authority.
- (10) Before the development commences, there shall be no obstruction to visibility above ground level within a visibility splay measuring 4.5 metres x 210 metres (or as near as is practicable) in either direction along Denovan Road from the relocated access.
- (11) Any access gates shall open inwards only and be positioned a minimum distance of 15 metres back from the edge of the public carriageway.
- (12) Unless otherwise agreed in writing by this Planning Authority, the existing public right of way shall be retained in its current position. As part of the first application for the approval of Matters Specified in Conditions, the necessary details, including path and verges, gradients, boundary treatment, signage, potential links to other access routes and timescales for completion, shall be agreed 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) To avoid the possibility of a dwellinghouse being established without the planned business investment.
- (5) To ensure the ground is suitable for the proposed development.
- (6,7,8 10 & 11) To safeguard the interests of the users of the highway.
- (9) To ensure that adequate parking is provided.



- (12) To safeguard an existing access route in a satisfactory manner.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A.
- (2) A Minor Roadworks Consent (MRC) will be required for the proposed new vehicular access.
- (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 shall not be permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

**Pp**

.....  
**Director of Development Services**

**Date:** 14 September 2011

**LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. Letter of Objection received from Dr Roderick Macdonald, West Denovan Church, Denovan Road, Denny, FK6 6BJ on 20 October 2010.
4. Letter of Objection received from Mrs Isabel Gillespie, 2 Ferguson Drive, Denny, FK6 5AE on 28 October 2010.
5. Letter of Representation received from Logan Associates, Gladstone Cottage, Station Road, Leven, KY8 4QU on 29 October 2010.
6. Letter of Objection received from Mr William John Buchanan, 29 Godfrey Avenue, Denny, FK6 5BU on 12 October 2010.
7. Letter of Objection received from Mr William John Buchanan, 29 Godfrey Avenue, Denny, FK6 5BU on 10 June 2011.
8. Letter of Objection received from Dr Roderick McDonald, West Denovan Church, Denovan Road, Denny FK6 6BJ on 20 June 2011

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

**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE, STABLES AND EQUESTRIAN ARENA AT LAND TO THE EAST OF DENOVAN COTTAGE, DENNY FOR MR A THOMSON - P/10/0646/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 24 August 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:** Brent Vivian (Senior Planning Officer), Ext. 4935

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application site lies in open countryside to the south of Denovan Road, north of Denny. The site comprises hard surfaces, grazing land and a caravan. There is an agricultural shed adjoining the application site. An existing vehicular access and public right of way follow the western property boundary. An existing residential property lies to the immediate west. To the south lies the River Carron.
- 1.2 The application seeks planning permission in principle to erect a dwellinghouse, stables and equestrian arena in association with an existing horse breeding and stabling operation. The applicant currently resides and partly operates the existing business at Carronside, at the western end of Denovan Road, and the subject land was purchased to enable expansion of the business. The applicant has advised of incidences of vandalism and animal attack at the new site, which have frustrated the expansion plans in the absence of a 24 hour on-site presence. Whilst the original plans did not anticipate a need to move wholly to the new site, this has been re-evaluated in the circumstances. A Business Expansion Plan has been submitted in support of the application.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Waddell.

### **3. SITE HISTORY**

- 3.1 Agricultural Notification Ref: P/08/0975/AGR for the erection of an agricultural building was received in December 2008. It was advised that prior approval is not required. This building has been erected.
- 3.2 Planning Application Ref: P/11/0469/FUL for the change of use of land for the temporary siting of a caravan and storage containers (retrospective) was received on 19 July 2011 and is pending consideration.

### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have advised that the existing vehicular access off Denovan Road has poor visibility in both directions, being restricted by carriageway alignment. They request that an alternative vehicular access be provided on land to the east within the ownership of the applicant. They advise that adequate parking will be required for the dwellinghouse, stables and riding arena. They are satisfied with the Flood Risk Statement submitted with the application.
- 4.2 The Environmental Protection Unit have requested the undertaking of a Contaminated Land Assessment due to the presence of two chemical manufacturing sites, a sewage treatment works and other potential sources of contaminated land within 250 metres of the site.
- 4.3 Scottish Water have no objection to the application.
- 4.4 The Council's Rural Business Consultant is satisfied, based on the supporting statement, that a sufficient income would be provided for an individual from breeding trotters, the livery and the activities proposed, with full-time employment being achieved in year 3. He advises that brooding mares have to be monitored and that stock for equine businesses requires a lot of attention. He has noted the incidences of vandalism and animal attack advised by the applicant.

### **5. COMMUNITY COUNCIL**

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

### **6. PUBLIC REPRESENTATION**

- 6.1 Six objections have been received to the application. The comments raised in these objections can be summarised as follows:-
- Contrary to Structure Plan policy relating to development in the countryside.
  - Extension of the settlement area.
  - Further loss of agricultural land.
  - There does not appear to be a need for the proposed dwellinghouse.

- The current owner's business is trotting. Is this site to hold trotting racecourse meetings?
- The equestrian centre should be defined, i.e. show jumping, horse riding, stables or breeding.
- There is a large equestrian facility nearby and the needs of the community would not be served by another.
- Loss of countryside amenity in combination with previously approved guest house in the area.
- Cumulative impact of equestrian facilities is damaging to the environment.
- Visual intrusion and existing environmental damage as a consequence of hardstanding and excess storage including a static caravan.
- Denovan Road is not suitable to support the venture e.g. poor sightlines, there is a bad bend just east of the site.
- There will be a significant increase in traffic.
- Traffic and road safety issues if the facility is commercial e.g. arising from congestion.
- Ambulances etc travelling to the new hospital may be obstructed or blocked by activity to and from the site.
- A public right of way/longstanding drove road passes through the site towards the River Carron and the original gateway has been removed and not restored.
- Rubble overspill used to construct a level base for the agricultural shed has made passage on the right of way difficult.
- There is a large culvert to the rear of the land which is overshadowed by a large amount of rubble, which if left uncontrolled could contaminate the watercourse.

## **7. DETAILED APPRAISAL**

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

Accordingly,

### **7a The Development Plan**

#### ***Approved Falkirk Council Structure Plan***

- 7a.1 The proposed development does not have any strategic implications therefore the policies of the Structure Plan are not relevant.

## **Adopted Falkirk Council Local Plan**

### **7a.2 Policy EQ19 - ‘Countryside’ states:**

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

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

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

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

7a.3 This policy requires the scale, siting and design of development to be strictly controlled to ensure there is no adverse impact on the character of the countryside. The visual impact of the proposed development is mitigated by its setting adjoining existing buildings and retention of existing landscape features such as mature trees. The detailed scale, siting and design would be considered at full planning stage. In principle, the application is considered to accord with this policy.

### **7a.4 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.5 This policy states that the Council will safeguard the line of any existing access route affected by development unless a satisfactory alternative route can be agreed. Public right of way CF/S161 follows the western boundary of the site and is to be retained in its current location, unless otherwise agreed with the Planning Authority pending further consideration, in consultation with the Access Officer. Currently this right of way is undefined, overgrown in places and does not appear to be in use. The proposed development provides an opportunity to upgrade the right of way and consider it within the context of the wider access network, including whether a diversion would better serve the purpose. The details regarding path width and verges, gradient, boundary treatment, signage and potential links to other access routes would be considered at detailed planning stage. The application is therefore considered to accord with the policy.

7a.6 Policy SC3 - 'Housing Development In The Countryside' states:

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

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

7a.7 This policy provides for housing development in the countryside where it is essential for the management of a business requiring a countryside location (subject to certain criteria being satisfied). With regard to these criteria, there is an operational need for the proposed dwellinghouse to meet the welfare needs of the horses and to effectively manage the business and there are no opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse. Whilst the applicant's existing dwellinghouse is nearby (at the west end of Denovan Road), on-site accommodation would better serve the need by enabling rapid response to animal welfare emergencies and effective site security. The supporting information indicates that the existing business currently provides the main source of income to the applicant. This aspect of the policy is therefore satisfied. The supporting information indicates that full-time employment would be achieved in year 3 of the planned expansion. Overall, the application is considered to accord with this policy.

7a.8 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 of the adequacy of access and car parking arrangements must be satisfactory."*

7a.9 This policy provides for leisure and tourism development in the countryside where the use demonstrates a particular need for a countryside location and could not be more appropriately located within the settlement limits. The proposal for stable rental and rent of the outdoor arena for horse training and coaching provides a leisure aspect to the overall business. By virtue of the nature of the use, it is evident that there is a need for a countryside location. The application therefore accords with this policy.

7a.10 Accordingly, the proposed development accords with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations in respect of this application are the consultation responses, the representations received, the viability and sustainability of the business use to support a permanent dwellinghouse and the circumstances influencing the proposal to erect a dwellinghouse at this location.

### ***Consultation Responses***

- 7b.2 The consultation responses are summarised in section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions of any grant of permission. As noted, the Council's Rural Business Consultant is satisfied with the proposal and has highlighted the need for brooding mares to be closely monitored and attended to.

### ***Representations Received***

- 7b.3 The public representations are summarised in section 6 of this report. In response to the concerns raised in these representations, the following comments are considered to be relevant:-

- The proposed development does not have any strategic implications and therefore the policies of the Structure Plan are not relevant.
- The proposal has been assessed in this report as complying with the adopted Falkirk Local Plan.
- The proposed development would give rise to a small loss of agricultural land adjoining existing development.
- The need for the proposed dwellinghouse is accepted, for the reasons detailed in this report.
- The business is horse breeding, grazing and stabling. The Business Expansion Plan indicates stabling for up to 8 horses (including stable rental for 2 to 3 horses per annum) and rent of the outdoor arena for training and coaching.
- The applicant has advised that there is no intention to host show jumping or trotting races at the site.
- Horse breeding and stabling are typically located in the countryside.
- Visual impact is mitigated by its setting adjacent to existing development and retention of existing landscape features such as trees.
- The storage containers and caravan would be removed from the site following completion of the construction works and are subject to a separate application (ref: P/11/0469/FUL).
- The scale and nature of the development, as indicated in the supporting information, is unlikely to lead to a significant increase in road traffic.



- A new vehicular access to the site would be required and its specific location would be subject to consideration at detailed planning stage.
- The existing public right of way would be retained at its current location, unless otherwise agreed by the Planning Authority, and upgrades to facilitate its use would be secured at detailed planning stage.

### ***Viability and Sustainability***

- 7b.4 With regard to viability and sustainability aspects, it is apparent that the applicant is well placed to deliver the business expansion plans taking into account the supporting information, which indicates that there are no secured borrowings or burdens affecting the existing property, the planned investment is not dependent on the sale of the existing property and its sale would realise a business expansion surplus. As a further safeguard, the applicant would accept a condition requiring completion of the new stables and outdoor arena prior to construction of the new dwellinghouse.

### ***Individual Circumstances***

- 7b.5 The circumstances which led to a wholesale re-evaluation of the original objectives are a material consideration. These circumstances, as detailed in this report, support the new site as the residence for the existing business and in order to facilitate the planned expansion.

### **7c Conclusion**

- 7c.1 The proposed development is considered to accord with the Development Plan, for the reasons detailed in this report. The application is therefore recommended for approval subject to a Section 75 Legal Agreement to restrict the occupancy of the new dwellinghouse, and the imposition of appropriate conditions. There are material considerations in support of the application, as detailed in this report, and there are no material considerations to justify a contrary recommendation or outweigh the recommendation to grant the application.

## **8. RECOMMENDATION**

- 8.1 It is recommended that Committee indicate that it is **Minded to Grant Planning Permission in Principle** subject to:-
- (a) The satisfactory completion of an Agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to restrict the occupancy of the proposed dwellinghouse to the rural business;
  - (b) And thereafter, on the conclusion of the foregoing matter, 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.
- (4) Construction of the proposed dwellinghouse shall not commence until the proposed stables and outdoor riding arena have been fully completed, in accordance with details approved in writing by this Planning Authority.
- (5) Before the development commences, a Contaminated Land Assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by this Planning Authority.

- (6) Before the development commences, the existing vehicular access to the site from Denovan Road shall be closed off and relocated to a position and in accordance with details approved in writing by this Planning Authority. For the avoidance of doubt, the indicative location for the formation of a new access, as shown on the Illustrative Block Plan (Dwg. DR 01 C), is not approved.
- (7) The relocated access shall be formed at a minimum width of 6 metres, at a maximum gradient of 10%, and shall be constructed in a manner to ensure that no loose materials or surface water is discharged onto the public road.
- (8) The first 15 metres of the new bellmouth and access road from the existing carriageway edge shall be surfaced with a coated material in accordance with details approved in writing by the Planning Authority.
- (9) In-curtilage parking shall be provided for the proposed dwellinghouse, stables and riding arena, in accordance with the Design Guidance and Construction Standards for Roads in the Falkirk Council Area if relevant or, alternatively, in accordance with details approved in writing by this Planning Authority.
- (10) Before the development commences, there shall be no obstruction to visibility above ground level within a visibility splay measuring 4.5 metres x 210 metres (or as near as is practicable) in either direction along Denovan Road from the relocated access.
- (11) Any access gates shall open inwards only and be positioned a minimum distance of 15 metres back from the edge of the public carriageway.
- (12) Unless otherwise agreed in writing by this Planning Authority, the existing public right of way shall be retained in its current position. As part of the first application for the approval of Matters Specified in Conditions, the necessary details, including path and verges, gradients, boundary treatment, signage, potential links to other access routes and timescales for completion, shall be agreed 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) To avoid the possibility of a dwellinghouse being established without the planned business investment.
- (5) To ensure the ground is suitable for the proposed development.
- (6,7,8 10 & 11) To safeguard the interests of the users of the highway.
- (9) To ensure that adequate parking is provided.

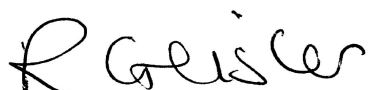
- (12) To safeguard an existing access route in a satisfactory manner.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A.
- (2) A Minor Roadworks Consent (MRC) will be required for the proposed new vehicular access.
- (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 shall not be permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.



.....  
**Director of Development Services**

**Date:** 16 August 2011

**LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. Letter of Objection received from Dr Roderick Macdonald, West Denovan Church, Denovan Road, Denny, FK6 6BJ on 20 October 2010.
4. Letter of Objection received from Mrs Isabel Gillespie, 2 Ferguson Drive, Denny, FK6 5AE on 28 October 2010.
5. Letter of Representation received from Logan Associates, Gladstone Cottage, Station Road, Leven, KY8 4QU on 29 October 2010.
6. Letter of Objection received from Mr William John Buchanan, 29 Godfrey Avenue, Denny, FK6 5BU on 12 October 2010.
7. Letter of Objection received from Mr William John Buchanan, 29 Godfrey Avenue, Denny, FK6 5BU on 10 June 2011.
8. Letter of Objection received from Dr Roderick McDonald, West Denovan Church, Denovan Road, Denny FK6 6BJ on 20 June 2011

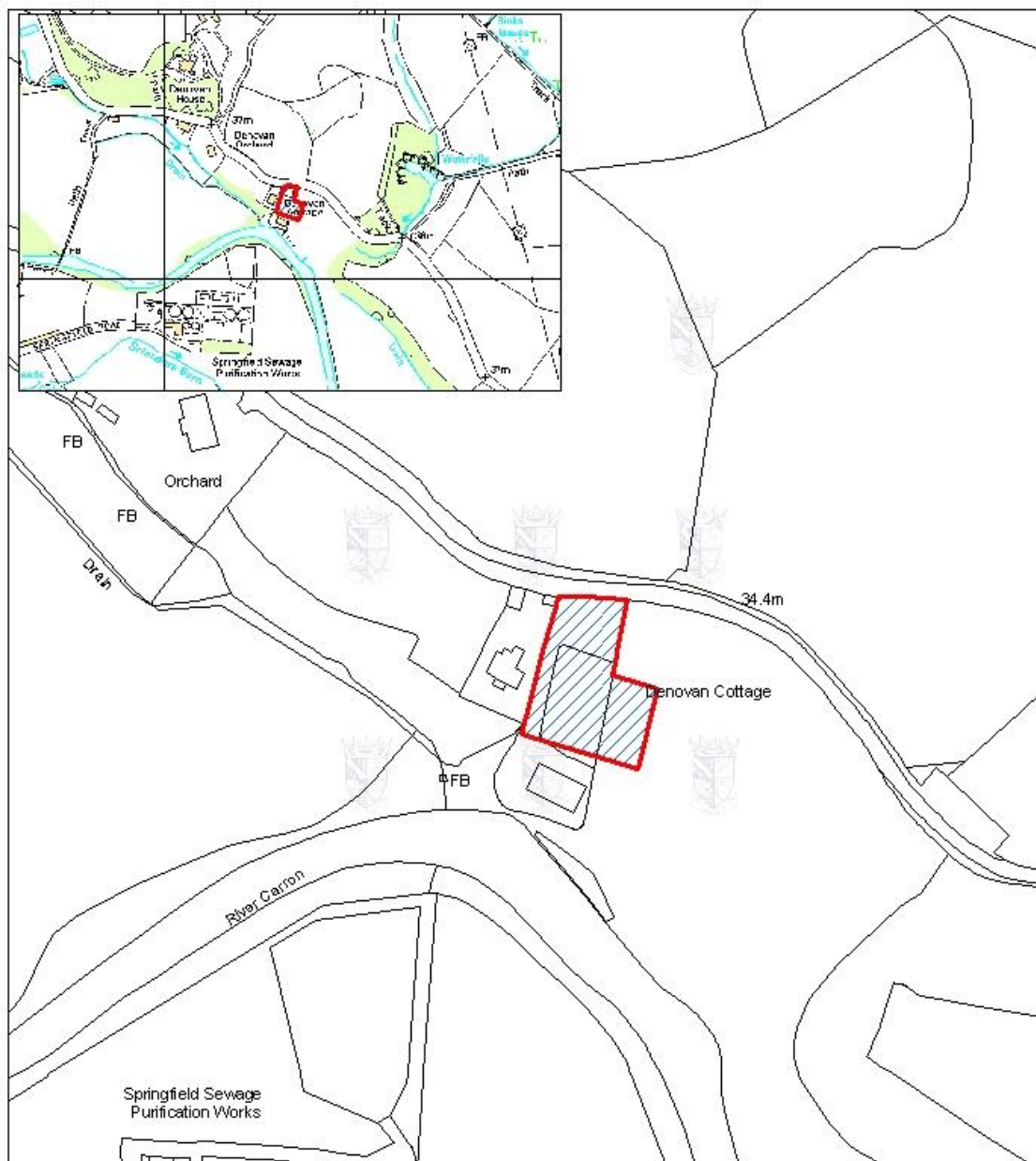
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/10/0646/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:** SUBDIVISION OF GARDEN, ERECTION OF DWELLINGHOUSE AND EXTENSION TO EXISTING DWELLINGHOUSE AT WINDYKNOWE, CROMWELL ROAD WEST, FALKIRK FK1 1SE FOR MR GREIG MAXWELL - P/11/0112/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Falkirk North  
Provost Pat Reid  
Councillor David Alexander  
Councillor Craig R. Martin  
Councillor Cecil Meiklejohn

**Community Council:** None

**Case Officer:** Stephen McClure (Planning Officer), Ext. 4702

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 24 August 2011 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 9 September 2011.
2. At the site meeting, it was highlighted to Members that this particular site had twice previously been the subject of proposals to sub-divide the garden ground and erect a dwelling (P/09/0069/FUL & P/10/0268/FUL), with the first being refused and the second withdrawn. Following further discussion with the Development Management, the applicant submitted a proposal for the whole site. This comprised the demolition of the existing single storey side extension and the replacement of a 1½ storey side extension with a reduced footprint. The remaining area to be to the south of the garden would be sub-divided and a new dwelling erected, with the design of the new dwelling taking its main features from the existing dwelling.
3. Objectors attending the site visit were neighbours who stayed adjacent or near to the site. The main issues raised were that the proposal was considered to be an overdevelopment of the site, there were structural issues with the neighbouring dwellings which could be exacerbated by construction traffic and the construction of the house on site. Existing provision would be affected. The issue of an underground burn that flows under the site could be disrupted, the streetscape and buildline would be affected, overshadowing from the proposed dwelling, overlooking / loss of privacy, and clarification over an area marked as void on the floor plans of the proposed property were also raised.

4. In respect of the issue of the void area marked on the plans, and it was explained the reason that this appeared on the plans was due to the proposed site levels. This section would be under the proposed ground level and therefore would not be developed for any use. It was highlighted that if in the future anything was to be undertaken in this area, it would be unlikely to require planning permission as it would be internal works within the footprint of the dwelling. Any resulting windows would be at base course level and would be very small in nature and would not raise any privacy concerns.
5. The issue of the burn, which had been suggested runs under the site, was also highlighted in discussion. This is not a material planning consideration.
6. Members also raised the issue of the structural damage that could occur to the neighbouring properties to the rear, which the owners at the site visit complained were already suffering subsidence. This is also not a material planning consideration, as this would be a matter for the applicant to address during construction.
7. Parking for the existing property and proposed new dwelling were also queried by Members. The Roads officer present explained that the street from which the proposed new access was to be taken was private, and that Falkirk Council had no control over this. However, it was confirmed that the parking and driveway were in accordance with the Council standards.
8. Members also raised the issue of the proposed boundary treatments, as it was thought that the proposed boundary treatment would lead to a large structure over two metres in height surrounding the dwelling. It was proposed the existing wall surrounding the site would be taken to a level of 1.6 metres, and at one location due to levels, may require additional fencing/wall to ensure appropriate screening. A condition is attached requiring a detailed landscaping plan to be submitted if the application was granted. This would detail the final fencing and wall arrangement and allow consideration to be given to the scale / impact of the screening whilst ensuring adequate privacy.
9. The Provost and Councillor Meiklejohn both reiterated the above matters of concern and concluded that the site was not suitable for the proposed dwelling, it would lack adequate useable garden ground, affect the privacy of neighbouring properties and overshadow neighbouring dwellings.
10. No matters were raised which would amend the original recommendation to grant planning permission.

## **11. RECOMMENDATION**

### **11.2 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) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have**



originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.

- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
  - (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (3) The existing dropped kerb footway crossing and associated tarred ramp in the carriageway channel on Cromwell Road, shall be removed, with the footpath returned to its original level.
  - (4) Development shall not begin until details of the scheme of hard and soft landscaping works for the entire site have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
    - i. existing and finished ground levels in relation to a fixed datum, preferably ordnance
    - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
    - iii. location and design, including materials, of walls, fences and gates
    - iv. soft and hard landscaping works
    - v. existing and proposed services such as cables, pipelines, sub-stations
    - vi. a programme for completion and subsequent maintenance.
  - (5) A smooth render to be agreed in writing by the Planning Authority shall be applied to both the existing dwelling and the proposed dwelling.
  - (6) The new dwellinghouse shall not be occupied until work has been completed to remove the flat roof side extension of the existing dwelling, Windyknowe.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To safeguard the interests of the users of the highway.

(4-5) To safeguard the environmental amenity of the area.

(6) The development would not be acceptable without the removal of the current extension.

**Informative(s):-**

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

**Pp**

.....  
**Director of Development Services**

**Date:** 14 September 2011

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. The Falkirk Council Local Plan.
3. The Falkirk Council House Extensions and Alterations Supplementary Planning Guidance Note.
4. Letter of objection from Mr James Wilson, 5 Cromwell Road Falkirk FK1 1SF on 19 April 2011.
5. Letter of objection from Mr Alex Davidson, 13 Moncks Road Falkirk FK1 1SG on 20 April 2011.
6. Letter of objection from Boston J A and Anne A Glegg, 3 Cromwell Road Falkirk FK1 1SF on 15 April 2011.
7. Letter of objection from Mrs Carole Anne McDermott, 2 Cromwell Road Falkirk FK1 1SF on 11 April 2011.

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

**FALKIRK COUNCIL**

**Subject:** SUBDIVISION OF GARDEN, ERECTION OF DWELLINGHOUSE AND EXTENSION TO EXISTING DWELLINGHOUSE AT WINDYKNOWE, CROMWELL ROAD WEST, FALKIRK FK1 1SE FOR MR GREIG MAXWELL - P/11/0112/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 24 August 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Falkirk North  
Provost Pat Reid  
Councillor David Alexander  
Councillor Craig R. Martin  
Councillor Cecil Meiklejohn

**Community Council:** None

**Case Officer:** Stephen McClure (Planning Officer), Ext. 4702

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 A large dwelling located within a well established residential area of Falkirk, which is adjacent to Bellsmeadow Park. It is proposed to demolish an existing flat roof extension to the side of the dwelling and construct a one and a half storey extension, with a reduced footprint. The dwelling has a large area of garden ground to the side, and it is proposed to sub-divide this area to create a new plot upon which a dwellinghouse is proposed.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Provost Pat Reid.

**3. SITE HISTORY**

- 3.1 Planning application ref: P/09/0069/FUL for a sub-division of the plot and erection of a dwellinghouse was refused in May 2009 for the following reasons:-
- (1) The proposed dwelling did not respect the townscape character or provide adequate/private garden ground to it and the existing dwelling in terms of the proposed scale, density and disposition.
  - (2) The proposed development would have left the existing dwelling with inadequate parking provision.

- 3.2 Planning application ref: P/10/0268/FUL, for the erection, again, of an additional dwellinghouse was submitted in April 2010 but was subsequently withdrawn. This was following concerns about its position within the plot and relation to the host dwelling.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has no objection to the proposal.
- 4.2 Scottish Water has no objection to the proposal.
- 4.3 The Environmental Protection Unit has advised that a Contaminated Land Assessment is required.

#### **5. COMMUNITY COUNCIL**

- 5.1 There is no Community Council.

#### **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, 4 contributors submitted letters to the Council. The salient issues are summarised below:-

- Close proximity of the proposed dwelling to 2 Cromwell Road.
- The proposed dwelling would affect the value of neighbouring properties.
- Privacy would be affected to 2 Cromwell Road.
- The proposed property would be out of character with other dwellings in the street.
- The burn running under the property may be affected and affect surrounding properties.
- Disruption and mess caused by builders at the site would affect access and could cause a safety issue to children.
- 3 Cromwell Road would be overshadowed by the proposed new dwelling.
- 3 Cromwell Road would be overlooked and the residents have their privacy affected.
- The method of construction could cause structural damage to 3 Cromwell Road.
- There would be an increase in traffic in Cromwell Road due to the proposed dwelling.
- The proposed driveway location could cause a safety issue.
- The area has a history of burst water main at this location, a new dwelling could make this worse.

- The property would lack adequate garden ground.
- The property would sit forward of the building line of the street.
- The height of the property would be too high.
- View of the adjacent park would be lost for neighbouring dwellings.

## 7. DETAILED APPRAISAL

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

Accordingly,

### 7a The Development Plan

#### ***Falkirk Council Structure Plan***

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

#### ***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 erection of a dwellinghouse at this site is compatible with neighbouring uses, being an established residential area, and it is considered that a satisfactory level of residential amenity could be achieved. The site enjoys good accessibility to public transport, walking routes and cycling routes to shopping, recreational and other community facilities. The existing physical infrastructure such as roads, drainage and water supply is in place and could accommodate a further dwelling at the location. It is therefore considered that 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 proposed dwelling’s scale, density, disposition and design is considered to respect the architectural and townscape character of the area. Although this corner plot presents a number of design challenges, the proposed property has been carefully considered in terms of the plot size. The design of the new dwelling has been taken from the existing dwelling on the site, with all the main features being replicated within the new design. The new dwelling would have a direct street frontage onto Cromwell Road West, although would protrude into the building line of Cromwell Road. However, this is in keeping with the streetscape, with the dwelling at the opposite end of Cromwell Road fronting Moncks Road (to the east of the site) also protruding into the building line.

7a.6 It is considered that, although limited, there would be adequate garden ground provided to serve the new property, as it is intended to use the site levels and create flat terraced areas. The removal of the area of garden ground for the proposed dwelling would also not have an unacceptable impact upon the size and function of the garden ground of the existing dwelling, with a satisfactory area remaining.

7a.7 Owing to the positioning of the proposed dwelling, it is not considered that there would be an unacceptable loss of privacy to the neighbouring dwelling. The proposed new dwelling’s rear windows could look onto the front garden and gable end of the neighbouring property to the rear, with no windows looking directly into one another. Due to this, privacy would be afforded to both the proposed dwelling and the neighbouring property. No other properties would be affected in regard to privacy. The proposed access to the new property and the existing property would be taken from the private road of Cromwell Road West. The existing access from Cromwell Road would be removed and the footpath reinstated. Both the accesses and parking are considered to be appropriate and to the levels required. It is therefore considered that the proposal accords with Policy SC8.

7a.8 Policy SC9 - ‘Extensions And Alterations To Residential Properties’ states:

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

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

- 7a.9 As part of the proposal, the existing dwelling would have a flat roof extension to the side demolished and replaced with a one and a half storey extension, which would be reduced in length from the existing extension. The proposed scale, design and materials are sympathetic to the existing building with features of the existing dwelling being integrated into the proposal. The proposed location and scale of the extension and alterations would not significantly affect the degree of amenity, daylight or privacy enjoyed by the neighbouring properties. The proposed extension would not result in overdevelopment of the plot, with a smaller footprint than the current side extension, it would not directly affect the functioning of the garden ground or parking. It is therefore considered that the proposal accords with Policy SC9.
- 7a.10 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed are the Falkirk Council Supplementary Guidance and assessment of public representations.

### ***Falkirk Council Supplementary Guidance***

- 7b.2 The proposed extension to the existing property meets the criteria of the Supplementary Guidance. It is therefore considered that the proposal accords with the House Extensions and Alterations Supplementary Planning Guidance Note.

### ***Assessment of Public representations***

- 7b.3 The proposed dwelling would be an acceptable distance from 2 Cromwell Road.
- 7b.4 Any effect on the value of properties is not a material planning consideration.
- 7b.5 Privacy would not be affected to an unacceptable degree at 2 Cromwell Road due to the distance between the properties, with only two small decorative windows in the proposed elevation.
- 7b.6 The area has no distinctive character in relation to house design, with a mix of single, one and a half and two storey dwellings. The proposed dwelling has also taken its features from the existing dwelling to create a smaller version of this property.
- 7b.7 The burn that runs under the property is not a material planning consideration.
- 7b.8 Method of construction is not a material planning consideration.
- 7b.9 It is not considered that there would be an unacceptable level of overshadowing of the neighbouring property at 3 Cromwell Road.
- 7b.10 Due to the location of the proposed dwelling, 3 Cromwell Road would not have an unacceptable loss in privacy. The majority of the proposed dwelling faces the gable end of 3 Cromwell Road, and there are no direct window to window situations.
- 7b.11 One additional dwelling would not cause an unacceptable increase in traffic at this location.

- 7b.12 The proposal has been assessed by the Roads Unit, and the driveways are considered acceptable.
- 7b.13 Scottish Water has stated that there are no issues with the services to this site.
- 7b.14 The levels would be used to create suitable garden ground at the property with terraced areas.
- 7b.15 The property would sit forward of the building line on Cromwell Road, which is to the side gable of the proposed dwelling. This, however, matches the streetscape of the area, with the existing dwelling at the opposite side of Cromwell Road also sitting forward of the build line.
- 7b.16 The proposed dwellinghouse is a two and a half storey dwelling, but, this is due to the levels on site. The dwelling would sit at the same level as the current host dwelling, and would be lower than the neighbouring dwelling to the rear.
- 7b.17 Loss of view is not a material planning consideration.

## **7c Conclusion**

- 7c.1 It is considered that the proposal is acceptable development and is in accordance with Policies SC2, SC8 and SC9 of the Falkirk Council Local Plan. There are no other material planning considerations which would justify a 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) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.**  
**(ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.**



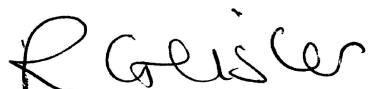
- (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (3) The existing dropped kerb footway crossing and associated tarred ramp in the carriageway channel on Cromwell Road, shall be removed, with the footpath returned to its original level.
- (4) Development shall not begin until details of the scheme of hard and soft landscaping works for the entire site have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
  - i. existing and finished ground levels in relation to a fixed datum, preferably ordnance
  - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
  - iii. location and design, including materials, of walls, fences and gates
  - iv. soft and hard landscaping works
  - v. existing and proposed services such as cables, pipelines, sub-stations
  - vi. a programme for completion and subsequent maintenance.
- (5) A smooth render to be agreed in writing by the Planning Authority shall be applied to both the existing dwelling and the proposed dwelling.
- (6) The new dwellinghouse shall not be occupied until work has been completed to remove the flat roof side extension of the existing dwelling, Windyknowe.

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To safeguard the interests of the users of the highway.
- (4-5) To safeguard the environmental amenity of the area.
- (6) The development would not be acceptable without the removal of the current extension.

**Informative(s):-**

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



.....  
**Director of Development Services**

**Date:** 16 August 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. The Falkirk Council Local Plan.
3. The Falkirk Council House Extensions and Alterations Supplementary Planning Guidance Note.
4. Letter of objection from Mr James Wilson, 5 Cromwell Road Falkirk FK1 1SF on 19 April 2011.
5. Letter of objection from Mr Alex Davidson, 13 Moncks Road Falkirk FK1 1SG on 20 April 2011.
6. Letter of objection from Boston J A and Anne A Glegg, 3 Cromwell Road Falkirk FK1 1SF on 15 April 2011.
7. Letter of objection from Mrs Carole Anne McDermott, 2 Cromwell Road Falkirk FK1 1SF on 11 April 2011.

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

# Planning Committee

## Planning Application Location Plan

**P/11/0112/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  
WITH PROVISION FOR 20% AFFORDABLE HOUSING AT  
PARKHALL FARM, VELLORE ROAD, MADDISTON, FALKIRK,  
FK2 0BN, FOR CENTRAL SCOTLAND HOUSING -  
P/11/0194/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 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:** Kevin Brown (Planning Officer), Ext. 4701

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this planning application was originally considered at the Planning Committee on 24 August 2011 (copy of previous report appended), where it was agreed to continue the planning application for a site visit. This visit took place on 5 September 2011. The Committee viewed the site from the adjacent residential site that is still under construction.
2. On hearing statements from objectors and the applicant's representative, the main points of discussion focused on education impacts and the planning history of the roundabout from which access to the site is proposed to be taken.
3. In relation to education and schools capacity and in response to questions raised on site, it can be confirmed that Maddiston Primary School is a two stream school and currently has a rising school roll with capacity pressures being anticipated within the next 5 years. Capacity related issues at this school, St Andrews Primary School, Braes High School and St Mungo's High school have prompted a request for a financial contribution of £3,800 per house should Members be minded to grant planning permission in this instance. In response to concerns raised at the Committee site visit, Education Services have confirmed that they have no current plans to utilise any financial contribution to bus local children to schools outwith the usual catchment areas. Instead, contributions of this nature are generally put towards the provision of additional classroom accommodation on either a temporary or permanent basis depending on roll projections.

4. The planning history of the roundabout to the west of the application site was discussed at length during the site visit. For clarification it can be confirmed that outline planning permission, P/07/0108/OUT was granted for this roundabout by the Planning Committee on 22 April 2008. This decision overturned initial officer recommendation to refuse planning permission. The detailed make up of this roundabout was then approved by way of planning permission P/10/0249/MSC. At the related Planning Committee site inspection in 2008, the applicant's agent advised Committee that the roundabout would provide a needed turning area for buses.
5. No other matters were raised which would amend the original recommendation to refuse planning permission in principle.

## **RECOMMENDATION**

### **6.1 It is therefore recommended that Committee refuse planning permission in principle for the following reasons:-**

- (1) The site is not identified for residential development in the adopted Falkirk Council Local Plan and there are no reasons to depart therefrom. The proposal is therefore contrary to Policy ENV1 of the approved Falkirk Council Structure Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan all of which seek to restrict the unplanned and unjustified release of land for housing outwith the settlement boundaries identified in the Development Plan.
- (2) In the interests of residential amenity. The proposed development would be divided by an area of ground beneath the overhead power lines which, as defined by the application site boundaries and shown on the submitted illustrative layout, would result in a low standard of residential layout. The proposed development would therefore be contrary to Policies SC6 and SC13 of the Falkirk Council Local Plan and Falkirk Council Supplementary Planning Guidance Note - Housing Layout and Design.

#### **Informative(s):-**

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

Pp

.....  
**Director of Development Services**

**Date:** 14 September 2011

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Local Plan.
2. Falkirk Council Structure Plan.
3. Falkirk Council Supplementary Guidance.
4. Letter of representation from Mr Peter O'Donnell Parkhall Nursery, Vellore Road, Maddiston, FK2 0BN received on 26 April 2011.
5. Letter of objection from Mr Shane Homes, 15 Innerdouny Drive Maddiston Falkirk FK2 0LW on 9 July 2011.
6. Letter of objection from Mr Nick Thompson, 4 Innerdouny Drive Maddiston FK2 0LW on 4 July 2011.
7. Letter of objection from Ms Lindsey Taylor, 9 Innerdouny Drive Maddiston FK2 0LW on 16 July 2011.
8. Letter of objection from Ms Kirsteen Ramsay, 62 Mellock Crescent The Meadcows Maddiston FK20RH on 14 August 2011.
9. Letter of objection from Mr Desmond Irwin, 18 Glendevon Drive Maddiston Falkirk FK2 0GT on 25 July 2011.
10. Letter of objection from Mr Craig Horsburgh, 7 Innerdouny Drive Maddiston Falkirk FK20LW on 14 July 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 RESIDENTIAL PURPOSES  
WITH PROVISION FOR 20% AFFORDABLE HOUSING AT  
PARKHALL FARM, VELLORE ROAD, MADDISTON, FALKIRK,  
FK2 0BN, FOR CENTRAL SCOTLAND HOUSING -  
P/11/0194/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 24 August 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:** Kevin Brown (Planning Officer), Ext. 4701

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1. This application for planning permission in principle proposes the development of part of an existing field within the countryside to the east of Maddiston for residential purposes. An indicative layout plan has been submitted in support of the application which shows a layout comprising 35 units in total, separated by overhead electricity lines and pylons and accessed via the eastern spur of a new roundabout recently granted planning permission (P/10/0249/MS).
- 1.2 The applicant has also indicated that 20% of the proposed housing development would take the form of Affordable Housing and that the area of open space beneath the electricity pylons, but outwith the application site, would be maintained by way of a community burden placed on the properties within the site.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor McLuckie.

**3. SITE HISTORY**

- 3.1 Previous planning application P/10/0258/PPP proposed the same development minus the affordable housing provision, however this application was withdrawn on 27 January 2011. Prior to this, the site formed part of a larger housing application in 2004 which was refused planning permission (F/2004/0198).



#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has no objections but a flood risk assessment and full drainage strategy have been requested. It is considered that these details could be conditioned to be considered on submission of an application for matters specified in conditions.
- 4.2 Scottish Water has no objections.
- 4.3 The Environmental Protection Unit has no objections but a contaminated land survey has been requested.
- 4.4 The Transport Planning Unit has no objections.
- 4.5 Education Services has identified capacity issues at local schools and have objected to the proposal. This objection would be removed if the applicant were to make a financial contribution totaling £3,800 per unit towards upgrading schools infrastructure in the area.
- 4.6 Scottish Environmental Protection Agency (SEPA) has no objections.

#### **5. COMMUNITY COUNCIL**

- 5.1 Maddiston Community Council has objected to the proposal on the grounds that the development would put too much pressure on existing schools infrastructure. Concerns have also been raised in reference to road safety and non compliance with Development Plan policies.

#### **6. PUBLIC REPRESENTATION**

- 6.1 Seven letters of representation have been received. Issues raised include:-
- Maintenance of existing SUDS pond.
  - Desire for a through road to be created.
  - Traffic volume increases.
  - Pressure on local schooling.
  - Loss of a view.
  - Loss of flora and fauna.
  - Affordable housing element could affect property values.

## 7. DETAILED APPRAISAL

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

Accordingly,

### 7a The Development Plan

#### ***Falkirk Council Structure Plan***

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

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

7a.2 The site lies outwith the settlement boundaries identified in the Falkirk Council Local Plan, in an area designated countryside. It has not been demonstrated that a countryside location is essential or that the development would represent an appropriate form of agricultural diversification. The proposal is therefore contrary to the terms of Structure Plan Policy ENV.1.

#### ***Falkirk Council Local Plan***

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

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

- *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7a.4 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.5 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.6 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.7 The proposal does not require a countryside location and does not utilise existing buildings. The proposal does not propose housing which is essential for the pursuance of agriculture, horticulture, forestry or the management of a business for which a countryside location is essential and is not considered to represent an appropriate infill development.

7a.8 The application site is not identified for housing and is not a brownfield site. The proposed residential land use is compatible with the existing housing to the west, which is located within the settlement boundary. Whilst access, parking, drainage and other infrastructure can be provided, a satisfactory level of residential amenity would be difficult to achieve given the awkward shape of the site.

7a.9 The awkward shape of the site makes the provision of appropriate open space areas difficult to achieve. The indicative layout plan submitted in support of this application shows a large area of dead space outwith the application site, behind houses in the middle

of the site, and beneath power lines. This area would not form an integral or attractive part of the development and would not create a safe and easily supervised area of open space.

7a.10 The applicant's intention to secure maintenance of this area by way of a community burden is noted, however this maintenance arrangement does not ensure that the open space is secure or well overlooked and does not ensure that the open space would serve as a community facility. It is worth noting that community and title burdens of this nature are outwith the control of the planning process, and the long-term use of this area as valuable open space cannot be guaranteed in this way alone.

7a.11 On balance, the application fails to meet the terms of the Falkirk Council Local Plan.

7a.12 Accordingly, the proposal does not accord with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are as follows.

### ***Falkirk Council Supplementary Guidance***

7b.2 Supplementary Planning Guidance Note – Housing Layout and Design, provides advice on expected standards of provision and sets out guidance on housing layouts with a view to achieving high standards of design which complement the existing good character and appearance of our towns and villages. Specific guidance on public open space areas suggests that these areas should take the appearance of a "village green", accessible from an enclosing housing frontage and advice in relation to security advises against public areas being bounded by high screen fences or rear elevations.

7b.3 The applicant has submitted an indicative layout of the proposed development in support of their proposal. Whilst this layout demonstrates that the site can accommodate 35 units with large areas of open space or landscaping, the layout would result in a large area of dead space beneath the electricity pylons where natural passive surveillance levels would be poor. It is considered that this layout would be far from ideal in terms of creating a safe visually attractive place to live and it therefore lends no support to the applicant's proposal in this instance. The indicative layout proposed does not create secure, accessible areas of open space. The proposal does not accord with the terms of this guidance.

### ***Assessment of Public Representations***

7b.4 The maintenance of the existing SUDS pond which is unconnected to the proposed development is not a material planning consideration and cannot be assessed or controlled through this application.

7b.5 The desire for a through road is noted however, the application does not propose this at this stage and this cannot therefore be considered.

7b.6 Traffic volumes and pressures on local schooling have been assessed by our standard consultees. A summary of each consultation response is outlined in section 4 of this report.

- 7b.7 Loss of a view and impact on property values are not material planning considerations.
- 7b.8 There is no evidence to suggest that any protected species of flora or fauna is present at the site. The site is not protected by any special biodiversity designations, and this is not therefore considered to be a determining factor in the assessment of this application.

### ***Affordable Housing Provision***

- 7b.9 The application site sits outwith the Urban Limit but within an area identified as having a shortfall in affordable housing provision. Guidance for sites within the settlement boundary is set out in Falkirk Council Supplementary Planning Guidance Note - Affordable Housing, where reference is made to unit number thresholds set out in the adopted Falkirk Council Local Plan. Policy SC4 of the Falkirk Council Local Plan requires that developments in this area are required to provide 25% of the total number of units as affordable housing on sites of 60 units or more. As the indicative capacity of this site is shown to be well below 60 units, there is no requirement for the applicant to provide any element of affordable housing on the site. The developer has however indicated that they wish for the site to include 20% of the total unit numbers as affordable housing. This in some respects is a token gesture and does not lend any weight to the proposal and the assessment against Development Plan policies. If however, planning permission were to be granted, it would be appropriate to tie down this affordable housing element by way of a legal agreement.

### ***Open Space Arrangements***

- 7b.10 Should members be minded to grant planning permission in principle for this development, it is recommended that this be done subject to the completion of a Section 75 planning obligation securing details of the continued maintenance of the open space beneath the electricity lines. It is also recommended that permission be subject to appropriately worded conditions, ensuring that the development fronts onto this area of open space in order to maximise natural surveillance.

## **7c Conclusion**

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

## **8. RECOMMENDATION**

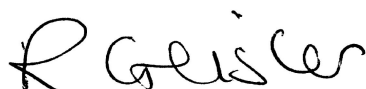
- 8.1 It is therefore recommended that Committee refuse planning permission in principle for the following reasons:-

- (1) The site is not identified for residential development in the adopted Falkirk Council Local Plan and there are no reasons to depart therefrom. The proposal is therefore contrary to Policy ENV1 of the approved Falkirk Council Structure Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan all of which seek to restrict the unplanned and unjustified release of land for housing outwith the settlement boundaries identified in the Development Plan.

- (2) In the interests of residential amenity. The proposed development would be divided by an area of ground beneath the overhead power lines which, as defined by the application site boundaries and shown on the submitted illustrative layout, would result in a low standard of residential layout. The proposed development would therefore be contrary to Policies SC6 and SC13 of the Falkirk Council Local Plan and Falkirk Council Supplementary Planning Guidance Note - Housing Layout and Design.

**Informative(s):-**

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



.....  
**Director of Development Services**

**Date:** 16 August 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Local Plan.
2. Falkirk Council Structure Plan.
3. Falkirk Council Supplementary Guidance.
4. Letter of representation from Mr Peter O'Donnell Parkhall Nursery, Vellore Road, Maddiston, FK2 0BN received on 26 April 2011.
5. Letter of objection from Mr Shane Homes, 15 Innerdouny Drive Maddiston Falkirk FK2 0LW on 9 July 2011.
6. Letter of objection from Mr Nick Thompson, 4 Innerdouny Drive Maddiston FK2 0LW on 4 July 2011.
7. Letter of objection from Ms Lindsey Taylor, 9 Innerdouny Drive Maddiston FK2 0LW on 16 July 2011.
8. Letter of objection from Ms Kirsteen Ramsay, 62 Mellock Crescent The Meadcows Maddiston FK20RH on 14 August 2011.
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10. Letter of objection from Mr Craig Horsburgh, 7 Innerdouny Drive Maddiston Falkirk FK20LW on 14 July 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/11/0194/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 AT LAND TO THE NORTH OF 4 MERRYLEES COTTAGES, LINLITHGOW FOR MR & MRS STODDART - P/11/0311/FUL**

**Meeting:** **PLANNING COMMITTEE**

**Date:** **21 September 2011**

**Author:** **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** **Ward - Bo'ness and Blackness**  
**Councillor Sandy Turner**  
**Councillor Ann Ritchie**  
**Councillor Adrian Mahoney**

**Community Council:** **Blackness Area**

**Case Officer:** **David Paterson (Planning Officer), Ext. 4757**

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this planning application was originally considered at the Planning Committee on 24 August 2011 (copy of previous report appended), where it was agreed to continue the planning application for a site visit. This visit took place on 5 September 2011.
2. The planning case officer outlined the details of the proposed development and summarised the report of the Director of Development Services. The case officer highlighted the planning history of the site as being of particular relevance. It was noted that an outline planning application (Ref:- 06/0751/OUT) for a similar proposal was refused permission in July 2007. This decision was the subject of an appeal to Scottish Ministers. The appeal was subsequently dismissed. The planning officer highlighted that the Reporter concluded that the short terrace of houses along the road frontage does not represent a "settlement" for Development Plan purposes, that the appeal site falls within a countryside location and that the application does not represent a gap site.
3. The applicant's agent highlighted issues relating to visual impact, design, characteristics of the site within the existing pattern of dwellinghouses, access and the difficulty to accommodate wheelchair access at the applicant's existing dwellinghouse at 1 Merrylees Cottages.
4. A representative of the Blackness Area Community Council confirmed the Community Council's grounds for objection. It was also reported that the Community Council considers that the possibility of accommodating wheelchair access at the applicant's existing dwellinghouse should be further considered.

5. The Planning Committee sought clarification concerning the existing use of the application site and the relevance of the policies against which the proposal has been considered. The planning officer confirmed that the application site is currently used as garden ground in association with the applicant's dwellinghouse at 1 Merrylees Cottages. The case officer also clarified that the application site lies within an area designated "Countryside" in the Development Plan and consequently that the countryside related policies against which the proposal has been considered are relevant. The planning officer reiterated the conclusion of the appeal Reporter in respect of application 06/0751/OUT, referred to in Section 2 of this update report, is of particular relevance.
6. The Members attending the visit inspected the applicant's existing dwellinghouse and the proposed access to the site.
7. The Roads Development Officer highlighted that it would not be possible to achieve satisfactory visibility sightlines at the proposed access to accord with the Council's standards and, consequently, advised that road safety could be compromised by allowing a further dwellinghouse to utilise the existing access at this location. The Roads Development Officer advised that the removal of the existing domestic garage adjacent to the proposed access would improve visibility but that this would not be sufficient to meet the Council's standards of road safety.
8. In conclusion it is not considered that any matters were raised which would amend the original recommendation to refuse planning permission. The application site is located within the "Countryside" as identified in the adopted Falkirk Council Local Plan. The proposal does not accord with the relevant countryside policies. The application site is not an infill opportunity set within an existing group of residential buildings. The proposed development constitutes backland development which could set a precedent for further inappropriate development in the countryside. The removal of the existing domestic garage adjacent to the proposed access would improve visibility at the access, but this would not render the proposal in accordance with Council's standards relating to road safety. The proposal would result in additional vehicle traffic utilising an access which does not meet the Council's standards. The proposal would be detrimental to road safety.

## **8. RECOMMENDATION**

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

- (1) It has not been demonstrated that a countryside location is essential for the proposed development. The proposed development is not essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. The proposal is not to rehabilitate or convert an existing building. The proposed development does not constitute an appropriate infill opportunity within an existing group of residential buildings where the development would not result in ribbon, backland or sporadic development. The proposed development does not therefore accord with Policy EQ19 'Countryside', Policy SC3 'Housing Development in the Countryside' and Policy EQ23 'Areas of Great Landscape value' of the Falkirk Council Local Plan, and Policy ENV1 'Countryside and Protected Areas' of the Falkirk Council Structure Plan.

- (2) The proposed development constitutes an unacceptable form of backland development, and therefore does not accord with Supplementary Planning Guidance Note 'Housing Layout and Design'.
- (3) It is not possible to provide satisfactory visibility sightlines at the proposed access from the public road and consequently the proposed development would constitute a risk to the safety of road traffic and pedestrians.
- (4) It is considered that the proposed development could create an undesirable precedent for similar development in the countryside.

**Informative(s):-**

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

**Pp**

.....  
**Director of Development Services**

**Date:** 14 September 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Scottish Planning Policy
4. Supplementary Planning Guidance Note 'Housing Layout and Design'.

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

**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AT LAND TO THE NORTH OF 4 MERRYLEES COTTAGES, LINLITHGOW FOR MR & MRS STODDART - P/11/0311/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 24 August 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness  
Councillor Sandy Turner  
Councillor Ann Ritchie  
Councillor Adrian Mahoney

**Community Council:** Blackness Area

**Case Officer:** David Paterson (Planning Officer), Ext. 4757

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application site lies to the rear of the dwellinghouse at 4 Merrylees Cottages, Linlithgow. The site was originally garden ground for the dwellinghouse at 4 Merrylees Cottages. It is now owned by the applicants and used as garden ground for the dwellinghouse at 1 Merrylees Cottages.
- 1.2 It is proposed to erect an additional single storey dwellinghouse.
- 1.3 There is an existing access track to the rear of Merrylees Cottages which provides access to the cottages. It is proposed to access the proposed additional dwellinghouse via the existing access track.
- 1.4 The application is accompanied by supporting documents. The supporting information states that the applicants are both of retiral age, and whilst they keep good health at the present time, accessing their dwellinghouse at 1 Merrylees Cottages is becoming more difficult and it is possible that in the near future they may have to accommodate wheelchair access. The unsuitability of the existing house for wheelchair access is highlighted in the supporting documents. There are letters of support from adjacent occupiers and the applicant's medical practitioner accompanying the application.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in to the Planning Committee by Councillor Sandy Turner.

### **3. SITE HISTORY**

- 3.1 F/93/0925 - extension to dwellinghouse at 1 Merrylees Cottages – granted 29 January 1994.
- 3.2 F/94/0729 - erection of dwellinghouse in garden ground of 4 Merrylees Cottages – refused 15 November 1994.
- 3.3 06/0751/OUT - erection of dwellinghouse at land to the rear of 4 Merrylees Cottages – refused 13 October 2006. The refusal of permission was subject to appeal which was subsequently upheld on 19 July 2007.

### **4. CONSULTATIONS**

- 4.1 The Environmental Protection Unit has advised that contamination can be addressed by means of an informative.
- 4.2 The Roads Development Unit has advised that it would not be possible to provide satisfactory visibility sightlines at the junction of the proposed access with the public road. The proposal is considered to be detrimental to the safety of road traffic and pedestrians.
- 4.3 Scottish Water has raised no objections.

### **5. COMMUNITY COUNCIL**

- 5.1 Blackness Area Community Council has objected on grounds that the proposal is contrary to the Development Plan, road safety grounds and that the proposal could set a precedent for further development in the countryside.

### **6. PUBLIC REPRESENTATION**

- 6.1 During consideration of the application, no letters of objection or representation were received.

### **7. DETAILED APPRAISAL**

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

Accordingly,

## 7a The Development Plan

### ***Falkirk Council Structure Plan***

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

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

7a.2 The site lies outwith the settlement boundaries and is within the countryside. It has not been demonstrated that a countryside location is essential for the proposed development. It is noted that the development is not a form of agricultural diversification.

7a.3 Accordingly, the proposal does not accord with Policy ENV1.

### ***Falkirk Council Local Plan***

7a.4 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.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."*

7a.6 The application site lies outwith any urban/village limit as identified in the Falkirk Council Local Plan. In terms of proposed housing development in countryside areas, Policy EQ19 'Countryside' states that Policy SC3 'Housing Development in the Countryside' shall determine the suitability of housing proposals. It is noted that it has not been demonstrated that the proposed dwellinghouse is essential to the pursuance of agriculture, horticulture or forestry or the management of a business for which a countryside location is essential. The proposal is not to rehabilitate or convert an existing building and does not constitute an appropriate infill opportunity within the envelope of an existing group of residential buildings, where the development would not result in ribbon, backland or sporadic development.

7a.7 The proposal does not accord with Policies EQ19 or SC3.

7a.8 Policy EQ23 - 'Areas Of Great Landscape Value' states:

*"The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality."*

7a.9 The site falls within an area designated as an Area of Great Landscape Value. It is noted that in terms of visual amenity, the proposal would have. The proposal therefore accords with Policy EQ23. However there are other countryside policies which the proposal fails to accord with.

7a.10 Accordingly, on balance the proposal does not accord with the Falkirk Council Local Plan.

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

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the national Planning Policies and Guidance, Falkirk Council Supplementary Guidance, responses to consultations and site history.

### ***National Planning Policies and Guidance***

7b.2 Scottish Planning Policy (SPP) states that there is a requirement for Development Plans to allocate a generous supply of land to meet housing requirements, which should apply to rural and urban areas. Development Plans should support more opportunities for small scale housing development in rural areas including plots for individually designed houses. The SPP also emphasises, however, that it is essential that rural communities should have reasonable access to good quality services, which are likely to be located in larger settlements. Although planning authorities should be realistic about access, wherever possible, services should be accessible by a range of transport modes. Access to services should be a consideration in allocating housing opportunities in rural areas.

7b.3 It is noted that the Development Plan does not identify the area within which the application site is located as an opportunity for housing proposals which do not essentially require a rural setting in accordance with the terms of the Development Plan policies detailed in this report.

### ***Falkirk Council Supplementary Guidance***

7b.4 It is noted that the proposed dwellinghouse would not have a frontage or outlook onto the public road. The proposal constitutes an unacceptable form of backland development. Accordingly, the proposal does not accord with Supplementary Planning Guidance Note 'Housing Layout and Design'.

### ***Responses to Consultations***

7b.5 It is noted that the Environmental Protection Unit has advised that the issue of contamination can be addressed by means of an informative.

7b.6 It is noted that the Blackness Area Community Council has raised concerns that the proposal does not accord with the Development Plan, the access to the property is not satisfactory and would be a risk to road safety and that the proposal could set a precedent for further similar development in the countryside. It is considered that these concerns are relevant material planning considerations.

7b.7 The Roads Development Unit has advised that it is not possible to form satisfactory visibility sightlines at the proposed access. It is considered that taking access to an additional dwellinghouse via the existing access would be detrimental to the safety of road traffic and pedestrians.



## ***Site History***

- 7b.8 Planning permission for the erection of an additional dwelling in this location has been refused by the Council on two previous occasions and also dismissed on appeal by Scottish Ministers. It is considered that there has been no material change in circumstances that would now justify a different planning decision.

## **7c Conclusion**

- 7c.1 The proposed development does not accord with the Development Plan.
- 7c.2 It has not been demonstrated that the proposal is essential to the pursuance of agriculture, horticulture or forestry or the management of a business for which a countryside location is essential.
- 7c.3 The proposal does not relate to the rehabilitation or conversion of an existing building nor does it constitute an appropriate infill opportunity with an existing group of buildings.
- 7c.4 It is considered that taking access to an additional dwellinghouse by means of the access proposed would constitute a risk to the safety of road traffic and pedestrians.
- 7c.5 It is considered that the proposed development constitutes an undesirable form of backland development and would create an undesirable precedent for similar development in the countryside.
- 7c.6 It is noted that previous planning applications for a dwellinghouse at the application site have been refused planning permission, and that the refusal of application 06/0751/OUT, outline planning permission, was upheld on appeal.
- 7c.7 The supporting documents accompanying the application are noted. The Council sympathises with the health concerns of the applicant. However, it is not considered that there is justification for a departure from the Development Plan in this case.

## **8. RECOMMENDATION**

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

- (1) It has not been demonstrated that a countryside location is essential for the proposed development. The proposed development is not essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. The proposal is not to rehabilitate or convert an existing building. The proposed development does not constitute an appropriate infill opportunity within an existing group of residential buildings where the development would not result in ribbon, backland or sporadic development. The proposed development does not therefore accord with Policy EQ19 'Countryside', Policy SC3 'Housing Development in the Countryside' and Policy EQ23 'Areas of Great Landscape value' of the Falkirk Council Local Plan, and Policy ENV1 'Countryside and Protected Areas' of the Falkirk Council Structure Plan.

- (2) The proposed development constitutes an unacceptable form of backland development, and therefore does not accord with Supplementary Planning Guidance Note 'Housing Layout and Design'.
- (3) It is not possible to provide satisfactory visibility sightlines at the proposed access from the public road and consequently the proposed development would constitute a risk to the safety of road traffic and pedestrians.
- (4) It is considered that the proposed development could create an undesirable precedent for similar development in the countryside.

**Informative(s):-**

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

*R Geisler*

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**Director of Development Services**

**Date:** 17 August 2011

**LIST OF BACKGROUND PAPERS**

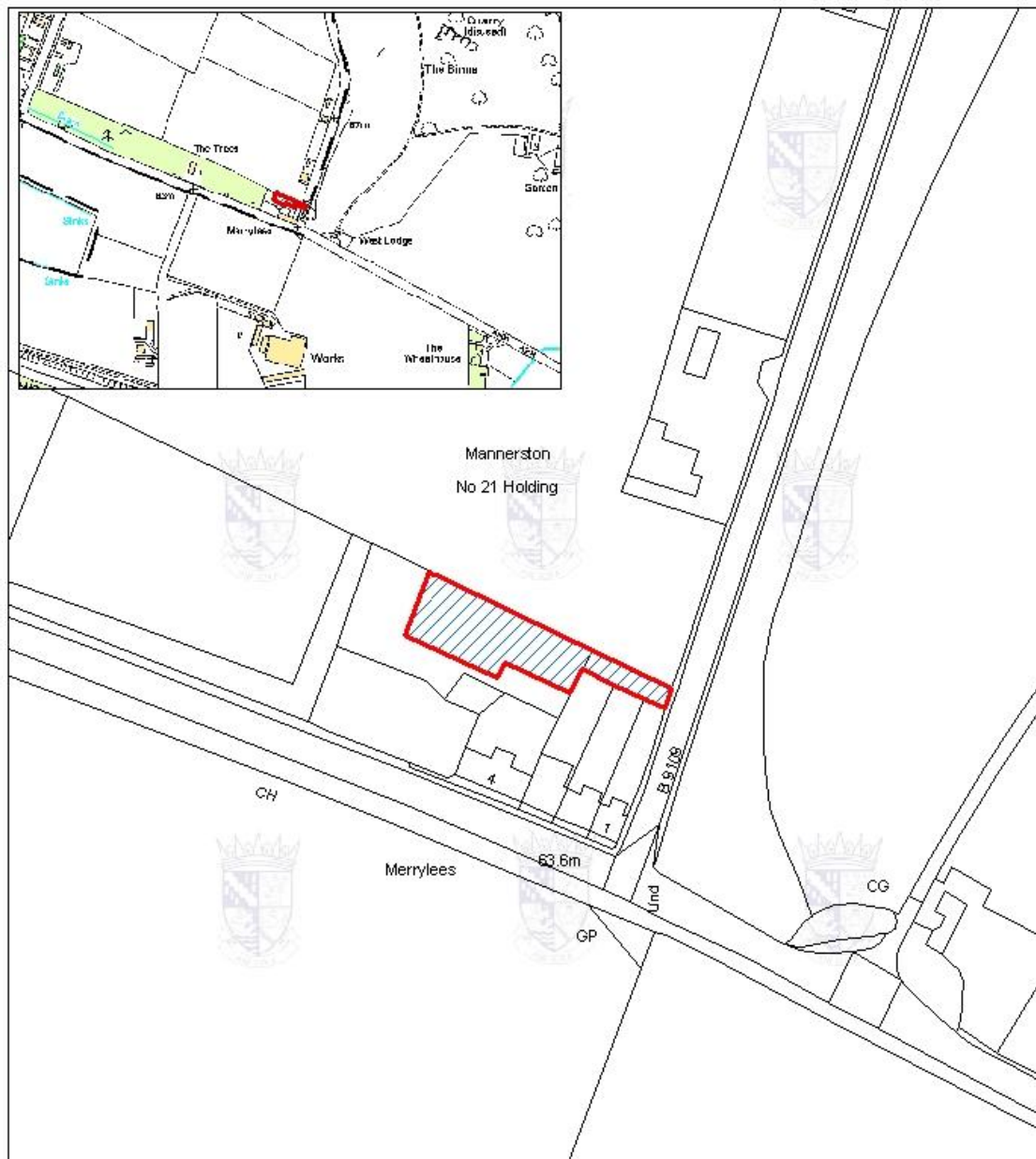
- 1. Falkirk Council Structure Plan
- 2. Falkirk Council Local Plan
- 3. Scottish Planning Policy
- 4. Supplementary Planning Guidance Note 'Housing Layout and Design'.

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

## Planning Committee

**Planning Application Location Plan      P/11/0311/FUL**

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



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**FALKIRK COUNCIL**

**Subject:** EXTENSION TO DWELLINGHOUSE (2 STOREY TO REAR) AT  
8 MCCAMBRIDGE PLACE, LARBERT FK5 4FY FOR MRS  
LESLEY HENDERSON - P/11/0322/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 21 September 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:** Kirsty Hope (Assistant Planning Officer), Ext. 4705

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this planning application was originally considered at the Planning Committee on 24 August 2011 (copy of previous report appended), where it was agreed to continue the planning application for a site visit. This visit took place on 9 September 2011.
2. At the site visit, the Committee viewed the rear garden area, where the proposed extension would be sited. The objector (next door neighbour at 6 McCambridge Place) was heard in relation to concerns of overlooking and loss of privacy from the south-west facing windows of the proposed sun room. The Committee took the opportunity to view the site of the proposed extension from the next door property at 6 McCambridge Place, both from within the house and the garden.
3. Although there is a small change in the ground level between the adjacent property at 6 McCambridge Place and the application site (8 McCambridge Place), there is a communal close board screen fence which would assist in maintaining privacy and reduce overlooking to an acceptable degree.
4. The Committee sought clarification of the height of the existing communal screen fence and, in particular, the relationship of the fence height to the south-west elevation windows of the proposed sun room. The information is not available at the time of writing this report, but will be available at the time of the consideration of this planning application at the Planning Committee.
5. No matters were raised which would amend the original recommendation to grant planning permission.

## 6. RECOMMENDATION

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

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

Reason(s):-

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

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03 and 04.
- (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: 14 September 2011

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Supplementary Guidance Note on House Extensions and Alterations.
4. Letter of representation from Mr James Baxter 6 McCambridge Place Larbert FK5 4FY on 31 May 2011.

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

**FALKIRK COUNCIL**

**Subject:** EXTENSION TO DWELLINGHOUSE (2 STOREY TO REAR) AT  
8 MCCAMBRIDGE PLACE, LARBERT FK5 4FY FOR MRS  
LESLEY HENDERSON - P/11/0322/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 24 August 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:** Kirsty Hope (Assistant Planning Officer), Ext. 4705

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This application deals with a two storey extension to the rear of the dwelling to accommodate an additional bedroom on the upper floor and a sunroom on the lower ground.
- 1.2 The property is a two storey detached dwelling located at 8 McCambridge Place, Larbert that is within an existing residential area.

**2. REASON FOR COMMITTEE CONSIDERATION**

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

**3. SITE HISTORY**

- 3.1 No relevant planning history.

**4. CONSULTATIONS**

- 4.1 The Environmental Protection Unit has raised no objection to the proposal, however they have requested that an informative with regards to contaminated land be attached to any consent given.



## 5. COMMUNITY COUNCIL

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council has not commented on the application.

## 6. PUBLIC REPRESENTATION

- 6.1 During the course of the application, one objection letter was received by the Council. The salient issues are summarised below:
- Loss of amenity, specifically privacy from overlooking.

## 7. DETAILED APPRAISAL

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

Accordingly,

### 7a The Development Plan

#### ***Falkirk Council Structure Plan***

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

#### ***Falkirk Council Local Plan***

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

*"Extensions and alterations to residential properties will be permitted where:*

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

- 7a.3 Policy SC9 advises that the main planning considerations are, that the scale, design and materials are to be sympathetic to the existing dwelling and neighbouring properties. It is considered that the location and scale of the extension would not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties as there is a close boarded timber fence enclosing the rear garden. It is considered that the proposal would not result in an overdevelopment of the plot. The scale, design and materials of the proposal are considered to be sympathetic to the existing dwelling and surrounding area.

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

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed are the Falkirk Council Supplementary Guidance Note, the consultation responses and the public representations.

### ***Falkirk Council Supplementary Guidance***

- 7b.2 Falkirk Council's Supplementary Planning Guidance Note (SPGN) on House Extensions and Alterations advises that the main planning concern with rear extensions is scale and massing from original dwelling streetscape, retaining private garden ground, privacy and overshadowing.
- 7b.3 The proposed rear extension is set down from the ridge of the original roof and is considered to respect the original dwelling in terms of scale and design. There would be adequate garden ground retained. There are no privacy issues, given the existing boundary treatments and position of the proposed openings. There are no overshadowing concerns. The proposed dwelling accords with the guidance as set out in the SPGN.

### ***Consultation Responses***

- 7b.4 The Environmental Protection Unit has raised no objection to the proposal but has advised that if planning permission is granted an informative be attached with regards to ground conditions and hours of construction work noise.

### ***Assessment of Public Representations***

- 7b.5 The proposed extension would not significantly impact the neighbouring properties in terms of privacy, as there is a close boarded fence separating the two properties and it is not considered that the proposal would directly overlook the neighbouring property on the ground floor.

## **7c Conclusion**

- 7c.1 It is considered that the proposal is an acceptable form of development and therefore is assessed as according with the Falkirk Council Local Plan and the Falkirk Council's Supplementary Planning Guidance Note on House Extensions and Alterations, and no major issues have been raised through consultation. There are no material considerations which would merit refusal of this application in these circumstances.

## **8. RECOMMENDATION**

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

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

**Reason(s):**

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

**Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03 and 04.
- (2) The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

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

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

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



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**Director of Development Services**

**Date:** 16 August 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Supplementary Guidance Note on House Extensions and Alterations.
4. Letter of representation from Mr James Baxter 6 McCambridge Place Larbert FK5 4FY on 31 May 2011.

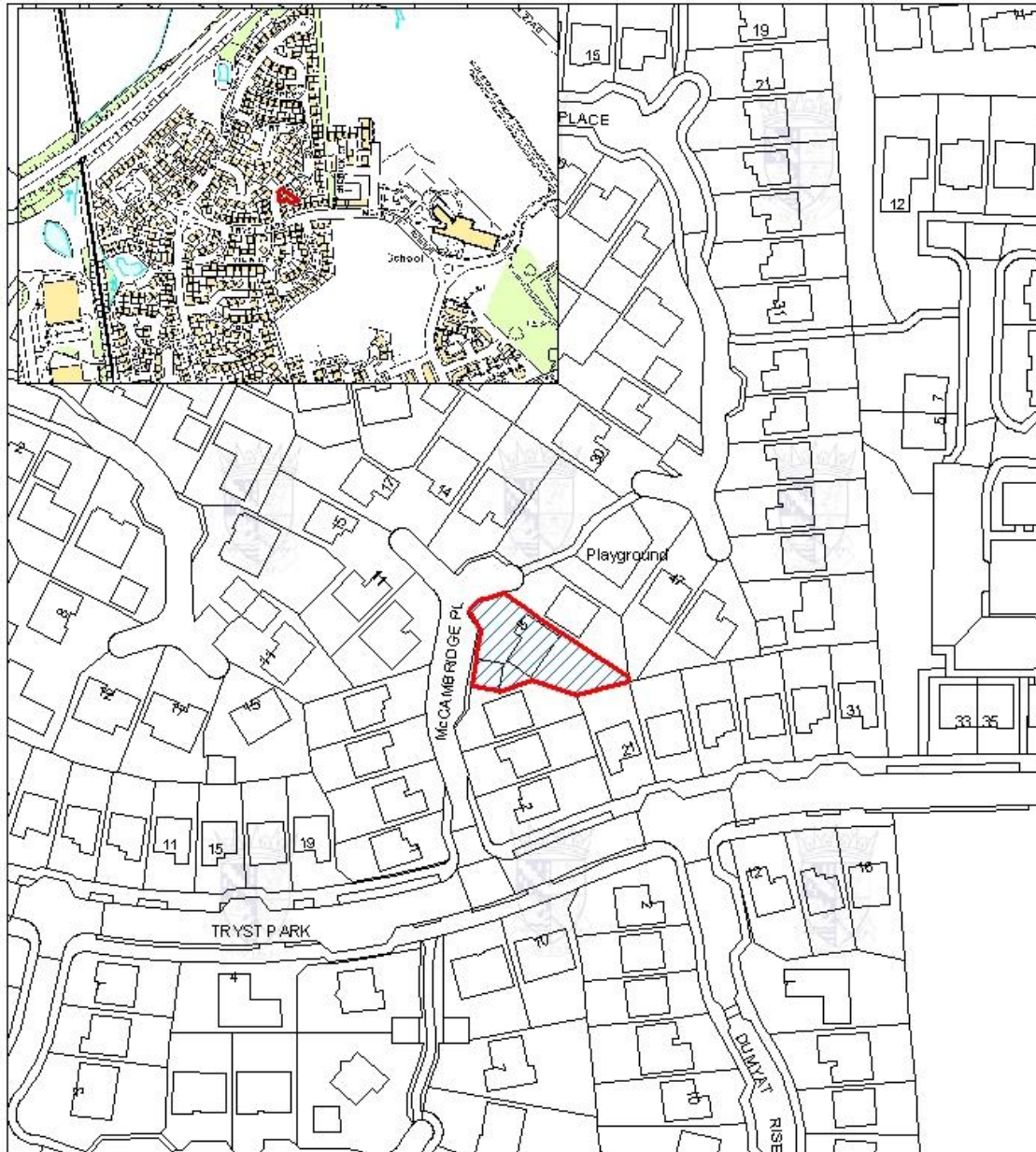
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/11/0322/FUL**

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**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AT GLEN HOUSE, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR MR ALAN MILLIKEN - P/11/0347/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert  
Councillor Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Larbert, Stenhousemuir and Torwood

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

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this planning application was originally considered at the Planning Committee on 24 August 2011 (copy of previous report appended) where it was agreed to continue the planning application for a site visit. This visit took place on 9 September 2011.
2. At the site visit, the Committee viewed the site and heard statements of support from the applicant and his agent. The main issues arising on site related to the quality of trees and the impact the proposed dwelling would have on them and the Local Plan designation for this site.
3. The existing trees are not covered by a Tree Preservation Order and could be felled at the owner's discretion. However, if the Planning Committee are minded to approve the proposal, a planning condition regarding replacement planting could be imposed.
4. The issue of the Torwood Village limit was the subject of an objection to the draft Falkirk Council Local Plan considered at Inquiry. However, the issue was not considered in the context of the exclusion of garden ground but in the context of specific sites where objectors sought extension of the limit with a view to including a site proposed for development. Two cases were considered by the Inquiry Reporter: McLaren Park and Greenacres. (This site was not the subject of consideration at the Local Plan Inquiry.) The Reporter recommended the site at McLaren Park be allocated, thereby extending the village limit around that site. This also allowed for the house and garden at Greenacres to be included within the village limit, to be accepted. The Council accepted these recommendations, and the village limit has been extended to encompass these sites/properties. No other locations for village expansion were accepted. No other individual house owners in Torwood made any objection to the village limit in the Falkirk Council Local Plan. As to the issue of drawing the village limit tightly around the village, this has in a few cases excluded some extensive garden ground. This has occurred in other localities too, and is not peculiar to Torwood. The limit is drawn tightly primarily to discourage inappropriate infill or backland development, which is a key tenet of planning policy. This proposal would constitute backland development if developed.

5. Subsequently, no matters were raised that would amend the original recommendation to refuse planning permission.

**6. RECOMMENDATION**

**6.1 It is therefore recommended that the Planning Committee refuse planning permission for the following reasons:-**

- (1) The proposal is contrary to Falkirk Council Structure Plan Policy ENV1 - Countryside and Protected areas - and Falkirk Council Local Plan Policy EQ19 - Countryside - in that the applicant has provided no essential justification for a dwellinghouse in a defined countryside location.**
- (2) The proposal is contrary to Falkirk Council Local Plan policies SC3 - Housing Development in the Countryside - in that the proposal does not represent an appropriate infill opportunity within the envelope of an existing group of residential buildings and would, if approved, result in backland development, all to the detriment of the architectural character of the area.**
- (3) The proposal is contrary to Falkirk Council Local Plan Policy SC8 - Infill Development and Sub-division of Plots - in that the proposed house does not respect the architectural character of the area, in terms of scale and would result in backland development, all of which would constitute an undesirable precedent which could not reasonably be resisted in similar circumstances. In addition, the proposal would likely result in the loss of established landscape features, all to the detriment of the setting of the area.**

**Pp**

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**Director of Development Services**

**Date:** 14 September 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of objection from Mrs Elaine McGhee, Torwood Tower, Glen Road, Torwood, FK5 4SN on 20 June 2011.
4. Letter of objection from Mr Calum Hoggan, Torvale Cottage, Glen Road, Torwood, FK5 4SN on 20 June 2011.
5. Letter of objection from Gordon and Isabel Lawton, Hollings Cottage, Glen Road, Torwood, Larbert on 23 June 2011.
6. Letter of objection from Mrs Joanna Stevenson, Yew Bank, Central Park Avenue, Larbert, FK5 4GR on 6 July 2011.

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

**FALKIRK COUNCIL**

**Subject:** **ERECTION OF DWELLINGHOUSE AT GLEN HOUSE, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR - MR ALAN MILLIKEN – P/11/0347/FUL**

**Meeting:** **PLANNING COMMITTEE**

**Date:** **24 August 2011**

**Author:** **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** **Ward - Bonnybridge and Larbert**  
**Councillor Billy Buchanan**  
**Councillor Tom Coleman**  
**Councillor Linda Gow**

**Community Council:** **Larbert, Stenhousemuir and Torwood**

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

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This application relates to the erection of a dwellinghouse within the rear garden area of an existing detached dwellinghouse. The proposed single storey dwellinghouse would measure some 30 metres long, 10 metres in width and have an off-shoot measuring some 15 metres by 5 metres. A detached garage of 6.6 metres by 6.6 metres is also proposed. The proposed dwelling would have 3 bedrooms, games room, kitchen, principal lounge and family dining area. A covered terrace would also partially extend along the exterior.
- 1.2 The dwelling is proposed within the rear garden area of Glen House, Glen Road, Torwood but is also to the rear of Torwood Tower and Towood Cottage, Torwood.

**2. REASON FOR COMMITTEE CONSIDERATION**

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

**3. SITE HISTORY**

- 3.1 Planning application 05/1069/OUT – erection of dwellinghouse – refused 18 October 2006. This site included part of the site which is the subject of the current application.
- 3.2 Planning application 05/1068/OUT – erection of dwellinghouse – refused 11 October 2006. This site included part of the site which is the subject of the current application.
- 3.3 F/2004/0015 – development of land for housing purposes (outline) - granted 22 April 2005. This covered part of the site which is the subject of the current application. Subsequent applications for the erection of 2 dwellinghouses (F/2005/0099 and F/2005/0100) received approval of reserved matter on 19 April 2005. These dwellinghouses (Torwood Tower and Torwood Cottage) have been constructed and front onto Glen Road with the site of this application to the rear.

#### **4. CONSULTATIONS**

- 4.1 Scottish Water has no objections, but does not guarantee a connection to Scottish Water's infrastructure.
- 4.2 Falkirk Council's Roads Development Unit have no objections, but request that if permission is granted, planning conditions are imposed regarding access width, gate openings and in-curtilage car parking spaces.
- 4.3 Falkirk Council's Environmental Protection Unit have no objections, but request that if the proposal is granted, planning conditions are imposed regarding contaminated land.

#### **5. COMMUNITY COUNCIL**

- 5.1 No comments have been received.

#### **6. PUBLIC REPRESENTATION**

- 6.1 4 letters of objection have been received, commenting:-

- Additional noise would be created by the construction of the proposed house.
- Adverse loss of established woodland, which has been part of the rural environment for a great number of years.
- The loss of wildlife on the site.
- The view of existing residents would be hindered.
- Access to the site is extremely restricted, for both construction vehicles and potential residents.
- The application, if approved, would set a precedent for similar proposals.
- The site is totally unsuitable for a house to be crammed in, behind 4 existing properties.
- The proposal is backfill development.
- Loss of privacy to existing properties.
- Existing trees between the new development and the proposed should be retained.
- Torwood Community Woodland Group Ltd object to the planning application on the grounds that it would necessitate clearance and felling of trees in the village of Torwood. There has been substantial degradation around the edges of the village in recent years with the loss of natural woodland and habitat. As a woodland group it is their goal to protect what remains of the woodland and green space around Torwood for the benefit of residents and wildlife. The group believes there is no justification for further destruction of the countryside as there are many houses in the village currently on the market and further housing development in the pipeline. This building would further push out the boundaries of the village into green space.



## 7. DETAILED APPRAISAL

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

Accordingly,

### 7a The Development Plan

#### ***Falkirk Council Structure Plan***

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

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

7a.2 The application site lays outwith the urban envelope of Torwood and, as such, could be designated as countryside. Consequently, the applicant has failed to demonstrate that a new dwellinghouse within this countryside location is essentially required or is an appropriate form of agricultural diversification.

#### ***Falkirk Council Local Plan***

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

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

7a.4 The urban and village limits represent the desirable limit to the expansion of settlements and the application site is clearly outwith the Torwood village envelope. Consequently, the site can be

classified as countryside and the proposal has no supporting information which would lead to the conclusion that the dwellinghouse requires a countryside location, constitutes appropriate infill development or will utilise suitable existing buildings.

7a.5 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.6 The submitted proposal would involve the removal of at least 17 stems of Sycamore and a mature beach tree, plus the loss of a line of small conifers/broadleaves at the entrance area. Although the Sycamore stems and conifers have a low amenity value compared to other mature native species, their loss would nevertheless contribute to the overall loss of broadleaf tree cover of the locality and would contribute to opening up of views of the proposed dwelling and other dwellings from open country and the A9 to the north east. Any tree removal may be evident from the north east due to the elevated location of the site relative to the land to the north east. The proximity of the north western end of the proposed house to the tree proposed for retention appears very close and may barely leave a sufficient root protection area and allow space for house construction (this is difficult to determine due to the level of detail provided). Trees at this proximity to the house may suffer construction damage and in addition future occupants would be likely to experience perceived problems with shading, leaf and branch fall. The cumulative effect would be that extent of tree loss and removal would, in fact, be greater than shown on the submitted plans. It is therefore considered that the submitted proposal would not be acceptable on landscape and visual grounds.

7a.7 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.8 In this instance, the proposal could not be considered to accord with the terms of the above policy, not least given the lack of essential justification. In addition, the proposal does not represent an appropriate infill opportunity within the envelope of an existing group of residential buildings, as the proposal would result in backland development (development of land behind the rear building line of existing housing or other developments, and is usually land that is formally used as gardens, or is partially enclosed by gardens, and where access to the development adjoins a public highway).

7a.9 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.10 In this instance, the scale of the proposed house does not respect the architectural character of the area, will result in the loss of vegetation to an extent of adversely affecting the area and does not comply with other local plan policies.

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

## **7b Material Considerations**

7b.1 The issues to be considered are the points raised by objectors and comments received through consultation.

### ***Points Raised by Objectors***

7b.2 In consideration of the points raised:-

- It is agreed that the development of the site would constitute an unacceptable form of backland development and is, therefore, unsuitable for further housing development.
- It is agreed that there would be substantial impact on existing woodland.
- It is agreed that vehicular access to the site is restricted, but not incapable of being utilised for construction purposes.
- Noise from construction may be subject to monitoring by the Environmental Protection Unit.
- Loss of view to existing residents is not a material planning consideration.
- It is agreed that, if approved, the proposal may constitute an undesirable precedent which would make other such proposals difficult to resist.

### ***Points Raised Through Consultation***

- 7b.3 Matters raised through consultation may be adequately addressed through planning conditions, should the proposal be approved.

### **7c Conclusion**

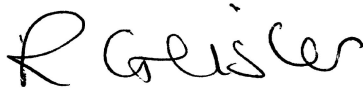
- 7c.1 It is recognised that part of the applicant's garden ground lies outwith the village envelope as defined in the Falkirk Council Local Plan and, as such, the proposal offends policy with regard to new development in the countryside. However, in addition, the scale of the new development, combined with the positioning of the dwelling behind existing dwellings, offend policy relating to the appropriate setting of new development. These elements, combined with concerns regarding the loss of existing landscaping and the detrimental influence such an unwarranted precedent would have on future applications of this type, would substantiate the recommendation to refuse the application.

## **8. RECOMMENDATION**

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

- (1) The proposal is contrary to Falkirk Council Structure Plan Policy ENV1 – Countryside and Protected areas - and Falkirk Council Local Plan Policy EQ19 – Countryside - in that the applicant has provided no essential justification for a dwellinghouse in a defined countryside location.
- (2) The proposal is contrary to Falkirk Council local Plan policies SC3 – Housing Development in the Countryside – in that the proposal does not represent an appropriate infill opportunity within the envelope of an existing group of residential buildings and would, if approved, result in backland development, all to the detriment of the architectural character of the area.
- (3) The proposal is contrary to Falkirk Council Local Plan Policy SC8 – Infill Development and Sub-division of Plots – in that the proposed house does not respect the architectural character of the area, in terms of scale and would result in backland development, all of which would constitute an undesirable precedent which could not reasonably be resisted in similar circumstances. In addition, the

proposal would likely result in the loss of established landscape features, all to the detriment of the setting of the area.



.....  
**Director of Development Services**

**Date:** 16 August 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of objection from Mrs Elaine McGhee, Torwood Tower Glen Road Torwood FK5 4SN on 20 June 2011
4. Letter of objection from Mr Calum Hoggan, Torvale Cottage Glen Road Torwood FK5 4SN on 20 June 2011
5. Letter of objection from Gordon and Isabel Lawton, Hollings Cottage Glen Road Torwood Larbert on 23 June 2011
6. Letter of objection from Mrs Joanna Stevenson, Yew Bank Central Park Avenue Larbert FK5 4GR on 6 July 2011

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

# Planning Committee

## Planning Application Location Plan

**P/11/0347/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:** MODIFICATION OF AGREEMENT ON PLANNING PERMISSION F/96/0002 TO ALLOW THE DWELLINGHOUSE TO BE OCCUPIED BY A PERSON "MAINLY OR LASTLY EMPLOYED IN AGRICULTURE, FORESTRY OR LANDSCAPE INDUSTRIES LIKE A TREE NURSERY, IN THE LOCAL AREA, OR TO A DEPENDANT OF SUCH A PERSON RESIDING WITH HIM OR HER, OR A WIDOW OR WIDOWER OF SUCH A PERSON" AT ALMA COTTAGE, 7A MANNERSTON HOLDINGS, LINLITHGOW, EH49 7LY FOR MARTIN AND ALISON WATT - P/11/0439/75M

**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness  
Councillor Sandy Turner  
Councillor Ann Ritchie  
Councillor Adrian Mahoney

**Community Council:** Blackness Area

**Case Officer:** Bernard Whittle, (Development Management Co-ordinator) Ext. 4875

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this planning application was originally considered at the Planning Committee on 24 August 2011 (copy of previous report appended), where it was agreed to continue the planning application for a site visit. This visit took place on 5 September 2011.
2. The main issue highlighted at the visit concerned the scenario that if the Agreement, when modified, would revert back to the original agreement if the applicant's circumstances changed and that he no longer wished the terms of the agreement to reflect that which he is applying for.
3. It was confirmed that once amended, this would be the new terms of the agreement that would relate to the property in question and that it would not revert back to the original agreement. New legislation introduced in February 2011 would require any subsequent changes to the agreement to be the subject of a further application to the planning authority seeking their agreement for modification or discharge. The merits of the case would then be considered at that time.
4. No further matters were revised at the site visit which would alter the previous recommendation.

**5. RECOMMENDATION**

- 5.1 It is recommended that Committee agree to modify the Section 50 Agreement restricting occupation of the dwellinghouse at 7A Mannerston Holdings subject to the Council's legal costs being met by the applicant.**

**Pp**

.....  
**Director of Development Services**

**Date:** 14 September 2011

**LIST OF BACKGROUND PAPERS**

1. The Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010
2. Annex to Circular 1/2010: Planning Agreements, Planning Obligations and Good Neighbour Agreements
3. Falkirk Council Structure Plan
4. Falkirk Council Local Plan
5. Letter of representation from Blackness Area Community Council

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



**FALKIRK COUNCIL**

**Subject:** MODIFICATION OF AGREEMENT ON PLANNING PERMISSION F/96/0002 TO ALLOW THE DWELLINGHOUSE TO BE OCCUPIED BY A PERSON "MAINLY OR LASTLY EMPLOYED IN AGRICULTURE, FORESTRY OR LANDSCAPE INDUSTRIES LIKE A TREE NURSERY, IN THE LOCAL AREA, OR TO A DEPENDANT OF SUCH A PERSON RESIDING WITH HIM OR HER, OR A WIDOW OR WIDOWER OF SUCH A PERSON." AT ALMA COTTAGE, 7A MANNERSTON HOLDINGS, LINLITHGOW, EH49 7LY FOR MARTIN AND ALISON WATT – P/11/0439/74M

**Meeting:** PLANNING COMMITTEE  
**Date:** 24 August 2011  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness  
Councillor Sandy Turner  
Councillor Ann Ritchie  
Councillor Adrian Mahoney

**Community Council:** Blackness Area

**Case Officer:** Bernard Whittle, (Development Management Co-ordinator) Ext. 4875

**1. INTRODUCTION**

- 1.1. A request has been made to modify an Agreement made under the terms of Section 50 of the Town and Country Planning (Scotland) Act 1972, (now Section 75 of the Town and Country Planning (Scotland) Act 1997), as amended, relating to restrictions on the occupancy of a dwellinghouse at 7A Mannerston Holdings, Linlithgow.
- 1.2. The site is located within the area of Mannerston Holdings at the end of a private access track leading from the A904 at the Rouken Glen Garden Centre.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1. The decision to grant planning permission subject to a Section 50 Agreement in the terms set out above was a decision of the Regulatory Committee (now Planning Committee). In these circumstances the Scheme of Delegation, as amended, requires that applications for modification and discharge of an Agreement shall be determined by the Planning Committee.

### **3. BACKGROUND TO SECTION 50 AGREEMENT/ SITE HISTORY**

- 3.1 A detailed planning application by Mr Martin Watt (reference F/96/0002) was granted by the Council in September 1997 for the erection of a dwellinghouse associated with a tree nursery business on this site subject to an Agreement under Section 50 of the Town and Country Planning (Scotland) Act 1972. The Agreement restricts occupancy of the dwellinghouse to a person or persons employed for a minimum of 35 hours per week in a tree nursery business at Mannerston Holdings and his, her or their dependants in all time coming.
- 3.2 The site lies outwith settlement boundaries identified in the Development Plan in an area where there is a general presumption against new dwellinghouses other than in exceptional circumstances. Planning permission was granted for the dwellinghouse on the basis that the applicant's tree nursery business was an exceptional circumstance and justified the need for a new dwellinghouse in this location.
- 3.3 Mr Watt has advised that due to an unfortunate combination of unforeseen personal health problems and financial circumstances the tree nursery business has failed and he can not now comply with the restrictive terms of the Agreement. Modification of the Agreement as proposed in the application description is sought to allow Mr Watt and his wife and children to continue to live in the dwellinghouse in the changed circumstances he now finds himself in.

### **4. REQUEST TO MODIFY THE SECTION 50 AGREEMENT**

- 4.1 New legislation introduced in February 2011 by the Planning etc (Scotland) Act 2006 requires that where a person against whom a planning agreement is enforceable wishes to modify or discharge the agreement they have to apply to the planning authority seeking their agreement for the modification or discharge. These provisions are set out in the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010 and annex to Circular 1/2010 published in February 2011.
- 4.2 On receipt of an application the planning authority is required to notify the owner of the land and/or any other person against whom the planning agreement is enforceable and to allow a period of at least 21 days for these interested parties to submit representations. The planning authority is not required to notify or consider representations from any other parties.
- 4.3 The planning authority is to issue notice of their decision in respect of the application within two months of the date of validation. The applicant has a right of appeal to Scottish Ministers if the planning authority fails to give notice of their decision within the two month period.

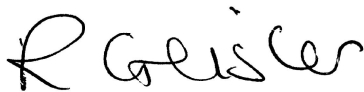
### **5. CONSIDERATION OF REQUEST**

- 5.1 Details of the Section 50 Agreement and the request for its modification are provided earlier in this report. The comments made by the applicant are noted and it is considered that there is no prospect of the terms of the current restriction being met.
- 5.2 No representations have been received from interested parties. The Blackness Area Community Council is not an interested party and has no locus to submit representations but they have written to advise that they have no comments to make on the application.

- 5.3 Since the decision to grant planning permission in 1997 there has been a material change in circumstances outwith the control of the applicant. The proposed modification to the Section 50 Agreement would still limit occupation of the dwellinghouse. It would allow the applicant and his family to continue to live in the dwellinghouse but would maintain an agricultural/rural tie in keeping with the spirit of the original planning decision and current Development Plan Policies set out in Falkirk Council Structure Plan Policy ENV.1 and Falkirk Council Local Plan Policies EQ19 and SC3, restricting residential development in the countryside.

## **6. RECOMMENDATION**

- 6.1 It is recommended that Committee agree to modify the Section 50 Agreement restricting occupation of the dwellinghouse at 7A Mannerston Holdings subject to the Council's legal costs being met by the applicant.



.....  
**Director of Development Services**

**Date:** 16 August 2011

### **LIST OF BACKGROUND PAPERS**

1. The Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010
2. Annex to Circular 1/2010: Planning Agreements, Planning Obligations and Good Neighbour Agreements
3. Falkirk Council Structure Plan
4. Falkirk Council Local Plan
5. Letter of representation from Blackness Area Community Council

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

# Planning Committee

## Planning Application Location Plan

**P/11/0439/75M**

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:** **INSTALLATION OF 13 WIND TURBINES, ACCESS TRACKS, SWITCHGEAR BUILDING, WIND MONITORING MAST AT LAND TO THE SOUTH OF STONERIDGE, FALKIRK, FOR WIND PROSPECT DEVELOPMENTS LTD - P/10/0857/FUL**

**Meeting:** **PLANNING COMMITTEE**

**Date:** **21 September 2011**

**Author:** **DIRECTOR OF DEVELOPMENT SERVICES**

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

**Community Council:** **Avonbridge and Standburn**  
**Slamannan and Limerigg**

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

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application site known as 'Burnhead Wind Farm' is an area of 245 hectares and is located approximately 1.8 miles west of Armadale, 1.5 miles south east of Limerigg, 1.5 miles south west of Avonbridge and 1.2 miles north of Blackridge.
- 1.2 Members will note that the industry standard for this type of application is to reflect measurements through metric annotation. However, for the purpose of clarification, figures in metric km have also been reflected in imperial miles. Figures in metres remain the industry standard.
- 1.3 The application site is in close proximity to the Falkirk/West Lothian Council area boundary but is wholly within the Falkirk Council area.
- 1.4 The proposed 26 megawatt (MW) development would include up to 13 wind turbines, each rated around 2 MW, with a tower height of about 80 metres supporting the generator and a three bladed rotor with a radius of 47 metres. The overall height of the turbines would be no more than 127 metres from ground level to blade tip when the blade is in the upright position.
- 1.5 The construction, operation and decommissioning of the proposed wind farm is anticipated to cover a period of 27 years, 25 of which would be for the operation of the project and the remainder for the construction and decommissioning periods.

1.6 The development would include the following components:-

- Internal access tracks;
- Wind turbine foundations;
- Wind turbines;
- Crane hardstandings;
- Wind monitoring mast;
- Water crossings;
- Electrical connection and a switchgear or control building;
- Temporary construction compound;
- Areas to be kept clear of forestry;
- Turbine delivery route.

1.6 During the construction period, appropriate traffic management techniques would be applied to minimise adverse impacts on the public road network.

1.7 Operation

- Once the turbines are in operation, they would be monitored remotely and would not be staffed. However, maintenance personnel would make routine visits by car or van approximately once a month, with intermediate visits as and when necessary.
- The internal access tracks would be retained and maintained throughout the operational life of the wind farm to allow periodic maintenance of the turbines.
- Once the erection and commissioning of the wind turbines is complete, topsoil would be pulled back over the construction compound area and crane hardstandings. The reinstated areas would be turfed with stored turfs, seeded or allowed to naturally regenerate. If the compound or crane hardstandings are required during the operation life of the project, topsoil would be restriped as necessary.

1.8 Decommissioning

- While the wind farm would have an operational life of approximately 25 years, the decommissioning would take no more than 3 months to complete.

- Decommissioning components would include:-
  - The wind turbine bases cut back to below ploughing level, the turbines dismantled and removed from site for scrap or resale.
  - The internal access tracks, if not beneficial for future use, would be removed, topsoil would be reinstated and the land restored to its previous use.
  - The construction compound and crane hardstandings would be removed, topsoil reinstated and the land available for return to its previous use.
  - Electrical cable would be below ploughing level and may be recovered if economically attractive or left in-situ. The switchgear buildings would be dismantled, all equipment removed, topsoil reinstated and the land returned to its previous use.

1.9 The applicant, in support of the application, has provided an Environmental Statement addressing the following issues:-

- Description of proposal;
- The need for development;
- Planning the development;
- Land use, recreation and access;
- Landscape and visual impact assessment;
- Ecology;
- Ornithology;
- Cultural heritage;
- Hydrology and soils assessment;
- Noise;
- Telecommunications and aviation;
- Shadow Flicker;
- Planning policy context.

1.10 In addition the applicant has included a view on the economic and community benefits:-

- A local trust fund to be set up, based on an annual index-linked contribution of £2,000 per installed MW. Based on a 26MW wind farm, regular contributions of £52,000 per year would be made, which would equate to over £1.3 million over the 25 year lifetime of the project. The administration of the trust fund would be undertaken by an independent charitable organisation, such as the Scottish Community Foundation. A local advisory

panel would be formed, chaired by an independent body and would award funds and identify priority projects;

- Wind farms are considered a form of farm diversification, providing a valuable rental income to the landowner while allowing the land to be utilised for its established use;
- Approximately 50 short-term construction jobs would be created for this development, and would allow local electrical and civil companies to tender for the project. However, Members should note that the economic benefits to the community with regard to the Trust Fund contribution is not a material consideration and it is not within the remit of the planning authority to agree, modify or decline the Trust Fund contribution or management.

## **2. REASON FOR COMMITTEE CONSIDERATION**

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

## **3. SITE HISTORY**

- 3.1 P/10/0204/FUL – Erection of 70 metre high Anemometer Mast - approved 31 May 2010.
- 3.2 P/10/0309/PAN – 12 Turbine Wind Farm including Sub Station and access tracks – closed 11 July 2010.

## **4. CONSULTATIONS**

- 4.1 Scottish Gas Network advise that there is a High Pressure apparatus in the vicinity, and it is essential that no works or crossings of this high pressure pipeline are carried out until detailed consultation has taken place.
- 4.2 INEOS do not operate any pipelines in the area, and are therefore unaffected by the proposed works.
- 4.3 The Health and Safety Executive have been consulted via the PADHI+ (Planning and Development near Hazardous Installations) online system, resulting in a Do Not Advise Against.
- 4.4 BAA Aerodrome Safeguarding have no objection to the proposal.
- 4.5 ATS (En Route) plc (NERL Safeguarding) objects to the proposal, as the radar safeguarding assessment reveals that the wind farm development is located within an area where there is insufficient terrain shielding from the Primary Radar Service at Lowther Hill. Owing to the large dimension of the wind turbines and the distance from the radar, it is anticipated that the reflected power will be of adequate value to be detected by the radar and, consequently, generate false plots. A reduction in the radar's probability of detection, for real targets, is also expected.



- 4.6 The Civil Aviation Authority believe that there may be an impact upon operations at Glasgow and Edinburgh Airports, and Falkirk Council should validate the statements in the Environmental Statement directly with BAA, the Licensee. Similarly, the perspectives of both the MoD and NATS should also be established or validated, as appropriate.
- 4.7 Scottish Power Systems has not received a connection request as yet, but note that there are a number of overhead power lines crossing roads at a number of locations along the proposed turbine delivery route, and safety clearances must be confirmed.
- 4.8 The Scottish Environment Protection Agency have no objection to the application, but offer advice as regards a National Vegetation Classification (NVC) survey to take place, a Habitat Management Plan to be put in place, and detailed advice for the applicant.
- 4.9 National Grid has no objection to the application, although there is a high pressure gas pipeline which runs through the site. The applicant is requested to note conditions regarding the integrity of the pipeline.
- 4.10 Falkirk Council's Environmental Protection Unit advise, in terms of noise, that a suspensive planning condition be imposed regarding noise monitoring to the nearest dwellinghouse. In addition, a suspensive planning condition should be imposed in the event of contaminated land being encountered.
- 4.11 Shell UK have no comment on the application.
- 4.12 The Ministry of Defence requests that turbines are fitted with aviation lighting. In addition, Defence Estates Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to the proposal, to verify that it will not adversely affect defence interests.
- 4.13 The Royal Society for Protection of Birds does not object to the application, subject to the imposition of planning conditions regarding further survey and investigation.
- 4.14 Falkirk Council Roads and Development Unit requests that a planning condition be imposed seeking a Construction Traffic Management Plan to be submitted.
- 4.15 Scottish Natural Heritage consider that it is unlikely that the proposal will have a significant effect on any qualifying interests of Blawhorn Moss Special Area of Conservation (SAC) either or indirectly. Aspects concerning Landscape and Visual Impact, Access and Rights of Way and Protected Species Site designation have all been considered. Scottish Natural Heritage would welcome further dialogue with the applicant to secure appropriate mitigation on the site. Scottish Natural Heritage have no objection to the proposed development.
- 4.16 The Scottish Rights of Way and Access Society requests that an asserted Right of Way crossing the site remains open and free from obstruction during construction, operation and decommission of the development. In addition, the Society should be informed of any construction dates which will effect the Right of Way.
- 4.17 West Lothian Council comment that:-
- (1) Proposal is contrary to national policy: consolidated Scottish Planning Policy (SPP) and Planning Advice Note 45: *Renewable Energy Technologies* (PAN 45);

- (2) Major and extensive impacts on local landscape designations and landscape character in West Lothian;
- (3) Major and extensive visibility impacts for West Lothian;
- (4) Proximity and negative impacts on Blawhorn Moss National Nature Reserve (NNR)/Special Conservation Area (SAC)/Site of Special Scientific Interest (SSSI): its integrity, environmental designation status, and the national nature reserve facility itself;
- (5) Unacceptable cumulative impacts from wind farms and wind turbines for West Lothian;
- (6) Negative impacts on nearby houses, villages and towns in West Lothian;
- (7) A range of negative impacts on Drumtassie Burn, for which there does not appear to be sufficient mitigation in place;
- (8) Potential negative impacts on transport arteries in West Lothian including: A807, A89, A706, A801 and the Bathgate to Airdrie rail-link.

4.18 In addition, West Lothian Council has made additional comments seeking the repositioning of 3 wind turbines nearest the West Lothian Council boundary.

## **5. COMMUNITY COUNCIL**

5.1 Neither of the Community Councils in the Falkirk area has submitted comments.

5.2 Blackridge Community Council (West Lothian Council area) are concerned that:-

- The proposal could have an adverse impact on the village of Blackridge, its residents and the surrounding countryside in terms of cumulative impact;
- The adverse impact would extent to the Blackridge Heights AGLV, Blawhorn Moss SSSI and views from the M8 motorway and the new Airdrie to Bathgate rail link;
- The advice of RSPB should be secured in terms of impact on the local wildlife populations;
- In terms of lighting, the safety lighting on the turbines will have a negative impact on an area of countryside that is currently unlit;
- Existing roads around the site are unsuitable for either bringing materials to the site or servicing the site in the future.

5.3 Westfield and Bridgehouse Community Council (West Lothian Council area) are concerned that:-

- National and Local Planning Guidance is understood to be predisposed to favouring wind farm applications, as long as they are not detrimental to existing populations and landscapes. This would appear to be the key factor to be assessed in this application;
- The application proposes major visual impact on two AGLVs, and SSSI and a number of residences in close and very close proximity. The choice of site would therefore appear to contradict the guidance;
- Guidance also recommends local authorities to create area maps indicating suitable areas for wind farm location. As far as is known, no map covering the application site is available;
- No information is provided in the application to qualify the choice of site or type of turbine proposed (e.g. measured and anticipated wind yield). Whilst an expected power generation figure is given, it is difficult to judge the worth of this without knowing if a better output could be achieved from an alternative, less contentious site, or whether an equivalent or higher output could be achieved with (fewer) more powerful turbines;
- The site landscape does not appear ideally suited to the erection of turbines, due to the proximity of existing residences, areas of deep peat, commercial forestry and native woodland, the gradient to the southern river boundary and the Blackridge Heights AGLV and Blawhorn Moss (SNH Zones 2 and 3, SSSI), minimum distance of 940m, yet the nearest property is approximately 750m from the nearest turbine;
- Proposed mitigation measures are limited. It would be more reassuring if the application offered unconditionally to compensate these residences for disturbance and guarantee to purchase the properties at a mutually agreed value should residents wish to move and there be difficulty selling publicly for any reason associated with the proximity of the farm. It is requested that this is made part of a legal agreement or similarly binding condition, should the application be approved.

5.4 With respect to the site, the following design changes are requested to be conditioned should the application be approved:

- It is requested that no external lighting is used at the completed site unless necessary for maintenance operations. Security needs can be met with modern surveillance cameras that work in low or infra-red light. During construction, it is requested that lighting is low-impact downlighting and only on when absolutely required. This is to minimise groundlight and reduce impact on wildlife;
- The track connecting Turbines 5, 8, 9 and 13 is shown to cut twice through the existing broadleaf woodland, which the application intends to retain. It is requested that the junction is moved such that the north-south stretch of track is located east of the trees. Only one cut through the tree line is therefore required (retaining more of this type of woodland) and this does not increase the length of track required;
- It is requested that the switchgear building is redesigned with a turf roof. This is cheap and simple for such a small building, reduces its visual impact and better fits with the claimed environmental ethos of the farm;

- It is requested that the proposed site entrance be removed and the existing forestry track be used. Since this is the intended route for the turbine delivery, it must already be capable of supporting heavy traffic. Coupling this with restriction of works traffic to the proposed turbine delivery route would minimise traffic impact on the nearest residences, and reduce the need for road repairs as a result of works traffic. A single entrance also reduces security requirements;
- It is requested that suitable conditions be imposed to ensure that the routes used by works traffic, and associated verges and paths/bridleways are maintained during, and made good at the end of construction, for the benefit of all users.

## **6. PUBLIC REPRESENTATION**

6.1 307 letters of support have been submitted, commenting:-

- Wind power is an increasingly important component of energy provision mix;
- At 26 MW, the proposals are enough to meet the demands of around 15,000 homes each year;
- The proposal will offset the release of more than 700,000 tonnes of CO<sub>2</sub> over its 25 year lifespan;
- It will make a valuable contribution to achieving Scotland's renewable energy targets, which are set at 80% of Scottish Electricity consumption to be supplied by renewable generation by 2020;
- The ability to enjoy the area will not be affected by the presence of a wind farm;
- Any localised visual impact of this proposal is acceptable given the sustainable energy benefits and widespread damage that climate change has potential to introduce;
- The more electricity generated from renewable resources, the less conventional fossil fuels have to be burnt;
- The UK Government has a legally binding European target of 15% of all energy from renewable;
- Wind power is renewable and in constant use;
- Clean, indigenous, iconic import free energy;
- Changes throughout the years is beneficial and necessary for the future;
- Wind farms are not a blight on the landscape;
- The facility would be a good use of the land, which was historically used for opencast mining;
- Wind turbines will avoid more nuclear facilities being required;

- The access and potential for extra bridle paths are a big plus for horse riders.

6.2 Two letters neither supporting nor opposing the application, commenting:-

- Turbine position T4 is only 180m from adjoining land, which could restrict development of that land;
- The proposed site access is in close proximity to an existing access.

6.3 Four letters of objection, commenting:-

- Application will sterilise the value of land nearby;
- Area is of natural beauty used by ramblers, dog walkers and fishers;
- Area is of historical value - Blawhorn Moss;
- Close proximity of turbines to adjoining landowners - 45m, in one instance;
- Turbines are unsightly;
- Only a small number of business people will profit from the development, with no benefit to local owners;
- Local residents and existing roadways will suffer as a consequence of generated traffic to import aggregate to the site, especially if the source material is to be transported from any distance;
- If the neighbouring opencast quarry is used to source aggregate, the removed material will create a scar on the landscape;
- Properties close to the application site will suffer from noise pollution;
- Aspirations to develop Avonbridge with additional housing will be thwarted due to the presence of the turbines;
- The loss of visual amenity to neighbours;
- Detrimental effect on local property values;
- Shadow flicker nuisance on local properties.

## 7. DETAILED APPRAISAL

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

Accordingly,

## 7a The Development Plan

### ***Falkirk Council Structure Plan***

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

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

7a.2 The application may be considered as farm diversification, given that the proposal is temporary in nature (25 years) and, on installation, would continue to allow the land to be utilised for farming purposes. In terms of location, a rural location is considered appropriate for such developments.

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

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

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

*habitats.”*

7a.4 The application site is adjacent to Blackridge Heights Area of Great Landscape Value (West Lothian Council area) and Blawhorn Moss National Nature Reserve. However, consultation with Scottish Natural Heritage has not given rise to any concerns regarding significant impact on the nationally designated site. Subject to a degree of mitigation, the proposal is considered to be in accordance with policies relating to ecology.

7a.5 Policy ENV.13 ‘General Principles for Renewable Energy’ states:

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

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

7a.6 While the Falkirk Area does not possess the natural assets or potential to make large scale renewable energy projects likely to come forward, there is potential for smaller community based projects and medium sized commercial projects to come forward. Therefore, general support for this type of development is appropriate, but balanced with the careful control of potential impacts.

### **Falkirk Council Local Plan**

7a.7 Policy ST20 - ‘Renewable Energy Development’ states:

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

7a.8 This policy is broadly supportive of renewable energy proposals subject to other Local Plan policies.

7a.9 Policy ST21 - ‘Wind Energy’ states:

*“Wind energy developments will be assessed in relation to the following factors:*

- (1) The visual impact of the development, having regard to the scale and number of turbines, existing landscape character, and views from settlements, main transport corridors and other key vantage points. Development will not necessarily be excluded from Green Belts or Areas of Great Landscape Value, but must demonstrate particular sensitivity in terms of scale and design where these designated areas are affected;*
- (2) The ecological impact of the development, having regard to Policies EQ24 and EQ25, including impacts on both designated sites and protected species. In particular, developers will be required to demonstrate that there will be no adverse impact on migratory birds;*
- (3) The impact on the cultural heritage and the landscape setting of cultural features, having regard to Policies EQ12, EQ14, EQ16, EQ17 and EQ 18;*

- (4) *The impact on aviation and telecommunications, with particular regard to the safeguarding zones and operational needs associated with Edinburgh, Glasgow and Cumbernauld airports;*
- (5) *The impact on settlements and residential properties by virtue of noise and 'shadow flicker'; and*
- (6) *Cumulative impacts in relation to the above factors, where there are existing developments in the area, or the development is one of a number of proposals for an area."*

### **Summary Details of the Submitted Landscape and Visual Impact Assessment Section (LVIA) of Environmental Impact Assessment**

- 7a.10 The assessment covers methodology of assessment, existing (baseline) conditions, landscape/visual mitigation incorporated in the design, residual landscape and visual effects during construction and long term impact of the proposal (i.e. the main landscape and visual impacts when built) and a cumulative assessment of the proposal's impacts in conjunction with other existing and proposed wind farms, plus a summary of these effects. An area of 35km (21.7 miles) radius from the site has been studied to assess the landscape and visual effects of the proposal (it should be noted that landscape effects are different to visual effects). The assessment does not put forward any final conclusions or recommendations; it predicts effects and their nature.
- 7a.11 Zone of Theoretical Visibility Plan (ZTV): This is a computer generated plan showing where turbines would be theoretically visible; it does not take into account screening by minor topographic undulations, woodlands, trees and buildings, so it exaggerates the actual visibility. In the Falkirk Council area, the turbines are likely to be visible from areas of Avonbridge, California, Limerigg, parts of Slamannan at up to 8km (4.9 miles) distance, and more distantly from the high ground to the south of Bo'ness at 15km (9.3 miles), areas around Airth at 18km (11.1 miles), South Alloa at 22km (13.6 miles), Dunipace at 17km (10.5 miles), Torwood at 16km (9.9 miles) and high ground to the west of Denny; turbines will also be visible from outlying dwellings, farms and transport routes. There will be no views of the turbines from Falkirk, Grangemouth and adjacent settlements. Outside Falkirk Council area, the turbines are theoretically visible from parts of Dunfermline, Culross, Kincardine, Alloa, Stirling, Cumbernauld, Kirkintilloch, the Kilsyth Hills, Harthill, Whitburn, Armadale, Bathgate, Livingston and the Pentland Hills.
- 7a.12 Viewpoint Illustration: Eighteen viewpoints have been selected for illustration of the proposal (four are in Falkirk Council area). Selection has been in consultation with local planning authorities and SNH.
- 7a.13 Construction Impacts: These would be short term (estimated to be 12 months) and would involve vegetation and landform disturbance, trenching and excavation, site machinery and cranes, lighting and a construction compound.
- 7a.14 Mitigation Measures: Measures are identified to avoid, reduce or offset adverse impacts predicted. These are embedded in the design, or are additional measures to reduce landscape and visual impacts. Various layouts have been tested, based on design principles, to arrive at the current layout; this is the optimum to achieve a coherent view and avoid clustering of turbines from sensitive viewpoints and to minimise the impacts on landscape features on site. Opportunities are recognised to undertake mitigation planting to improve local habitats, structure of landscape and block certain views of turbines by woodland/tree planting near the



receptors nearest to the turbines. Native planting around the control building is proposed. This would follow an Environment Management Plan to mitigate visual impacts and reinstate landscape elements. Mitigation at construction would include on-site deviation/adjustment to avoid sensitive landscape/ecological features not immediately apparent at survey/design stage, minimising vegetation removal, control of construction lighting, compounds, rapid replacement of soil and restoration of widened construction tracks and hardstandings. Post construction mitigation will be included in the Environmental Management Plan. Monitoring will be through an environmental clerk of works.

- 7a.15 Residual Long Term Impacts: Are considered in detail (i.e. the impacts over the 25 year period of operational life on both Landscape Character and the visual impacts). The assessment methodology bases are predicted impacts on sensitivity of the feature receiving the effect and the predicted magnitude of change due to the development.
- 7a.16 Landscape Character: There is a recognised change in the landscape from forestry and moorland to a landscape defined by the wind farm. The Landscape Character of the site is considered to have the capacity to accommodate change. The effect of change to the landscape is considered to be major, but localised. There are moderate indirect impacts on adjacent landscape character types, reducing to minor over the wider area. Minor or no impacts are predicted across other landscape character types over the wider surrounding area.
- 7a.17 Designated Landscapes: Impacts on local designated landscapes are also considered (e.g. regional parks, designed landscapes and local authority designated scenic areas). The proposal is considered to result in a moderate level of impact on the Blackridge Heights AGLV (immediately to the south of the site in West Lothian) and on the Avon Valley/Slamannan Plateau AGLV (within Falkirk); forestry planting restricts close views in many locations and the presence of other man made features suggest medium sensitivity to change and a moderate magnitude of change. Impacts on the proposal on all other landscape designations are considered to be minor or having no effect (i.e. Pentland Hills Regional Park, Campsie Fells Regional Scenic Area, South Clydesdale Regional Scenic Area, Bathgate Hills and River Avon Valley AGLV, Airngath Hill AGLV, Denny Hills AGLV, Almond and Lindhouse Valleys AGLV, Pentland Hills ALV and Clyde Valley AGLV). In terms of designed landscapes, the impact on Dunmore Park/the Pineapple (in Falkirk) is considered barely perceptible and Callendar Park does not fall within the area of visibility. The impact on Country Parks (Polkemmet, Muiravonside, Palacerigg and Beecraigs Wood) are considered to be minor, due to woodland cover.
- 7a.18 Visual Impacts: From areas of up to 2km (1.2 miles), much of the wind farm will be visible, with visibility in some areas becoming reduced beyond 3km (1.8 miles); hills influence the locations and extent of visibility at greater distances from the turbines. Between 5-10km (3.1 miles-6.2 miles) visibility of the proposal extends to areas in the south east, north east and intermittently westwards. More distant theoretical visibility extends along the north side of the Forth, slopes of the Ochils, intermittently westwards and south east towards the Pentland Hills.
- 7a.19 Of the 18 viewpoints selected for illustration, 4 are within Falkirk Council area (from Black Loch, Avonbridge, North of Slamannan, and B9124/the Pineapple). For each viewpoint, details of the context, current view, predicted changes to the view and the sensitivity of the viewpoint have been assessed and recorded in detail; at each viewpoint the magnitude of change from the proposal in the view has been also assessed and the overall impact has been derived from both this and the sensitivity of the viewpoint (receptor). Impacts are assessed as being significant (major to moderate effects) on views from 7 viewpoints (Black Loch,

Avonbridge, the area near Slamannan in Falkirk Council area and Blawhorn Moss, Eastcraigs Hill, Polkemmet and Hillend Reservoir). Impacts on the local visual amenity are also assessed: from farmlands to the north east of the site and from the plateau to the south of the site the visual impact is assessed as major, whereas the moorlands to the east of the site and farmland to the north west of the site the impact is assessed as being moderate. Impacts on the visual amenity of settlements and dwellings with direct views onto the site is predicted as being significant from Blackridge, Limerigg and Avonbridge; from other settlements, impacts are predicted as minor to negligible and not significant due to distance, position and view screening. Visual impacts when travelling on routes through the area are predicted as major from the nearby minor roads and the B825. From roads elsewhere, impacts are predicted as moderate from the B728 to the south and the B825 to the north; minor to no impact predicted from the A90, A801, and M8. There is no predicted impact from rail lines due to vegetation and landform. A moderate level of impact is predicted from the Bathgate to Airdrie Railway Path/National Cycle Route 75.

### ***Cumulative Landscape & Visual Assessment***

- 7a.20 This has been undertaken to assess the additional impacts of the Burnhead wind farm proposal with other wind farms that are consented, or the subject of current applications. The cumulative assessment also includes other proposals in scoping stage; Callendar Estate, Rullie and Forthbank. Eighty-nine wind farms were mapped within 60km (37.2 miles) of Burnhead and those most likely to give significant cumulative impacts are considered in more detail. Those considered in detail (24 wind farms) are wind farms within 15km (9.3 miles) of Burnhead (including single turbines over 70m), all wind farms between 15 to 30km (9.3 miles–18.6 miles) with 3 or more turbines, plus the Forthbank wind farm (on Forth south of Alloa). Linear routes were assessed in the cumulative assessment (roads, railways and National Cycle Routes). Viewpoints from the basic LVIA were used to illustrate the cumulative assessment.
- 7a.21 Cumulative Visual Issues: Cumulative Zones of Theoretical Visibility (ZTVs) of Burnhead with other wind farms were assessed and it was observed that Burnhead will be seen in conjunction with other proposals from the plateau area around Burnhead and from the plateau to the south and south east and from higher areas of the Bathgate Hills. Views of Burnhead with other proposals will be seen from hillsides facing the site. From settlements and roads) M8, M9, Bathgate, Armadale, Cumbernauld) and lowlands to the east and north, cumulative views will generally be limited by tree cover and buildings. From some lower locations where open views are possible, Burnhead will be seen with other groups of existing and proposed wind farms. The assessment notes that Burnhead will frequently be seen in successive views with other wind farms when seen from low lying areas in the surrounding area. When viewing Burnhead in conjunction with other wind farms, the distance of separation between wind farms becomes apparent. The ZTV of other wind farms have been compared with Burnhead, and an assessment has been made of the additional impact from the introduction of Burnhead. A moderate level of cumulative impact has been assessed with Torrance Wind Farm and Bracco Wind Farm, with a minor level of cumulative impact on the proposed wind farm at Callendar Estate (not yet consented), Greendykes Wind Farm, Greengairs Wind Farm and the group of Hartwood and Birniehill Wind Farm.
- 7a.22 Cumulative Landscape Issues: The site is located in the Lowland Plateau Landscape Character Type (LCT), where the proposed Callendar Wind Farm will be located. Other adjacent proposals are in the Plateau Mooreland LCT. The cumulative impact from the addition of Burnhead will result in a moderate impact on the Lowland Plateau LCT. Minor indirect impacts are predicted for the adjacent Plateau Moorland. The addition of Burnhead Wind

Farm to the landscape character types of the wider area is predicted as being negligible to low. Significant cumulative effects on designed landscapes are considered unlikely. Cumulative impacts are predicted from Slamannan Plateau AGLV (judged to be moderate), Blackridge Heights AGLV (judged as moderate), the western edge of the Bathgate Hills GLV (minor) and distantly from the Pentland Hills AGLV (minor). The potential cumulative impacts have been assessed for each viewpoint; they are judged as major from the viewpoints of Blawhorn moss and Eastcraigs Hill and moderate from Avonbridge, the road north of Slamannan and from Polkemmet Country Park. From other viewpoints the cumulative visual impact is assessed as minor or having no effect. Cumulative impacts on routes (sequential impacts) are also assessed and are judged as major from the road between Blackridge and Avonbridge, moderate from the B8718 (Blackridge to Harthill) and the A825 (Caldercruix to Linlithgow). From the A89, A801, M8, cumulative impacts are assessed as minor or none. From the Bathgate to Airdrie rail link path, cumulative impacts are judged to be moderate, and from the rail link itself they are considered to be minor.

### ***Evaluation of the Landscape and Visual Assessment and Likely Effects of the Proposal on Landscape Character and Visual Amenity***

- 7a.23 The Landscape and Visual Impact Assessment section of the Environmental Statement is very detailed and includes a comprehensive analysis of the likely effects of the proposal. The assessment has been undertaken in accordance with current guidance from SNH and in accordance with the "Guidelines for Landscape and Visual Impact Assessment", which from the recognised guidance for assessment of such developments. The findings are thorough and are considered to be accurate. The distinction between visual effects and landscape effects should be noted. Landscape effects are changes to the physical landscape, its character and how this is experienced, plus effects on the perceived value applied to the landscape, whereas visual effects are the changes arising in the composition of views following changes in the landscape, people's responses to change and overall effects on visual amenity.
- 7a.24 Impacts on the Site and Immediate Surrounds of the Site: There will be a physical effect on the landscape of the site from the construction of 5m wide roading, the 50m x 25m hardstanding areas for each turbine (restored to 10m x 10m following construction), construction compound (restored following construction), the switchgear building (approximately 21 x 5 x 5m to ridgeline) and compound, trenching for cables and the meteorological mast and base as well as for the 13 turbine bases themselves; excavation, leveling, drainage works for the roading and creation of openings within the field enclosure system will be required. In addition, three of the turbines, with their associated roading and hardstanding, are proposed within existing commercial forest; this forest will be felled around each turbine position, around the meteorological mast and around the associated roading to enable construction, and a small area of forest may also be felled for moorland establishment. Given the position of the public roads and local dwellings relative to the site and the extent of forestry, tree groups and individual trees in the locality, much of this infrastructure would be well screened from the immediate surrounds. The switch gear house and compound should, nevertheless, be screened by additional native tree planting.
- 7a.25 Dwellings and farms near the site will potentially obtain very close views of the turbines as well as travelers on the minor road between Easter Greenhill and Wester Whin, and on the minor road from Blackridge to Easter Greenhill; in addition, users of the rights of ways to the north and south will obtain close views. However, these views will be mitigated to an extent by dense commercial tree cover, tree groups and sporadic roadside trees, resulting in some views being blocked, filtered or only partial views of upper parts of turbines being obtained or a mix of

partial and filtered views. Nevertheless, the visual effects of the proposal from these locations, where it is visible, will be major.

- 7a.26 Visitors to Blawhorn Moss National Nature Reserve, immediately to the south of the site (within West Lothian), will obtain direct open views of all turbines and the visual effects from here will be major.
- 7a.27 Impacts on Landscape Character and Visual Amenity of the Surrounding Area: The proposal will have a major effect on the landscape character of the site and its immediate surrounds; a landscape currently defined by forestry and moorland will become defined by wind turbines, forestry and moorland. The overall impact on the Slamannan Plateau landscape character area, although major in the immediate vicinity of the proposal, would be of an acceptable level due to the large scale of this landscape character type (that is, there is not an intricate field pattern and the turbines are not viewed against buildings or structures of known height that would emphasise turbine height). There will be some impact on the adjacent Central Plateau landscape character area to the west and landscape character areas to the east, but the level of impact is considered to be of an acceptable level, due to distances.
- 7a.28 The Zone of Theoretical Visibility (ZTV) plan shows the area over which turbines may be visible; this is computer generated and takes no account of screening provided by tree cover, buildings or minor topographic features, and is therefore a "worst case" scenario. It indicates that parts of the settlements of Avonbridge, Limerigg, Slamannan, California, Standburn and the surrounding countryside in the southern part of the Falkirk Council area up to approximately 7km (4.3 miles) from the turbines would obtain some views of the turbines (this could be any combination of some turbines, upper parts of turbines, or all turbines); this area of up to approximately 7km (4.3 miles) includes individual dwellings, farms, rights of way and roads within this distance. The turbines will not be visible from Falkirk/Grangemouth area and adjacent areas of settlement. The visual effects from the proposal would be major as seen from certain viewpoints within this distance, but I would nevertheless consider these effects to be of an acceptable level since they are visible in one direction only and are visible in combination with other landscape features. In addition, some distant views will be obtained from certain locations on high ground to the north and west of Denny and Larbert and from the high ground between Bo'ness and Linlithgow; at these distances approximately 13km (8 miles) and over, the turbines are distant features in the landscape and are not dominant.
- 7a.29 Outside Falkirk Council area to the south of the site, parts of the settlements of Caldercruix, Blackridge, Armadale, Harthill, Whitburn, Bathgate and Torphichen and the surrounding countryside, along with dwellings/farms, roads and rights of way within 10km (6.2 miles), will obtain views of the turbines, giving a moderate level of visual effect. A locally major visual effect will be experienced from the nearest settlements to the south and south west, the overall visual effects could be considered from these locations. At over 10-15km (6.2-9.3 miles) distance, the turbines would be distantly visible (judged as moderate), the western edge of the Bathgate Hills AGLV (minor) and distantly from the Pentland Hills AGLV (minor). The potential cumulative impacts have been assessed for each viewpoint; they are judged as major from the viewpoints of Blawhorn Moss and Eastcraigs Hill and moderate from Avonbridge, the road north of Slamannan and from Polkemmet Country Park. From other viewpoints the cumulative visual impact is assessed as minor or having no effect. Cumulative impacts on routes (sequential impacts) are also assessed and are judged as major from the road between Blackridge and Avonbridge, moderate from the B718 (Blackridge to Harthill) and the A825 (Caldercruix to Linlithgow). From the A89, A801, M8, cumulative impacts are assessed as

minor or none. From the Bathgate to Airdrie rail link path, cumulative impacts are judged to be moderate, and from the rail link itself they are considered to be minor.

- 7.30 From settlements where the windfarm would be visible, the arrangement of turbines in the view are generally well spaced and there are limited locations from settlements where significant visual clustering of moving turbines would occur (where this would be visually jarring and prominent). It would be important that micro-siting is carefully controlled.
- 7a.31 Impacts on Designated and Recreational Landscapes: Within Falkirk Council area, the Avon Valley/Slamannan Plateau AGLV is approximately 2.5km (1.5 miles) to the north. The proposal would be likely to be visible from many parts of the area, but existing tree cover and forestry will contribute to limiting some views. Although there will be a major impact on views from certain locations in the AGLV, I would consider the overall impact on the AGLV would be of an acceptable level; this is because views in the AGLV are predominantly eastwards down the Avon Valley to the hills north of Bathgate and to the Forth estuary. Other AGLVs in Falkirk are sufficiently far from the wind farm so that views would be distant and the AGLVs generally unaffected. The designated Inventory Designed Landscape of Callendar Park does not obtain views of the site, and the Inventory Designed Landscapes of Dunmore and the Pineapple are at 20km (12.4 miles) distance and are unaffected. Other recreational landscapes in Falkirk Council area are generally outside the Zone of Theoretical Visibility of the proposal, or are distant; I would not consider there to be an effect on these recreational landscapes (these are the Falkirk Wheel and surrounds, Callendar Park, the coast around Bo'ness/Blackness, Muiravonside Country Park, accessible parts of the Antonine Wall and National Cycle Routes). Certain sections of rights of way and core paths in the Falkirk Council area within 7km (4.3 miles) of the proposal will obtain varied views of the turbines, but the forest and tree cover plus the local landform will mean that views from these routes will not be necessarily continuous.
- 7a.32 Outside the Falkirk Council area, the very close proximity of the turbines to the Blackridge Heights AGLV within 105km (6.5 miles) and the Blawhorn Moss National Nature Reserve will result in a moderate to major level of impact, and this gives some cause for concern as seen from the south (but outside Falkirk). There will also be visibility from the western edge of the Bathgate Hills and River Avon Valley AGLV (West Lothian), and there will be a moderate level of visual effect from the proposal over a section of this designation. Other landscape designations outside Falkirk area appear to be unaffected, since no views of the proposal would be obtained or designated areas are sufficiently distant so that turbines would have minimal effect. Some recreational landscapes outside Falkirk, such as country parks at Polkemmet and Palacerigg, the National Cycle Route 75 and some rights of way/core paths will obtain views of the wind farm from certain sections; however tree cover will again ensure not all views are continuous. I would consider the level of visual effect from the turbines on these recreational landscapes to be of an acceptable level. Other recreational landscapes are at a sufficient distance to be unaffected.
- 7a.33 Cumulative Effects with Other Wind Farms: Cumulative effects arise where more than one wind farm can be seen in the same direction from a static viewpoint (combined effect) or where wind farms are visible in different directions from a static viewpoint (successive effect) or where a viewer is moving through the landscape (e.g. on a road or path) and is able to see different wind farms at one time or at different times (sequential effects). Assessment of the cumulative effects of Burnhead Wind Farm with other wind farms in the area is very complex; the submitted assessment has considered 24 other wind farms within 30km (18.6 miles) which are operational, consented but not built, are submitted applications or are in the preliminary

(scoping) stage. It has also considered other wind farms up to 60km (37.2 miles) distance from the site on the basis that they could be seen distantly at 30 km (18.6 miles) in one direction to when Burnhead itself could be distantly visible at 30km (18.6 miles) in another direction.

- 7a.34 In Falkirk Council area, from locations where Burnhead will be visible, there will be certain areas where a number of other wind farms may be theoretically visible; however these other wind farms are of varying turbine heights and numbers and may be up to 30km (18.6 miles) away from any location where Burnhead is visible (they may appear distant and only visible in clear weather conditions). In addition, these other wind farms are frequently visible in different directions to Burnhead from any given viewpoint, and not necessarily in the same view. It should be noted that there is a proposed wind farm 7km (4.3 miles) to the north west at Callendar Estate, but no application has yet been received for this proposal; given the proximity of the Callendar Estate proposal there would be some cumulative effect with Burnhead in the areas in and around Slamannan and Avonbridge (should both proposals be approved). However, the Callendar Estate proposal has not reached an application stage. In addition, a wind farm proposal at Rullie (at 18km (4.9 miles) from Burnhead) to the north west and within Falkirk is proposed, but no application has yet been received; this will also make a minor contribution to cumulative effect.
- 7a.35 From turbines located outside Falkirk Council area, there will be some cumulative effects (from joint visibility) of Burnside with the existing turbines at Greendykeside 7km (4.3 miles) to west in North Lanarkshire and proposed schemes with applications submitted at Bracco 7km (4.3 miles) to south west, Greengairs 10km (6.2 miles) to west and Hartwood (6.2 miles) to south west. The proposed Bracco, Greendykeside and Greengairs wind farms have the potential to be jointly visible with Burnhead from high ground above Slamannan and Avonbridge, but not within the same direction of view. Certain viewpoints in North Lanarkshire and West Lothian may experience joint visibility of these wind farms within the same view. An application for a 3 turbine proposal at 4km (2.4 miles) distance to the south (at Torrance) is under consideration by North Lanarkshire and, given its proximity, there will be a cumulative visual effect with Burnhead, as seen particularly from West Lothian and to a lesser extent from some high ground in Falkirk (above Slamannan and Avonbridge); from the Falkirk side, there will only be limited locations where Burnhead and Torrance will be seen in the same view direction, whereas from the south and east in West Lothian both proposals will be viewed together. Other more distant wind farms from Burnhead and outside Falkirk Council will make a smaller contribution to cumulative effects; there will be areas (in Falkirk and elsewhere) that will experience joint visibility of Burnhead with other wind farms (located in Stirling, Clackmannanshire, North and South Lanarkshire and West Lothian). Burnhead will have some cumulative effect with other wind farms to the south and west, but these effects will be experienced predominantly from the adjacent authority areas. Wind farms to the north are more distant, and the potential for cumulative visual effects with these is therefore much reduced.
- 7a.36 As seen from within Falkirk Council area, the cumulative visual effects of Burnhead with other existing and approved wind farms (but not yet built) would be currently generally limited and of an acceptable level. However, it should be noted that cumulative visual effects of Burnhead with other existing and proposed wind farms will be evident from the West Lothian site and parts of North Lanarkshire, and may be an issue to these authorities. As further wind farm applications are received, each subsequent proposal would be expected to assess its own cumulative impact with Burnhead.

7a.37 Scale of Turbines: The proposal is located within the Slamannan Plateau landscape character area, which is predominantly elevated, undulating and open, with blocks of forest, moorland and semi-improved pastures and with areas of former mineral/coal extraction. It is a medium to large scale landscape, which is able to accommodate large scale turbines of 127m to tip. Other than the forest cover, there are limited features present near the site which would enable the scale of turbines to be determined. The scale of the turbines proposed for this site are therefore considered to be appropriate for the character of the landscape.

7a.38 Policy EQ12 - 'Conservation Areas' states:

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

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

7a.39 The application site is not within a Conservation Area.

7a.40 Policy EQ14 'Listed Buildings' states:

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

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

7a.41 There are no listed buildings within the application site.

7a.42 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.43 There are no areas of archaeological interest on the site.

7a.44 Policy EQ17 ‘Antonine Wall’ states:

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

- (1) There will be a presumption against development which would have an adverse impact on the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*
- (2) There will be a presumption against development within the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ buffer zones, as defined on the Proposals Map, which would have an 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 it complies 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.45 The Antonine Wall does not traverse the site.

7a.46 Policy EQ18 - ‘Historic Gardens And Designed Landscapes’ states:

*“There will be a general presumption against development which would adversely affect the character or setting of sites identified in the ‘Inventory of Gardens and Designed Landscapes in Scotland’ and other historic gardens and landscapes of national, regional or local significance. The Council will seek to encourage sensitive management of historic gardens and designed landscapes.”*

7a.47 The application site is neither a historic garden nor a designed landscape.



7a.48 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.49 it has been demonstrated that the proposals would have no detrimental affect on the ecological interests of the area and Scottish Natural Heritage has no objections to the application.

7a.50 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.51 Measures to mitigate and promote biodiversity across the site have been included in supporting information from the applicant.

7a.52 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The matters under consideration will include national Policy, comments received from contributors, Community Council and responses from consultees.

### ***National Policy***

7b.2 The National Planning Framework 2 (NPF2) sets out the Governments strategic spatial planning priorities and reinforces the Scottish Governments intentions to place Scotland at the forefront of renewable energy technologies as well as highlighting the important role which the renewable energy sector plays in Scotland’s economy.

7b.3 The Scottish Government’s latest renewable energy targets for are that, by 2020, the equivalent of 100% of electricity demand, and 11% of heat demand, should be met from renewables. This is pursued through the Renewables Obligations (Scotland) which came into force in 2002. As a result, a duty has been placed on local authorities to provide a supportive policy framework for renewable energy development, and nationally, to provide the strategic infrastructure to support the renewable energy industry.

7b.4 Scottish Planning Policy 2010 (SPP) requires Development Plans to: *“provide a clear indication of the potential for development of wind farms of all scales, and should set out the criteria that will be considered in deciding applications for all wind farm developments including extensions”*. This includes:

- Landscape and visual impact;
- Effects on the natural heritage and historic environment.;
- Contribution of the development to renewable energy generation targets;
- Effect on the local and national economy and tourism and recreation interests;
- Benefits and disbenefits for communities;
- Aviation and telecommunications;
- Noise and shadow flicker; and
- Cumulative impact.

- 7b.5 The SPP requires planning authorities to set out in the development plan a spatial framework for onshore wind farms of over 20 megawatts generating capacity. Authorities may incorporate wind farms of less than 20 megawatts generating capacity in their spatial framework if considered appropriate. The spatial framework should identify:
- Areas requiring significant protection because they are designated for their national or international landscape or natural heritage value, are designated as green belt or are areas where there are significant cumulative issues from existing wind farms;
  - Areas where constraint existing but where proposals will be assessed on their individual merits against identified criteria;
  - Areas of search where proposals are likely to be supported subject to assessments against identified criteria.
- 7b.6 PAN 45 and Annex 2 has now been supported by a raft of online guidance relating to renewable energy. This includes specific guidance on onshore wind turbines.
- 7b.7 Falkirk Council intends to take forward its obligations through emerging wind energy policy, to be tackled in the Main Issues Report.
- 7b.8 Currently a Landscape Capacity Study is being commissioned to underpin Supplementary Planning Guidance and a Special Framework which is required by Scottish Planning Policy.
- 7b.9 Prior to the development of specific wind energy policies, proposals should be assessed against the current Adopted Development Policies set out in the Falkirk Council Local Plan.

### ***Response to Comments from Contributors***

- 7b.10 Letters of support – the points raised have been noted.
- 7b.11 Letters of objection – the points raised are noted and a response may be offered that:-
- The value of land or property is not a material planning consideration;
  - The visual impact of the proposal is not considered detrimental to the outdoor activities currently enjoyed on and adjacent to the site. Indeed, enhancement and promotion of outdoor access is envisaged through upgrading of tracks and bridleways, along with signboard provision;
  - The historical or biodiversity importance of the area is not envisaged to be compromised, with a full cultural heritage assessment undertaken by the applicant prior to submission of the application. The turbines would be constructed, operated and decommissioned with ecological interests at the fore. The proposal would not have an adverse impact on the ecological characteristics for which it was designated;
  - The proximity of the turbines to neighbouring land would not necessarily sterilise the use of the land, given that a high proportion of rural activities can remain to be carried out without detriment;

- The opinion that the turbines are unsightly is a subjective opinion;
- The structural integrity of the turbines should be ensured through construction method and it is considered that the probability of structural failure would be low. The turbines are located more than toppling distance from roads and gas pipelines;
- While not a material planning consideration, the benefit to local owners has been verified by the applicant. It is the applicant's viewpoint that landowners would benefit from rental payments, agricultural activities may continue and the Community Trust Fund would pay £52,000 (index linked) per annum to support local initiatives. The wider benefits of the proposal contributing to combat climate change are likely to be felt globally;
- In terms of local residents and road infrastructure, it is acknowledged that there would be some disturbance due to the development process. However, it is considered that an adequate traffic plan can minimise such disturbance and ensure the integrity of the local road network;
- In relation to comments regarding quarried material creating a scar on the landscape the quarry is likely to undergo works to secure its remediation and the practical use of a material asset so close to the application site is considered a practical solution. While the internal wind farm tracks will be visible throughout the lifetime of the project, they should not be widely visible;
- In terms of noise pollution to properties close to the application site, the applicant has reviewed current advice to influence the methodology in setting turbine positions to minimise noise nuisance. However, a planning condition has been imposed to ensure any issues arising beyond predicted levels can be addressed;
- Detriment to Avonbridge through housing development being deterred by the presence of wind turbines is not conclusive. It is considered that much of Avonbridge will be visually screened from the turbines through natural and built landforms, with the turbines located some 2.4km (1.5 miles) away from the settlement;
- Loss of visual amenity to neighbours would occur but, of the closest properties, only a small number have frontages facing the wind farm. Given that it is accepted that proposals of this nature will inevitably incur a visual presence, balance has to be achieved as to the loss of visual amenity to the contribution to society the proposal may achieve;
- The detrimental impact on housing property prices is not a material planning consideration;
- The issue of shadow flicker has been considered through the submitted Environment Statement, which identifies 3 properties where mitigations may be necessary. Mitigation may include measures such as switching the offending turbine for introducing plant screening. A planning condition has been imposed regarding such mitigation.

7b.12 Objection from West Lothian Council. The applicant has had an opportunity to respond on the issues raised and the applicant comments as follows:

- *The proposal is not contrary to SPP or PAN 45. PAN 45 is not a current government advice document and has been superseded. In the opinion of the applicant the recommendations of SPP and PAN 45 have been incorrectly interpreted by West Lothian Council.*
- *'Moderate' impacts are predicted in relation to the Blackridge heights AGLV and the Avon valley/Slamannan Plateau AGLV. SNH has confirmed that they agree this assessment. In relation to landscape character types, only moderate and minor impacts are anticipated. See Table 6.13.1, ES Volume 2, p195 for a Summary of Long Term Significant Impacts.*
- *There will be some significant impacts upon views. This is the case for every wind farm due to the nature of the development. They are always visible from somewhere. In this case the wind farm will be most visible from the south west and north east. SNH has acknowledged the limited range of the impacts. "while there will be significant Landscape and Visual Impacts caused by this proposal, these impacts are relatively localised and largely occur within 5 km of the development site". This indicates that the impacts are not "extensive".*
- *It is clear from the Appropriate Assessment report, hydrological modeling and confirmation by SNH that "In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests of Blawhorn Moss Special Area of Conservation (SAC) either directly or indirectly" that WLC's statement has no basis.*
- *The locations that are anticipated to experience major cumulative impacts are viewpoints 1 and 2. this is discussed on the final page of SNH's response (28/02/2011). These are Blawhorn Moss and Eastcraigs Hill. Eastcraigs Hill was chosen as a viewpoint because it has maximum visibility over the site. It does not have a footpath on it and is not a location that many people visit. Significant visual effects from here are as inevitable as from within the site itself but are not unacceptable because they will be experienced by very few people. Visitors to Blawhorn Moss will experience views of the Torrance Wind Farm and Burnhead and therefore cumulative effects will occur although they are not considered to be unacceptable. A number of measures have been proposed at the nature reserve to enhance the visitor experience and attract more visitors. It should be noted that the nature reserve is designated for ecological purposes.*

7b.13 In addition, West Lothian Council has requested that the possibility of removing some 3 turbines to alter the view from Blawhorn Moss. The applicant has been approached on this matter and a comprehensive response received:-

- *Wind Prospect has been through a lengthy design process that seeks to avoid and minimize environmental impacts experienced around the site. We accept that some impacts will arise; they always do with wind farm by the nature of the development. There are always visual impacts for example. Therefore, for any wind farm to proceed, some impacts must be considered to be acceptable. In finalizing the wind farm design, Wind Prospect has employed independent, professional landscape architects to optimise the layout and undertake an assessment of the final development, which is reported in Chapter 6 of the ES. Accordingly, the finalized design is within the realms of what we, and our EIA team, believe is likely to be considered an acceptable impact.*
- *The turbine nearest to the boardwalk at Blawhorn MOs is 1km ( 0.6 mile)s away. It is not possible within the NNR for a visitor to go any closer to the wind farm. If turbines 10, 11 and 12 were dropped (each approximately 1km ( 0.6 mile)s away), there would still be two within 1.5km (0.9 miles), and the*

*remainder of the wind farm would still be clearly visible from the NNR. Accordingly, the magnitude of change by removing the three turbines is not considered to be sufficiently large, with minimal visual improvements, to justify reducing the wind farms capacity by 6MW (23%). In real terms this reduction would decrease the output of the wind farm by the equivalent annual household electricity consumption of approximately 3,500 homes.*

- *These turbines were considered in detail following our initial meeting with SNH who indicate that some measures may be necessary to ensure that they do not give rise to unacceptable impacts. No such concern was expressed by West Lothian Council in relation to these particular turbines, with in pre-scoping meetings with Cllr Isobel Hutton and Chris Norman (Planning), in their responses to EIA Scoping consultation or at any time thereafter.*
- *For the reasons outlined above, dropping the turbines was considered to be a last resort. Because the benefits of doing so were considered to be extremely limited, the design priority from the Blawhorn Moss boardwalk was to ensure that the layout is visually cohesive with a balanced view of the turbines (i.e. no overlap, relatively even spacing, etc). We feel that our final layout achieves this whilst maintaining similar balance from other key viewpoints, such as Avonbridge and Slamannan.*
- *SNH own and manage Blawhorn Moss and provide landscape guidance as an EIA statutory consultee. Their response to the EIA in relation to Blawhorn Moss is as follows:*
  - *Viewpoint 1 Blawhorn Moss*  
*We were initially concerned that the development would cause serious impacts upon Blawhorn Moss, Highlighted as a distinctive landscape feature within the LCA (Landscape Character Assessment) document and a NNR (National Nature Reserve). However given the horizontal nature of the moss, the turbines do not appear to alter the scale of this feature. The turbines will be dominant in this view, however as the turbines appear to provide a relatively balanced arrangement along the horizon this provides a balanced view of horizontal and vertical elements. We are pleased to note there is no overlapping of turbines, this helps in emphasising the simple nature of the array. There are however a few large gaps in the turbine arrangement, especially between turbines 1 and 11 in this view which interrupt this balance, it would be a good option to see whether turbine 10 could be moved to fit it into this space.*
- *Due to the presence of the gas pipeline that runs through the site, it is not possible to move T 10 to fit the space as suggested by SNH although there may be some scope to micro site (20-30m) T1 to improve the balance. It must be remembered that a movement to improve the layout from one location will alter it from other viewpoints, often detrimentally. Wind Prospect went through a lengthy process to optimize the layout from key surrounding locations, and do not believe that there is a great deal of room for improvement but, should the development gain planning permission, this will be a consideration when microsite T1. However, we do not intend to drop the turbines suggested by WLC because the benefits of doing so are likely to be limited and greatly outweighed by the benefits of retaining them.*
- *We make the assumption that this refers primarily to the wind farm being visible from certain locations and is dealt with above and discussed in detail in the ES. Most people are not averse to views of a wind farm. From a town, views are generally screened by buildings; if not, they will be framed by an urban landscape. Only moderate impacts are anticipated to arise in relation to any of the surrounding villages. Whilst a major impact is anticipated to arise at the Avonbridge viewpoint, this was located on a hillside outside of the village to represent a 'worst case' and visibility from within the village will be limited. Accordingly, the visual impact from the village is only anticipated to be 'moderate' (p197, ES, Volume 2).*

- *There are not expected to be significant impacts upon the Drumtassie Burn. There are otters using the burn and it will be necessary to survey the burn prior to construction commencing to ensure that any new bolt locations are adequately protected. In general terms SNH "advise that the 30m buffer zone proposed to protect Drumtassie Burn will be sufficient providing there is no damage to bolts or resting places, and that if breeding is found, any work which could affect those sites would need to stop until breeding had finished". Subsequent to this response, Wind Prospect has supplied further information relating to otters and proposed further mitigation measures. As a European protected species, a license will be required if any works have potential to disturb a bolt or resting place. Whilst this is not anticipated, pre-construction surveys would identify whether this is required and it would be necessary to adhere to the conditions of any such licence thereafter.*
- *There will be some disturbance on roads whilst the turbines are being delivered. This will occur in a single month and a management plan will be agreed with Falkirk Council to ensure that disruption is minimised.*

7b.14 The points raised by the applicant are noted and, in terms of reasonableness, would preclude Falkirk Council for pursuing amendment to the current proposals.

### ***Community Council Responses***

- 7b.15 The issue of cumulative impact has been assessed by Falkirk Council in consultation with Scottish Natural Heritage. It is acknowledged that cumulative impact will be, to a degree, experienced within 5km (3.1 miles) of the application site.
- 7b.16 Comments from RSPB have been submitted and a planning condition addressing concerns has been imposed.
- 7b.17 The lighting atop the masts would be infra-red, not visible to the naked eye. All other lighting on the site would be minimized.
- 7b.18 The application is subject to a planning condition regarding traffic movement and impact on infrastructure.
- 7b.19 For the avoidance of doubt, the application site is not designated an Area of Great Landscape Value within the Falkirk Council Local Plan, but adjoins West Lothian Council Area which may be subject to different area designations.
- 7b.20 Falkirk Council is currently compiling additional information to expand on Development Plan Policy relating to Wind farm technology.
- 7b.21 The economic benefits to the applicant in choosing a particular site are not a material planning consideration. The commercial viability of a particular site are at the discretion of the applicant.
- 7b.22 A visual assessment of the landscape has been carried out by Falkirk Council in consultation with Scottish Natural Heritage.
- 7b.23 It is not within the planning remit to persuade the applicant to offer financial incentives to neighbours to promote development.
- 7b.24 Matters suggested through additional planning conditions have, where appropriate, been imposed through planning condition or covered within the submitted application.

## ***Responses to Consultations***

- 7b.25 ATS (En Route) plc (NERL Safeguarding) objects to the proposal because the development would be visible to the Lowther Hill Primary Surveillance Radar (PSR) Systems. The applicant has provided a letter of response (June 2011) acknowledging that work is continuing to provide a solution to the matter and that an appropriate suspensive planning condition is considered acceptable.
- 7b.26 Scottish Natural Heritage do not object to the application, but request further dialogue with the applicant over mitigation measures to be imposed, survey and protection of habits and construction development methods. Planning conditions to address Scottish Natural Heritages interests have been imposed.
- 7b.27 Concerns from the Civil Aviation Authority have been considered and BAA does not object to the application. However, the concerns of ATS (En Route) plc (NERL Safeguarding) as discussed above has resulted in a suspensive planning condition being imposed to resolve concerns prior to works on site.

## **7c Conclusion**

- 7c.1 Development Plan policy is broadly supportive of renewable energy developments in the Council area subject to assessment against landscape and environmental policies. In terms of assessment against landscape and ecology policies, the proposal is considered to be broadly in accordance subject to the appropriate assessment and mitigation for identified effects as set out in detail within the Environmental Statement.
- 7c.2 From within Falkirk Council area, there would be localised major visual effects as seen from farms, dwellings and roads adjacent to the site. This would be the case for any windfarm. Locations in villages and countryside to the north within 7km (4.3 miles) would move views of the turbines, but woodland cover and localised natural landform will, in many locations, restrict full views of turbines or obscure entire turbines. SNH also conclude that the effects will be largely localised within 5km (3.1 miles) of the site.
- 7c.3 The proximity of the proposal to the adjacent Blackridge Heights Area of Great Landscape Value within 1.5km ( 0.9 miles) and to Blawthorn Moss National Nature Reserve (which attracts visitors) will result in a moderate to major level of effect from these designations in West Lothian.
- 7c.4 The cumulative visual effects with other windfarm proposals will be of an acceptable level from the Falkirk side, but cumulative effects would be predominantly experienced from West Lothian and North Lanarkshire.
- 7c.5 Overall, the landscape and value effects of the proposed Burnhead Windfarm are considered to be of an acceptable level from the Falkirk Council side and the proposal is considered to be in accordance with relevant landscape policies.
- 7c.6 The Biodiversity Officer and SNH are broadly content with the scope of the ES and the information submitted to date. They are also content that there would be no significant impact on nationally designated sites. Mitigation regarding protected species and additional information requested from SNH is detailed in their consultation response. Subject to



appropriate mitigation set out within this response, and that of SNH, the proposal is considered to be in accordance with policies relating to ecology.

## **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 any works on site, an Environmental Management Plan (EMP) will be submitted to and approved in writing by the Planning Authority. The EMP will identify, from the Environmental Statement, appropriate mitigation strategies and consolidate these, clearly outlining what shall be implemented, when and by whom.**
- (3) Prior to any works on site, a Transport Management Plan (TMP) will be submitted to and approved in writing by the Planning Authority. The TMP will provide specific information in relation to the traffic management and road monitoring, with such matters implemented during the construction, decommissioning and operation of the site.**
- (4) Prior to any works on site, a Water Management Plan (WMP) will be submitted to and approved in writing by the Planning Authority. The WMP will provide specific information in relation to the management of water on the construction site and implemented accordingly.**
- (5) Prior to any works on site, a Construction Method Statement (CMS) will be submitted to and approved in writing by the Planning Authority. The statement will set out method statements for each aspect of construction activities and implemented accordingly.**
- (6) No development shall take place until a scheme detailing the potential for the assessment of any complaints of shadow flicker resulting from the development, including remedial measures, has been submitted to and approved in writing by the Planning Authority. Operation of the turbines shall take place in accordance with the agreed protocol.**
- (7) Prior to any works on site, samples of the external materials to be used on the proposed wind turbines – including colour finish – shall be submitted to and approved in writing by the Planning Authority.**
- (8) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to:-**
  - (a) The end point of any materials excavated during construction.**
  - (b) The site access points to the road network.**
  - (c) Road construction methods within the site.**
  - (d) The strategy for recreated vegetation cover upon implementation of the wind farm, final decommissioning and restoration of the site.**

- (e) The quantity and method of transportation and storage of imported material use din the development of the site.
  - (f) The external materials to be used on the switchgear building, including colour finish. For the avoidance of doubt, the use of a natural vegetation roof covering is to be employed.
- (9) Prior to any work on site, further information shall be submitted to and approved in writing by the Planning Authority (in consultation with the Ministry of Defence) as to;-
- (a) The date construction starts and will be presumed to end.
  - (b) The maximum height of construction equipment.
  - (c) The latitude and longitude of every turbine and
  - (d) The form of aviation lighting employed.
- (10) Prior to any works on site, a national vegetation Classification (NVC) survey shall take place and the results, including matters to be mitigated or addressed, shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency.
- (11) (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.
- (12) In the event of a noise complaint, the applicant shall carry out a full noise survey (in full accordance with ETSU-R-97) and carry out such mitigation as required, all to the satisfaction of the Planning Authority.
- (13) The existing Right of Way shall remain open and free of obstruction during construction, operation and decommission of the proposed development. However, where closure is essential, the applicant shall provide such mitigation

as to offer a sustainable alternative route, details to be submitted to and approved in writing by the Planning Authority.

- (14) For the avoidance of doubt, the micro-siting of the turbines is restricted to a maximum of 25 metres distance.
- (15) Prior to any works on site, an ecological clerk of works shall be employed to oversee construction and remediation measures.
- (16) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to a scheme of native woodland planting to be placed around all sides of the switchroom building.
- (17) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority regarding the proposed internal access roads, including cross-sectional details and degree of cut/fill to be employed.
- (18) For the avoidance of doubt, all mitigation measures proposed within the Environmental Statement shall be undertaken timeously.
- (19) Prior to any works on site, a repeat badger and otter survey shall take place and be repeated on a 6 monthly basis during the construction phase.
- (20) Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority with regard to the content, position and maintenance of interpretation boards.
- (21) The developer will undertake an additional 36hr VP survey in May and June 2012. Following this, if survey results indicate that osprey are frequently crossing the site and have a collision risk of more than 1 in 25 years, then conservation measures for osprey will be agreed with Falkirk Council in consultation with SNH and RSPB.
- (22) No development shall take place before a scheme of technical measures to mitigate the adverse impacts of the development on the Lowther Hill Primary Surveillance Radar (PSR) Systems used by NATS (En-Route) Plc, including a programme of implementation, has been submitted to and approved in writing by the Planning Authority. The scheme shall then be implemented as approved.
- (23) Prior to any works on site, further details (including dates of mitigation) shall be submitted to and approved in writing by the Planning Authority as to the methods employed to secure access across the existing Right of Way on the site during construction and decommissioning of the development.
- (24) Any works involving vegetation clearance will be scheduled so as to avoid the bird breeding season (Apr-Aug). Should any vegetation clearance be required to take place during this period, a qualified ornithologist will check the area for nesting birds and appropriate measures taken to ensure they are safeguarded. Additionally, a programme of surveys would be implemented to provide information on the status of osprey and any other breeding bird listed on Schedule 1 of the Wildlife and Countryside Act at that time and appropriate

mitigation measures agreed with Falkirk Council in consultation with SNH and RSPB if required.

**Reason(s):**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5,18) As the development would not be acceptable without these additional works.
- (6-9,17,20-22, 24) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (10) To safeguard the environmental amenity of the area.
- (11) To ensure the ground is suitable for the proposed development.
- (12) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
- (13) To protect existing rights of way and ensure they are not adversely affected by the development.
- (14) To avoid adverse visual amenity from previously evaluated locations.
- (15) To ensure best practice is employed, ecological mitigation is satisfactorily implemented and a response to any ecological issues which may arise are addressed.
- (16) In the interests of visual amenity.
- (19) To ensure that there has been no change in location or status of protected species which would require altered working methods.
- (23) In the interest of public safety.

**Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 1 – 189.
- (2) It is requested that the developer consider the option to request no replanting following felling of an area of 15ha of the current conifer plantation. This would allow moorland regeneration and enhance the ecological value of the site.
- (3) If ospreys are found to be crossing the site at reasonable levels but less than 1 in 25 collision risk, the applicant is required to consider making a small contribution to consider contribution to raptor work in the area.

**Pp**

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**Director of Development Services**

**Date:** 14 September 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy (SPP).
4. National Planning Framework (NPF2).
5. Letter of Support received from M Binnie, 97 Wood Street, Grangemouth FK3 8PP on 17 March 2011.
6. Letter of Support received from J C Dowell, 23 Northend, Cambusbarron, Stirling FK7 9LH on 17 March 2011.
7. Letter of Support received from Julie-Ann Jones, 123 Victoria Road, Falkirk FK2 7AU on 23 May 2011.
8. Letter of Support received from Y Humphries, 113 Kilbrennan Drive, Falkirk FK1 4SQ on 17 March 2011.
9. Letter of Support received from Mr Brian Wilson, 41 Brown Street, Falkirk FK1 4QF on 17 March 2011.
10. Letter of Support received from Mr Fraser Machin, 24 Burnbrae Drive, Kincardine FK10 4RP on 17 March 2011.
11. Letter of Support received from Mr Ian Campbell, 9 Sharp Terrace, Grangemouth FK3 8PH on 17 March 2011.
12. Letter of Support received from M Findlay, Gamrie, 63 Dean Road, Bo'ness EH51 9BA on 17 March 2011.
13. Letter of Support received from Mr James McDonald, 44 Main Street, Shieldhill, Falkirk FK1 2DZ on 17 March 2011.
14. Letter of Support received from Margaret Brown, 7 Craigs Way, Rumford, Falkirk FK2 0EU on 17 March 2011.
15. Letter of Support received from Terray Roberts, 19 The Maltings, Linlithgow EH49 6DS on 17 March 2011.
16. Letter of Support received from Mary White, 10 School Road, Redding, Falkirk FK2 9XU on 17 March 2011.
17. Letter of Support received from E White, 10 School Road, Redding, Falkirk FK2 9XU on 17 March 2011.
18. Letter of Support received from Susan Smith, 36 Muirdyke Avenue, Carronshore, Falkirk FK2 8AW on 17 March 2011.
19. Letter of Support received from Mr Colin Smith, 36 Muirdyke Avenue, Carronshore, Falkirk FK2 8AW on 17 March 2011.
20. Letter of Support received from G Bell, 13 Malcolm Drive, Stenhousemuir, Larbert FK5 4JP on 17 March 2011.
21. Letter of Support received from Carrie Butler, 4 Couvain Terrace, Crook O Durham DU5 9PB on 17 March 2011.
22. Letter of Support received from Lorna McKay, 23 Merrick Way, Grangemouth FK3 0BT on 17 March 2011.

23. Letter of Support received from Mrs Jessie Gibb, 69 Livingstone Crescent, Falkirk FK2 9BW on 17 March 2011.
24. Letter of Support received from Mr Charles Mullin, 36 Roughlands Crescent, Carronshore, Falkirk FK2 8BY on 17 March 2011.
25. Letter of Support received from Ann Hill, 5 Mariner Avenue, Falkirk FK1 4LL on 17 March 2011.
26. Letter of Support received from J Gallagher, 44 Inchyra Place, Grangemouth FK3 9EQ on 17 March 2011.
27. Letter of Support received from Mrs McLaren, 2 Watling Street, Falkirk FK1 4HT on 17 March 2011.
28. Letter of Support received from R Black, Hawley Road, Falkirk FK1 1SH on 17 March 2011.
29. Letter of Support received from Jackie Sherlock, 44 Ballinkier Avenue, Banknock, Bonnybridge FK4 1JH on 17 March 2011.
30. Letter of Support received from C Hutchinson, 46 Blaefaulds Crescent, Denny FK6 5EL on 17 March 2011.
31. Letter of Support received from A Hutchinson, 46 Blaefaulds Crescent, Denny FK6 5EL on 17 March 2011.
32. Letter of Support received from Mr Christopher Wright, 9 Livingstone Crescent, Falkirk FK2 9BW on 17 March 2011.
33. Letter of Support received from Mr David Rennie, 76 Rae Street, Stenhousemuir, Larbert FK5 4QP on 17 March 2011.
34. Letter of Support received from Diane Neill, 21 Findhorn Place, Falkirk FK1 2QJ on 17 March 2011.
35. Letter of Support received from P McAdam, 43 Mannerston Holdings, Linlithgow EH49 7ND on 17 March 2011.
36. Letter of Support received from Mr Stephen Cain, 82 Kilbirnie Terrace, Denny FK6 6JL on 17 March 2011.
37. Letter of Support received from Michelle Todd, 32 Quarrolhall Crescent, Carronshore, Falkirk FK2 8AT on 17 March 2011.
38. Letter of Support received from Eddie O'Neill, 41 Bryce Avenue, Carron, Falkirk FK2 8JA on 17 March 2011.
39. Letter of Support received from Mr Martyn Bentley, 26 Station Road, Armadale EH48 3LN on 17 March 2011.
40. Letter of Support received from Miss Sarah Walmsley, 68 Lauderdale Gardens, Glasgow G12 9QW on 19 March 2011.
41. Letter of Support received from Michael McDougall, 2 Lornshill Cottages, Alloa FK10 2EP on 21 March 2011.
42. Letter of Support received from Ryan Cassidy, 9 Dundas Crescent, Laurieston, Falkirk FK2 9QU on 21 March 2011.
43. Letter of Support received from A McCall, 68 Old Redding Road, Laurieston, Falkirk FK2 9JU on 21 March 2011.
44. Letter of Support received from Irene McCall, 68 Old Redding Road, Laurieston, Falkirk FK2 9JU on 21 March 2011.
45. Letter of Support received from M Bridges, Burnside Terrace, Camelon, FK1 4EF on 21 March 2011.
46. Letter of Support received from Paul Tonner, 10 Beauly Court, Falkirk FK1 2QP on 21 March 2011.
47. Letter of Support received from Ken Bannerman, 17 York Street, Falkirk FK2 9EN on 21 March 2011.
48. Letter of Support received from Jane Rutherford, 17 Sandy Loan Crescent, Laurieston, Falkirk FK2 9NG on 23 March 2011.

49. Letter of Support received from Mrs E Mercer, 17 Castings Avenue, Falkirk FK2 7BJ on 23 March 2011.
50. Letter of Support received from J Cassidy, 10 Bankhill Court, Grangemouth FK3 0AS on 23 March 2011.
51. Letter of Support received from Wilma O'Connor, 17 Newhouse Road, Grangemouth FK3 8LL on 17 March 2011.
52. Letter of Support received from M Parker, 9 Roman Road, Bonnybridge FK4 2DE on 23 March 2011.
53. Letter of Support received from Attila Rutkai, 35 Telford Square, Falkirk FK1 4BT on 23 March 2011.
54. Letter of Support received from Owner/Occupier, 6 Hawthorn Place, Larbert FK5 3LJ on 23 March 2011.
55. Letter of Support received from Owner/Occupier, 46 Kinnaird Drive, Stenhousemuir, Larbert FK5 4JN on 23 March 2011.
56. Letter of Objection received from Mr Douglas Pettigrew, Wester Greenhill Farm, Falkirk FK1 2JR on 13 April 2011.
57. Letter of Support received from Isobel Bradley, 75 Falside Crescent, Bathgate EH48 2DS on 23 March 2011.
58. Letter of Support received from Jacqui Keiss, 196 Haugh Street, Falkirk, FK2 7QX on 23 March 2011.
59. Letter of Support received from J Gorman, Delloch Bank, 7 Merchiston Terrace, Falkirk, FK2 7JJ on 23 March 2011.
60. Letter of Support received from Scott Burns, 171 Bowhouse Road, Grangemouth FK3 0EX on 23 March 2011.
61. Letter of Support received from Mary McCrindle, 24A Glasgow Road, Denny FK6 6BA on 23 March 2011.
62. Letter of Support received from Owner/Occupier, 35 Pender Gardens, Rumford, Falkirk FK2 0BJ on 23 March 2011.
63. Letter of Support received from M MacDonald, 68 Stirling Road, Larbert FK5 4NF on 23 March 2011.
64. Letter of Support received from Mary Williams, 75 Avon Drive, Linlithgow EH49 7SE on 23 March 2011.
65. Letter of Support received from Isla McLay, 32 Major's Loan, Falkirk FK1 5QA on 23 March 2011.
66. Letter of Support received from Alex Turnbull, 30 Adam Street, Falkirk FK2 9EU on 23 March 2011.
67. Letter of Support received from John Thomson, 316 King Street, Stenhousemuir, Larbert FK5 4JS on 23 March 2011.
68. Letter of Support received from Emma MacKenzie, 2 Craigleith Road, Grangemouth FK3 0AH on 23 March 2011.
69. Letter of Support received from Barbara Dow, 135 High Street, Bonnybridge FK4 1BY on 23 March 2011.
70. Letter of Support received from Owner/Occupier, 45 Hayfield, Falkirk FK2 7XH on 23 March 2011.
71. Letter of Support received from G Aitken, 6 Taymouth Road, Polmont, Falkirk FK2 0PG on 23 March 2011.
72. Letter of Support received from Melissa Myles, 1 Council House, Kersie Road, Throsk FK7 7NA on 23 March 2011.
73. Letter of Support received from Pete Hoggan, Longcroft House, Glasgow Road, Longcroft, Bonnybridge on 23 March 2011.

74. Letter of Support received from Cameron Dryburgh, 4 McNab Gardens, Falkirk FK1 5BF on 23 March 2011.
75. Letter of Support received from Claire Park, 5 Acorn Crescent, Larbert FK5 3LT on 23 March 2011.
76. Letter of Support received from Paul Tedcastle, 85 Wallace Brae Drive, Reddingmuirhead, Falkirk FK2 0FB on 23 March 2011.
77. Letter of Support received from Aamir Chaudry, 164A Grahams Road, Falkirk FK2 7BY on 23 March 2011.
78. Letter of Support received from John Rankin, 41 Bute Street, Falkirk FK2 7DH on 23 March 2011.
79. Letter of Support received from Alison McCue, 41 East Bridge Street, Falkirk FK1 1YB on 23 March 2011.
80. Letter of Support received from Stewart Douglas, 117 Rosebank Avenue, Falkirk FK1 5JR on 23 March 2011.
81. Letter of Support received from Heather King, 117 Rosebank Avenue, Falkirk FK1 5JR on 23 March 2011.
82. Letter of Support received from H Feviar, 79A Wallace Street, Falkirk FK2 7DR on 23 March 2011.
83. Letter of Support received from A McWhinnie, 12 Etive Way, Polmont, Falkirk FK2 0RR on 23 March 2011.
84. Letter of Support received from M McMonagle, 34 Redwood Grove, Coatbridge ML5 3PN on 23 March 2011.
85. Letter of Support received from Ann Marie Anderson, 104 Kilbrennan Drive, Falkirk FK1 4SG on 23 March 2011.
86. Letter of Support received from Scott Pirie, 46 Maree Road, Cumbernauld G67 3NB on 23 March 2011.
87. Letter of Support received from Maureen Paterson, 29 Bonnyside Road, Bonnybridge FK4 2AD on 23 March 2011.
88. Letter of Support received from J Wilson, 9 Hareburn Avenue, Avonbridge FK1 2NR on 23 March 2011.
89. Letter of Support received from Gary Laird, 54 Watson Street, Falkirk FK2 7HA on 23 March 2011.
90. Letter of Support received from William Robertson, 22 Haining Road, Whitecross, EH49 6LE on 23 March 2011.
91. Letter of Support received from Margaret Monaghan, 9 Merville Terrace, Falkirk FK1 2DB on 23 March 2011.
92. Letter of Support received from S Batchelor, 2 Lismore Court, Falkirk FK1 2PH on 23 March 2011.
93. Letter of Support received from Mrs J Jenkins, 24 Tíree Place, Falkirk FK1 2PP on 23 March 2011.
94. Letter of Support received from Diane Graham, 83 Thornbridge Road, Falkirk FK2 9AZ on 23 March 2011.
95. Letter of Support received from Chris Smith, 14 Burnside Court, Camelon, Falkirk FK1 4DR on 23 March 2011.
96. Letter of Support received from C Mullen, 10 Bridgend Road, Avonbridge, Falkirk FK1 2NT on 23 March 2011.
97. Letter of Support received from Omar Bhatti, Cala Myor, 200 Carronvale Road, Larbert FK5 3LH on 23 March 2011.
98. Letter of Objection received from Mr Alan Hunter, Drumbroider Moss, Easter Greencraigs, Avonbridge FK1 2LF on 16 January 2011.



99. Letter of Support received from Antony Stevenson, 22 Balmoral Street, Falkirk FK1 5HE on 23 March 2011.
100. Letter of Support received from Owner/Occupier, 14 Highland Dykes Crescent, Bonnybridge FK4 1ES on 23 March 2011.
101. Letter of Support received from Mrs E Duncan, 84 Wheatlands Avenue, Bonnybridge FK4 1PL on 23 March 2011.
102. Letter of Support received from Owner/Occupier, 68 Bellsdyke Road, Larbert FK5 4EN on 17 March 2011.
103. Letter of Support received from A D McQueen, 6 Cochrane Street, Falkirk FK1 1QB on 17 March 2011.
104. Letter of Support received from C P Sinclair, 7 Wardlaw Place, Carronshore, Falkirk FK2 8FF on 17 March 2011.
105. Letter of Support received from Mrs Pamela D'Aroy, 4 - 2 Breton Court, Finistere Avenue, Falkirk FK1 1UA on 17 March 2011.
106. Letter of Support received from G Buckie, 1 Abbotsview, Polmont, Falkirk FK2 0QL on 17 March 2011.
107. Letter of Support received from Owner/Occupier, 5 Anderson Drive, Carron, Falkirk FK2 8DU on 17 March 2011.
108. Letter of Support received from Mr Allan Hall, 7 Hilton, Cowie, Stirling FK7 7AW on 17 March 2011. .
109. Letter of Support received from Sharon Robertson, 57 High Street, Bonnybridge FK4 1BX on 17 March 2011.
110. Letter of Support received from Mr David Craig, 15F Braehead Road, St Ninians, Stirling on 17 March 2011.
111. Letter of Support received from Shona Usher, 5 Caledonia Terrace, Bonnybridge FK4 1DQ on 17 March 2011.
112. Letter of Support received from L McKenna, 2 Antonine Grove, Bonnybridge FK4 2DW on 17 March 2011.
113. Letter of Objection received from Yvonne Leadbetter, Yvonne.Leadbetter@centralscotlandfire.gov.uk on 28 January 2011.
114. Letter of Support received from Ms Jane Muirhead, 41 Busby Road, Clarkston, Glasgow G76 7BN on 23 March 2011.
115. Letter of Support received from C Alexander, 4 Queen Street, Falkirk FK2 7AF on 23 March 2011.
116. Letter of Support received from Owner/Occupier, 11 Sunnybrae Terrace, Maddiston, Falkirk FK2 0LP on 23 March 2011.
117. Letter of Support received from Sandra Inglis, Craigend Farm, Falkirk FK1 2JN on 23 March 2011.
118. Letter of Support received from Mr W Scott, 163 Cumbrae Drive, Falkirk FK1 4AP on 23 March 2011.
119. Letter of Support received from R Myles, 7 Guthrie Crescent, Larbert, FK5 4GE on 23 March 2011.
120. Letter of Support received from Debbie Bell, 24 Silver Street, Kincardine FK10 4NS on 23 March 2011.
121. Letter of Support received from Owner/Occupier, 57 Maple Avenue, Stenhousemuir, Larbert FK5 4BT on 23 March 2011.
122. Letter of Support received from Marlyn Beglin, 54 Castlehill, Bo'ness EH51 0HL on 18 March 2011.
123. Letter of Support received from Loraine Sneddon, 13 Ochilview Road, Bo'ness EH51 0LD on 18 March 2011.

124. Letter of Support received from Dave Anderson, 9 Roberts Avenue, Polmont, Falkirk FK2 0UU on 18 March 2011.
125. Letter of Support received from Pauline Cameron, 10 Lomond Drive, Falkirk FK2 7UH on 18 March 2011.
126. Letter of Support received from Mr Calum Simpson, 24 Silver Street, Kincardine FK10 4NS on 18 March 2011.
127. Letter of Support received from Mr Alistair Bannar, 48 Hawthorn Street, Grangemouth FK3 8PX on 18 March 2011.
128. Letter of Support received from Owner/Occupier, Greenwell Cottage, 7 Greenwell Terrace, Main Road, Maddiston, Falkirk on 18 March 2011.
129. Letter of Support received from Linda McTaggart, 16 Roman Road, Bonnybridge FK4 2DE on 18 March 2011.
130. Letter of Support received from Elaine McCabe, 19 Calder Place, Falkirk FK1 2QZ on 18 March 2011.
131. Letter of Support received from G Johnstone, 13 Randolph Crescent, Brightons, Falkirk FK2 0HA on 18 March 2011.
132. Letter of Support received from Barbara McBeam, 10 Rowam Place, Blackburn EH47 7PZ on 18 March 2011.
133. Letter of Support received from Stacey Manson, 56 Roughlands Drive, Carronshore, Falkirk FK2 8DE on 18 March 2011.
134. Letter of Objection received from Mr Charles Hardie, [hardie5@talktalk.net](mailto:hardie5@talktalk.net) on 18 January 2011.
135. Letter of Support received from Mr Colin Green, 22 Weir Street, Falkirk, FK1 1RA on 18 March 2011.
136. Letter of Support received from Sandra Burt, 1 Bridge Street, Kincardine FK10 4QU on 18 March 2011.
137. Letter of Support received from Nicola Manson, 56 Roughlands Drive, Carronshore, Falkirk FK2 8DE on 18 March 2011.
138. Letter of Support received from Andrew Smyth, 9 MacArthur Crescent, Maddiston, Falkirk FK2 0NL on 18 March 2011.
139. Letter of Support received from Nicola Henderson, 7 Bonnytown Avenue, Linlithgow EH49 7JR on 18 March 2011.
140. Letter of Support received from Ewing, Riemardon, 17 Church Road, California, Falkirk on 18 March 2011.
141. Letter of Support received from Morag Corbett, 29 Simpson Street, Falkirk, FK1 4BZ on 21 March 2011.
142. Letter of Support received from Sophia Duncan, 7 Harris Place, Grangemouth FK3 8TN on 21 March 2011.
143. Letter of Support received from Hazelle Gramalis, 17 Thornbridge Gardens, Falkirk FK2 9BB on 21 March 2011.
144. Letter of Support received from Mark O'Donnell, 2 Culmore Place, Falkirk FK1 2RP on 21 March 2011.
145. Letter of Support received from Miss N Sinclair, 31 Sir William Wallace Court, Larbert FK5 4GA on 21 March 2011.
146. Letter of Support received from Mr John Currie, Gartcows Road, Falkirk FK1 5QT on 18 March 2011.
147. Letter of Support received from I Brownlee, 101 Falkirk Road, Larbert FK5 3NQ on 21 March 2011.
148. Letter of Support received from Miss J Duncan, 20 Hunter Gardens, Denny FK6 6PP on 21 March 2011.

149. Letter of Support received from L Thomson, 24 Lomond Drive, Falkirk FK2 7UH on 21 March 2011.
150. Letter of Support received from Catherine Wason, 22 Orchard Street, Falkirk FK1 1RF on 21 March 2011.
151. Letter of Support received from L Hughes, 25 Castleton Crescent, Grangemouth FK3 0BH on 21 March 2011.
152. Letter of Support received from Mrs Jenkins, 17 Forthview Gardens, Brightons, Falkirk FK2 0EQ on 23 March 2011.
153. Letter of Support received from Mrs N Macdonald, 2 Fairley Drive, Larbert FK5 4PS on 23 March 2011.
154. Letter of Support received from Mrs C Godson, 40 St. Johns Avenue, Falkirk FK2 7DP on 23 March 2011.
155. Letter of Support received from Cath Mills, 15 James Street, Falkirk FK2 7EZ on 23 March 2011.
156. Letter of Support received from Melanie Barron, 2 Craigbank Road, Avonbridge, Falkirk FK1 2NS on 23 March 2011.
157. Letter of Support received from E Bennet, 8 Abbots Moss Drive, Falkirk FK1 5UA on 23 March 2011.
158. Letter of Support received from Mr Stephen Craig, 39 Dumyat Drive, Falkirk FK1 5PA on 23 March 2011.
159. Letter of Support received from T Seivwright, 66 King Street, Falkirk FK2 9AL on 23 March 2011.
160. Letter of Support received from Stephanie Jenkins, 88 Seaforth Road, Falkirk FK2 7TQ on 23 March 2011.
161. Letter of Support received from Owner/Occupier, 115 Tíree Crescent, Polmont, Falkirk FK2 0XB on 23 March 2011.
162. Letter of Support received from T Hundson, 10 Roman Road, Bonnybridge FK4 2DE on 17 March 2011.
163. Letter of Support received from Owner/Occupier, 10 Lomond Drive, Falkirk FK2 7UH on 17 March 2011.
164. Letter of Support received from Elaine Clark, 12 St. Giles Way, Falkirk, FK1 4JJ on 17 March 2011.
165. Letter of Support received from Heather Smyth, 58 Cooperage Quay, Stirling FK8 1JJ on 17 March 2011.
166. Letter of Support received from N Murray, 22 Waverley Crescent, High Bonnybridge Bonnybridge, FK4 2AX on 17 March 2011.
167. Letter of Support received from M Bayne, 45 Alloway Crescent, Bonnybridge FK4 1EZ on 17 March 2011.
168. Letter of Support received from Mrs C Irvine, 32 Alma Street, Falkirk FK2 7HD on 17 March 2011.
169. Letter of Support received from Mr Bryan Norris, 18 Rugby Road, Rainworth, NG21 0AT on 17 March 2011.
170. Letter of Support received from Kirsty Neay, 54 Torridon Avenue, Falkirk FK2 7TJ on 17 March 2011.
171. Letter of Support received from Mr Mark Forsyth, 77 Main Street, Shieldhill, Falkirk FK1 2DT on 17 March 2011.
172. Letter of Support received from Laura/Susan Thomson, 316 King Street, Stenhousemuir, Larbert FK5 4JS on 17 March 2011.
173. Letter of Support received from M Thomson, 316 King Street, Stenhousemuir, Larbert FK5 4JS on 17 March 2011.

174. Letter of Support received from Kirsty Williams, 2 Braeside Place, Laurieston, Falkirk FK2 9NN on 17 March 2011.
175. Letter of Support received from M Macintyre, 2 Braeside Place, Laurieston, Falkirk FK2 9NN on 17 March 2011.
176. Letter of Support received from Mandy Fullerton, 75 Stevenson Street, Grangemouth FK3 8QZ on 17 March 2011.
177. Letter of Support received from Miss Walsh, 38 Oswald Street, Falkirk FK1 1QJ on 17 March 2011.
178. Letter of Support received from Mrs Annie Walls, 97 Braemar Drive, Falkirk FK2 9HB on 17 March 2011.
179. Letter of Support received from Alan McKinnon, 38 Dovehill, Alloa FK10 2BD on 17 March 2011.
180. Letter of Support received from John Pottage, 2 Harlington Place, Maddiston, Falkirk FK2 0ND on 17 March 2011.
181. Letter of Support received from K Watt, 31 Hillside Grove, Bo'ness EH51 9RL on 17 March 2011.
182. Letter of Support received from Jade Johnes, 20 Windsor Road, Falkirk FK1 5EJ on 17 March 2011.
183. Letter of Support received from Lauren Kelly, 211 Grahams Road, Falkirk FK2 7BU on 21 March 2011.
184. Letter of Support received from Susan Gray, 173 Merchiston Avenue, Falkirk FK2 7JU on 21 March 2011.
185. Letter of Support received from W Metcalfe, 19 Randyford Street, Falkirk FK2 9DF on 21 March 2011.
186. Letter of Support received from Ben Ferguson, 48 Torridon Avenue, Falkirk FK2 7TJ on 21 March 2011.
187. Letter of Support received from R Mitchell, 107 Braemar Drive, Falkirk FK2 9HB on 21 March 2011.
188. Letter of Support received from Linda Conway, 12 Highland Drive, Larbert FK5 4RT on 21 March 2011.
189. Letter of Support received from Anne Robertson, 4 Redpath Drive, Falkirk FK2 8QL on 21 March 2011.
190. Letter of Support received from Yvonne Gemmill, 13 Highfield Avenue, Linlithgow EH49 7BE on 21 March 2011.
191. Letter of Support received from Julie Drummond, 10 Colonsay Avenue, Polmont, Falkirk FK2 0UZ on 21 March 2011.
192. Letter of Support received from Owner/Occupier, c/o Falkirk Council, 14 Castings Avenue Falkirk on 21 March 2011.
193. Letter of Support received from G Carroll, 106 Davids Loan, Falkirk FK2 7RQ on 21 March 2011.
194. Letter of Support received from Tony Willing, 1 Mossiel Avenue, Raploch, Stirling on 21 March 2011.
195. Letter of Support received from Owner/Occupier, 21 Wheatlands Avenue, Bonnybridge FK4 1PN on 21 March 2011.
196. Letter of Support received from Calum Campbell, 9 Finistere Avenue, Falkirk, FK1 1QP on 21 March 2011.
197. Letter of Support received from Jauci Miller, 30 Lomond Drive, Falkirk FK2 7UH on 21 March 2011.
198. Letter of Support received from B Clark, Westerton, 27 Neilson Street, Falkirk FK1 5AQ on 21 March 2011.

199. Letter of Support received from Toby Larone, 2 Lornshill Cottages, Alloa FK10 2EZ on 21 March 2011.
200. Letter of Support received from Emma McDowall, 2 Lornshill Cottages, Alloa FK10 2EZ on 21 March 2011.
201. Letter of Support received from Mr Michael Kelly, 27 Old Golf Course Road, Armadale, Bathgate EH48 2TA on 22 March 2011.
202. Letter of Support received from Margaret Cox, 26 Lochmaben Drive, Stenhousemuir, Larbert FK5 4UT on 21 March 2011.
203. Letter of Support received from Owner/Occupier, 6 Bennie Terrace, Station Road, Slamannan, Falkirk on 23 March 2011.
204. Letter of Support received from Sara J Murray, Ullesfern, Falkirk Road, Avonbridge, Falkirk on 23 March 2011.
205. Letter of Support received from J Horsburgh, 35 Stirling Road, Falkirk FK1 4EP on 23 March 2011.
206. Letter of Support received from Mr Andrew R Dawkins, 4 Mulloch Avenue, Falkirk FK2 7GA on 23 March 2011.
207. Letter of Support received from Mrs G Stewart, 41 Waverley Crescent, Grangemouth FK3 8RB on 23 March 2011.
208. Letter of Support received from Mr A Stewart, 41 Waverley Crescent, Grangemouth FK3 8RB on 23 March 2011.
209. Letter of Support received from Chris Donoghue, 40 Bonnyside Road, Bonnybridge FK4 2AD on 23 March 2011.
210. Letter of Support received from Mr Matthew Knowles, 58 Kinnaird Drive, Stenhousemuir, Larbert FK5 4JN on 23 March 2011.
211. Letter of Support received from Kan Yen Tang, 7B Bank Street, Falkirk FK1 1NB on 23 March 2011.
212. Letter of Support received from MacKenzie Cowan, 38 South View, Stenhousemuir, Larbert FK5 3DW on 23 March 2011.
213. Letter of Support received from Joanne Knox, 7 Kerse Gardens, Falkirk FK2 9DY on 23 March 2011.
214. Letter of Support received from Mrs M Graham, 8 Carronhall Avenue, Carronshore, Falkirk FK2 8AN on 23 March 2011.
215. Letter of Support received from Victoria Roy, 6 Darkwood Crescent, Paisley PA3 1JR on 23 March 2011.
216. Letter of Support received from Mr Craig Sneddon, 242 Dean Road, Bo'ness EH51 0BL on 23 March 2011.
217. Letter of Support received from May Bird, 11 Taransay Drive, Polmont, Falkirk FK2 0YY on 23 March 2011.
218. Letter of Support received from Sam Vallely, 18 Alloa Road, Clackmannan FK10 4HG on 23 March 2011.
219. Letter of Support received from Deborah Taylor, 3 Oak Hill View, Maddiston, Falkirk FK2 0DB on 23 March 2011.
220. Letter of Support received from Mr Norman Aitken, 8 Deanburn, Park, Linlithgow EH49 6EZ on 23 March 2011.
221. Letter of Support received from Owner/Occupier, 10 Killin Drive, Polmont, Falkirk FK2 0QQ on 23 March 2011.
222. Letter of Support received from Mr Maurice Bissland, Bankier Cottage, Longriggend, ML6 7RU on 23 March 2011.
223. Letter of Support received from Owner/Occupier, 202 Thornhill Road, Falkirk FK2 7AZ on 23 March 2011.

224. Letter of Support received from Owner/Occupier, 18 Meeks Road, Falkirk FK2 7ES on 23 March 2011.
225. Letter of Support received from Owner/Occupier, 36 Saltcoats Drive, Grangemouth FK3 9JP on 23 March 2011.
226. Letter of Support received from Mr Colin O'Neill, 18 Kirk Street, Kincardine FK10 4PT on 23 March 2011.
227. Letter of Support received from William Imrie, 31 Claremont Street, Bonnybridge FK4 1NJ on 22 March 2011.
228. Letter of Support received from T Smith, 8 Chrisella Terrace, Maddiston, Falkirk FK2 0AN on 17 March 2011.
229. Letter of Support received from Agnes Wright, 9 Livingstone Crescent, Falkirk FK2 9BW on 17 March 2011.
230. Letter of Support received from Mr Scott Wright, 9 Livingstone Crescent, Falkirk FK2 9BW on 17 March 2011.
231. Letter of Support received from Mrs Laura McKean, 5 Millar Place, Bonnybridge FK4 2AR on 22 March 2011.
232. Letter of Support received from Terea Graham, 19 Binniehill Road, Slamannan, Falkirk FK1 3BG on 22 March 2011.
233. Letter of Support received from John Dickson, 27 James Cornwall Court, Grangemouth FK3 9BE on 22 March 2011.
234. Letter of Support received from William Walls, 97 Braemar Drive, Falkirk FK2 9HB on 22 March 2011.
235. Letter of Support received from M Duff, 42 Watling Street, Falkirk FK1 4HT on 22 March 2011.
236. Letter of Support received from Mrs Margaret Campbell, 66 Argyll Avenue, Falkirk FK2 9EZ on 17 March 2011.
237. Letter of Support received from Sharon Wallace, 6 Pender's Lane, Falkirk FK1 5RR on 17 March 2011.
238. Letter of Support received from Barry Paul Newman, 36 Park Avenue, Laurieston, Falkirk FK2 9LQ on 22 March 2011.
239. Letter of Support received from Owner/Occupier, Dunavon, 1 Avonbridge Road, Slamannan, Falkirk FK1 3S on 17 March, 2011.
240. Letter of Support received from Rebecca McCabe, 19 Calder Place, Falkirk, FK1 2QZ on 17 March 2011.
241. Letter of Support received from Mrs and Mrs Colin Herd, Easter Jawcraig Farm, Falkirk FK1 3AL on 1 February 2011.
242. Letter of Support received from Mr Sean McCabe, 26 Wallace Street, Falkirk FK2 7DW on 17 March 2011.
243. Letter of Support received from Mr Stephen Oliver, 29 Dundarroch Street, Larbert FK5 3AA on 18 March 2011.
244. Letter of Support received from Mr Colin Brown, 3 Waddell Street, Carronshore, Falkirk FK2 8HF on 18 March 2011.
245. Letter of Support received from Katie Jamieson, 12 Suilven Heights, James Street, Laurieston, Falkirk FK2 9QF on 18 March 2011.
246. Letter of Support received from Mr Alan Millar, 28 Argyll Avenue, Falkirk FK2 9EZ on 18 March 2011.
247. Letter of Support received from Margaret Peden, 204 Windsor Road, Falkirk FK1 5DR on 18 March 2011.
248. Letter of Support received from Mr Peter Brewster, 26 Fairlie Street, Falkirk FK1 4NL on 18 March 2011.

249. Letter of Support received from Mr Colin Penn, 10 Torridon Avenue, Falkirk FK2 7TJ on 18 March 2011.
250. Letter of Support received from K Tang, 11B Bank Street, Falkirk FK1 1NB on 18 March 2011.
251. Letter of Support received from Aimee Leiper, 6 Inchyra Place, Grangemouth FK3 9EQ on 18 March 2011.
252. Letter of Support received from Karen Chisholm, 3 Tamfourhill Road, Falkirk FK1 4RA on 18 March 2011.
253. Letter of Support received from Philomena Kilpatrick, 68 Alexander Avenue, Falkirk FK2 9DZ on 18 March 2011.
254. Letter of Support received from Owner/Occupier, 4 Drumclair Avenue, Slamannan, Falkirk FK1 3HE on 18 March 2011.
255. Letter of Support received from Owner/Occupier, 4 Drumclair Avenue, Slamannan, Falkirk FK1 3HE on 18 March 2011.
256. Letter of Support received from Anne Reynolds, 18 Major's Loan Falkirk FK1 5QA on 18 March 2011.
257. Letter of Support received from Francis Hardie, 103 Midhope Place, Winchburgh EH52 6NY on 18 March 2011.
258. Letter of Support received from M A Struthers, 17 Firhill Road, Lesmahagow, Lanarkshire ML11 0AX on 18 March 2011.
259. Letter of Support received from J Thomson, 218 Carmuir's Avenue, Falkirk FK1 4JP on 18 March 2011.
260. Letter of Support received from N Wright, 36 John Stuart Court, Oakley, Fife KY12 9SF on 18 March 2011.
261. Letter of Support received from Owner/Occupier, 22 Standly Terrace, Oakley KY12 9SL on 18 March 2011.
262. Letter of Support received from M Smith, 109 Oxbang Road, Grangemouth FK3 9HL on 18 March 2011.
263. Letter of Support received from L Gowler, 17 Panbrae Road, Bo'ness EH51 0EJ on 18 March 2011.
264. Letter of Support received from R Joiner, 30 Ochiltree Terrace, Falkirk FK1 4LR on 18 March 2011.
265. Letter of Support received from Nicole Watson, 20 Waters End, Carron, Falkirk FK2 8PY on 18 March 2011.
266. Letter of Support received from Claire Porteous, 6 The Maltings, Linlithgow EH49 6DS on 18 March 2011.
267. Letter of Support received from Paul Hamond, 25 Southfield Avenue, Motherwell ML1 4JY on 18 March 2011.
268. Letter of Support received from S Gibson, 26 Dunvegan Drive, Falkirk FK2 7UG on 18 March 2011.
269. Letter of Support received from Elizabeth Grant, 3 - 3 Eastburn Tower, Eastburn Drive, Falkirk FK1 1TU on 18 March 2011.
270. Letter of Support received from Mr Christopher Henderson, 11 Wilson Street, Grangemouth FK3 8PE on 18 March 2011.
271. Letter of Support received from Mr Robert Oliver, 5 Kersehill Crescent, Falkirk FK2 9GH on 18 March 2011.
272. Letter of Support received from Mr Ross Mitchell, 10 Torridon Avenue, Falkirk FK2 7TJ on 18 March 2011.
273. Letter of Support received from Owner/Occupier, 15 Randyford Street, Falkirk FK2 9DF on 18 March 2011.

274. Letter of Support received from Lesley Fleming, Flat 1, Castlehill House, 80 Falkirk Road, Larbert FK5 3AH on 18 March 2011.
275. Letter of Support received from Owner/Occupier, 142 Abbotsford Street, Falkirk FK2 7PP on 18 March 2011.
276. Letter of Support received from Mr Mathew Roy, 51 Dennistoun Road, Langbank PA14 XH on 18 March 2011.
277. Letter of Support received from Mr Colin McGregor, 21 Comely Place, Falkirk FK1 1QG on 18 March 2011.
278. Letter of Support received from Mr Conor Stephens, 10 St. Giles Way, Falkirk FK1 4JJ on 18 March 2011.
279. Letter of Support received from Sandra Reid, 10 Braeview, Laurieston, Falkirk FK2 9QB on 18 March 2011.
280. Letter of Support received from Owner/Occupier, 15 Randyford Street, Falkirk FK2 9DF on 18 March 2011.
281. Letter of Support received from Mr William Hume, 100B Thornhill Road, Falkirk FK2 7AE on 18 March 2011.
282. Letter of Support received from Diane McArthur, 4 James Street, Haggs, Bonnybridge FK4 1HG on 18 March 2011.
283. Letter of Support received from Jonathan Lincoln, Yodraig Seg, Tany Grisiay, Gwynedd, LL41 3TA on 18 March 2011.
284. Letter of Support received from Owner/Occupier, 4 Lothead Row, Coaltown of Wemys, Kircaldy KY1 4NB on 17 March 2011.
285. Letter of Support received from H MacMillan, 50 Berriedale Crescent, Glasgow G72 0GB on 17 March 2011.
286. Letter of Support received from Lorna McDermid, 39 Westray Terrace, Falkirk FK1 2PY on 18 March 2011.
287. Letter of Support received from Allan Mackay, 41 Bantaskine Street, Falkirk FK1 5ES on 17 March 2011.
288. Letter of Support received from Owner/Occupier, 20 Park Avenue, Stenhousemuir, Larbert FK5 3JA on 18 March 2011.
289. Letter of Support received from S Middleton, 19 Zetland Place, Skinflats, Falkirk FK2 8NR on 18 March 2011.
290. Letter of Support received from Caroline Harrower, Union Place, Brightons FK2 0FG on 18 March 2011.
291. Letter of Support received from Robin Sinclair, 152 Portal Road, Grangemouth FK3 8SX on 18 March 2011.
292. Letter of Support received from Paul Thomas Manriquez, 30 High Station Road, Falkirk FK1 5QX on 18 March 2011.
293. Letter of Support received from Carol Arneil, 75 Hawthorn Street, Grangemouth FK3 8PX on 18 March 2011.
294. Letter of Support received from Samantha Parker, 9 Roman Road, Bonnybridge FK4 2DE on 18 March 2011.
295. Letter of Support received from A Burn, Dochart Place, Falkirk, FK1 2QR on 17 March 2011.
296. Letter of Support received from Gordon Arneil, 75 Hawthorn Street, Grangemouth FK3 8PX on 18 March 2011.
297. Letter of Support received from Owner/Occupier, Flat 1, Beechmount House, Carronvale Road, Larbert on 18 March 2011.
298. Letter of Support received from Carol Watson, 23 Springbank Gardens, Falkirk FK2 7DF on 18 March 2011.
299. Letter of Support received from C Barnett, 71 Gateside Avenue, Bonnybridge FK4 1AY on 18 March 2011.



300. Letter of Support received from Victoria Braken, 16 Bryden Court, Carronflats Road, Grangemouth FK3 9LQ on 18 March 2011.
301. Letter of Support received from Cameron Hodgson, 125 Stewart Road, Falkirk FK2 7AQ on 18 March 2011.
302. Letter of Support received from Christopher Ellis, 58 Cooperage Quay, Stirling FK8 1JJ on 18 March 2011.
303. Letter of Support received from Heather Close, 2 Culmore Place, Falkirk FK1 2RP on 23 March 2011.
304. Letter of Support received from Alan Taylor, 1 P.O Buildings, Ramoyle, Dunblane FK15 0BB on 23 March 2011.
305. Letter of Support received from Stacey Welsh, 10 Binniehills Road, Slamannan, Falkirk FK1 3BG on 23 March 2011.
306. Letter of Support received from Mrs Shona Dunbar, 46 Acredale, Linlithgow, West Lothian EH49 6HY on 17 March 2011.
307. Letter of Support received from A K Rutherford, 17 Sandy Loan Crescent, Laurieston, Falkirk FK2 9NG on 23 March 2011.
308. Letter of Support received from Mary Kesson, 79 Glenview Drive, Falkirk FK1 5JU on 23 March 2011.
309. Letter of Support received from Rory Kesson, 79 Glenview Drive, Falkirk FK1 5JU on 23 March 2011.
310. Letter of Support received from Keiran Monaghan, Name/Address Not Recognised, on 24 March 2011.
311. Letter of Support received from Ian Maxwell, Address Not Recognised, on 24 March 2011.
312. Letter of Support received from Mr George Graham, 6 Carronhall Avenue, Carronshore, Falkirk FK2 8AN on 18 March 2011.
313. Letter of Support received from G MacMurray, 34 Comely Place, Falkirk FK1 1QG on 18 March 2011.
314. Letter of Support received from S Hamilton, 115 Merchiston Avenue, Falkirk FK2 7JX on 18 March 2011.
315. Letter of Support received from Lisa Young, 5 Wallace View, Shieldhill, Falkirk FK1 2DU on 18 March 2011.
316. Letter of Support received from A Fleming, 19 Parkend Crescent, Shieldhill, Falkirk FK1 2EL on 18 March 2011.
317. Letter of Objection received from West Lothian Council on 28 March 2011.

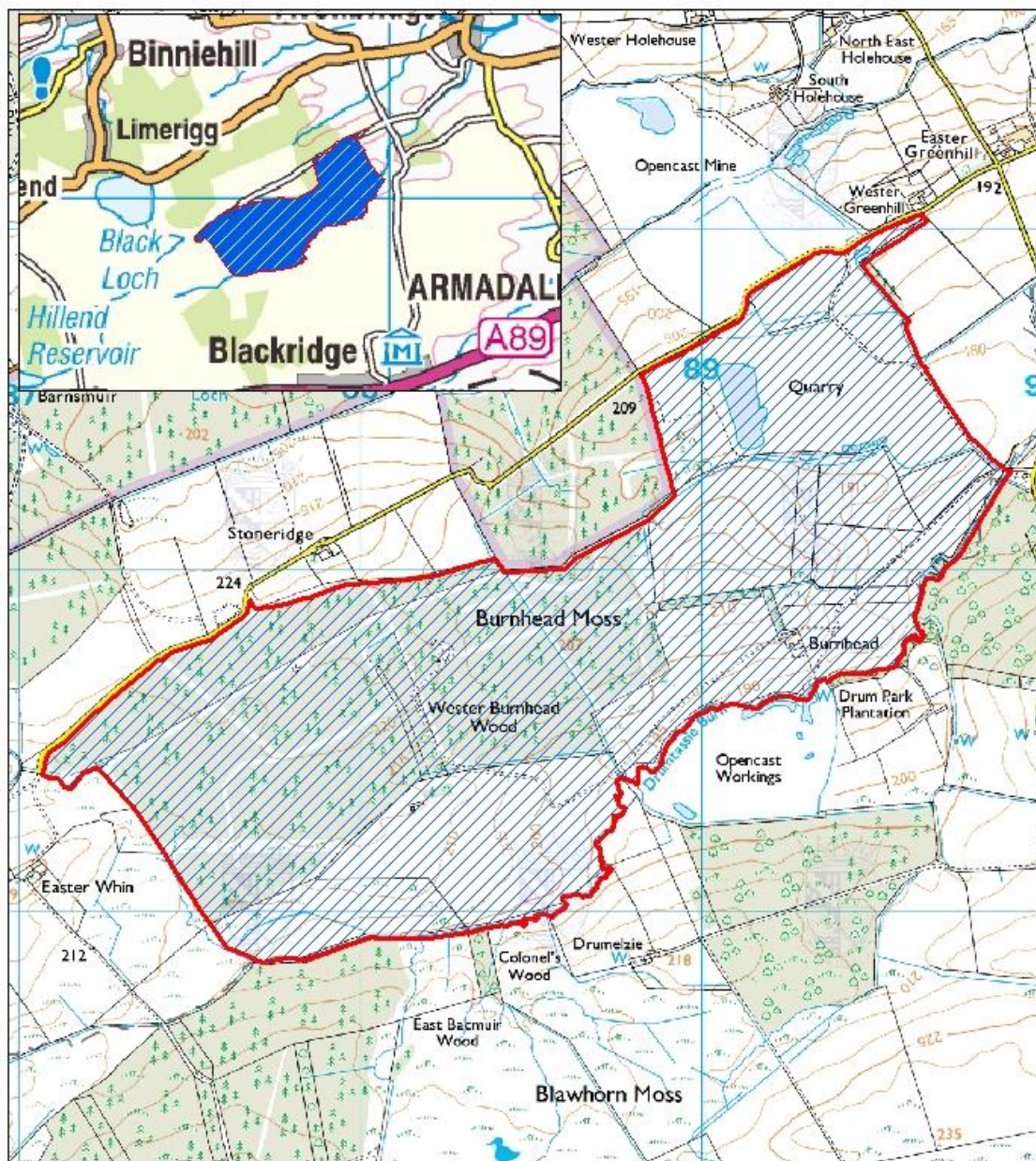
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/10/0857/FUL**

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



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**FALKIRK COUNCIL**

**Subject:** SITING OF TEMPORARY CARAVAN, FORMATION OF FLOODLIT HORSE TRAINING ARENA, EXTENSION TO EXISTING SHED, ERECTION OF STORAGE SHED AND ERECTION OF ENTRANCE FEATURE WALL (RETROSPECTIVE) AT HOMESTEAD FARM, BINNIEHILL ROAD, SLAMANNAN, FALKIRK FK1 3BE FOR MR GERRY CROLLA - P/10/0636/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

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

**Community Council:** Slamannan and Limerigg

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

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This application seeks to regularise a number of alterations which have taken place on the premises. The applicant has altered and extended an existing agricultural shed to stable horses, formed a floodlit horse training area, intends to erect a small storage shed and introduced a caravan on the site.
- 1.2 In addition, the applicant has erected an entrance feature wall, all at Homestead Farm, Binniehills Road, Slamannan.
- 1.3 It should be noted that while the applicant wishes to retain a caravan on site (albeit of a temporary nature) the caravan that was on the site at the point of application submission has now been removed.
- 1.4 For the avoidance of doubt, the applicant advises that the equestrian facilities are for his own use and no commercial activities are envisaged.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been referred to the Planning Committee at the request of Councillor McLuckie.

### **3. SITE HISTORY**

- 3.1 A/2044/001 - erection of agricultural building - Mr John Prentice - agricultural notification agreed on 7 April 2004.

### **4. CONSULTATIONS**

- 4.1 Scottish Water has no objection to the planning application.
- 4.2 The Scottish Environment Protection Agency provide standing advice applicable to this type of small scale local development and the applicant is advised to refer to this advice direct.
- 4.3 The Roads Development Unit have no objections, based on the premise that the development does not include any element of a commercial nature.
- 4.4 The Scottish Rights of Way and Access Society have no objection to the proposal, but request a planning condition to be imposed to ensure that existing Rights of Way remain clear and free from obstruction.
- 4.5 The Environmental Protection Unit have no objection to the proposal, but request planning conditions be imposed to address potential contaminated land and light pollution from the site.
- 4.6 Scottish Natural Heritage do not intend to offer advice or comment on the proposal.

### **5. COMMUNITY COUNCIL**

- 5.1 No comments have been submitted.

### **6. PUBLIC REPRESENTATION**

- 6.1 8 letters of objection from 5 neighbouring properties have been received, stating:-
- A double row of trees have been felled near the site and the applicant should introduce new planting;
  - Lights from the application site disturb neighbours;
  - Noise levels can be high at times;
  - The extended shed dominates the landscape;
  - The feature wall dominates Binniehills Road;
  - There is no need for a caravan;
  - The approval of the retrospective application would prove a precedent which could be reflected elsewhere;

- The establishment of a caravan is an endeavour to seek further approvals;
- The proposal is advertised as a commercial livery;
- The proposals conflict with local plan policies;
- No landscape and visual assessment is included with the application;
- There is a dangerous sub standard vehicular access to the site;
- There is a multitude of protected species around the site, which will suffer detriment as a consequence of the proposal;
- The core path next to the site is deteriorating due to horse users;
- The front gates are not, visually, in keeping with the area;
- Additional servicing of the caravan (drainage, sewerage, etc) need be considered;
- Traffic has increased as a consequence of development.

6.2 Members will note that the above is a summary of representations and that full representations are available for review.

## 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 It is considered that the application does not raise any issues of a strategic nature.

#### ***Falkirk Council Local Plan***

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

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

- *it can be demonstrated that they require a countryside location;*

- *they constitute appropriate infill development; or*
- *they utilise suitable existing buildings.*

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

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

7a.3 The conversion and adaptation of the existing agricultural shed, along with associated facilities, to provide equestrian facilities is considered to be an acceptable use within a countryside location. The former agricultural shed has been extended to reflect the existing design and the introduction of the horse arena is not considered to offend the above policy.

7a.4 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.5 It is considered that the scale of development is not likely to have a significant landscape impact and the submission of a landscape and visual assessment is not considered necessary.

7a.6 Policy EQ23 - 'Areas Of Great Landscape Value' states:

*"The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality."*

7a.7 It is recognised that the proposal involves the extension of a former agricultural building and the introduction of a domestic equestrian use. Given the adjoining rural buildings erected in close proximity to the site, it is not considered that the proposal would offend the above policy. However, some introduction of additional soft landscaping may be considered appropriate.

7a.8 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.9 No ecological interests have been identified on the site and Scottish Natural Heritage have no advice to offer on the application. The application is retrospective and, apart from the re-introduction of a caravan and the erection of a storage shed on a yard area, no further works are envisaged. Therefore, no ecological interests are likely to be impacted.

7a.10 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.11 The applicant has not indicated that tree removal will take place on the site. Irrespective, the removal of trees in this area would not require the benefit of planning permission. However, it is considered that the site would benefit from augmentation of the remaining tree coverage and it is intended to impose a planning condition to secure such planting. This may also enhance the setting of the proposals.

7a.12 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.13 With reference to the existing Rights of Way adjoining the site, the proposals are not considered to offend the above policy.

7a.14 Policy ST16A 'Light Pollution' states:

*"All proposals involving the installation or replacement of external lighting should seek to minimise intrusive light spillage and light pollution. The use of locations and lighting equipment that limit light spillage and light pollution together with methods to control the period of usage will be required."*

7a.15 It is intended that the control of external lighting should be addressed through planning condition.



7a.16 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations include the points raised through comment and issues raised through consultation.

### ***Points Raised Through Comment***

7b.2 The points raised through comment have been considered in light of their material consideration in planning terms. Issues which are not material considerations are as follows:-

- The influence the proposal will have on adjoining property values.
- The history of an application for a dwellinghouse on an adjoining site.
- The merits or otherwise of the original approval to erect an agricultural shed on the site.
- The felling of trees outwith planning control.
- Drainage provision to the caravan is not a matter controlled by the planning authority.

7b.3 In response to other matters raised, it is considered that:-

- A degree of additional planting on the site may prove beneficial in ‘softening’ the existing structures, but the previous felling of trees is not a matter enforceable by the planning authority.
- The issue of light pollution may be addressed through planning condition.
- The issue of noise can be reviewed by Falkirk Council where a statutory noise nuisance has occurred.
- To date, despite visits by colleagues in the Environmental Protection Unit, no statutory noise nuisance has been identified.
- It is considered that the existing shed, albeit extended, does have some degree of visual prominence but not of such a significant impact as to merit refusal of the application.
- The immediate area comprises a mix of physical structures of varying designs and materials and the introduction of a feature wall is not considered to erode the visual amenity of the area.
- The temporary caravan is envisaged to offer occasional overnight supervision of the farm livestock until a currently under construction dwellinghouse is completed. While the legitimacy or otherwise of the applicant’s intention to occupy a consented dwellinghouse is not subject to this application, it is recognised that temporary accommodation is often requested to oversee animal welfare provision. Therefore, a period for temporary accommodation is not considered unreasonable.

- Each planning application is considered on its individual merits and the approval of retrospective planning application is not mandatory. Therefore, any approval would not constitute an unwarranted precedent.
- The applicant is at liberty to approach the planning authority further on any development matter should they so choose. The matter would then be considered at that point of approach.
- The applicant has stated that the equestrian facilities are of a personal nature and no commercial activity will take place.
- The application is considered to accord with the Development Plan.
- No objections to the vehicular access have been raised by the Roads Development Unit.
- No protected species have been identified as suffering detriment as a consequence of the proposal.
- The proposal is not considered of a size and scale to merit a landscape and visual assessment.
- The fabric of the core path is not a matter which can be addressed through planning condition, as the users of the path may not solely be the applicant.
- The front gates are of an acceptable size, scale and design in the context of the immediate area.
- Traffic generation may increase due to a number of factors but, in this instance, is not considered as to be so injurious to the amenity of neighbours as to merit the refusal of planning permission.

### ***Points Raised Through Consultation***

- 7b.4 In relation to consultation responses, it is considered that matters relating to light pollution and land contamination may be adequately addressed through planning condition.
- 7b.5 Issues relating to noise from the site is a matter more effectively monitored by Falkirk Council's Environmental Protection Unit and can be included in a planning informative should planning permission be granted

### **7c Conclusion**

- 7c.1 It is considered that a domestic equestrian use within a rural location and the scale, design and layout of the proposed development is acceptable in land use planning terms and does not offend Development Plan policy. While the manner of development on site (the structures extended and horse training area formed without the benefit of planning permission) is not to be condoned, planning permission cannot be refused on these grounds.

- 7c.2 It is also appreciated that the proximity of the facility to nearby residential property does cause some concern to neighbours, specifically in terms of noise control and light pollution but light pollution can be addressed by planning conditions and noise control can be regularised through other environmental legislation.
- 7c.3 It is considered that the proposal is acceptable, subject to planning conditions and informatives addressing the concerns raised.

## **8. RECOMMENDATION**

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

- (1) For the avoidance of doubt, the equestrian facilities shall be for domestic use only, with no commercial stabling of horses nor horse riding instruction to members of the public.**
- (2) For the avoidance of doubt, the caravan shall be removed from the site no later than 12 months from the date of this planning permission and the site restored to a neat and tidy condition.**
- (3) Within 2 months from the date of this permission, details shall be submitted to and approved in writing by the Planning Authority as to the installation of screen planting of native broadleaf trees and native shrubs along the north east boundary of the site. The planting shall be a minimum of 8 metres width and fenced off to enable at least 2 lines of tree transplants to be planted at 3 metres spacing plus at least 2 lines of native shrubs at 1 metre spacing. Details shall include planting density/total number, nursery stock size, methods of protection and a statement of maintenance proposed to aid establishment. Thereafter, the screen planting shall be introduced on the first planting season following such approval.**
- (4) Within 2 months of the date of this permission, details of the exact specification of floodlighting on the site shall be provide to and approved in writing by the Planning Authority. If approved, the specification shall be maintained throughout the period of activity on the site.**

**Reason(s):-**

- (1) To ensure that the Planning Authority can control the future use of the premises.**
- (2) The proposal is not considered to be a suitable form of permanent development.**
- (3) To safeguard the environmental amenity of the area.**
- (4) To enable the Planning Authority to consider this/these aspect(s) in detail.**

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02, 03 and 04.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning this proposal in respect of noise legislation which may affect this development.

PP

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**Director of Development Services**

**Date:** 14 September 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of Objection from Ellie McMillan, Ladygrange Cottage Slamannan Falkirk FK1 3BE received 28 September 2010.
4. Letter of Objection from Ninian Perry, Maremma Cottage Slamannan Falkirk FK1 3BE received 5 October 2010.
5. Letter of Objection from Alan Glass, Pond Cottage Slamannan Falkirk FK1 3BE received 1 October 2010.
6. Letter of Objection from Mary MacFarlane, Maremma Cottage Slamannan Falkirk FK1 3BE received 5 October 2010.
7. Letter of Objection from Allan McMillan, Ladygrange Cottage Slamannan Falkirk FK1 3BE received 28 September 2010.
8. Letter of Objection from Mr & Mrs A Tetlow, Mount Pleasant Slamannan Falkirk FK1 3BE received 6 October 2010.
9. Letter of Objection from Marlene Hannon, Pond Cottage Slamannan Falkirk FK1 3BE received 4 October 2010.
10. Letter of Objection from Philip and Sheila Hall, Balcastle House Slamannan Falkirk FK1 3BB received 1 October 2010.

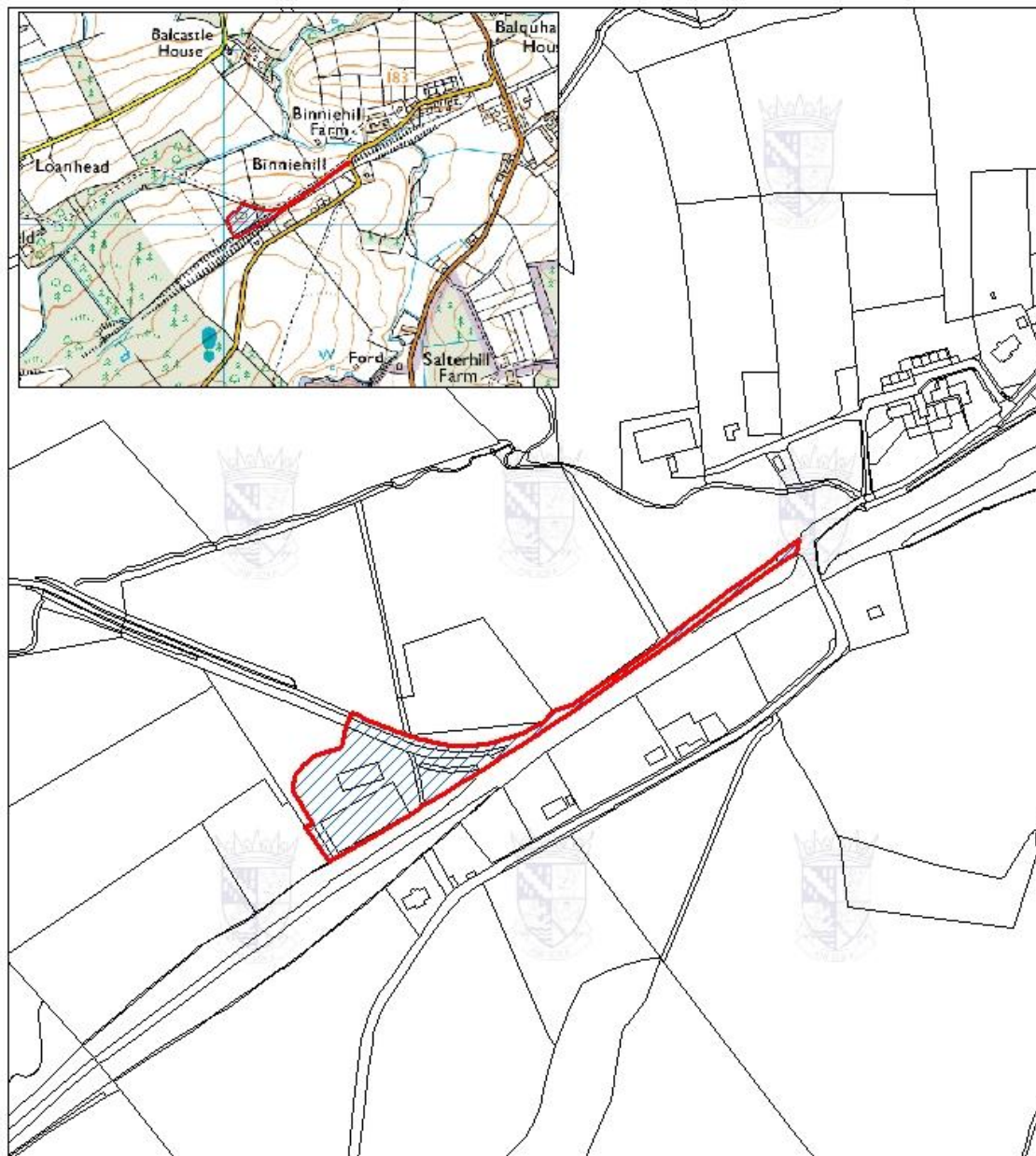
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/10/0636/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:** SUB-DIVISION AND CHANGE OF USE OF EXISTING PUBLIC HOUSE TO FORM 2 UNITS, COMPRISING CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES) USE AND HOT FOOD TAKEAWAY, INSTALLATION OF TWO SHOPFRONTS AND REAR EXTENSION AT RUMFORD ARMS, MADDISTON ROAD, RUMFORD, FALKIRK FK2 0SB FOR CADZOW PROPERTIES LTD - P/11/0305/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

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

**Community Council:** Brightons

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

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This application proposes the change of use and subdivision of an existing detached, single storey pub/restaurant to form a Class 2 (Financial, Professional and Other Services) unit and a hot food takeaway with the installation of two new shopfronts and the reconstruction of a single storey flat roof rear extension measuring approximately 2.6 metres wide and 1.7 metres long. The existing unit is located within an established residential area to the south of Falkirk on Maddiston Road. The site sits adjacent to the Gardrum Burn to the south and to two existing hot food takeaway units and a bookmakers to the north. The site benefits from parking provision for 7 vehicles to the rear of the premises.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor McLuckie.

**3. SITE HISTORY**

- 3.1 None relevant to this application.

#### **4. CONSULTATIONS**

- 4.1 The Environmental Protection Unit have no objections but further information has been requested in relation to cooking odour extraction systems and measures to control noise emissions from any ventilation unit.
- 4.2 The Roads Development Unit have no objections but has recognised that the recommended number of parking spaces for a unit of this size would be 12 and that this cannot be achieved within the confines of the site. It has been noted that 3 additional parking spaces to the side of the premises as shown on the submitted plans are not achievable to recognised standards as this would leave the access road too narrow to allow for safe passage of vehicles and pedestrians entering and exiting the site.

#### **5. COMMUNITY COUNCIL**

- 5.1 The site lies within the Brightons Community Council boundary but the Community Council have not commented on the application. However, Maddiston Community Council have raised concerns in regard to traffic and insufficient parking at the site.

#### **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, 7 contributors submitted letters to the Council in addition to the Community Council comments outlined above. The salient issues are summarised below:
- Loss of existing community facility.
  - Proliferation of takeaways in local area.
  - Increase in traffic and lack of parking provision.
  - Noise.
  - Anti-social behaviour.
  - Litter.
  - Impact on property values.
  - Impact on general quality of life.
  - Inaccuracies on application form relating to extensions to the premises.
  - Lack of pavement provision in front of proposed units.



## 7. DETAILED APPRAISAL

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

Accordingly,

### 7a The Development Plan

#### ***Falkirk Council Structure Plan***

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

#### ***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 The proposed new shopfronts are well proportioned and sympathetic in the character of the building.

7a.4 Policy SC7 - 'Established Residential Areas' states:

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

7a.5 The proposed uses are considered compatible with the character of the area. The new uses replace an established pub/restaurant and are located on a busy main road adjacent to other similar uses. The residential environment can be safeguarded. The site benefits from adequate access and parking provision when consideration is given to the existing pub / restaurant use of the site and subsequent reduction in parking requirements as a result of this.

7a.6 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.7 Whilst a well established existing pub/restaurant would be removed from the community as a result of the proposal, the proposed uses are also considered to be community facilities in their own right. The site is located on a busy main road with good public transport links into Falkirk and neighbouring communities where other pub/restaurant businesses are available.

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 The proposed hot food element is considered to be appropriate for this location. Residential amenity levels can be maintained and parking and access provision is considered adequate.

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

## **7b Material Considerations**

7b.1 The material considerations are the consultations received, public representations and a recently constructed section of fencing.

### ***Consultation Responses***

7b.2 With regard to the comments from the Environmental Protection Unit the applicant has not finalised a tenant for the premises and full details of odour extraction systems are not available at this time. It is therefore considered appropriate to attach a suspensive condition to any consent given requiring submission and approval of full details prior to the development taking place. This approach is considered appropriate in this instance given the previous use of the building as a pub/restaurant which had kitchen provision and due to the building being detached and single storey, therefore not having any directly attached residential neighbours.

7b.3 The Roads Development Unit has advised that the current use would preferably have 20 parking spaces but in practice only has approximately 7 spaces. The proposed uses would normally require 12 spaces however only 7 would be realistically provided. If permission were granted, the shortfall would therefore reduce from 13 to 5 spaces. The proposed development is therefore considered appropriate in terms of parking provision.

### ***Assessment of Public Representations***

7b.4 Issues in relation to noise, odours, access and parking provision are addressed in sections 7b.2 and 7b.3 of this report.

- 7b.5 An existing community facility would be lost as a result of this proposal, but the proposed uses of the site are also considered to be community facilities albeit they may attract a different sector of the community as customers. It is not the role of the planning authority to interfere with market demand and the issue of proliferation of takeaways in the area is not a material planning consideration.
- 7b.6 Anti-social behaviour issues, management of the premises including littering and impact of the proposal on property values are not material planning considerations.
- 7b.7 The submitted application form does not make reference to the proposed small rear extension but the plans show the extension and the description of development has been amended to include the extension.
- 7b.8 There is no pavement proposed across the frontage of the two units however this is the case for the existing unit as well which does not front onto the main road but instead fronts onto the car park in front of the bookmakers and hot food takeaway to the north. The limited parking area would in turn limit traffic movements into this small private area and the lack of a footpath is not therefore considered to be a determining factor in this instance. However, to address the concerns raised, the applicant has agreed to ensure clear delineation is provided between pedestrians and vehicles by painting the car park tarmac - a common means of separating pedestrians and vehicles within many car parks around the country. This can be covered by planning condition.

### ***Recently Constructed Fencing***

- 7b.9 Following submission of this application a new section of fencing was erected by an adjoining landowner adjacent to the access to the application site on the northern boundary. This section of fencing is approximately 1 metre high and does not require planning permission and whilst it is not ideal from a road safety perspective it is outwith the control of the applicant. The erection of this fence is not considered to influence the assessment of the current application as the situation would remain for the current pub/restaurant use. As is outlined in section 7b.3 of this report. The proposed uses are considered to have a lesser parking requirement than the existing pub/restaurant use and the proposed change of use would therefore improve upon the existing situation at the site.

### **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 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 occupation of the proposed hot food takeaway unit full details of the proposed noise and odour control measures shall be submitted to and approved in writing by the Planning Authority and implemented. The information should include a detailed specification of:
  - (a) Cooking odour extraction system, including the proposed external location on the property.
  - (b) Measures employed to control noise emissions from any extraction, ventilation or air conditioning systems.
- (3) For the avoidance of doubt the Hot Food Takeaway use shall be located within unit 1 of the proposed subdivided premises with the Class 2 (Financial, professional and Other Services) use being located within unit 2 as shown on the approved plans.
- (4) Before the first unit is occupied, a pedestrian footway shall be delineated along the frontage of the two units in accordance with details and specifications to be submitted to and approved in writing by this Planning Authority.

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the residential amenity of the area.
- (3) To ensure that the Planning Authority can control the future use of the premises.
- (4) In the interests of pedestrian safety; to ensure the delineation of a footway.

**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, 03A, 04, 05A and 06.
- (2) In the event that unexpected contamination is encountered following the commencement of development all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a Contaminated Land Assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

**Pp**

.....  
**Director of Development Services**

**Date:** 14 September 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of Objection from Miss Clair Swift, 10 Craigs Terrace Rumford Falkirk FK2 0SD on 7 July 2011.
4. Letter of Objection from Maddiston Community Council, Magdalene Cottage Vellore Road Maddiston Falkirk on 9 August 2011.
5. Letter of Objection from Mr Neil Sinclair, 27 Pender Gardens Rumford Falkirk FK2 0BJ on 31 May 2011.
6. Letter of Objection from Mr Archie Henderson, [Archiehend@gmail.com](mailto:Archiehend@gmail.com) on 6 June 2011.
7. Letter of Objection from Mr Barry Mcallister, [Barrymca79@yahoo.co.uk](mailto:Barrymca79@yahoo.co.uk) on 6 June 2011.
8. Letter of Objection from Ms Clair Swift, [Clairswift@sigenergy.co.uk](mailto:Clairswift@sigenergy.co.uk) on 6 June 2011.
9. Letter of Objection from Wilson & Wilson, Haypark Business Centre Marchmont Avenue Polmont Falkirk on 1 July 2011.
10. Letter of Objection from Miss Laura Crompton, 4 Wallacelea Rumford Falkirk FK2 0AJ on 7 July 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/11/0305/FUL**

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



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**FALKIRK COUNCIL**

**Subject:** FORMATION OF 2 NO FLATTED DWELLINGS AND RE-ROOFING/RE-CLADDING OF HIGH RISE BLOCK AT PATERSON TOWER, SEATON PLACE, FALKIRK, FOR FALKIRK COUNCIL – P/11/0442/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Falkirk North  
Provost Pat Reid  
Councillor David Alexander  
Councillor Craig R. Martin  
Councillor Cecil Meiklejohn

**Community Council:** No Community Council

**Case Officer:** Stephen McClure (Planning Officer), Ext. 4702

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The proposal is to create 2 further flattened dwellings within the existing high rise block, refurbish the exterior of the building and re-roof the property. The proposed flattened dwellings would be created on the ground floor from existing disused storage space. The high rise block of flats is located within the Callendar Park housing scheme on the edge of Falkirk Town Centre. The block sits outwith the urban limit, as it is surrounded by Callendar Park, which is classed as Green Belt and Major Open Space in the Falkirk Council Local Plan.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been submitted by Falkirk Council and, under the Scheme of Delegation, requires to be considered by Committee.

**3. SITE HISTORY**

- 3.1 Application P/10/0703/FUL was submitted for similar works to an adjacent tower block, which was subsequently granted planning permission on 1 January 2011.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit, Environmental Protection Unit and Museum Services have raised no objection to the proposal.

#### **5. COMMUNITY COUNCIL**

- 5.1 No Community Council.

#### **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 There are no relevant policies within the Falkirk Council Structure Plan.

###### ***Falkirk Council Local Plan***

- 7a.2 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.3 Policy EQ17 ‘Antonine Wall’ states:

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

- (1) There will be a presumption against development which would have an adverse impact on the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*
- (2) There will be a presumption against development within the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ buffer zones, as defined on the Proposals Map, which would have an 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 it complies 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.4 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.5 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.6 Policy SC3 - ‘Housing Development In The Countryside’ states:

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

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

#### 7a.7 Policy SC9 - ‘Extensions And Alterations To Residential Properties’ states:

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

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

7a8 Policy SC12 - 'Urban Open Space' states:

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

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

7a.9 The high rise block is in an unusual location, being adjacent to the town centre, but outwith the urban limit and within the Green Belt. However, the proposals are within the existing building footprint and are not seen to extend the urban limit, nor have any adverse effects on the Green Belt or the open space of Callendar Park. The scale, design and materials to be used in the alterations to the exterior of the building are seen to be sympathetic to the existing style and structure, and would enhance the overall amenity of the area. It is also considered that the alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties. The development site lies outwith the scheduled area of the Antonine Wall, with the site being located within a built-up location. The proposals would not extend the footprint of the existing tower block, and the proposals would not affect the Antonine Wall site. Therefore the proposal accords with Policies EQ16, EQ17, EQ19, EQ20, SC3, SC9 and SC12.

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

## **7b Conclusion**

7b.1 The development proposal is acceptable and is in accordance with Policies EQ16, EQ17, EQ19, EQ20, SC3, SC9 and SC12 of the Falkirk Council Local Plan. There are no other material planning considerations which would justify a refusal of planning permission.

## **8. RECOMMENDATION**

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

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

Reason(s):

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

Informative(s):

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

Pp

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Director of Development Services

Date: 14 September 2011

#### **LIST OF BACKGROUND PAPERS**

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

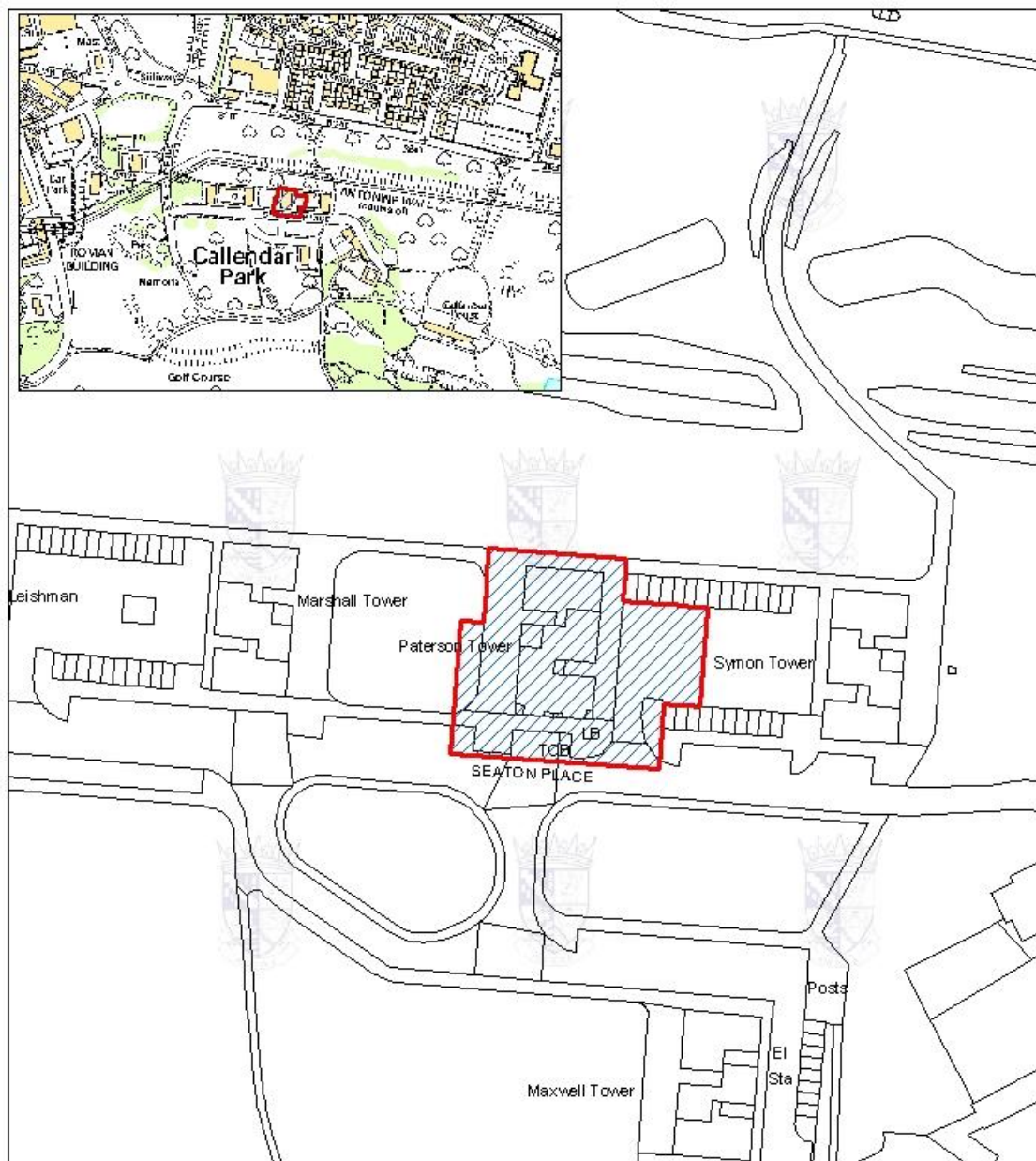
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/11/0442/FUL**

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**FALKIRK COUNCIL**

**Subject:** ERECTION OF TWO 30 METRE HIGH 'KELPIE' SCULPTURES; FORMATION OF BOAT TURNING POOL; FORMATION OF LANDSCAPED CANAL 'HUB' AREA, INCLUDING VISITOR FACILITIES, PARKING AND ANCILLARY DEVELOPMENT; EXTENSION TO THE FORTH AND CLYDE CANAL TO FORM A NEW 'SEA LOCK' ON THE RIVER CARRON, NORTHEAST OF GLENSBURGH, BY MEANS OF A NEW TUNNEL UNDER THE M9 AND FORMATION OF A NEW 'LIFT' BRIDGE ON GLENSBURGH ROAD AT LAND TO THE NORTH OF WEST MAINS INDUSTRIAL ESTATE, THE HELIX, FALKIRK FOR THE HELIX TRUST - P/11/0154/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Falkirk North  
Provost Pat Reid  
Councillor David Alexander  
Councillor Craig R. Martin  
Councillor Cecil Meiklejohn

Ward – Grangemouth  
Depute Provost Allyson Black  
Councillor Angus MacDonald  
Councillor Alistair McNeill  
Councillor Robert Spears

**Community Council:** Grangemouth  
Bainsford, Langlees and New Carron Community Council

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

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application under assessment is a major application for detailed planning permission for erection of two 30 metre high 'kelpie' sculptures; formation of boat turning pool; formation of landscaped canal 'hub' area (including visitor facilities), parking and ancillary development; extension to the Forth and Clyde Canal to form a new 'sea lock' on the River Carron, northeast of Glensburgh, by means of a new tunnel under the M9 and formation of a new 'lift' bridge on Glensburgh Road.

1.2 The application is supported by the submission of:

- An Environmental Statement;
- A Transport Assessment;
- Geotechnical Reports;
- Contaminated Land Assessment;
- Flood Risk Assessment;
- Design and Access Statement;
- Pre-application Consultation Report;
- Planning Supporting Statement;

1.3 The Helix is an urban fringe environmental improvement project funded, in part, by Big Lottery Living Landmarks. Fundamental to the Helix project is the aim to improve connections between existing settlements and facilities and allow for improved access to future Helix initiatives and the countryside.

1.4 The proposed development is located between the Etna Road roundabout on the A9 northern distributor road and West Mains industrial area, continuing to the north of the residential area of Devon Street, Glensburgh, on the existing riparian land of the River Carron.

1.5 The proposed development seeks to improve navigation of the Forth and Clyde Canal by removing current infrastructure constraints and developing a focal point for the wider aspirations of the Helix project by the implementation of visitor facilities and significant environmental improvement.

## **2. REASON FOR COMMITTEE CONSIDERATION**

2.1 The proposed development involves land under the ownership of Falkirk Council and Falkirk Council is a partner of the Helix Trust who is the applicant.

## **3. SITE HISTORY**

3.1 Planning permission ref: P/10/0293/FUL was granted on 18 June 2010 for the formation of an access road for Helix related Forth and Clyde Canal improvements.

3.2 There are no relevant planning applications in the immediately surrounding area. Previous approvals have been granted for the Falkirk Stadium and associated developments. In addition, an outstanding PPP (formerly outline) application exists for mixed use development at the Falkirk Gateway proposed development. Agreement has yet to be reached in relation to the required Section 75 Agreement.



- 3.3 Proposal of Applications Notice (PAN) ref: P/10/0414/PAN was submitted by the applicant in fulfillment of obligations to notify Falkirk Council in advance of this Major Application. This process required community consultation by the applicant prior to the submission of the application under consideration.

#### **4. CONSULTATIONS**

- 4.1 The Transport Planning Unit requests financial contributions of £276,000 towards upgrading of the M9 Junction 6 on the basis of pro-rata development traffic generation. In addition an unspecified contribution towards public transport links to the site is sought. The appropriateness of these requests is assessed in paragraphs 7b.10 – 7b.15. In addition additional information is required to ensure:

- An acceptable signing strategy for the site and surrounding road network;
- Automated traffic counting system implementation;
- A Road Safety Audit for the site, in particular addressing pedestrian crossing of Glensburgh Road, A9 & A904 and the proposed lifting bridge;
- Glensburgh Road bridge lifting and traffic handling arrangements including the implementation of a 'real time' bus information system and bridge closure arrangements in the event of flooding;
- Travel Plan adoption to ensure sustainable transport to the site;
- Amended pedestrian / cycle arrangements to allow level access across the proposed Glensburgh Road lifting bridge;
- Clarification of internal car park vehicle circulation arrangements;
- Proposed linkage from the Helix Central Park to the Mid Thorn railway bridge (A904 Falkirk).

The above requirements can be achieved by the use of appropriate planning conditions or legal agreement.

- 4.2 The Roads Development Unit requests the provision of more detailed road construction drawings to be assessed in a required future application to Falkirk Council for Road Construction Consent. With respect to the planning application however, conditions will be required to ensure:

- Segregation of bus drop off / turning from associated car parking arrangements;
- Provision of drainage calculations for surface water run off;
- Re-design of access road construction details to ensure compliance with Falkirk Council Roads Design Guidance and Construction Standards;

- Consistency of proposed drainage arrangements with the Helix wide Flood Risk Assessment and SUD's proposals;
- Ability of proposed flood defenses to accommodate future extension.

- 4.3 The Environmental Protection Unit has advised that a Contaminated Land Assessment is required. This information has been provided and assessed as satisfactory subject to the provision of additional detailed survey information. This information can be required by planning condition.
- 4.4 The Health and Safety Executive, through the use of PADHI+ consultation, 'Advises Against' the proposal. This assessment is based on the considered view that more than 1000 visitors to the site may occur at any one time. It should be noted that the advise against consultation response from a statutory consultee requires that the application must be referred to Scottish Ministers for consideration prior to the issue of any grant of planning permission.
- 4.5 Shell UK has not commented on the application but is aware of the proposed development.
- 4.6 Ineos has confirmed that the proposal affects protected pipelines. The applicant has been made aware of the requirement to ensure acceptable working arrangements in the vicinity of this apparatus.
- 4.7 Scottish Natural Heritage has no objections to the proposed development subject to conditions relating to further consideration of potential disturbance to birds and sediment release during construction. This consideration can be required by planning condition.
- 4.8 Historic Scotland has no objections and has confirmed that the proposed development would not impact upon the Forth and Clyde Canal and its status as a Scheduled Ancient Monument.
- 4.9 Scottish Water has no objections.
- 4.10 SEPA has no objections subject to conditions in respect of flood risk management and environmental management obligations. These have been forwarded to the applicant's agent for consideration.
- 4.11 Transport Scotland, at the time of writing this report, has not responded to consultation. Reminders have been issued and any necessary update shall be given to Committee.
- 4.12 The Scottish Rights of Way Society has no objections to the proposed development.

## **5. COMMUNITY COUNCIL**

- 5.1 Grangemouth Community Council is aware of the proposed development but has no comment to make.
- 5.2 Bainsford, Langlees and New Carron Community Council has not commented on the proposed development.

## **6. PUBLIC REPRESENTATION**

- 6.1 Three letters of objection have been received. In addition a petition of objection with 15 signatories has been submitted. The grounds of objection are detailed and assessed in paragraphs 7b.18 – 7b.30 of this report.

## **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.7 ‘Tourism’ states:

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

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

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

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

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

7a.3 Policy ENV.5 ‘Built Environment and Heritage’ states:

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

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

7a.4 Policy ENV.7 ‘Quality of Development’ states:

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

7a.5 Policy TRANS.1 ‘Core Path Networks’ states:

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

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

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

7a.6 Policy TRANS.3 'Transport Assessment' states:

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

7a.7 The proposed development seeks to promote use of the site for tourism, outdoor recreation, improved use of the Forth and Clyde Canal by re-developing existing infrastructure to provide a focus for development of the Helix. A high design standard is exhibited, core paths are respected and a Transport Assessment has been provided. The fixed site location given the Forth and Clyde Canal position and the proposed uses justify and accord with Green Belt policy. The proposal is therefore considered to comply with relevant Structure Plan policies.

### **Falkirk Council Local Plan**

7a.8 Policy EQ1 'Sustainable Design Principles' states:

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

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

7a.9 The applicant has endeavoured to emphasise the sensitive approach in designing drainage infrastructure, implementing landscape planting and maintenance, along with a focus on providing pedestrian and vehicular access in a sustainable approach to the scheme.

7a.10 Policy EQ21 - 'Falkirk Greenspace' states:

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

- (1) Appropriate woodland creation and management, where landscape quality, access, biodiversity, and connectivity across the Greenspace can be promoted;*
- (2) The creation of an interlinked network of paths within the Greenspace, with particular emphasis on a principal circular route, as a key part of the core path network, complemented by secondary routes where appropriate; and*

- (3) *Requiring developers in urban fringe locations to contribute to landscape and/or access improvements in association with new development.”*

7a.11 The application is considered to accord with this policy, reflecting on the proposal's landscape quality, access, biodiversity and connection to adjoining areas of land.

7a.12 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.13 The proposal is considered to actively promote outdoor access and provide paths, walkways and facilities which should encourage visitor participation with the site and wider Helix project.

7a.14 Policy EP18 - ‘Major Hazards’ states:

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

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

7a.15 The application site sits within the consultation area of hazardous installations at the Grangemouth petrochemical area. The Health and Safety Executive through use of PADHI+ consultation has "Advised Against" the proposal. This is on the basis of identifiable risk to visitors to the site. The application will, on this basis, require to be referred to Scottish Ministers, if the Committee is minded to grant permission. It is however considered that in view of information submitted by the applicant demonstrating that it is unlikely that more than 1000 visitors would be attracted to the site at anyone time that the proposal accords with this policy.

7a.16 Policy ST10 - 'Parking' states:

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

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

7a.17 The parking provision envisaged is considered adequate to reflect the potential visitor numbers subject to the identified overspill areas being brought into use when the initial parking provision has been exceeded. Further detail relating to design and vehicle circulation will be required by planning condition.

7a.18 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.19 The Sustainable Urban Drainage System to be employed for the wide Helix site has previously been considered acceptable. Further details are required by planning condition to ensure the proposal accords with the approved system.

7a.20 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.21 The proposed development would, through transport impacts identified in the submitted Transport Assessment, result in increased pressure on Junction 5 and 6 of the adjacent M9 motorway. The upgrading of Junction 6 is the first junction upgrade to be programmed. A pro-rata contribution of £276,000 has been calculated by the Transport Planning Unit of Falkirk Council based on traffic generation identified in the Transport Assessment. The appropriateness of this request is assessed in paragraphs 7b.10 – 7b.15.

7a.22 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.23 Public access to the site is considered by the Transport Planning Unit to require upgrading through the implementation of a bus service to the site. The serving of the site for an initial period of 3 years is requested at an estimated cost of approximately £100,000 per annum. Thereafter it is hoped that the implemented service would be operated on a commercial basis. The request for a contribution in this regard is consistent with the aims of Policy ST3 and Policy SC11, above. The appropriateness of this request, in the circumstances of this application, is assessed in paragraphs 7b.10 – 7b.15.



7a.24 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.25 The proposed erection of 'kelpie' sculptures accord with the aims of Policy EQ9 to promote public realm improvements. The required Percent for Art scheme is not applicable given the Big Lottery funding for the project.

7a.26 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.27 The proposed development does not directly affect the Forth and Clyde Canal's status as a Scheduled Ancient Monument. The extension would link to the previous 'Carron cut' link from the Scheduled Canal to the River Carron constructed in more recent history. The now proposed extension will link with the 'Carron Cut'. No adverse impact on the Forth and Clyde Canal, as a Scheduled Ancient Monument, is considered to occur. This has been confirmed through consultation with Historic Scotland which has no objections to the proposed development.

7a.28 Policy EQ27 - 'Watercourses' states:

*"The Council recognises the importance of watercourses within the Council area in terms of their landscape, ecological, recreational and land drainage functions. Accordingly:*

- (1) There will be a general presumption against development which would have a detrimental effect on the landscape integrity, water quality, aquatic and riparian ecosystems, or recreational amenity of watercourses. Development proposals adjacent to a watercourse should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
- (2) Watercourses will be promoted as recreational corridors, with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives; and*
- (3) There will be a general presumption against the culverting of watercourses."*

7a.29 The proposed development as stated above has been shown not to adversely impact on the Forth and Clyde Canal. The positive opportunities for tourism and outdoor access that the proposal provides have previously been noted in this report.

7a.30 Policy ST6 - 'Improving The Road Network' states:

*"Falkirk Council will work with other authorities, the Scottish Executive and developers in delivering necessary improvements to the road network. Any improvements identified will be taken forward as part of packages of measures that support sustainable transport."*

7a.31 Falkirk Council's Transport Planning Unit has liaised with Transport Scotland, albeit no consultation reply has been received from Transport Scotland in relation to this planning application, in preparing a consultation response to this planning application. Requests for developer contribution in relation to M9 Junction 6 and public transport are sought following detailed assessment of the applicant's Transport Assessment. The appropriateness of these requests is assessed in paragraphs 7b.10 – 7b.15.

7a.32 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.33 The submitted Transport Assessment has been assessed by the Transport Planning Unit of Falkirk Council. The Transport Assessment has been accepted in principle although additional information will be required by planning conditions and legal agreement. The Transport Assessment has defined network impacts and these could be mitigated by developer contributions detailed earlier in this report. The appropriateness of these requests is assessed in paragraphs 7b.10 – 7b.15.

7a.34 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.35 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.36 The Helix project is supported by an overarching Flood Risk Assessment for all project land. The proposed development has been appropriately designed in the context of this study. The site has been assessed as capable of accommodating the proposed development although details of exact SUDs measures will be required by planning condition.

7a.37 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be addressed are the points raised through consultation and in the submission of representations made with respect to the application.

### ***Consultation Responses***

7b.2 In terms of the Health and Safety Executive, the applicant has provided opinion that, at no time, will more than 1000 visitors be in attendance. However, the ability to control the number of visitors is not within the control of the Council as planning authority. The proposal is therefore considered to have the potential to attract in excess of 1000 visitors to the site at any one point in time. PADHI+ assessment has therefore attracted an ‘advise against’ consultation response from a statutory consultee and referral to Scottish Ministers would therefore be required, if the Committee were minded to grant permission.

7b.3 The comments of the Transport Planning and Roads Development Units of Falkirk Council express concerns mainly in relation to operational aspects of the proposed development and can be addressed and controlled by suitably worded planning conditions. Financial contributions to the upgrading of the M9 Junction 6 and public transport to the site would require the negotiation of a S75 Legal Agreement to ensure acceptable financial provision and implementation.

7b.4 The applicant has provided a breakdown of implemented and planned financial expenditure for improvements to public access and sustainable transport to the site and the wider Helix project area. The extent of this expenditure, implemented and planned, amounts to £4.6 million. All of this expenditure is claimed to provide sustainable, non-motorised, transport to the site or within the wider vicinity. The applicant has confirmed that Big Lottery funding does not provide for contributions over and above identified necessary Helix infrastructure.

7b.5 The applicant has therefore made a case, on the basis of the public funding arrangements for the Helix, the uniqueness of the project as a major environmental regeneration initiative and the level of public access improvements provided or intended, that no contribution to the M9 Junction 6 upgrading should be required.

7b.6 In response to the request for financial contribution to provide public transport to the site, the applicant has provided an assessment of public transport accessibility and options. The site is dictated by the location of the Forth and Clyde Canal. Proximity to existing public transport services is therefore constrained. Direct public transport links exist to the south of the site to the proposed Helix Central Park which, in turn, will be linked to the site under consideration.

An addendum to the Transport Assessment has confirmed the position of a bus stop on Glensburgh Road, within 200 metres of the eastern edge of the site. Bus services in proximity to the site are also identified.

- 7b.7 On the basis of identified public transport opportunities and the constraints to Big Lottery funding expressed previously, the applicant has indicated that the request for public transport contributions is not considered necessary or financially achievable.
- 7b.8 The proposed development aims, implementation of and integration with sustainable transport opportunities to the site and wider project area are an integral part of the ethos of the Helix. These aims in themselves accord with transport policies of the Development Plan.
- 7b.9 The application site is fixed given the location of the Forth and Clyde Canal, and the funding restrictions of the Helix and subsequent transport improvements are noted. In these respects the applicant has cogently demonstrated that financial contributions cannot be provided.
- 7b.10 The applicant has, following consultation response from the Transport Planning Unit and Roads Development Unit, provided further details for consideration with respect to the exact cost of Helix sustainable transport initiatives, existing public transport opportunities and proposed Helix links to these.
- 7b.11 A total of £4.5 million will be expended on walking and cycling initiatives to improve sustainable access to the site and wider Helix area. A specific example of these initiatives is the recently completed 3 metre wide high quality footpath/cycle link between Polmont and Grangemouth, via Primrose Avenue. This link replaces a desire line severed by construction of the M9 in the 1960's. Since M9 construction, there has been continued use of this desire line, involving unauthorised pedestrian crossing of the M9, and this has resulted in two fatalities and a serious casualty. The societal cost of these accidents has been calculated at £3.3 million.
- 7b.12 With respect to the requested financial contribution to M9 improvements by the Transport Planning Unit of Falkirk Council, it is considered that the total cost of Helix sustainable transport initiatives and potential future societal savings by providing these safe community links provide unique circumstances that justify not seeking contributions related to this application.
- 7b.13 Financial contribution to public transport improvements have also been requested by the Transport Planning Unit of Falkirk Council. The applicant has, as previously advised, provided further details of accessibility to public transport, through a Transport Assessment Addendum, adjacent to the site and the wider Helix area.
- 7b.14 It is considered that, in cognisance of the Helix sustainable transport initiatives, lack of funding opportunities to meet requested contributions and more detailed public transport opportunity assessment, a financial contribution to bus service provision to the site is not achievable. It should also be noted that a commercially viable bus service operates to the Falkirk Wheel, and that this adds further weight to not insisting on subsidised bus servicing of the site.
- 7b.15 On balance, it is considered that the unique circumstances of the funding of the Helix, programmed sustainable transport improvements for the site and wider Helix area and the societal benefits of these improvements do not justify the seeking of financial contributions towards M9 Junction improvements or bus service provision.

- 7b.16 The requirement of Falkirk Council's Environmental Protection Unit and SEPA with regard to further environmental investigation and implementation can be required by planning condition.
- 7b.17 The need for further investigation and mitigation of potential impacts expressed by SNH can be required by planning condition.

### ***Public Representations***

- 7b.18 Three online objections have been received from residents of Devon Street and Bank Street, Grangemouth. The grounds of objection relate to concerns of :
- Flood risk at times of high tide and heavy rain;
  - Impact on wildlife during construction;
  - Construction impacts such as noise and vibration;
  - Proposed path over looking existing gardens;
  - Loss of existing pedestrian access to rear gardens;
  - Traffic delays when the proposed Glensburgh Road bridge is lifted.
- 7b.19 A petition with 15 signatories, individually acknowledged in writing, has also been submitted from residents in the surrounding area. The petition raises objection relating to:
- Inefficient use of tax payer's money for the Helix;
  - HSE implications in respect of hazardous installations;
  - Financial claims in respect of potential damage of property;
  - Inability of residents to obtain building insurance after development;
  - Potential flood risk;
  - Risk to public safety of water proximity to housing;
  - Clay ground conditions.
- 7b. 20 A response to the submitted objections is now provided.
- 7b.21 A Flood Risk Assessment has been prepared for the wider Helix proposal and includes detailed assessment of the proposed Canal extension. The Canal extension has not been assessed as contributing to an increased flood risk. The Canal extension will introduce a controlled water course with engineered flood defenses between the River Carron and existing houses.
- 7b.22 Potential impacts on wildlife during construction have been identified by SNH in consultation. The applicant, following further research and the submission of additional information has satisfied the requirements of SNH subject to appropriately worded planning conditions.

- 7b.23 An existing footpath runs along the north boundaries of houses in Devon Street, Grangemouth at an elevated level. This footpath would be re-positioned closer to housing at the same level as existing. Screen planting is proposed to limit potential impacts on residential amenity. Existing pedestrian gates in rear garden fencings, albeit an informal arrangement, would be unaffected by the relocated footpath.
- 7b.24 Potential traffic disruption and vehicle queuing following construction of the proposed. Glensburgh Road lifting bridge has been assessed in the submitted Transport Assessment. A Road Safety Assessment is required and some operational arrangements of the bridge require to be clarified by planning condition. The Transport Assessment states that operational impacts of the bridge on existing and future traffic circulation are acceptable in the off peak periods (the bridge would not operate in peak periods). The Transport Planning Unit considers that this cannot be guaranteed, but suggest that any future problems could be addressed by a bridge operation protocol and travel plan, both covered by a section 75 obligation.
- 7b.25 Judgment of the financial efficiencies of the Helix proposal are not a material planning consideration.
- 7b.26 Potential impacts on visitors to the site arising from nearby hazardous installations have been appropriately considered through consultation with HSE. This consultation has resulted in an "Advise Against" response and is therefore subject to referral to Scottish Ministers.
- 7b.27 Financial claims against the applicant for potential damage to the structure of existing buildings is a civil matter. The applicant has exhibited due diligence by conducting a survey of existing building condition to allow future structural assessment.
- 7b.28 The ability of residents to obtain building insurance is not a material planning condition. It is considered however that the implementation of proposed flood defences and a controlled water course will not exacerbate current considerations by insurers of the River Carron with no flood defences.
- 7b.29 The proposed Canal extension is not considered to represent a risk to public safety. The Forth and Clyde Canal is a culturally recognised feature in the Falkirk Council Area and the associated risks of water historically accepted. In addition the River Carron exists in proximity to surrounding housing. The introduction of an extension to the Canal is not considered to be a significantly greater risk to the public over and above existing water courses.
- 7b.30 Clay ground conditions have been assessed by the applicant in ground investigation reports submitted with the application. This investigation has demonstrated acceptable ground conditions to enable construction of the proposed development.

## **7c Conclusion**

- 7c.1 The proposed development has demonstrated compliance with all relevant Development Plan policies.
- 7c.2 With the exception of HSE and potentially Transport Scotland requirements, the views of consultees have either been accommodated during assessment of the application or can be

achieved by appropriately worded planning conditions. The seeking of financial contribution to M9 junction improvement and bus service provision has not been demonstrated to be justifiable for this particular development.

- 7c.3 The "Advise Against" consultation response using HSE PADHI+ would require referral to Scottish Ministers, if the Committee is minded to grant permission
- 7c.4 The views of objectors understandably stem from the development of a major water infrastructure proposal in proximity to housing. The applicant has however demonstrated, through the provision and appraisal of technical study, that the proposal would not adversely impact on safety and residential amenity.
- 7c.5 There are no material considerations which would justify setting aside policies of the Development Plan and refusing planning permission.

## **8. RECOMMENDATION**

- 8.1 **It is therefore recommended that Members indicate that they are minded to grant Planning Permission subject to referral to Scottish Ministers in view of the "Advise Against" consultation response from HSE and absence of comments or agreement from Transport Scotland, unless resolved in subsequent agreement to the satisfaction of the Director of Development Services.**
- 8.2 **On conclusion of any referral of the application to Scottish Ministers, referred to in section 8.1 above, to the satisfaction of the Director of Development Services, Members remit to the Director of Development Services to grant planning permission subject to:**
  - (a) **the satisfactory completion of an obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, relating to a Travel Plan, installation of Toucan crossings and any other associated off site works, and a bridge operation protocol and maintenance procedure; and**
  - (b) **the following conditions:**
    - (1) **The development to which this permission relates must be begun within three years of the date of this permission.**
    - (2) **Prior to the commencement of development, the following shall be submitted for the prior written approval of the Planning Authority:**
      - (i) **Information addressing the comments of Falkirk Council's Transport Planning Unit in its consultation response dated 3 August 2011 and Falkirk Council Roads Development Unit in its consultation response dated 22 August 2011 in respect of: a signing strategy for the site, Toucan pedestrian crossing implementation on the A9, A904 and on Glensburgh Road, independent Road Safety Audits for the Glensburgh Road lift bridge and Toucan crossings, lift bridge operation protocol and maintenance procedure.**

(ii) Sustainable Urban Drainage (SUDs) proposals in the context of the wider Helix arrangements, including design calculations for 1:200 year storm events.

(iii) Amended access and parking drawings to ensure compliance with Falkirk Council's design Guidelines and Construction Standards for Roads in the Falkirk Council Area in respect of bus turning, access road gradient and alignment, DDA compliant access on lifting bridge and flood defences capable of future extension.

**(3) Prior to the commencement of development:**

(i) A site specific Detailed Quantitative Risk Assessment shall be undertaken in respect of the contamination identified on site through the Site Investigation and Generic Risk Assessment. This shall address both long term risk to human health and the water environment. This shall be submitted for the written approval of Falkirk Council prior to works beginning on site.

(ii) Any soils to be re-used on site shall be shown to be suitable for their proposed use. This shall be submitted and approved in writing by Falkirk Council prior to works beginning on site.

(iii) Any future works to be undertaken on site such as piling and excavation work shall be suitably protective of the water environment, human receptors to ensure no preferential pathways are created during these works.

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the provision of adequate detailed information to ensure acceptable road safety.
- (3) To ensure that the ground is made suitable for the proposed use.

**Informative(s):-**

- (1) This application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.
- (2) Due to the proximity of dwellinghouses to the proposed development, the applicant should have regard to controlling any noise produced by future use of the development to ensure that no noise nuisance is caused if noise complaints were received about the development. The Environmental Health Unit would be obliged to investigate and take any necessary action if the complaints were found to be justified under Statutory Nuisance Legislation.



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Director of Development Services

Date: 14 September 2011

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan.
3. Letter of Objection from Mr William Paisley, 1 Rosevale, 1 Glensburgh Road, Grangemouth, FK3 8XL received on 21 April 2011.
4. Letter of Objection from Mrs Jessie Ross, 52 Bank Street, Grangemouth, FK3 8EY received on 6 April 2011.
5. Letter of Objection from Mrs Kathleen Johnstone, 37 Devon Street, Grangemouth, FK3 8HG received on 29 March 2011.
6. Petition received on 27 April 2011 and individually acknowledged to the following signatories.  
Mr Robert Campbell, 59 Tweed Street, Grangemouth, FK3 8HA  
M Beattie, 10 Don Street, Grangemouth, FK3 8HD  
G Paton, 35 Don Street, Grangemouth, FK3 8HD  
A McKie, 34 Bank Street, Grangemouth, FK3 8EY  
Ross Campbell, 40 Don Street, Grangemouth, FK3 8HD  
Irine Hannah, 59 Tweed Street, Grangemouth, FK3 8HA  
Y Harkin, 2 Rosevale, Glensburgh Road, Grangemouth, FK3 8XL  
J Thomson, 55 Devon Street, Grangemouth, FK3 8HG  
D Holland, 5 Devon Street, Grangemouth, FK3 8HG  
F Langhorn, 31 Devon Street, Grangemouth, FK3 8HG  
G Chester, 46 Bank Street, Grangemouth, FK3 8EY  
B Graham, 43 Devon Street, Grangemouth, FK3 8HG  
N McLean, 27 Devon Street, Grangemouth, FK3 8HG  
J Skinner, 1 Devon Street, Grangemouth, FK3 8HG  
S Corbett, 38 Bank Street, Grangemouth, FK3 8EY

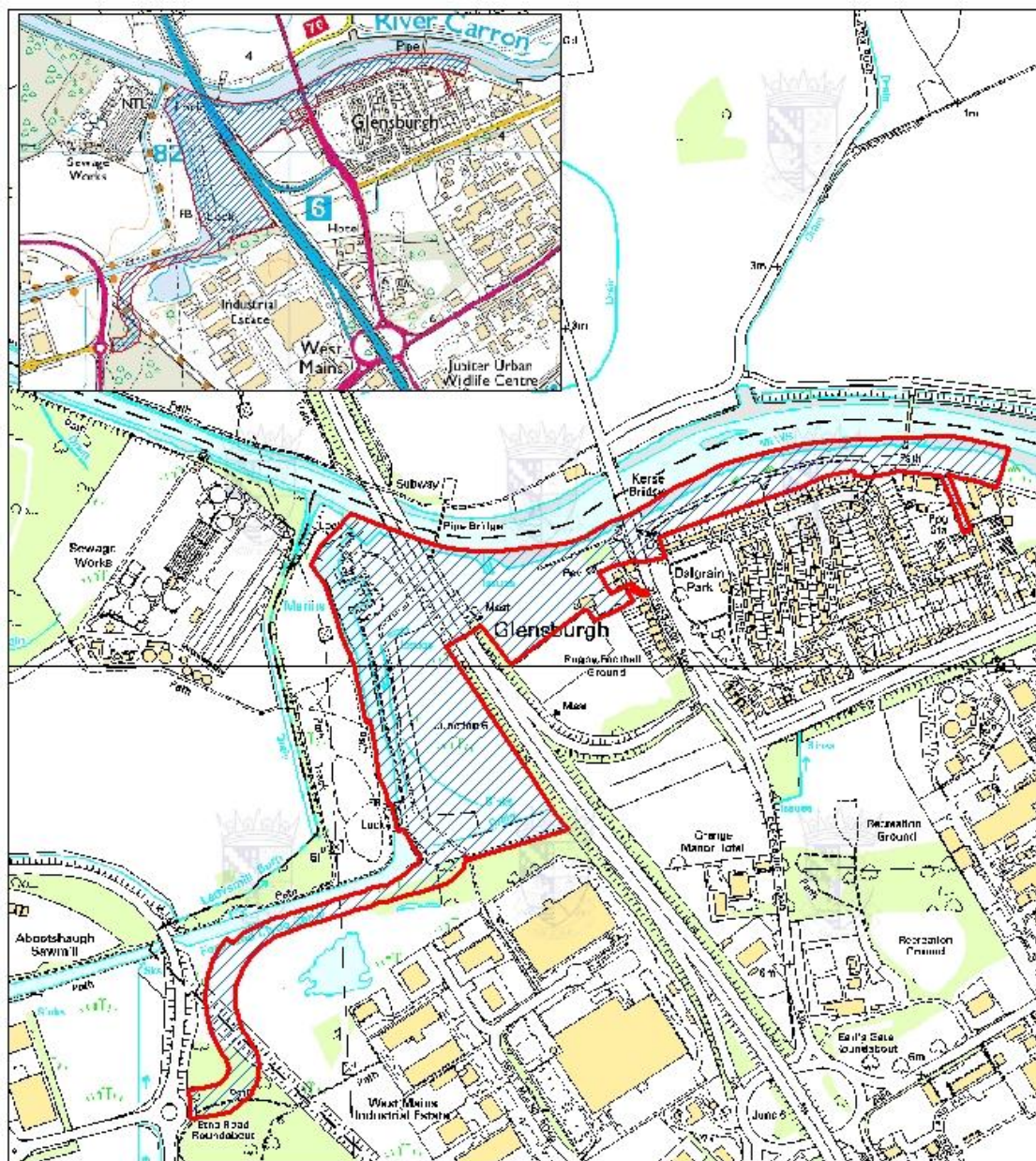
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/11/0154/FUL**

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



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**FALKIRK COUNCIL**

**Subject:** EXTENSION TO DWELLINGHOUSE AT  
77 PARK ROAD, FALKIRK, FK2 7PU, FOR MR & MRS MCPHEE  
– P/11/0473/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Falkirk North  
Provost Pat Reid  
Councillor David Alexander  
Councillor Craig R. Martin  
Councillor Cecil Meiklejohn

**Community Council:** Langlees, Bainsford and New Carron

**Case Officer:** Katherine Chorley (Assistant Planning Officer), Ext. 4704

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The applicants seek consent for a two storey side extension to provide an additional bedroom at first floor level and a larger kitchen at ground floor level.
- 1.2 The application site is a detached property located in a recently developed housing estate. It is constructed of facing brick work with brown concrete roofing tiles. There is a small garden to the side and rear and a free-standing garage located across the road.

**2. REASON FOR COMMITTEE CONSIDERATION**

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

**3. SITE HISTORY**

- 3.1 P/11/0318/FUL - Extension to dwelling house. Withdrawn.

**4. CONSULTATIONS**

- 4.1 The Environmental Protection Unit have raised no objection to the proposal, however they have requested that a condition relating to contaminated land be attached to any consent given and an informative relating to noise during construction work.

## **5. COMMUNITY COUNCIL**

- 5.1 The Langlees, Bainsford and New Carron Community Council have not commented on the application.

## **6. PUBLIC REPRESENTATION**

- 6.1 During the course of the application, two letters of objection were received by the Council. The salient issues are summarised below:

- Overshadowing from extension, design concerns, loss of views, privacy and sunshine and drainage concerns.

## **7. DETAILED APPRAISAL**

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

Accordingly,

### **7a The Development Plan**

#### ***Falkirk Council Structure Plan***

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

#### ***Falkirk Council Local Plan***

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

*"Extensions and alterations to residential properties will be permitted where:*

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

- 7a.3 Policy SC9 Part (1) advises that the scale, design and materials should be sympathetic to the existing dwelling and neighbouring properties. It is considered that the location and scale of the extension would not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties. In addition to this, it is considered that the proposal would not result in an overdevelopment of the plot. The scale, design and materials of the proposal are considered to be sympathetic to the existing dwelling and surrounding area.

- 7a.4 A condition is proposed to ensure that the first floor window facing 50 Sainford Crescent is obscure glazed and will not result in overlooking of this property. The velux windows on the rear roof slope are located a minimum of 1.8m above floor level and would not therefore increase levels of overlooking. The remaining windows would not overlook neighbouring properties due to the existence of high level fencing around the property.
- 7a.5 The proposed development retains adequate off-street parking facilities and amenity space for a dwelling of this size in accordance with policy SC9.
- 7a.6 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed are the Falkirk Council Supplementary Guidance Note, the consultation response and the public representations.

### ***Falkirk Council Supplementary Guidance***

- 7b.2 Falkirk Council's Supplementary Planning Guidance Note (SPGN) on House Extensions and Alterations advises that in more recent areas of detached and semi-detached houses the spaces between buildings help to create the character of the street and should be protected. It adds that 2 storey extensions are only permitted where they do not disturb the street pattern or are 4m from any adjacent gable.
- 7b.3 The proposed extension is set back from the front of the original house, set in from the side of the property and has a reduced ridge height ensuring it appears subservient. While it is not set in from the boundary by the full 1m suggested in the SPGN, this is not considered a justifiable reason for refusal given the significant distance between this property and the adjacent property, number 75. The extension is located more than 4m from the adjacent gable and would not have a detrimental impact on the appearance of the street scene. The materials are proposed to match the original house and as such it complies with the Council's design guidance on house extensions.
- 7b.4 The design guidance also states that extensions should be no closer than 4m where the extension is proposed to be immediately opposite the only window to a habitable room in a neighbouring house. The extension would be located more than 10m away from the neighbouring property, number 37 and significantly further away from number 35 and as such would not have an overbearing impact on these properties or result in overshadowing.

### ***Consultation Responses***

- 7b.5 The Environmental Protection Unit has raised no objection to the proposal, however they have requested that a condition relating to contaminated land be attached to any consent given and an informative relating to noise during construction work.

### ***Assessment of Public Representations***

- 7b.6 Loss of views is not a material planning consideration and cannot therefore be a consideration in the determination of this application. Drainage issues are also not a material planning consideration in this case and may be dealt with at the Building Standards stage.

7b.7 All other issues raised from consultation are dealt with above.

## **7c Conclusion**

7c.1 It is considered that the proposal is an acceptable form of development and therefore is assessed as according with the Falkirk Council Local Plan and the Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations, and no major issues have been raised through consultation. There are no material considerations which would merit refusal of this application in these circumstances.

## **8. RECOMMENDATION**

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

1. The development to which this permission relates must be begun within three years of the date of this permission.
2. Prior to the occupation of the extension, the first floor window in the side elevation of the extension shall be glazed using obscured glass and shall remain so glazed.
3.
  - (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.

**Reason(s):**

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

2. In order to prevent an unacceptable degree of overlooking of nearby residential properties.
3. To safeguard the environmental amenity of the area.

**Informatives:**

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

**Pp**

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**Director of Development Services**

**Date:** 14 September 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Supplementary Guidance Note on House Extensions and Alterations.
4. Letter of objection from Mr and Mrs Simpson, 35 Park Road, Falkirk, FK2 7PT received on 17 August 2011.
5. Letter of objection from Mr and Mrs Anderson, 37 Park Road, Falkirk, FK2 7PT received on 17 August 2011.

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

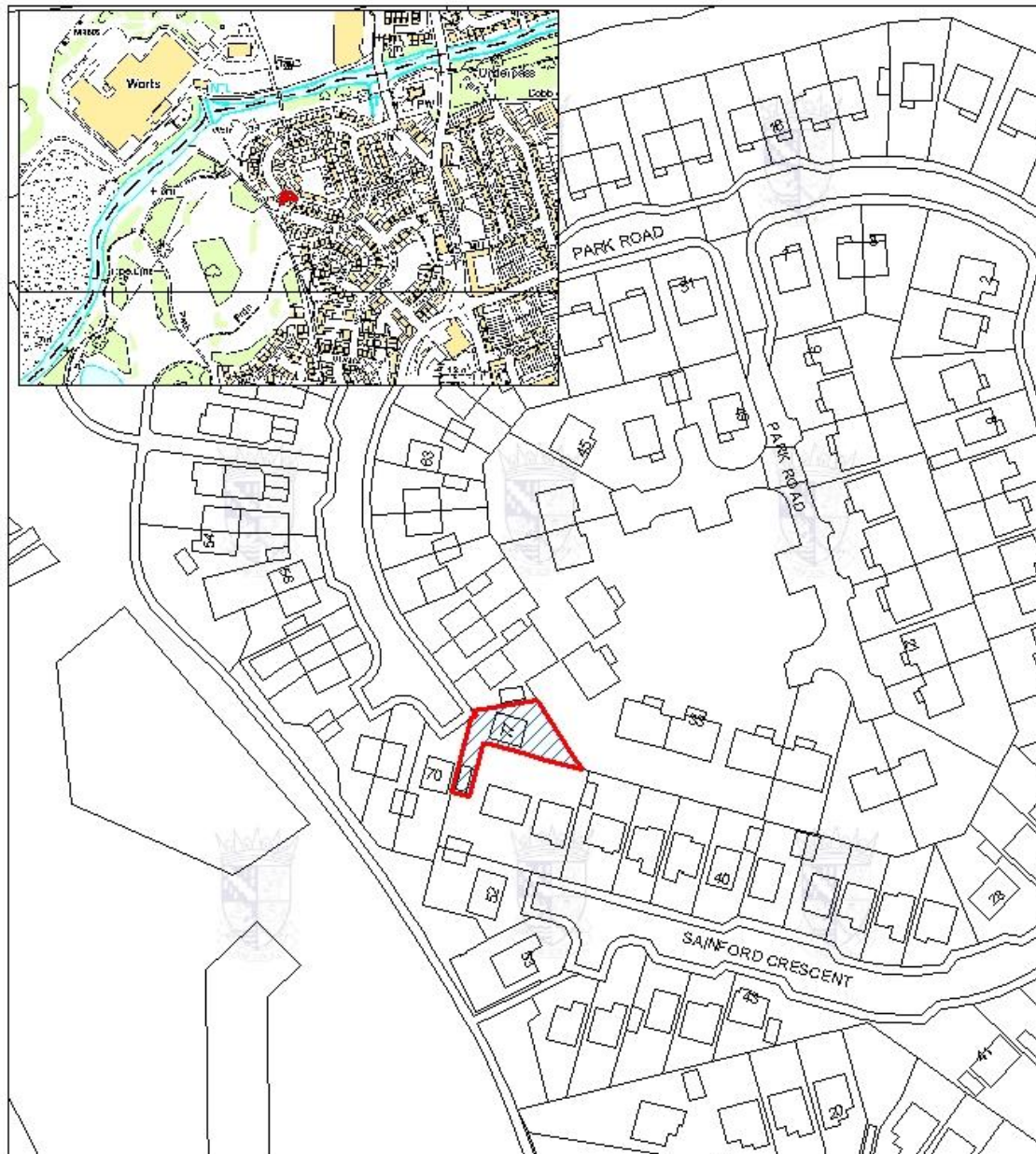


# Planning Committee

## Planning Application Location Plan

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