

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 21 SEPTEMBER 2011 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

ATTENDING: Director of Development Services; Chief Governance Officer; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (B Whittle); Transport Planning Co-ordinator; Roads Development Officers (R Mackenzie and G Crawford); Senior Planning Officers (A Finlayson, J Milne and P Harris); Senior Forward Planning Officer (R Teed); Planning Officer (A Lewis); Environmental Health Officer (S Henderson); Network Officer (J Allan); Outdoor Access Officer (M Brown); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST:

Councillor Mahoney declared a non-financial interest in Item 14 (minute P83) as a Director of the Helix Trust and that he would take no part in discussion or consideration of the item of business.

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

- Councillor Mahoney informed the Committee that as he had not attended the site visits, he would not take part in consideration of planning applications P/11/0112/FUL, P/11/0322/FUL and P/11/0347/FUL (minute P73, P76 and P77).
- Councillor McNeill informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/11/0112/FUL, P/11/0322/FUL and P/11/0347/FUL (minute P73, P76 and P77).
- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning applications P/11/0112/FUL, P/11/0322/FUL and P/11/0347/FUL (minute P73, P76 and P77).
- Councillor Oliver informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/10/0646/PPP, P/11/0112/FUL, P/11/0194/PPP, P/11/0311/FUL, P/11/0322/FUL, P/11/0347/FUL and P/11/0439/75M (minute P72, P73, P74, P75, P76, P77 and P78) as he was sufficiently familiar with the sites.

P68. OPENING REMARKS

Prior to the commencement of business, the Convener 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 enforcement options.

P69. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 24 August 2011;
- (b) Minute of Meeting of the Planning Committee held On-Site on 5 September 2011; and
- (c) Minute of Meeting of the Planning Committee held On-Site on 9 September 2011.

P70. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/10/0857/FUL, P/10/0636/FUL, P/11/0305/FUL, P/11/0154/FUL and P/11/0473/FUL (minute P79, P80, P81, P83 and P84) to allow inspections of the sites by the Committee.

Councillor C Martin entered the meeting during consideration of the following item of business.

P71. THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR DISABLED PERSONS) (No.96) ORDER 2010

There was submitted Report (circulated) dated 14 September 2011 by the Director of Development Services seeking a decision on an application for a disabled parking space numbered No.10/096 in Duncan Avenue, Falkirk.

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

P72. ERECTION OF DWELLINGHOUSE, STABLES AND EQUESTRIAN ARENA ON LAND TO THE EAST OF DENOVAN COTTAGE, DENNY FOR MR A THOMSON - P/10/0646/PPP (CONTINUATION)

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 and an additional Report

(circulated) dated 14 September 2011 by the said Director 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.

Councillor Mahoney, seconded by Councillor Oliver, moved that Committee be minded to grant the application in principle in accordance with the recommendations in the Report.

By way of an Amendment, Councillor Buchanan, seconded by Councillor Nicol, moved that the application be refused on the grounds of road safety and the exacerbation of the problems at an already dangerous road bend.

On a division, 9 Members voted for the Motion and 2 voted for the Amendment.

Accordingly, **AGREED** that Committee 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; and
- (b) 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) The permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:-
 - (a) the siting, size, height, design and external appearance of the proposed development;
 - (b) details of the access arrangements; and
 - (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 three years from the date of the grant of planning permission in principle; or
 - (b) the expiration of six months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of six months from the date on which an appeal against such refusal was dismissed, whichever is the latest.

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

- (3) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
- (a) the expiration of five years from the date of the grant of the planning permission in principle; or
 - (b) the expiration of two years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) 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 the Planning Authority.
- (5) Before the development commences, a Contaminated Land Assessment shall be submitted to and approved in writing by the 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 the 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 the 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 the 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 the 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 the Planning Authority.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To 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 the decision refer(s) bear the 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.

P73. 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) (CONTINUATION)

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 and an additional Report (circulated) dated 14 September 2011 by the said Director 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 **REFUSE** planning permission on the basis that:-

- (1) The proposed development would represent overdevelopment of the site contrary to Policies EQ3: Townscape Design, and SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan;
- (2) The proposed development would be of an unacceptable scale contrary to Policies EQ3: Townscape Design, SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan and Supplementary Planning Guidance on Housing Layout and Design;
- (3) The proposed development would result in unacceptable levels of privacy and amenity for the proposed dwellinghouse and neighbouring properties contrary to Policy SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan;
- (4) The position of the proposed dwellinghouse would be out of keeping with the well established residential character of the area contrary to Policies EQ3: Townscape Design, and SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan
- (5) The proposed development would result in an unacceptable level of parking provision contrary to Policy SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan; and
- (6) The proposed development would be unacceptable in terms of landscaping contrary to Policy SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan.

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

P74. 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 (CONTINUATION)

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 and an additional Report (circulated) dated 14 September 2011 by the said Director 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.

Councillor Thomson, seconded by Councillor Alexander, moved that the application be refused in accordance with the recommendations in the Report.

By way of an Amendment, Councillor McLuckie, seconded by Councillor Nicol, moved that the application be continued for clarification by Education Services on the position regarding their objection, further information on the health and safety issues in relation to the pylons on the site and the appearance maintenance and enhancement proposals for the large area of green space at the site.

On a division, 5 Members voted for the Motion and 6 voted for the Amendment.

Accordingly, **AGREED** to **CONTINUE** consideration of this item of business to obtain the following information in relation to:-

- (1) Clarification by Education Services on the position regarding their objection;
- (2) Clarification of the health and safety issues regarding the pylons on the site; and
- (3) Clarification on the appearance of and the maintenance and enhancement proposals for the large area of green space at the site.

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

P75. ERECTION OF DWELLINGHOUSE ON LAND TO THE NORTH OF 4 MERRYLEES COTTAGE, LINLITHGOW FOR MR AND MRS STODDART - P/11/0311/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P54 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services and an additional Report (circulated) dated 14 September 2011 by the said Director 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.

Councillor Turner, seconded by Councillor Thomson, moved that the application be approved, subject to appropriate conditions as determined by the Director of Development Services.

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

On a division, 7 Members voted for the Motion and 5 voted for the Amendment.

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

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

Councillor Mahoney left and re-entered the meeting during consideration of the following item of business but was not taking part in consideration or discussions thereon.

P76. EXTENSION TO DWELLINGHOUSE (2 STOREY TO REAR) AT 8 MCCAMBRIDGE PLACE, LARBERT FK5 4FY FOR MRS LESLEY HENDERSON - P/11/0322/FUL (CONTINUATION)

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 and an additional Report (circulated) dated 14 September 2011 by the said Director 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.

Councillor Carleschi, seconded by Councillor Lemetti, moved that the application be approved, in accordance with the recommendations in the Report together with an appropriate condition regarding the erection and maintenance of a trellis to address the problem of overlooking and privacy issues affecting the neighbouring property.

By way of an Amendment, Councillor Buchanan, moved that the application be continued to allow discussions to take place with the applicant and the residents of the neighbouring property, in association with Development Services, in order to reach a satisfactory solution to the screening between both properties for the purpose of addressing overlooking and privacy issues.

In accordance within Standing Order 19.8, and with the unanimous consent of the meeting, Councillor Carleschi withdrew his Motion together with his seconder Councillor Lemetti.

Accordingly, **AGREED** to **CONTINUE** consideration of this item of business to allow discussions to take place with the applicant and the residents of the neighbouring property, in association with Development Services, in order to reach a satisfactory solution to the screening between both properties for the purpose of addressing overlooking and privacy issues.

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

Councillor McNeill left and re-entered the meeting during consideration of the following item of business but was not taking part in consideration or discussions thereon.

Councillor Oliver re-entered the meeting prior to consideration of the following item of business.

P77. ERECTION OF DWELLINGHOUSE AT GLEN HOUSE, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR MR ALAN MILLIKEN - P/11/0347/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 August 011 (Paragraph P58 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services and an additional Report (circulated) dated 14 September 2011 by the said Director 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.

Councillor Lemetti, seconded by Councillor McLuckie, moved that the application be approved for the following reasons, and subject to appropriate conditions as determined by the Director of Development Services:-

- (1) The property would be in the garden ground of an existing house in the village;
- (2) There has previously been agreement for building within the garden ground of a nearby property; and
- (3) The site has suitable vehicular access.

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

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

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

- (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; and
- (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.

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

- P78. 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 (CONTINUATION)**

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 and an additional Report (circulated) dated 14 September 2011 by the said Director 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 **GRANT** the modification of 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.

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

- P79. INSTALLATION OF 13 WIND TURBINES, ACCESS TRACKS, SWITCHGEAR BUILDING, WIND MONITORING MAST ON LAND TO THE SOUTH OF STONERIDGE, FALKIRK FOR WIND PROSPECT DEVELOPMENTS LTD - P/10/0857/FUL**
- P80. 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**
- P81. 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**

The Convener agreed a 5 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt, with the exception of Councillors Carleschi, Mahoney and Nicol.

P82. 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

There was submitted Report (circulated) dated 14 September 2011 by the Director of Development Services on an application for full planning permission for the formation of two no flattened dwellings and the re-roofing and re-cladding of a high rise block at Paterson Tower, Seaton Place, Falkirk.

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

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

Reason:-

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

Informative:-

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

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

P83. 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 ON LAND TO THE NORTH OF WEST MAINS INDUSTRIAL ESTATE, THE HELIX, FALKIRK FOR THE HELIX TRUST - P/11/0154/FUL

P84. EXTENSION TO DWELLINGHOUSE AT 77 PARK ROAD, FALKIRK FK2 7PU FOR MR AND MRS MCPHEE - P/11/0473/FUL

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 3 OCTOBER 2011 commencing at 10.40 a.m.

PRESENT: Councillors Alexander, Buchanan, Carleschi, Lemetti, Mahoney (for disabled parking space application No.10/096 and application P/11/0473/FUL); McLuckie, McNeill, C Martin (for application P/11/0154/FUL); Nicol and Turner (for disabled parking space application No.10/096 and planning application P/11/0473/FUL).

CONVENER: Councillor Buchanan.

ATTENDING: Acting Head of Planning and Transportation (for application P/11/0154/FUL); Development Management Co-ordinator (B Whittle) (for disabled parking space application No.10/096 and application P/11/0473/FUL); Transport Planning Co-ordinator (for application P/11/0154/FUL); Network Co-ordinator (for disabled parking space application No.10/096); Senior Planning Officer (A Finlayson) (for application P/11/0154/FUL); Assistant Planning Officer (K Chorley) (for application P/11/0473/FUL); Roads Development Officer (G Crawford) (for application P/11/0154/FUL); Solicitor (K Quin), Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: None.

P83. VISIT TO CENTRAL DEMOLITION, CHATTAN INDUSTRIAL ESTATE, BONNYSIDE, BONNYBRIDGE

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

P84. THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR DISABLED PERSONS) (NO.96) ORDER 2010 – DUNCAN AVENUE, FALKIRK

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P71 refers), Committee gave further consideration to Report (circulated) dated 14 September 2011 by the Director of Development Services seeking a decision on an application for a disabled parking space numbered No.10/096 from a resident of Duncan Avenue, Falkirk.

The Convener introduced the parties present.

Members noted that neither the applicant nor objectors were invited to attend and make representations to the site meeting. The governing legislation for roads procedures of this nature, the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, set down formal requirements and timescales for objections to Orders to be made and if it were determined by the authority that a Hearing should be held, the Hearing required to be conducted by an independent Reporter appointed by the authority from a list of persons compiled by the Scottish Ministers and in accordance with procedures determined by the Reporter. To hear objectors at a site visit of this nature would not be in compliance with the procedures set down in the legislation. Members of the Planning Committee were, however, fully apprised of the written objections received during the statutory objection period ending on 16 December 2010.

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

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 2 November 2011.

P85. EXTENSION TO DWELLINGHOUSE AT 77 PARK ROAD, FALKIRK FK2 7PU FOR MR AND MRS MCPHEE - P/11/0473/FUL

With reference to Minute of Meeting of the Planning Committee held on 21 September 2011 (Paragraph P84 refers), Committee gave further consideration to Report (circulated) dated 14 September 2011 by the Director of Development Services on an application for full planning permission for the extension to a dwellinghouse at 77 Park Road, Falkirk.

The Convener introduced the parties present.

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

Mr Thomson, the applicant's agent, spoke in support of the application.

Mr McPhee, the applicant, spoke in support of the application.

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

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

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

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

The objections as submitted included overshadowing of neighbouring properties from the extension, design concerns, loss of views, privacy and sunshine and drainage concerns.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 2 November 2011.

P86. 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 ON LAND TO THE NORTH OF WEST MAINS INDUSTRIAL ESTATE, THE HELIX, FALKIRK FOR THE HELIX TRUST - P/11/0154/FUL

With reference to Minute of Meeting of the Planning Committee held on 21 September 2011 (Paragraph P83 refers), Committee gave further consideration to Report (circulated) dated 14 September 2011 by the Director of Development Services on an application for full planning permission for the erection of two 30 Metre High 'Kelpie' sculptures; formation of landscaped canal "hub" area, including visitor facilities, parking and ancillary development, the 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 on land to the north of West Mains Industrial Estate at the Helix, Falkirk.

The Convener introduced the parties present.

The Senior Planning Officer (A Finlayson) outlined the nature of the application.

Mr Miller, British Waterways, the applicant's representative, spoke in support of the application.

The applicant's agent spoke in support of the application.

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

The objections as submitted included the following issues:-

- The flood risk at times of high tide and heavy rain;
- The impact on wildlife during construction;
- The construction impacts such as noise and vibration;
- The proposed path overlooking existing gardens;
- The loss of existing pedestrian access to rear gardens;

- The traffic delays when the proposed Glensburgh Road bridge is lifted;
- The inefficient use of tax payer's money for the Helix;
- The health and safety implications in respect of hazardous installations;
- The resultant financial claims in respect of potential damage of property;
- The inability of residents to obtain building insurance after development;
- The risk to public safety of water proximity to housing; and
- The problems associated with clay ground conditions.

Mr Rusack, in support, but not having submitted letter of support, was heard in relation to the application indicated the improvements in terms of safety for boat users and the economic benefit to the area.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 2 November 2011.

Members thereafter visit the sites of the car parking and area for the location of the Kelpies and the Visitors Centre.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on WEDNESDAY 12 OCTOBER 2011 commencing at 9.30 a.m.

PRESENT: Councillors Alexander, Buchanan, Lemetti (Items P87 and P88 only), McLuckie, McNeill, Mahoney (Item P89 only), Nicol and Thomson.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors C Martin, Oliver and Turner.

ATTENDING: Development Manager; Senior Planning Officer (J Milne) Roads Development Officer (R MacKenzie); Environmental Health Officer (S Henderson); Senior Planning Officer (Landscape) (Item P89 only); Planning Officer (A Lewis) (Item P89 only); Solicitor (K Quin) and Committee Officer (S Barton).

DECLARATION OF INTEREST: None.

P87. 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

There was submitted Report (circulated) dated 14 September 2011 by the Director of Development Services on an application for detailed planning permission for the siting of a 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, Binniehills Road, Slamannan, Falkirk.

The Convener introduced the parties present.

Mr Milne, Senior Planning Officer outlined the nature of the application.

The applicant's agent was heard in support of the application.

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

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

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

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

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

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

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

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

The objectors highlighted the following issues:-

- The impact of the development on the woodland corridor and on woodland wildlife
- The visual impact of the development
- Damage to an area of great landscape value
- Concerns over the possible commercial operation of the premises
- The noise which is heard from the premises, echoing round the area
- Concerns over light pollution from the arena area
- Increase in traffic as a result of the development
- Concern over setting a precedent in granting a retrospective application.

Questions were then asked by Members of the Committee.

Mr Mackenzie, Roads Development Officer and Mr Henderson, Environmental Health Officer were heard in clarification of matters raised.

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 advising that the matter would be determined by the Planning Committee on 2 November 2011.

P88. 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

There was submitted Report (circulated) dated 14 September 2011 by the Director of Development Services on an application for detailed planning permission for the 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.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

The applicant's agent spoke in support of the application.

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

Mr Lalli highlighted the following issues:-

- Lack of pavement provision in front of the proposed units
- Concern over safety of children due to the increase in traffic
- The lack of parking provision and concern over access to the car park

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 2 November 2011.

P89. 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

There was submitted Report (circulated) dated 14 September 2011 by the Director of Development Services on an application for detailed planning permission for the installation of 13 wind turbines, access tracks, switchgear building, wind monitoring mast at land to the south of Stoneridge, Falkirk.

The Convener introduced the parties present.

Mr Milne, Senior Planning Officer outlined the nature of the application. Mr Harris, Senior Planning Officer (Landscape), and Ms Lewis, Planning Officer provided further information on the application.

The applicant spoke in support of the application.

Ms Collings, representing West Lothian Council, was heard in relation to their objection to the application.

Ms Strachan, representing Blackridge Community Council, was heard in relation to their objection to the application.

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

The objectors highlighted the following issues:-

- Concerns over the visual impact of the proposal
- The effect on a National nature reserve
- Change in the amenity of the area
- Concerns over the landscape character assessment
- Proposal is contrary to national policy
- The safety implications of the development

Questions were then asked by Members of the Committee.

Officers and the applicant were heard in clarification of matters raised by the Committee and by objectors.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 2 November 2011

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 24 OCTOBER 2011 commencing at 11.30 a.m.

PRESENT: Councillors Buchanan, Lemetti, McLuckie, Oliver, Thomson and Turner.

CONVENER: Councillor Buchanan.

ATTENDING: Development Manager; Solicitor (K Quin), Committee Officer (A Sobieraj).

ALSO IN

ATTENDANCE: Mr Fitzpatrick, Transportation Manager, Central Demolition; C Masterton, Masterton; A Keen, ACM and Agent for Masterton's K McIntosh and Mr Higgins, Grangemouth Community Council and C Daly, SEPA.

DECLARATIONS None.
OF INTEREST:

P85. VISIT TO CENTRAL DEMOLITION, CHATTAN INDUSTRIAL ESTATE, BONNYSIDE, BONNYBRIDGE

With reference to Minutes of Meetings of the Planning Committee held on 20 April, the Committee On Site on 12 May and the Planning Committee 18 May 2011 (Paragraphs P10, P25 and P33 refer) when consideration took place on a Report dated 13 May 2011 by the Director of Development Services on an application for full planning permission for the development of an operations yard/waste recycling/transfer facility involving the processing, recycling and storage of inert material arising from the demolition, construction and excavation operations on a site bounded by industrial and petrochemical development extending to approximately 6.2 metres at Sabic Innovative Plastics, Bo'ness Road, Grangemouth for Masterton P/10/0423/FUL, it was agreed to continue consideration of this item of business to allow Members to view dust suppression equipment at an appropriate site to be agreed and the submission of site screening details. This fact finding visit was now held at the site of Central Demolition, Bonnyside, Bonnybridge.

The Convener introduced the parties present and confirmed the purpose of the fact finding visit to allow Planning Committee Members to view the dust suppression equipment in operation. Representatives of Grangemouth Community Council were also in attendance.

Mr Fitzpatrick, Transportation Manager, Central Demolition provided Members with information on the operation of the dust suppression equipment and its use within the yard.

Questions were then asked by Members of the Committee and representatives of Grangemouth Community Council.

The Convener thanked Mr Fitzpatrick and the company for enabling the Committee and other parties to visit the site and his welcome and the demonstration of the equipment.

Members and other parties thereafter travelled to the outside of the yard to listen to the background noise from the street.

Questions were then asked by Members of the Committee and representatives of Grangemouth Community Council and of Mr Masterton and Mr Daly, SEPA.

The Convener concluded by thanking the parties for their attendance and advising that the application P/10/0423/FUL for full planning permission for the development of an operations yard/waste recycling/transfer facility involving the processing, recycling and storage of inert material arising from the demolition, construction and excavation operations on a site bounded by industrial and petrochemical development extending to approximately 6.2 metres at Sabic Innovative Plastics, Bo'ness Road, Grangemouth would be determined by the Planning Committee on 2 November 2011.

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR
DISABLED PERSONS) (No.96) ORDER 2010**
Meeting: PLANNING COMMITTEE
Date: 2 NOVEMBER 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Cllr L. Kenna, Cllr C. Martin, Cllr C. MacDonald, Cllr S. Carleschi
Community Council: None
Council Officers: Russell Steedman – Network Co-ordinator

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this proposed traffic regulation order was originally considered at the meeting of the Planning Committee on 21 September 2011 (copy of previous report appended), when it was agreed to continue consideration of the proposed traffic regulation order and undertake a site visit. This visit took place on 3 October 2011.
2. Members viewed the proposed traffic regulation order site including the location in which the advisory disabled persons' parking place is marked.
3. Members asked questions relating to alternative locations for the proposed disabled persons' parking place and the distance the advisory space is located from the junction.
4. **RECOMMENDATION**
- 4.1 **Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.**

.....
Director of Development Services
Date: 25th October, 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

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR
DISABLED PERSONS) (No.96) ORDER 2010**
Meeting: PLANNING COMMITTEE
Date: 21st 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

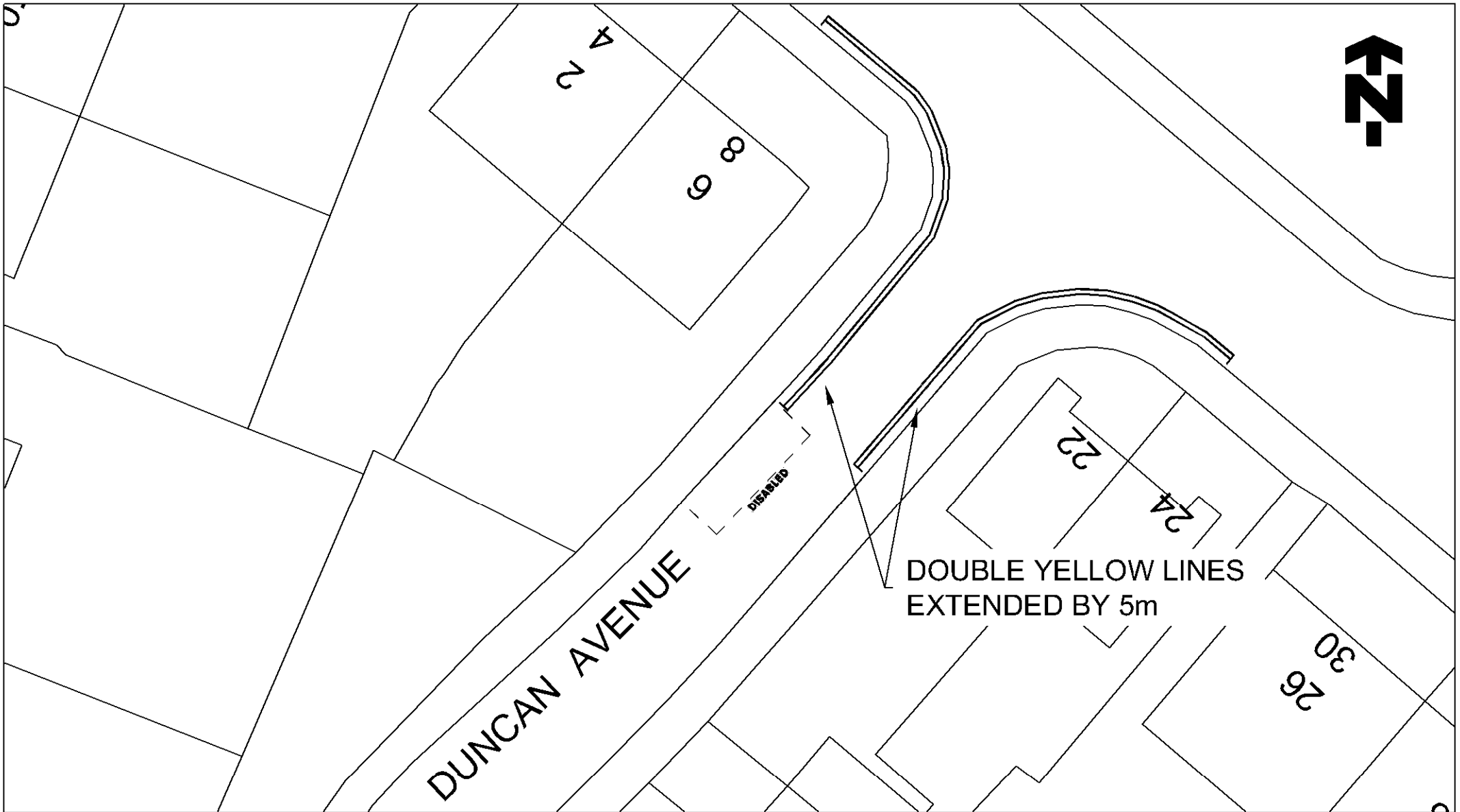
- 6.1 **Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.**


.....
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. CR/001			 <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: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS) (No TRO/DB/016) ORDER 2011**
Meeting: PLANNING COMMITTEE
Date: 2 November 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 This report seeks a decision on The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/016) Order 2011, the purpose of which is to reserve a parking space in Annan Court, Hallglen 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.
- 2.3 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 identified that the applicant's vehicle was generally parked outside their house in Annan Court. In terms of road safety and congestion, there are no issues which would prevent a disabled bay being provided in this area of carriageway.
- 2.4 The applicant for the bay has confirmed that the most convenient location of a proposed disabled bay for them is outside their house in Annan Court as indicated on the attached drawing numbered CR/001.

- 2.5 An application for a disabled person's parking space on Annan Court was received previously from a resident of the street. The associated Traffic Regulation Order received objections from residents of Annan Court. The Planning Committee meeting of 29 January 2009, following consideration of the objections and a continuance from the previous Regulatory committee meeting to allow a plan to be submitted, agreed to make the Order.

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.
- 3.2 In accordance with Local Authorities Traffic Orders (Procedure) (Scotland) Regulations, 1999, notices of intention were posted on-street and in the local press in the prescribed manner in June 2011.

4. CONSULTATION

- 4.1 Two letters of objection were received, and have not been withdrawn following explanatory correspondence. Both objections were made by residents in Annan Court.
- 4.2 The objections are based on 2 separate issues:
- the first issue related to there already being 3 disabled persons parking bays in Annan court
 - the second issue related to the number of commercial vehicles parked in Annan Court overnight and at weekends. The implication of these objections is that in an area with a high demand for parking, it is considered that providing another disabled persons parking bay will further limit the available parking for other residents.
- 4.3 Development Services responded to the objectors on 12 August 2011 explaining the criteria for the provision of disabled persons' parking places and that the applicant fully meets the criteria.
- 4.4 Objectors were asked to formally withdraw their objections.
- 4.5 Both objections have not been withdrawn and hence a Committee decision is required in accordance with paragraph 1.1.

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.

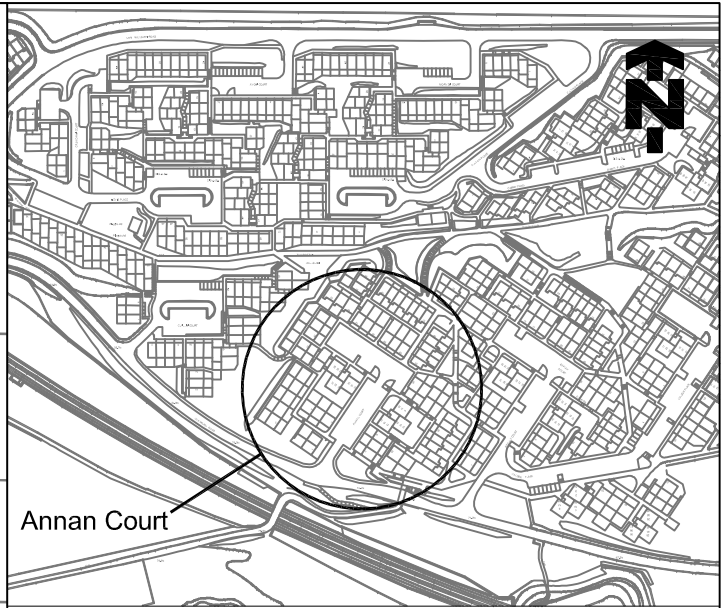
.....
Director of Development Services

Date: 25th October, 2011

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

LIST OF BACKGROUND PAPERS

1. The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/016) Order 2011
2. Letters of objection and correspondence



LOCATION PLAN
SCALE 1:5000

NOTES

Shaded areas indicate 73No houses whose residents are most likely to park a vehicle or vehicles in Annan Court.

Number of parking spaces including the 3no existing disabled bays and 1no proposed disabled bay is approximately 79No.

KEY:



EXISTING DISABLED
PARKING SPACE



PROPOSED DISABLED
PARKING SPACE



Falkirk Council
Development Services (Roads)
Engineering Design
Abbotsford House, David's Loan
Falkirk FK2 7YZ
Tel: 01324 504950 Fax: 01324 504850
Director: Rhona Geisler

PROJECT

PROPOSED DISABLED PERSONS
PARKING SPACE OUTSIDE No 83
ANNAN COURT, HALLGLEN

TRAFFIC REGULATION ORDER - TRO/11/016

DRAWING

ANNAN COURT, HALLGLEN -
PARKING LAYOUT

APPENDIX A

FALKIRK COUNCIL

Subject: WEST CARRON LANDFILL, STENHOUSE ROAD, CARRON
Meeting: PLANNING COMMITTEE
Date: 2 NOVEMBER 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 West Carron landfill site is currently regulated by SEPA under the Pollution, Prevention and Control (PPC) regime. The company holding the permit, GR Services Ltd, is in liquidation and is not considered by SEPA to be the landfill operator. The company currently running the landfill site is Oran Environmental Solutions Limited which share the same directors as GR Services Ltd. A company called AC&H Orn 6 Limited owns the land on which the landfill sits. This land is held in trust for the directors of Oran Environmental Solutions Limited/GR Services Ltd.
- 1.2 Discussions are ongoing about a potential transfer of the PPC permit but, if it is not transferred to a new site operator who meets the required criteria, SEPA has advised that there is a significant risk that the West Carron landfill site could be abandoned either partially or completely. An immediate response would be required to ensure that public health, the environment and the amenity of the area in which the site is located is protected. Falkirk Council has agreed to assist in this process by providing SEPA with supporting advice in relation to identifying the immediate, and short-term operational measures required. Consequently a contingency plan is currently being prepared by SEPA to ensure that an effective immediate response can be delivered at short notice if required.

2. HISTORY

- 2.1 The deposition of waste material at the site dates back to the 1700's and the inception of the Carron Iron Works. The site was vacated by the Carron Iron Works in the 1950's and previously deposited foundry waste material was excavated for road construction purposes. The site, since the 1950's has been used for landfill purposes by a number of site owners and landfill operators.
- 2.2 The inception of landfill at the site pre-dated the need for planning permission by some 200 years. The then operators of the site in 2005 (GR services) sought and were granted a Certificate of Lawful Use and Development (CLUD) for the site on 2 June 2005 (Application reference F/2005/0164). The issue of this certificate confirms the lawful use of the site for landfill purposes.
- 2.3 A planning application submitted by GR Service Co (Falkirk) Limited to regularise unauthorised landfill works comprising the formation of a new lined cell and the raising of land form levels, was refused planning permission on 23 September 2009.

- 2.4 During the first half of 2010, site levels were monitored and levels within the operational cell remained in compliance with the terms of the CLUD (Certificate of Lawful Use and Development) except for the earth bund along the southern edge of the site and the completed cell to the south west. It should be noted that this cell was re profiled during 2010 to smooth out the steep gradient to ensure that the structure was more stable and to ensure that, when it is capped, it would shed water which would minimise the ongoing generation of leachate and gas with associated pollution potential and nuisance. These works were carried out under the supervision of SEPA.
- 2.5 The site operator during this time was GR Service Co (Falkirk) Limited. Regulation of operational issues/concerns relating to odour, birds and noise is the responsibility of SEPA.
- 2.6 Since September 2010, GR Service Co (Falkirk) Ltd has not been trading and SEPA do not consider that this company is the landfill operator. GR Service Co (Falkirk) has submitted an application to transfer the permit to AC&H Orn 6 Limited. This latter company own the land on which the landfill sits. This transfer application has not been progressed to date although recent discussions with a further party are progressing.

3. CURRENT POSITION

Planning

- 3.1 The site is presently operating without the benefit of planning permission.

Environmental

- 3.2 The site, which is regulated by SEPA, may be abandoned without notice presenting immediate management issues.

4. PLANNING ISSUES

- 4.1 Works continue on the site at cell 2. These levels now constitute an increase above the original levels that were permitted by the CLUD. Oran has been advised that the works constitute the need for a planning application to regularise the current planning position. To date no planning application has been forthcoming. The need for planning permission to be secured has been raised in current permit transfer discussions.

5. POTENTIAL ENFORCEMENT APPROACHES

- 5.1 **Planning Contravention Notice (PCN)** – A PCN notice can be served on anyone who is the owner or occupier of the land in question or on an individual with any other interest in the land. It enables the planning authority to obtain information about activities or development where a breach of planning control is suspected. The serving of a PCN does not constitute taking enforcement action but it is an offence not to comply with any requirement in the notice. It is entirely discretionary and there is no requirement to serve a notice before taking formal enforcement action nor does the serving, or not of a notice affect any other power exercisable in respect of any breach of planning control. In this particular case the PCN could be used to establish the intentions in respect of finished levels.
- 5.2 **Enforcement Notice (EN)** – requires landowners or other interested parties who have breached planning control to correct the breach and sets out actions or work required to make development acceptable. The EN must clearly state/set out the matters which appear to the planning authority to constitute a breach of planning control. The EN should also specify the timescale for compliance to resolve the breach. There is a right of appeal to the Department of Environment Planning Appeals (DPEA) by interested parties against the serving of an EN. Previously it was permitted for an appeal to be made where the grounds of appeal could be made by an appellant that the breach ought to be granted planning permission. However this element has been repealed under the 2006 Act (modernising planning agenda). It should be noted that The DPEA appointed Reporter can hold an Inquiry or Hearing. Given the complexities of this case, this is a real possibility.
- 5.3 **Stop Notice (SN)** – A SN is normally served in conjunction with an EN where the Planning Authority considers that the relevant activity should cease before the compliance period in the enforcement notice. A SN must be served in conjunction with an EN and can prohibit any or all of the activities which comprise the alleged breach of planning control in the related EN. There is no right of appeal to Scottish Ministers against a SN. The validity of the SN can however be challenged via the Court of Session seeking a Judicial Review. A Planning Authority can withdraw a SN at any time (without prejudice to their power to serve another notice). If a SN is served without due cause, or an appeal against the EN is successful, the Council may face a claim for compensation.
- 5.4 **Temporary Stop Notice (TSN)** - introduced as part of the new legislative changes under the 2006 Act, a TSN can be served on its own requiring the cessation of an activity from the moment it is displayed on site. There is no right of appeal against the serving of a TSN. The maximum period for a TSN is 28 days after which the notice expires. It is not possible to issue a further TSN after 28 days unless between the notices, the planning authority has taken another form of enforcement action.
- 5.5 **Fixed Penalty Notice (FPN)** – The new legislation (2006 Act) makes provision for a Planning Authority to issue a FPN as an alternative to prosecution for breaching the terms of an EN. By paying a FPN, the person or interested parties discharge the liability for prosecution but it does not discharge the requirement to comply with an EN.
- 5.6 **Use of an Interdict** – A planning authority could apply for an interdict to restrain breaches of planning control. Consideration of this option is largely dependent on the seriousness of the breach of control. An interim interdict can also be considered and it would be the responsibility of the planning authority to present sufficient facts to establish a compelling need for immediate protection.

- 5.7 **Notice Requiring Application For Planning Permission For Development Already Carried Out (Sec 33A Notice)** Sec 33 A gives planning authorities the power to issue a notice requiring a retrospective planning application, which would then allow the planning authority to consider the grant of planning permission subject to any conditions or limitations that would make the development acceptable in planning terms. Before issuing a Section 33A the planning authority should, as with any enforcement action, consider whether the action is commensurate to the breach. Furthermore it is recommended that such a notice should not be served where the planning authority were of the view that permission would clearly not be granted. In setting a date by which the application is to be made, the planning authority should consider the scale and complexity of the development and allow a reasonable period for submission of the planning application.

6. CONCLUSION- PLANNING ISSUES

- 6.1 In Planning terms, the overall use of the site is lawful, having the benefit of a CLUD, which Falkirk Council approved in 2005. It is acknowledged that there is a breach but this solely relates to a breach in the height of the land deposit in relation to the CLUD levels. The height of both cells remain below the heights of the authorised adjoining landfill cells and therefore in visual terms, it is not considered that (in terms of height alone) there is an adverse visual impact at this time.
- 6.2 Serving an Enforcement Notice would require the operator to remove the fill from both the current operational cell (cell 2) and the adjacent recently profiled cell, (cell 1) which has been re-graded. This would require fill to be removed resulting in further odour nuisance, litter and bird nuisance. This would also leave this area of the landfill site at a significantly lower level than that of the adjoining cells to the north. SEPA has advised that this scenario would exacerbate surface drainage concerns which could lead to significant leachate and gas issues with associated pollution potential and nuisance.
- 6.3 Reverting back to the site levels permitted by the CLUD, the operator could cease works and vacate the site without restoration. The CLUD levels constitute a level site profile and, unlike a planning permission, there are no planning conditions included with a CLUD which require the restoration of the site. However the levels of a finished landfill cell require a gradient to allow the shedding of water in a manner which removes the risk of leachate and gas generation in the aftercare phase.
- 6.4 The entire landfill area, to which the cells in question relate, is an authorised landfill in land use terms. There has been no lateral expansion in the footprint of the landfill area. If there was to be such expansion at any time in the future without the benefit of planning permission, the use of the above enforcement powers including the serving of a stop notice/temporary stop notice would be seriously considered.
- 6.5 It should also be noted that many of the above mentioned concerns such as dust/litter/smell pollution are the remit of SEPA.
- 6.6 Recent discussion with SEPA confirms that SEPA are currently considering their options in respect of enforcement powers and therefore it would be prudent to liaise further with SEPA in this regard. The use of enforcement action under the planning legislation has been carefully considered but has not been pursued while there remains the prospect of a better solution.

7. ENVIRONMENTAL ISSUES

- 7.1 SEPA confirmed that it is in discussion with a potential operator with regard to the prospect of this other party taking over operations at the site. This would include taking ownership of the land and making an application to transfer the PPC permit from the liquidator to this other party. Discussions are on going and SEPA has confirmed that they are expecting more details soon.
- 7.2 If the permit is not transferred to a new site operator who meets the required criteria, SEPA has advised that there is likelihood that there is a significant risk that West Carron landfill site could be abandoned either partially or completely. This could have consequences for the Council in its role as public health and contaminated land authority and work continues on examining potential impacts.
- 7.3 SEPA is responsible for enforcement of the PPC permit conditions which in broad terms are aimed at ensuring the site is run in a safe manner without presenting significant risk of harm to the community or environment.
- 7.4 SEPA advise that the vast majority of complaints they receive regarding West Carron landfill are in relation to odours and, more specifically, landfill gas odours. SEPA further advise that a lack of proactive investment at site has contributed to this issue. Other types of complaint received from nearby residents include; dust, litter, seagulls and visual disamenity.

8. RECOMMENDATIONS

8.1 It is recommended:

- a) that Planning Enforcement is not pursued at this stage while there remains the prospect of a better solution; and
- b) that Council officers continue to liaise with SEPA and report back to members as appropriate.

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Director of Development Services

Date: 26th October 2011

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504756 and ask for Ian Dryden.

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: 2 November 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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 21 September 2011 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This took place on 3 October 2011.
2. The case officer introduced the proposed development to the Planning Committee and referred to the salient points of assessment as set out in the report.
3. Members sought clarification on the siting of the extension relative to its location adjacent to the boundary and depth into the rear garden. This was approximately marked out by officers. Members also sought clarification on the details of the Supplementary Planning Guidance Note on House Extensions and Alterations.
4. Objectors made comments reiterating points raised in their letters of comment, particularly in relation to loss of sunlight and proximity of development to neighbouring properties. The officer responded setting out the details in the Supplementary Guidance Note with regard to impact on neighbouring dwellings and stating that on any extension whose side faces onto a neighbouring house immediately opposite, the only window to a habitable room should be no closer than 4 metres. The proposed extension would be 10 metres away from the rear elevation of number 37 Park Road and therefore complies with the guidance.
5. The applicant's representative spoke in support of the application.

6. Following the Committee site visit, a further letter of comment was received from 37 Park Road. The salient issues are summarised below:
- Concerns regarding location of foundations and scaffolding.
 - Concerns regarding construction of brickwork, roof and guttering and maintenance following completion.
 - State that access to land will not be permitted for scaffolding.
7. The issues raised are not material planning considerations and cannot therefore be a consideration in the determination of this application. They are a civil matter to be dealt with outside the planning process.
8. No matters were raised which would amend the original recommendation to grant planning permission.

9. RECOMMENDATION

9.1 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.

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. 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: 25 October, 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.

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.

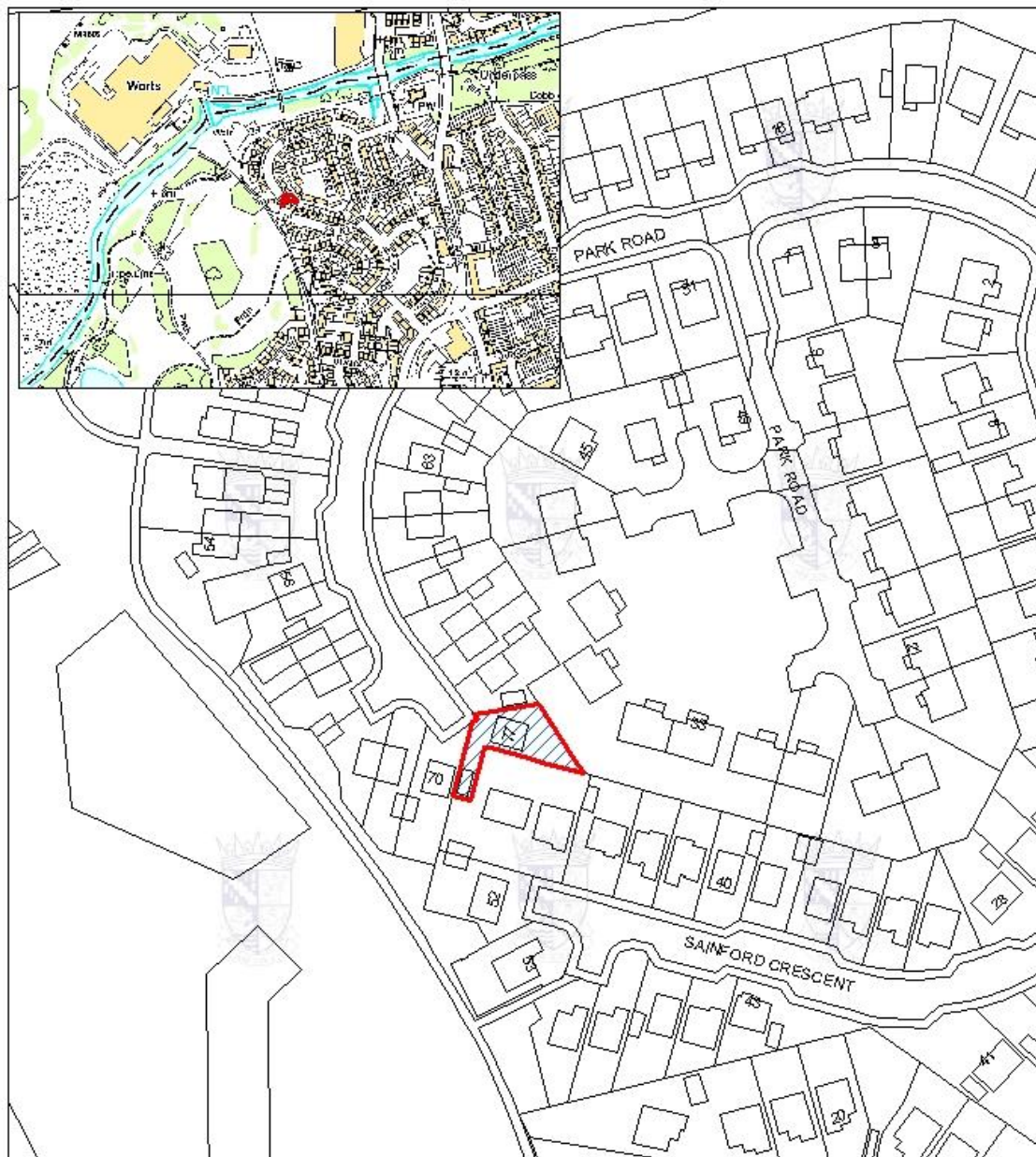
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Katherine Chorley, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0473/FUL

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



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FALKIRK COUNCIL

Subject: ERECTION OF 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: 2 November 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

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 21 September 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 3 October 2011.

2. The applicant outlined the importance of the proposed development in terms of safer and greater navigation benefits to the Forth and Clyde Canal and associated benefits to tourism. The proposed Glensburgh Road lifting bridge operation was explained and its operation during off-peak times only was clarified. The applicant has subsequently confirmed that the bridge operating protocol (to be included in the planning obligation) states that it would not be open to Canal traffic before 09.30 hours or after 16.00 hours (Monday-Friday), evenings in peak summer, or within 30 minutes of a previous opening. Emergency services would be provided with contact details and, in relation to bus services, bridge operations would, where possible, be avoided when services were due to cross. A figure of 16,000 vehicles per week using Glensburgh Road was mentioned by the applicant (but see para 5 below). Potential improvements to existing drainage problems and an unlikely increased flood risk from the tidal River Carron were explained.
3. An objector re-iterated and expanded on the concerns raised in her objection. These concerns related to traffic congestion arising from the proposed Glensburgh Road lifting bridge, potential increased flood risk resulting from the closer proximity of the proposed new Canal section than the existing River Carron and that development would result in anti-social behaviour to the rear of existing housing in Devon Street, Grangemouth. Perceived inadequate community consultation on the proposed development was also raised.
4. Members were heard in relation to the operations of the proposed lifting bridge, the anticipated traffic waiting times and the traffic volume using Glensburgh Road at the off-peak time of the site visit. The method of construction of the new Canal extension was questioned as was the height of proposed riparian land and replacement footpath location.
5. Clarification was sought on the quoted weekly vehicle movements on Glensburgh Road. Members should note that, after checking by the Transport Planning Unit, confirmation is now provided that approximately 16,000 vehicle movements per day (averaged over a 7 day period in April 2011) occur on Glensburgh Road rather than the 16,000 per week figure quoted at the site visit by the applicant.
6. Members should note that, subsequent to the site visit, dates of community consultation events held by the applicant have now been provided. Dates of events arranged in relation to the PAN submitted in respect of this proposal were 17 August 2010 in the Dalgrain Community Hall and an additional "drop-in" event on 2 March 2011 at the Grange Manor Hotel. The applicant has submitted a list of other meetings and consultations carried out in relation to the proposal with various clubs and other groups.
7. Following the site meeting, the applicant has requested that conditions suggested by SEPA and SNH be included in the recommendation. Although the matters raised are covered in the Environmental Statement or have been resolved during the consultation process, in this instance, it is considered that it would be appropriate to do so and these are included as conditions 4, 5, 6 and 7.

8. Members should also note that Transport Scotland have now provided a final response to consultation. This response seeks financial contribution to M9 motorway improvements on a pro-rata basis. Members will recall that, in paragraphs 7b.7-7b.15 of the report originally presented to the Planning Committee on 21 September 2011, the unique circumstances of the Helix project and previous and planned sustainable transport expenditure on the project were considered to be significant. Financial contribution to the M9 was not considered to be justified. In view of Transport Scotland's recent response, the previous recommendation has been amended (in para 10.1 below) to include this second reason for referral to Ministers.
9. The recommendation contained in the previous report is re-iterated as follows with amendments in paras 10.1 and 10.2(a) and additional conditions 4, 5, 6 and 7.

10. RECOMMENDATION

- 10.1 It is recommended that Members indicate that they are minded to grant Planning Permission subject to referral to Scottish Ministers in view of (a) the "Advise Against" consultation response from HSE and (b) the response from Transport Scotland.
- 10.2 On conclusion of any referral of the application to Scottish Ministers, referred to in section 10.1 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 completion of a legal agreement in terms satisfactory to the Director of Development Services, including obligations 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.
- (4) The mitigation proposed in section 5.2.2 of the "Helix Hub, Grangemouth - Report to inform Appropriate Assessment in Appendix 6 of the Environmental Statement" shall be adhered to.
- (5) The mitigation proposed in section 5.2.1 of the "Helix Hub, Grangemouth - Report to inform Appropriate Assessment in Appendix 6d of the Environmental Statement" shall be adhered to.
- (6) Prior to construction activities commencing, detailed construction method statements shall be produced and agreed to the satisfaction of Scottish Natural Heritage, Scottish Environmental Protection Agency and the planning authority. These shall include details of the mitigation and controls to be put in place to prevent the release of sediments from construction of the sheet-piled wing wall at the south-east corner of the sea lock, and the construction of the canal bank adjacent to the sports pitches.
- (7) At least two months prior to the commencement of any works on site, a full site specific construction method statement and construction environmental management plan shall be submitted for the written approval of the planning authority, in consultation with Scottish Environmental Protection Agency (and other agencies such as Scottish Natural Heritage as appropriate) and all work shall be carried out in accordance with the approved plan.

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.
- (4) To minimise disturbance to birds from boat use, safeguard the Firth of Forth SPA and satisfy the requirements of Scottish Natural Heritage.
- (5) To minimise disturbance to water fowl and waders and to satisfy the requirements of Scottish Natural Heritage.
- (6) To prevent additional potentially contaminated sediments being released into the River Carron to satisfy the requirements of Scottish Natural Heritage.
- (7) To control pollution of air, land and water and satisfy the requirements of Scottish Environmental Protection Agency.

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.

Pp

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Director of Development Services

Date: 26 October 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.

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 fences, 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

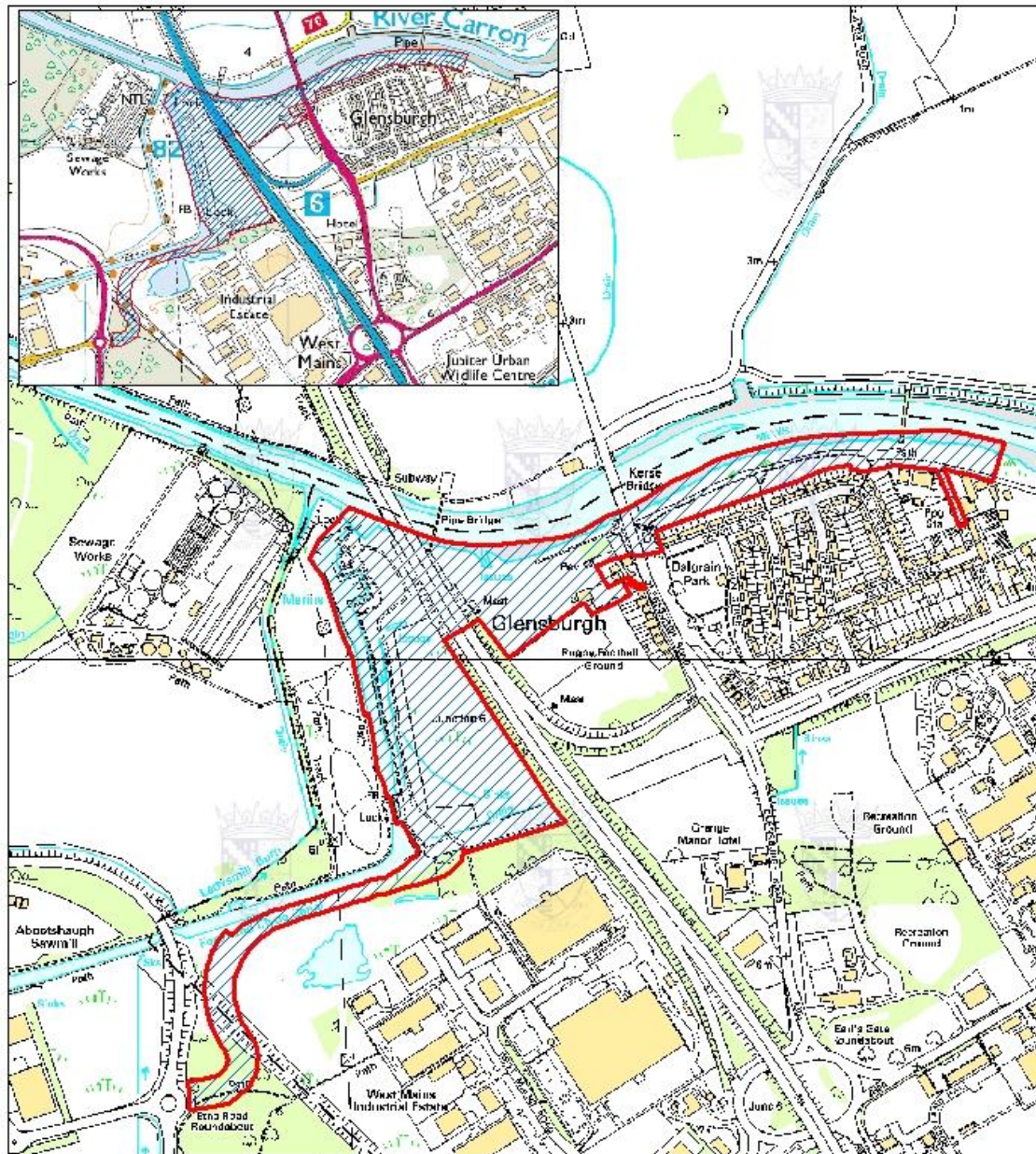
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

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: 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: 2 November 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

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 21 September 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 Wednesday 12 October 2011.

USE OF STRUCTURE

2. For the avoidance of doubt, the use of the former agricultural shed for the purpose of stabling horses constitutes a 'change of use' and removes any permitted development opportunity to further extend the shed. This application seeks to regularise the unauthorised change of use to equestrian purposes. An informative has been added in relation to this matter.

NOISE

3. The barking of dogs or playing of music within the shed is not controllable through planning legislation. However, further monitoring could be undertaken by Falkirk Council's Environmental Protection Unit, with any necessary enforcement action being pursued under statutory noise nuisance legislation.

TREES

4. For the avoidance of doubt, the previous felling of trees on the site did not require planning permission, or any other consent from the planning authority.

INITIATION OF DEVELOPMENT ON A DWELLINGHOUSE ON ADJACENT LAND

5. The legitimacy or otherwise of the initiation of development on an adjoining site is not material to the application under consideration.

NUMBER OF REPRESENTATIONS

6. The list of background papers, reprinted at the end of this Update Report, include two new individual letters of representation received but no new matters have been raised.

7. CONCLUSION

- 7.1 No issues have been raised which would amend the recommendation to grant planning permission.

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.
- (3) For the avoidance of doubt, the extended existing shed is authorised for use for equestrian purposes. Any further proposals would require to be assessed on their own merit in relation to suitability or need for planning permission.

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Director of Development Services

Date: 25th October 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 10 September 2010.
11. Letter of Objection from Philip Hall, Balcastle House Slamannan Falkirk FK1 3BB received 16 September 2010.
12. Letter of Objection from Sheila Hall, Balcastle House Slamannan Falkirk FK1 3BB received 26 September 2010.

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

FALKIRK COUNCIL

Subject: 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, Binniehill 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.

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Director of Development Services

Date: 14 September 2011

LIST OF BACKGROUND PAPERS

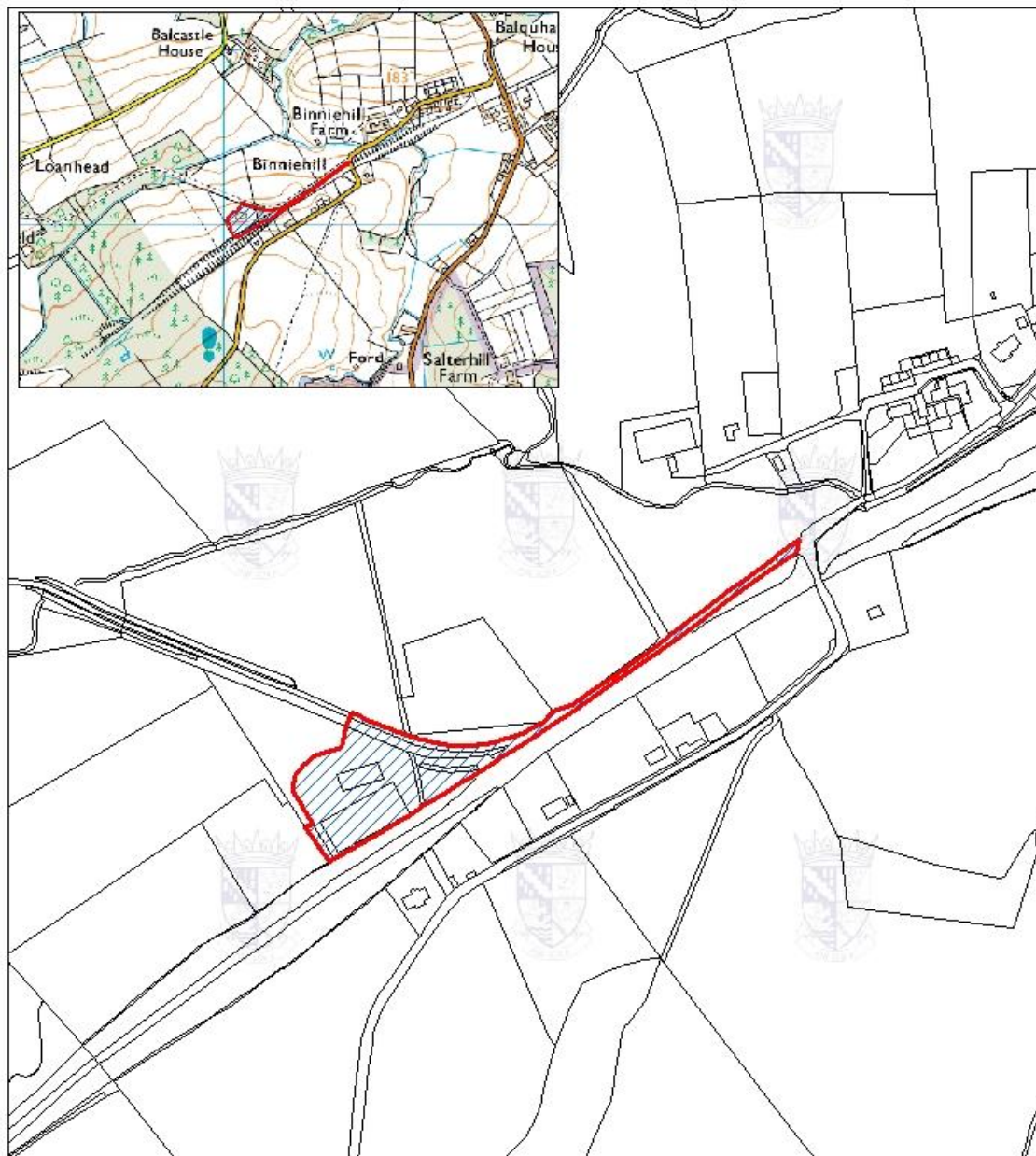
1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of Objection from Ellie McMillan, Ladygrange Cottage Slamannan Falkirk FK1 3BE received 28 September 2010.
4. Letter of Objection from Ninian Perry, Maremma Cottage Slamannan Falkirk FK1 3BE received 5 October 2010.
5. Letter of 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: 2 November 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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 21 September 2011 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. The site visit took place on 12 October 2011.
2. At the site visit, the Committee viewed the site and, in particular, the proposed access and parking arrangements. Local Member, Councillor Hughes, spoke in relation to the proposal. Clarification in respect of the proposed vehicular and pedestrian access arrangements associated with the proposed development was provided.
3. An objector in attendance raised concerns in respect of road safety and in particular the restricted width of the access, inadequate pedestrian provision, inadequate parking and turning facilities.
4. In respect of the above mentioned road safety concerns, the Roads officer in attendance confirmed that this was a private access that would not be adopted. Seven parking spaces can be provided which would also allow turning provision within the site. It was acknowledged that the parking provision was below the standards that would normally be expected for the size of the development and the intended uses. However, it was also acknowledged that the previous use as a public house had operated with substandard parking provision. A condition

is attached as part of the officer recommendation to ensure that pedestrian provision is suitably demarcated prior to the occupation of the first unit in the interests of pedestrian safety.

5. The issue of ventilation and noise attenuation details to serve the proposed hot food takeaway was raised. It was confirmed at the site visit that, as there is no defined operator at this stage, such details are not available. The Environmental Health Officer in attendance confirmed that this matter would be addressed prior to the hot food takeaway being brought into use and a planning condition covers this requirement. It was also intimated that such complaints, if they are raised in the future, could be dealt with under the appropriate legislation via the Environmental Protection Unit. It was also confirmed at the site visit that no complaints in respect of smell and noise nuisance had been received in connection with the Rumford Arms when it was in operation or the Hot Food Takeaway outlet adjacent.
6. No matters were raised which would amend the original recommendation to grant planning permission.

7. RECOMMENDATION

7.1 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.

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Director of Development Services

Date: 25 October 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 on 6 June 2011.
7. Letter of Objection from Mr Barry Mcallister, Barrymca79@yahoo.co.uk on 6 June 2011.
8. Letter of Objection from Ms Clair Swift, 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.

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:
 - (c) Cooking odour extraction system, including the proposed external location on the property.
 - (d) 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

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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 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 on 6 June 2011.
7. Letter of Objection from Mr Barry Mcallister, Barrymca79@yahoo.co.uk on 6 June 2011.
8. Letter of Objection from Ms Clair Swift, 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: 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: 2 November 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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 21 September 2011 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This took place on Wednesday 12 October 2011.

POTENTIAL REFERRAL OF DECISION TO SCOTTISH MINISTERS

2. Members were informed that, should NATS (En Route) plc ("NERL") – responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK – continue in objection to the application (and should Committee be minded to grant planning permission), the application would be subject to referral to Scottish Ministers. However, at the time of writing, resolution to this matter is expected and a verbal update shall be provided on presentation of the application to the Committee.

ADDITIONAL REPRESENTATIONS RECEIVED

- 3.1 Additional written representation has been received, seeking:-

- Clarification over the matters of quarry fill material to be used on site.

- Additional examination of the proposed planning condition regarding potential noise nuisance.
- A request for the Members of the Planning Committee to view the site from Blawhorn Moss.

3.2 In response, it may be noted that:-

- The proposed source of the quarry fill to be utilised on the site is at the discretion of the applicant, but any vehicle movements associated with the transport of material is addressed through a suspensive planning condition (condition 3) regarding Transport Management.
- The proposed planning condition regarding potential noise nuisance (condition 12) has been reviewed and amended.
- It is confirmed that the Members of the Planning Committee convened at Blawhorn Moss.

AVONBRIDGE & STANDBURN COMMUNITY COUNCIL

4.1 A letter of objection from Avonbridge and Standburn Community Council has been received, concerned that:-

- Traffic Impact – The development would create unacceptable increase in the movement of HGVs on the road network surrounding the proposed site and the main trunk roads from Grangemouth Docks and the motorway network.
- Environmental Aesthetics – The Community Council consider the impact on the landscape to be invasive and overpowering.
- Concerns over future expansion – The Community Council understand there may be plans to extend the number of proposed wind turbines in the future impacting further on the skyline.

4.2 While some of the concerns raised have been examined more closely within the text of the accompanying report, a response to the matters raised is as follows:-

- The traffic impact is likely to occur on the construction and decommissioning phases of the project and would be "Transport Managed" as part of a suspensive planning condition (Condition 3). However, while no delivery of materials or turbines would be made via Avonbridge, the turbine delivery is likely to take place over a period of 3 weeks, but allows for a period of 2 months in the event of bad weather, etc, delaying delivery. The delivery of other materials would take place over a 12 month period, but locally sourced material should minimise journey times to the site.
- As a full landscape assessment has taken place on the application, it is considered that within much of Avonbridge Village, the wind farm would be screened by topography, houses or trees. The viewpoints chosen within the photomontage production are considered a 'worst case scenario' insofar as the proposed wind farm would be visible in the vicinity of the village.

- The potential of additional turbines cannot be considered within this application and would require a separate planning application, perhaps to West Lothian Council, depending on location. However, it is suggested that the ecological designation of surrounding land and any additional visual impact on neighbouring residents would, again, be subject to close scrutiny.

POTENTIAL LEGAL AGREEMENT TO SECURE RESTORATION OF THE SITE

5. The applicant has verbally confirmed the acceptance of a Legal Agreement to ensure the satisfactory restoration of the site. The agreement is likely to take the form of a restoration bond being established, at an initial commitment of £10,000 per turbine, to be reviewed independently every 5 years for the duration of the planning permission.

PRE-APPLICATION CONSULTATION ON THE PROPOSAL

- 6.1 The applicant has confirmed pre-application consultation activities were undertaken (not including EIA consultation) as:-

- Meetings with Upper Braes (Falkirk) Ward Councillors in April 2010.
- Meeting with Falkirk Planning Officers in April 2010.
- Meeting with Chris Norman (Planner) and Councillor Hutton (Armada and Blackridge) from West Lothian Council in April 2010.
- Letter offering 1 to 1 meetings with closest 6 residents – this was not taken up.
- Contact with the Avonbridge, Armada, Westfield and Blackridge Community Council Councils to arrange meeting in June 2010.
- Attendance at Avonbridge and Standburn Community Council meetings following Community Council summer recess on 12 August 2010. Also met with Chair of Blackridge Community Council at the same meeting.
- A newsletter was produced in August 2010 and circulated to all residents within 5km of the wind farm (8600 houses), local councilors and planning officers. This also advertised the August public exhibitions, the project Website and Wind Prospect contact details for further information and comments.
- Adverts for public exhibitions placed in the Falkirk Herald and West Lothian Courier in August 2010.
- The Blackridge Exhibition was held at the Craig Inn Centre on the 25 August 2010 and the Avonbridge Exhibition was held at the Community Hall on the 26 August. These ran from 3pm until 7.30pm both days. Visualisations and project information was displayed and Wind Prospect staff were there to answer questions, record comments, etc.
- An exhibition was organised in Limerigg in December 2010 to discuss the finalised plans, this was also advertised in the Falkirk Herald and West Lothian Courier. Due to deep snow, the exhibition was cancelled.
- A website was set up prior to the public exhibitions that provides project information. It was kept up to date with revised plans and visualisations as they emerged prior to the application being submitted. The website allowed the users to post comments online. The comments are set out in the pre-application consultation report.

6.2 The process enabled a number of locally important issues and concerns to be identified that have subsequently been taken into account in the preparation of this planning application. This includes:

- Moving Turbine 4 south so that it is further from the nearby Right of Way.
- Provision of equestrian gates so that horse riders would be able to access the wind farm tracks.
- Provision of new footpaths linking the wind farm to rights of way and signage to show where public footpaths are in the local area.
- Avoidance of heavy traffic through Avonbridge.
- Moving the proposed location of the construction compound so that it is further away from one of the local resident's houses.

6.3 In the opinion of the applicant, Wind Prospect made the local communities aware of the development and enabled them to stay in touch and up to date throughout the planning process.

PRO-FORMA LETTERS OF SUPPORT

7. In relation to the application, five versions of Pro-forma letters were received, along with on-line comments of support. Of these, almost all were in a pro-forma approach.

25 YEAR TIMESCALE OF OPERATION

8.1 It is confirmed that the application seeks planning permission for 25 operational years.

8.2 Onshore Wind Energy Planning Conditions Guidance Note, published by the UK Government in 2007 suggests that the planning permission for wind turbines should be limited to the operational lifetime of 25 years. Therefore this has become the standard approach to wind farm planning permissions throughout the UK, and it allows the determining authority to reconsider the merits of the development after the initial planning permission expires. However, the applicant will be at liberty to seek extension of this time period through further approach to the planning authority.

SAFETY STANDARDS OF CONSTRUCTION

9. The structural integrity of the turbine is not a material planning consideration. However, the applicant has offered a statement to address any potential concerns:-

- *Wind energy is very safe technology compared with conventional sources of energy production. The Health and Safety Executive were consulted in regard to the Burnhead planning application and they responded stating they had no comments. The HSE has found that the current health and safety law is generally adequate to cover the risks associated with wind power (HSE, Horizon Scanning – Wind Energy, February 2009).*

- *At the site visit an objector, raised the issue of wind farm safety implications and quoted extracts from a report that is published on the web site of Caithness Windfarm Information Centre (CWIF). CWIF exists solely as an anti-wind farm campaign group. The document is entitled "Summary of Wind Turbine Accident data to 30 September 2011".*
- *It was claimed over 100 'wind turbine related accidents' having occurred in 2011 already, however this relates to worldwide statistics. The number of wind turbines operating in the world is vast, with more than 100,000 commercial scale wind turbines installed worldwide (215,000 MW at the end of June). The Classification of a 'wind turbine related accident' is a very broadly term, with the data including events ranging from injuries and fatalities from turbine factory workers in China, to a snowmobiler driving into a fence surrounding a turbine, a surveyor falling off a cliff whilst looking for sites, and a landowner committing suicide during the planning process for wind turbines on his land. Several of the reports are 'unconfirmed' incidents.*
- *According to the CWIF data, the only injury that has befallen a member of the public during the operation of a wind farm in the UK is an account of a hand glider crashing on land within a wind farm boundary; however no contact with a turbine is reported.*
- *The incidence of blades breaking is very rare. No injuries have occurred as a result of this, as it typically only occurs in extreme weather conditions – times when people are unlikely to be outdoors near to wind turbines. Turbine manufacturers investigate any failures that occur and any faults are remedied with that particular turbine design.*
- *The serious accidents have almost all occurred to workers during the transport, construction and maintenance of wind turbines, many of which are small, domestic or farm sized turbines rather than commercial scale as proposed at Burnhead. Unfortunately accidents relating to construction projects are not unique to the wind farm industry. Whilst it is regrettable that serious accidents have happened it is clear that the safety risk posed by an operations commercial scale wind farm to a member of the public is negligible.*

TYPE OF TURBINE – GEARED OR NON-GEARED

- 10.1** As clarified on site and further expanded by the applicant, direct drive turbines are turbines that have no gearbox or drive train, and consequently no high speed mechanical (or electrical) components. Direct drive turbines are therefore quieter than gearbox machines as they do not produce mechanical or tonal noise. However, there are limits to the range of direct drive turbines available on the market at present and they might not be suitable at Burnhead and significantly reduce the overall output of the windfarm.
- 10.2** Direct drive turbines are appropriate in locations where houses and places of work (noise receptors) are nearby. At Burnhead, the nearest property is 700m away and, in the opinion of the applicant, is sufficient to avoid significant noise impacts from a geared turbine.
- 10.3** It is anticipated that the type of wind turbine to be employed would be controlled through the imposition of a suspensive planning condition (condition 12) to ensure a strict noise limit threshold is obtained.

WEST LOTHIAN COUNCIL'S LANDSCAPE CAPACITY STUDY FOR WINDFARMS

11. It is noted that West Lothian Council has recently drafted a landscape study for wind farms that defines Blackridge Heights AGLV as sensitive to development over 50m. However, it is considered that this is draft guidance, not in the public domain and relates to West Lothian, not the Falkirk Council area. Subsequently, it is not considered material in consideration of the application.

CONCLUSION

- 12.1 In conclusion, the Committee Report recommendation has been revised in terms of:

- inclusion of planning condition regarding envisaged 25 year operational lifespan.
- wording of planning condition regarding potential noise nuisance from turbine type.
- introduction of a legal agreement to ensure satisfactory restoration.
- potential referral to Scottish Ministers.

- 12.2 There are, however, no further material considerations which would alter the original recommendation.

13. RECOMMENDATION

- 13.1 It is therefore recommended that Committee indicate that it is minded to grant planning permission subject to:

- The referral to Scottish Ministers of the recommendation should an objection to the application continue from ATS (En Route) plc (NERL Safeguarding).
- A satisfactory agreement under S75 of the Town and Country (Scotland) Act 1997 (as amended) being concluded in terms satisfactory to the Director of Development Services providing for a financial bond to be secured to ensure suitable remediation of the site.

and 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 in 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) Further details shall be submitted to and approved in writing by the Planning Authority regarding the turbine model to be employed on site. For the avoidance of doubt, the turbine model shall not exceed the noise generation predictions identified in table 11.9 page 349 of Part II of the submitted Environmental Impact Assessment and, in the event of a noise complaint, the applicant shall employ an independent acoustic consultant to 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.
- (25) For the avoidance of doubt, the activities on site shall cease, all turbine infrastructure removed and the land restored to its former condition within 27 years from the date of initiation of development on site, all in accordance with the information provided in the submitted Environmental Impact Assessment.

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.
- (25) To allow the Planning Authority to control the future use of the land.

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: 25 October 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 Quarrollhall 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 Beaully 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 T'ree 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 Cumbræ 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 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 Tiree 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 Mossgiel 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 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 Lohead 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 Binniehill Road, Slamannan, Falkirk FK1 3BG on 23 March 2011.
306. Letter of Support received from Mrs Shona Dunbar, 46 Acredales, 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.

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 CO₂ 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."

7a8 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 Moorland 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 are, 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 are, 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 topple 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 ELA 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 form 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 holt 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 holts 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 holt 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.

Reponses 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:-
- (g) The end point of any materials excavated during construction.
 - (h) The site access points to the road network.
 - (i) Road construction methods within the site.
 - (j) The strategy for recreated vegetation cover upon implementation of the wind farm, final decommissioning and restoration of the site.
 - (k) The quantity and method of transportation and storage of imported material use in the development of the site.
 - (l) 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:-
- (e) The date construction starts and will be presumed to end.
 - (f) The maximum height of construction equipment.
 - (g) The latitude and longitude of every turbine and
 - (h) 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 Beaulay 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 T'ree 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 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 Mossgiel 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 Binniehill Road, Slamannan, Falkirk FK1 3BG on 23 March 2011.
306. Letter of Support received from Mrs Shona Dunbar, 46 Acredales, 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.

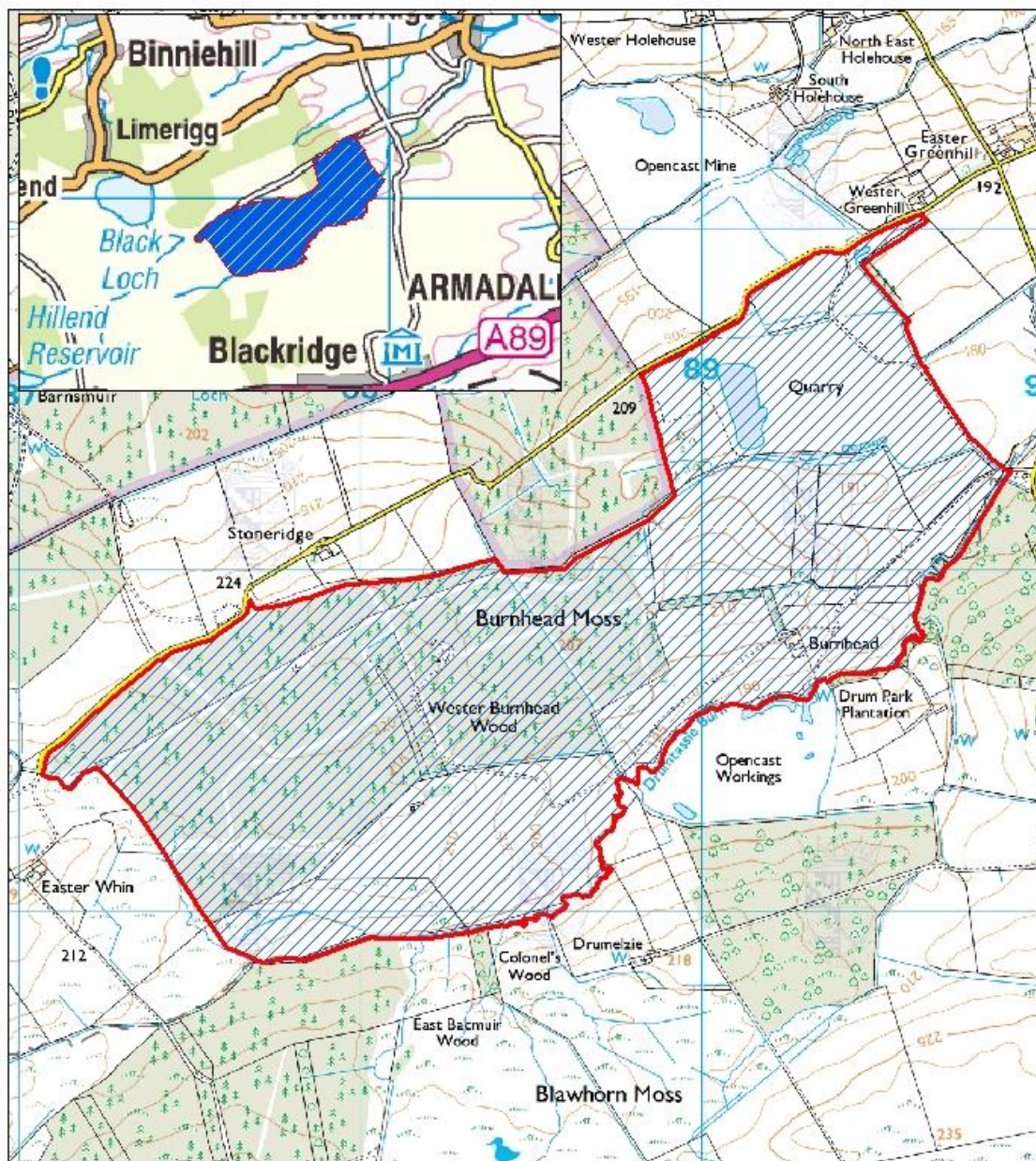
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

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: 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: 2 November 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

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 9 September 2011.
2. This application was then considered at the Planning Committee meeting on 21 September 2011, when it was continued to allow time for the applicant and the objector at 6 McCambridge Place to discuss and agree a suitable boundary treatment.
3. Following discussions with the applicant (Mrs Henderson) and with the objector (Mr Baxter) the agent for the application has submitted revised details of a boundary fence. The revised details include a close boarded timber boundary replacement fence measuring 5.5 metres in length and 2.05 metres in height (400mm increase). Also noted in drawing 06A, the new posts and slats will be treated in preservative to match the existing on both sides. These details were then sent to the objector for comment.
4. Mr Baxter has confirmed that the amendments are acceptable.
5. In light of these discussions, an amendment to the recommendation to include a condition with regards to the boundary treatment is proposed.

6. RECOMMENDATION

6.1 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 rear extension, the boundary fence detail shown on the approved drawings bearing our online reference 05 and 06A shall be erected and stained / painted to match the existing boundary fence and thereafter retained and maintained in perpetuity.

Reason(s):-

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

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05 and 06A.
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: 25 October 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Council Supplementary Planning 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: 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.

.....
Director of Development Services

Date: 16 August 2011

LIST OF BACKGROUND PAPERS

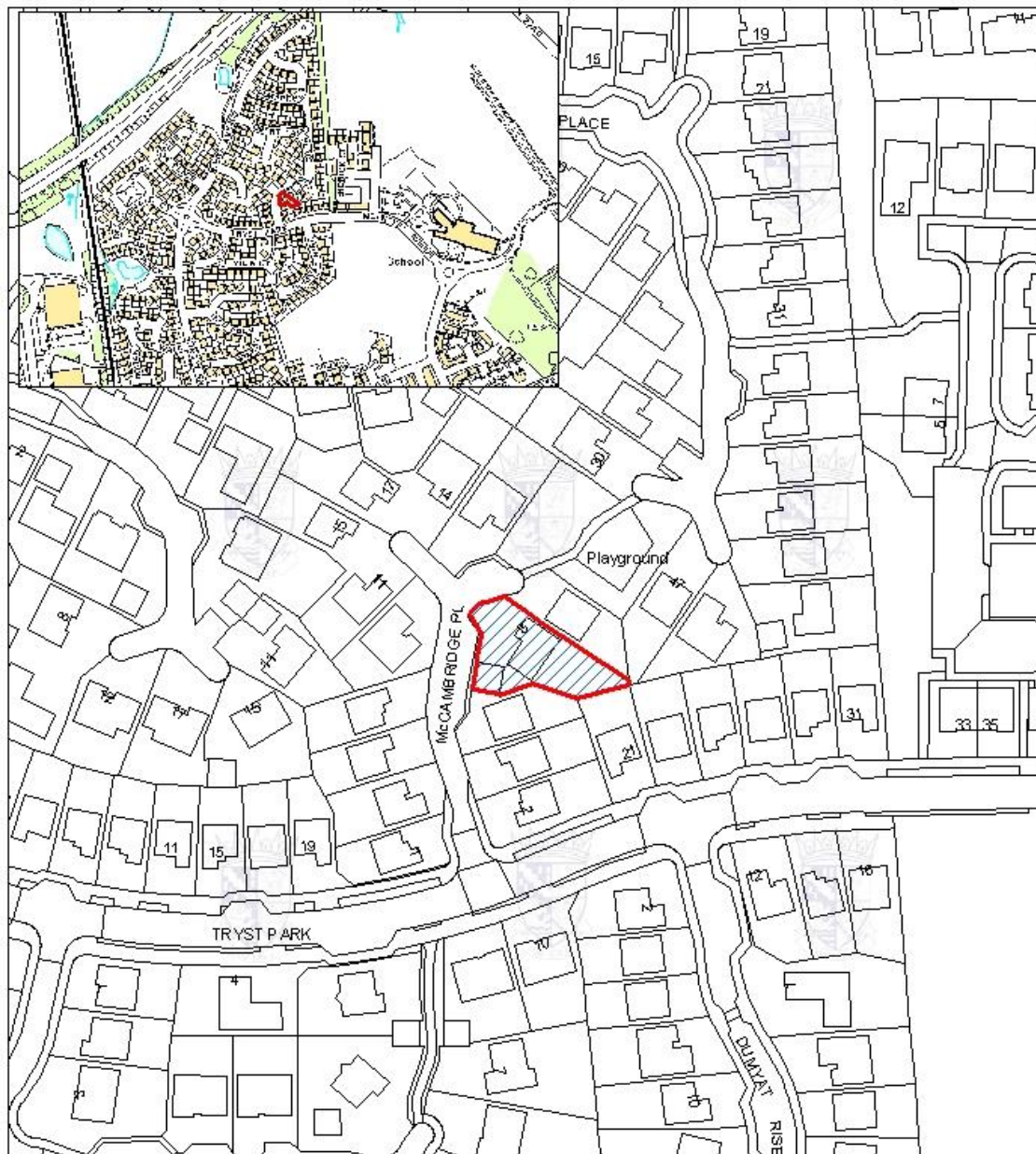
1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Supplementary Guidance Note on House Extensions and Alterations.
4. Letter of representation from Mr James Baxter 6 McCambridge Place Larbert FK5 4FY on 31 May 2011.

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: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES
WITH PROVISION FOR 25% AFFORDABLE HOUSING AT
PARKHALL FARM, VELLORE ROAD, MADDISTON, FALKIRK,
FK2 0BN, FOR CENTRAL SCOTLAND HOUSING -
P/11/0194/PPP

Meeting: PLANNING COMMITTEE
Date: 2 November 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 SEPTEMBER COMMITTEE

1. Members will recall this planning application was originally considered at the Planning Committee on 24 August 2011 and a site visit undertaken on 5 September 2011. The application was further considered at the Planning Committee on 21 September 2011 (copy of previous reports appended), where it was agreed to continue the planning application to allow further clarification on various matters, including Education comments, health and safety matters associated with the electricity pylons and open space details.
2. In regard to Education comments, it can be confirmed that Education Services object to this application as the proposed site is not part of the agreed housing allocation for this area identified in the Falkirk Council Local Plan and, as such, this unplanned growth would put the newly built, 2 stream, Maddiston Primary School under considerable pressure. Education Services has however advised that if Committee are minded to grant planning permission in this instance, a financial contribution totalling £3,800 per house should be requested to help mitigate the impact on local schools capacity. With regard to the initial report put to Planning Committee on 21 September 2011, it can be clarified that the objection to this application received from Education Services would not be removed as a result of any commuted sum payment being agreed.
3. Scottish Power Energy Networks have confirmed that they have no objection to the proposal and that stand off distances of 15m from the outermost conductor are being complied with in this instance. Clarification and general advice has been sought in regard to health and safety matters. However, to date, no further response has been received from Scottish Power Energy Networks on this matter.

4. The applicants propose that the liability and maintenance of open space areas beneath the electricity pylons would not lie with the Council but instead pass over to the proprietors of the houses through a community burden placed on their title deeds. This burden would require the proprietors of each house to pay the cost of maintenance of open space areas. As pointed out in previous reports to Committee, in order for Falkirk Council to maintain an element of control over this process and to ensure that appropriate open space provision and maintenance is provided in the long term, a Section 75 Planning Obligation would be required to be entered into by the applicant. Through the process of this legal agreement and appropriately worded planning conditions, details of the future appearance and nature of the open space can be agreed and enforced. As the current application is for planning permission in principle, it is not considered appropriate to seek these details at this time as the design and layout of the wider housing development should then inform the design and use of any open space areas.
5. Four additional letters of objection have been received since the last Committee meeting. These letters raised concerns in regard to Education provision in the area but did not raise any concerns that have not already been covered in the assessment of this application.
6. The above considerations do not change the overall assessment of this application. The proposal remains contrary to the terms of the Development Plan and there are no material considerations that warrant an approval of planning permission on this instance.

7. RECOMMENDATION

7.1 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: 25 October 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
11. Letter of objection from Mrs Michelle Ryan, 11 Cleuch Place, Maddiston, FK20HF on 30 September 2011
12. Letter of objection from Maria McConnell, 23 Cleuch Place, Maddiston, FK2 0HF 3 on October 2011.
13. Letter of objection from Craig Wilson, 38 Cleuch Place, Maddiston, FK2 0HF on 30 September 2011.
14. Letter of objection from Mr James Hoggan, 46 Cleuch Place, Maddiston, FK2 0HF ON 1 October 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: 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/MS. 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.
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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.
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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.

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: OPERATIONS YARD/WASTE RECYCLING/TRANSFER
FACILITY AT SABIC INNOVATIVE PLASTICS, BO'NESS
ROAD, GRANGEMOUTH FK3 9XF FOR MASTERTON -
P/10/0423/FUL

Meeting: PLANNING COMMITTEE

Date: 2 November 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grangemouth

Case Officer: Ian Dryden (Development Manager), Ext. 4756

FURTHER UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 20 April 2011 and a subsequent site visit undertaken on 12 May 2011. The application was further considered at the Planning Committee on 18 May 2011 (copy of previous reports appended), where it was agreed to further continue the planning application to allow members of the Committee to view dust suppression equipment at an appropriate site and to allow the applicant to submit further proposals for site screening.
2. Details with regard to the proposed landscape/screening of the site have now been submitted. This would comprise the planting of a 1.8m (6 feet) high Leylandii hedge that will grow to a height of 4m (13 feet), where it will be maintained in perpetuity by the applicant. The hedge would be planted along the west boundary of the site (fronting Westerton Road) and along the northern boundary of the site (fronting Bo'ness Road) up to the Gatehouse/office building to the north-east of the stockpile/segregation area. The stockpiling and segregation piles within the site would now "peak" at 6m (19½ feet) and these will be contained within 4m high (13 feet) concrete retaining walls. An additional condition has been included to ensure the planting and its maintenance is introduced at the earliest opportunity following the grant of any planning permission.

3. A site visit was then undertaken by members of the Committee on 24 October to view a working example of dust suppression equipment at Central Demolition, Chattan Industrial Estate, Bonnyside, Bonnybridge. Also in attendance were representatives from Grangemouth Community Council and SEPA. The dust suppression systems, comprising fine jet water sprays, were demonstrated. The jet sprays are fixed to the crushing/segregation equipment and along the site perimeter of the storage areas. The equipment also contained mesh netting to assist with dust suppression in windy conditions. It was also confirmed that, in the event of extreme windy conditions, there was a cessation of operations. The use of the water "fogging" equipment was at the discretion of the site manager and dependent on how windy the conditions were at the site. The applicant advised that a similar arrangement would be put in place at the proposed site at Grangemouth.
4. It was also confirmed by the applicant that the machinery at the site proposed in Grangemouth would have a similar dust suppression system installed on the machinery (at source) and on the perimeter of the site. The representative from SEPA confirmed that this arrangement is satisfactory, and would also be covered in the related site operation licence required from SEPA. The responsibility for monitoring and dealing with dust nuisance from the site would lie with SEPA. Notwithstanding this, a planning condition is attached, requiring details to be submitted and approved by the planning authority. This will entail consultation with SEPA.
5. Members of the Committee also viewed the Central Demolition site from the nearby access road containing residential properties, in respect of noise. The Environmental Protection Unit has concluded that the proposal is acceptable in respect of noise attenuation. This issue is covered by a planning condition.
6. The applicant also confirmed that the operational scale proposed is less than what was viewed at Central Demolition and the processing of materials would be commercial and industrial waste.
7. No further matters were raised which would amend the original recommendation to grant planning permission.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.**

- (3) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- (4) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (5) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (6) Prior to the use of the site as an operations yard, waste recycling and transfer facility commencing, vehicular parking, as shown on the approved masterplan (our online reference 12D), shall be constructed and available for use.
- (7) Development shall not commence on site until the Development Impact Assessment (DIA) response from Scottish Water is submitted to the Council. Thereafter development shall not commence on site until the detailed drainage design is submitted to and agreed in writing by the Council.
- (8) The development hereby approved shall be implemented in accordance with the approved plans and there shall be no stockpiling of materials out with the stockpiling and segregation area hatched orange on the approved masterplan (our online reference 12D).
- (9) All vehicles entering and leaving the site shall be closed or sheeted and properly trimmed so as to avoid the depositing of materials onto the public highway or giving rise to airborne dust particles.
- (10) Unless otherwise agreed in writing by the Council no screening or crushing shall take place on site between the hours of 1930 and 0730.
- (11) Development shall not commence on site until a scheme for protecting near by residential properties from operational noise has been submitted to and approved in writing by the Council. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Council.
- (12) Development shall not commence on site until a comprehensive dust management program is submitted to and approved in writing by the Council. Thereafter the development shall commence in accordance with the approved program.

- (13) Development shall not commence on site until details of wheel washing facilities are submitted to and approved in writing by the Council. Thereafter the approved wheel washing facilities shall be provided within the site in accordance with the approved details and must be used by vehicles leaving the site to ensure that the public road is kept clean and free from mud and dirt.
- (14) No operational activities shall commence on site until a programme for the planting timescale of the screen hedge as indicated on the approved drawings (our online reference 12D) and subsequent maintenance is 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.
- (2-5) To ensure the ground is suitable for the proposed development.
- (6) To ensure that adequate car parking is provided.
- (7) To ensure that adequate drainage is provided.
- (8) To protect the visual amenity of the area.
- (9, 12) To protect the surrounding area from dust pollution.
- (10, 11) To safeguard the residential amenity of nearby residential properties.
- (13) To safeguard the interests of the users of the highway.
- (14) To safeguard the visual amenity of the area.

Informative(s):-

- (1). For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 11, 12D, 13 - 16 and supporting documents.

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pp Director of Development Services

Date: 26th October 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Scottish Planning Policy
4. Letter of objection from Calor Gas Ltd, Athena House Athena Drive Tachbrook Park Warwick on 27 July 2010.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504756 and ask for Ian Dryden, Development Manager.

FALKIRK COUNCIL

Subject: OPERATIONS YARD/WASTE RECYCLING/TRANSFER
FACILITY AT SABIC INNOVATIVE PLASTICS, BO'NESS
ROAD, GRANGEMOUTH FK3 9XF FOR MASTERTON –
P/10/0423/FUL

Meeting: PLANNING COMMITTEE

Date: 18 May 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grangemouth

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 20 April 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 12 May 2011.
2. The applicant's agent presented a summary of the development proposals to the Committee, advising that the application is in accordance with the Development Plan and the application site is appropriate for the proposed use. The agent discussed the planning history of the site, concluding that the proposed use would be less polluting than the previous site use. The application site is in close proximity to strategic road links and avoids residential streets. The proposal would consolidate its operations into one site and the applicant's agent described the proposed operations in detail.
3. Grangemouth Community Council reiterated their objections in relation to an increase in noise, dust, contamination and the detrimental visual impact of the proposed activities. The Community Council consider that the proposals would add no value to the community of Grangemouth economically or environmentally.
4. Members raised concerns in relation to noise and dust as a result of operations and asked if the applicant had considered any type of site screening. Members sought clarification as to how many machines would be in operation during a normal day. Members also sought clarification in relation to the proposed dust management and suppression system and requested a further site visit to see dust suppression and fogging equipment in use.

5. The applicant advised that they would be willing to consider site screening. The applicant was also able to confirm that the amount of machinery on site will vary. However 2 machines and a forklift would be normal, emphasizing that their license would be limited to 25000 tonnes per year therefore limiting processes on site. The applicant advised that jobs would be created at the application site and that the company were currently recruiting a number of positions. The applicant advised that the open storage areas, as indicated on the proposed masterplan drawing, would be leased out and could be the subject of further planning applications where required.
6. Members sought clarification in relation to the distance of the proposed crushing and screening area to the closest residential property. Members should note that this is measured at approximately 124 metres from the nearest dwellinghouse to the closest edge of the proposed stockpiling and segregation area.
7. The Environmental Protection Unit asked Members to note that there was no dust suppression at the applicant's High Bonnybridge site and the proposed development would have a full dust management system, including fogging equipment, which should contain dust within the application site. The Council have dust monitoring equipment and would detect dust emanating from the site. It was also advised that dust levels within Grangemouth fall well below set targets. Grangemouth is inherently noisy with background noise levels within the locality in excess of 50 Db. The Unit also note that the submitted noise report examined the worst case scenario, with all machinery operating at one time, within one corner of the application site. The Unit advise that machinery can be fitted with acoustic barriers and all vehicles fitted with white noise reverse alarms, to assess in noise mitigation from out with the application site. In relation to vehicular movements, road traffic has to increase by 25% before a 3Db increase in background noise is recorded. The Unit concludes that the proposal is acceptable in relation to noise and dust and the Council would approve the noise protection scheme and dust management program prior to development commencing.
8. Councillor Spiers as Local Member, not on the Planning Committee, commented that Grangemouth is not a dumping ground and that moving jobs from the west was not in accordance with the Development Plan. Councillors McNeil and MacDonald in their roles as Local Members agreed with the points raised by the Grangemouth Community Council and reiterated concerns raised in relation to the applicant's High Bonnybridge site. They also recognise the concerns of Calor Gas and referred to a recent fire at the nearby Oran MRF site.
9. No matters were raised that would amend the original recommendation to approve planning permission. However it is recommended that the application be continued to allow a further site visit to take place in relation to dust suppression and the submission of site screening details.

10. RECOMMENDATION

- 10.1 It is therefore recommended that Committee continue the application to allow Members to view dust suppression equipment at the application site, or another site to be agreed, and the submission of site screening details.**

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pp Director of Development Services

Date: 13 May 2011

LIST OF BACKGROUND PAPERS

5. Falkirk Council Structure Plan
6. Falkirk Council Local Plan
7. Scottish Planning Policy
8. Letter of objection from Calor Gas Ltd, Athena House Athena Drive Tachbrook Park Warwick on 27 July 2010.

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

FALKIRK COUNCIL

Subject: OPERATIONS YARD/WASTE RECYCLING/TRANSFER
FACILITY AT SABIC INNOVATIVE PLASTICS, BO'NESS
ROAD, GRANGEMOUTH FK3 9XF FOR MASTERTON –
P/10/0423/FUL

Meeting: PLANNING COMMITTEE

Date: 20 April 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grangemouth

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed planning application is for a local development and seeks detailed planning permission for an operations yard, waste recycling and transfer facility at the former Sabic Innovative Plastics site, Grangemouth.
- 1.2 The application site is accessed off the A904 Bo'ness Road. The site is bounded by industrial and petrochemical development, extending to approximately 6.2 hectares. The closest residential property is located approximately 80 metres north west of the application site, at the Powdrake Roundabout.
- 1.3 The use of the site would involve the processing, recycling and storage of inert material, arising from demolition, construction and excavation operations. The types of material likely to be processed and recycled include brickwork, concrete, stone, timber, steelwork, soil and sub-soil. The material would be delivered to the site, separated, crushed and screened where appropriate, stored and made available for either sale or further disposal.
- 1.4 The operator (JR Masterton and Son (Demolitions) Ltd) has its offices and yard at Boyd Street, Falkirk, and an operations site at High Bonnybridge. The applicant has advised that it is looking to relocate and operate fully from the application site. Refurbishment of the existing office buildings on the north east of the application site, to accommodate the applicant's offices, formed a separate planning application, granted planning permission on 31 November 2010 (see site history).

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 The application site is subject to a number of historic planning applications relating to its industrial use, being formerly occupied by Sabic Innovative Plastics.
- 3.2 The most relevant is P/10/0701/FUL – formation of pitched roof and cladding exterior – granted on 31 November 2010.

4. CONSULTATIONS

- 4.1 The Roads Development Unit do not object to the application and advise of conditions relating to drainage.
- 4.2 The Transport Planning Unit has no objection to the application.
- 4.3 The Environmental Protection Unit advise of conditions relating to contamination. The Unit advise that the proposal would be subject to licensing by the Scottish Environment Protection Agency (SEPA) in terms of the Waste Management regime. Accordingly, complaints of dust, noise, and smells attributable to the premises would fall within the remit of SEPA for investigation.
- 4.4 SEPA has no objection to the application.
- 4.5 The Health and Safety Executive (HSE) does not advise, on safety grounds, against the granting of planning permission.
- 4.6 Scottish Water has no objection to the application.
- 4.7 Shell UK has no comment to make on the application.
- 4.8 BP have no objection to the application and advise that the BP Forties Pipeline would be unaffected by the proposal.
- 4.9 The Emergency Planning Unit note the proposal but have no observations.

5. COMMUNITY COUNCIL

- 5.1 The Grangemouth Community Council object to the proposal on the following grounds:
- Visual impact as a result of the open storage of materials;
 - Concerns in relation to the management of dust arising from open storage, processing and a lack of robust procedures to deal with dust;

- The proposal would exceed World Health Organisation guidelines for residential areas;
- Reversing alarms and excavator, including night movements, would cause noise nuisance for nearby residents;
- The Pollution Prevention and Control permit issued by SEPA should form part of the application;
- There are no guarantees that the waste will be inert. Masterton offer an asbestos removal service;
- The proposal would represent a significant increase in traffic volumes on an already busy road;
- The increased vehicle movements would be detrimental to the objectives of the Air Quality Management Area (AQMA);
- The proposal may result in contamination of surrounding roads; and
- The proposal is not the Best Practical Environmental Option (BPEO) or sustainable for the community of Grangemouth.

6. PUBLIC REPRESENTATION

6.1 One letter of objection was received from Calor Gas Limited, who operate from a site in close proximity to the application site, on the following grounds:

- HSE should be a consultee for the application;
- The proposal could result in fire or explosion and pose a risk to the adjacent plant where large quantities of Liquefied Petroleum Gas (LPG) are stored;
- The proposal would have an unacceptable impact on the road network; and
- The proposal would result in dust and odours.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

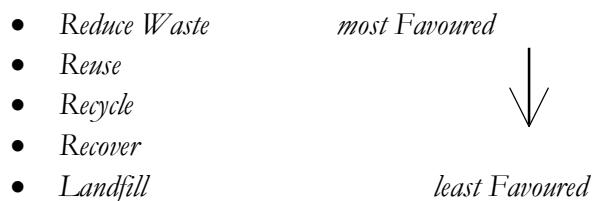
Approved Falkirk Council Structure Plan

7a.1 Policy ENV.11 ‘General Approach to Waste Management’ states:

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

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

Fig. 2: The Waste Hierarchy



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

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

7a.2 The proposal is considered to support the National Waste Strategy as it involves the re-use, recycling and recovery of materials and supports the aims of the Waste Hierarchy to shift the emphasis away from landfill. The site lies within an identified industrial area, and is not located in close proximity to residential properties on the A904, Bo’ness Road. The application site is within an industrial area and in close proximity to an existing Material Recycling Faculty MRF, located on the opposite site of the A904 Bo’ness Road at 1-5 Abbotsinch Road, Grangemouth. The application accords with policy ENV.11.

Falkirk Council Local Plan

7a.3 Policy EP2 - ‘Land For Business And Industrial Use’ states:

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

- (1) The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*

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

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

7a.4 The application site is located within an area for the retention of business and industry. Whilst it is accepted that the proposal does not fall within a class 4, 5 or 6 use the proposal is considered compatible within the existing industrial use of the site and wider industrial and petrochemical development area and as such the application accords with policy EP2.

7a.5 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.6 The application site is located within multiple hazard consultation zones and has been considered using PADHI+, HSE’s planning advice software tool. HSE does not advise, on safety grounds, against the granting of planning permission. It is considered the proposal would not significantly increase the number of people exposed to risk in the area, the application accords with policy EP18.

7a.7 Policy ST18 - ‘Waste Management Facilities’ states:

“Proposals for large scale waste management facilities will be directed to locations within or adjacent to existing waste management facilities and general industrial areas as indicated by Policy EP2. Any proposal must demonstrate that the impact on the environment and local communities is acceptable and comply with the other policies of the Local Plan”

7a.8 The application site is within an established industrial and petrochemical development area and is in close proximity to an existing Materials Recycling Facility (MRF) operated by ‘Oran’. It is considered that the application site provides an ideal location for the proposed operations yard, waste recycling and transfer facility and is remote enough from existing residential properties so as not to impact on the local community. The application accords with policy ST18.

7a.9 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.10 The application site is at risk of flooding, though not significantly. The applicant has submitted a flood risk assessment demonstrating that any flood risks can be adequately managed within and outwith the site. The application accords with policy ST12.

7a.11 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material planning considerations in respect of the application are National Planning Policy and Guidance, the planning history for the site and related sites, the consultation responses, third party representation and impacts on amenity.

National Planning Policy and Guidance

7b.2 Scottish Planning Policy states that the Scottish Government has adopted zero waste as a goal. Toward that end, the reuse and recycling of material is promoted, in accordance with the Waste Hierarchy. Scottish Planning Policy recognises that a significant increase in the number, range and type of waste management installations will be required. It states that the 'proximity principle' requires waste to be dealt with as close as possible to where it is produced. The proposal is considered to be broadly supported by Scottish Planning Policy as it provides for recycling and reuse and therefore reduces the need for landfill.

7b.3 Scottish Planning Policy indicates that a 100 metre buffer may be appropriate between new facilities such as recycling facilities and sensitive receptors (for example, housing), whilst recognising that appropriate buffer zones will depend on the specific characteristics of the site. In this instance, the application site lies approximately 80 metres to the south east of housing on the A904 Bo'ness Road. In addition to the distance of housing to the proposal, the intervening road and surrounding industrial and petrochemical development provides a context within which to consider the potential impact on amenity (discussed in section 7b.7).

Planning History

7b.4 Within the Falkirk Council area the applicant currently operates from two premises, at Boyd Street, Falkirk and Hillview Road, High Bonnybridge. Planning permission was refused on 18 August 2010 at the applicant's High Bonnybridge site for the following reasons:

- The development is contrary to the terms of the Development Plan and there are no material considerations which would outweigh the provisions of the Development Plan;
- The development would have an adverse impact on the amenity of neighbouring properties.

7b.5 It is noted that the applicant intends to relocate operations from both of its sites into one facility at the application site. This would include office accommodation, currently situated at Boyd Street and its operations yard at Hillview Road. The refurbishment of existing offices within the application site was recently granted planning permission under a separate planning application (Ref: P/10/0701/FUL).

Consultation Responses

7b.6 The consultation responses are summarised in Section 4 of this report and it is considered that matters raised could be the subject of conditions of any grant of permission.

Impact on Amenity

7b.7 It has been recognised in this report that the proposal is to be located within an existing heavy industrial and petrochemical development area, however it is acknowledged that residential properties are located approximately 80 metres from the application site. It should be noted that the nearest properties to the application site are located adjacent to office facilities associated with the adjacent petrochemicals development and directly opposite several industrial units, most notably 'Oran' MRF. The residential properties are also located on a busy distributor road, the A904 Bo'ness Road and adjacent to the Powdrake Roundabout. Within this backdrop it is considered that any impact on the amenity of these residents would not be significant. The previous use of the site was for the manufacturing of plastics.

7b.8 Visually the proposed stockpile and segregation area would be screened from residential properties by the proposed open container / skip area and the effluent treatment plant to be retained on site. Whilst it is accepted that the stockpiles differ in character from the industrial buildings, plant and petrochemical plant typical of the wider area, the application site is set back from Bo'ness Road and partially screened by planting on the wide verge area between Bo'ness Road and the service road. Subject to a restriction on the height of the stockpiles, the visual impact of the proposal can be adequately mitigated. It is considered that a 6 metre height restriction should apply. The overall development does not break the skyline and is no higher than other development, buildings and plant in the immediate area.

- 7b.9 Activities such as screening, crushing and separation of demolition debris and other aggregates have the potential to cause dust nuisance. The applicant would carry out regular dust monitoring and dust suppressing sprays would be used on all crushing and screening equipment. Further monitoring and additional water spraying would be employed should unacceptable levels of dust be generated. In relation to noise the proposal would be operational 24 hours a day, seven days a week, although not all activities would be undertaken at all time periods. Lorry movements and excavators would be in operation 24 hours a day with screening and crushing operation only undertaken during 12 hours day shifts. The applicant has submitted a dust impact assessment, noise impact assessment, traffic movement statement and operations statement. No major concerns have been raised by consultees in relation to information submitted in support of the application.

Representations Received

- 7b.10 In relation to objection received through third parties, Grangemouth Community Council and Calor Gas Limited, the following comments are considered relevant. It should be noted that the applicant responded in writing to the third parties, who maintain their objections.

- Concerns in relation to visual impact, noise, dust and hours of operation have been discussed in detail in this report.
- The Roads Development Unit and Transport Planning Unit has not raised any concerns regarding traffic impacts based on the information submitted with the application.
- The Environmental Protection Unit have not raised any concerns in relation to the AQMA.
- The applicant has made a separate application to SEPA for a Waste Management License, currently pending. This application relates to concrete, brick, scrap metal, mixed industrial waste and timber and does not include asbestos.
- The proposal is considered acceptable within the heavy industrial and petrochemical area and is in close proximity to an existing material recycling facility.
- The application has been considered using PADHI+, HSE's planning advice software tool. HSE does not advise, on safety grounds, against the granting of planning permission.
- The proposal relates to the processing of inert materials and as such it is considered that the proposal would cause no more risk of fire or explosion than any other surrounding industrial or petrochemical uses.

7c Conclusion

- 7c.1 **This application, for an operations yard, waste recycling and transfer facility accords with the terms of the Development Plan, for the reasons detailed in this report. The site lies within an industrial and petrochemicals area and its proposed use is considered appropriate.**

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.**
- (3) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.**
- (4) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.**
- (5) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.**
- (6) Prior to the use of the site as an operations yard, waste recycling and transfer facility commencing, vehicular parking, as shown on the approved masterplan (our online reference 12C), shall be constructed and available for use.**
- (7) Development shall not commence on site until the Development Impact Assessment (DIA) response from Scottish Water is submitted to the Council. Thereafter development shall not commence on site until the detailed drainage design is submitted to and agreed in writing by the Council.**
- (8) The development hereby approved shall be implemented in accordance with the approved plans and there shall be no stockpiling of materials out with the stockpiling and segregation area hatched orange on the approved masterplan (our online reference 12C).**

- (9) All vehicles entering and leaving the site shall be closed or sheeted and properly trimmed so as to avoid the depositing of materials onto the public highway or giving rise to airborne dust particles.
- (10) Unless otherwise agreed in writing by the Council no screening or crushing shall take place on site between the hours of 1930 and 0730.
- (11) Development shall not commence on site until a scheme for protecting near by residential properties from operational noise has been submitted to and approved in writing by the Council. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Council.
- (12) Development shall not commence on site until a comprehensive dust management program is submitted to and approved in writing by the Council. Thereafter the development shall commence in accordance with the approved program.
- (13) Development shall not commence on site until details of wheel washing facilities are submitted to and approved in writing by the Council. Thereafter the approved wheel washing facilities shall be provided within the site in accordance with the approved details and must be used by vehicles leaving the site to ensure that the public road is kept clean and free from mud and dirt.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5). To ensure the ground is suitable for the proposed development.
- (6). To ensure that adequate car parking is provided.
- (7). To ensure that adequate drainage is provided.
- (8) To protect the visual amenity of the area.
- (9, 12) To protect the surrounding area from dust pollution.
- (10, 11) To safeguard the residential amenity of nearby residential properties.
- (13) To safeguard the interests of the users of the highway.

Informative(s):

- (1). For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 11, 12C, 13 - 16 and supporting documents.

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pp Director of Development Services

Date: 12 April 2011

LIST OF BACKGROUND PAPERS

- 9. Falkirk Council Structure Plan
- 10. Falkirk Council Local Plan
- 11. Scottish Planning Policy
- 12. Letter of objection from Calor Gas Ltd, Athena House Athena Drive Tachbrook Park Warwick on 27 July 2010.

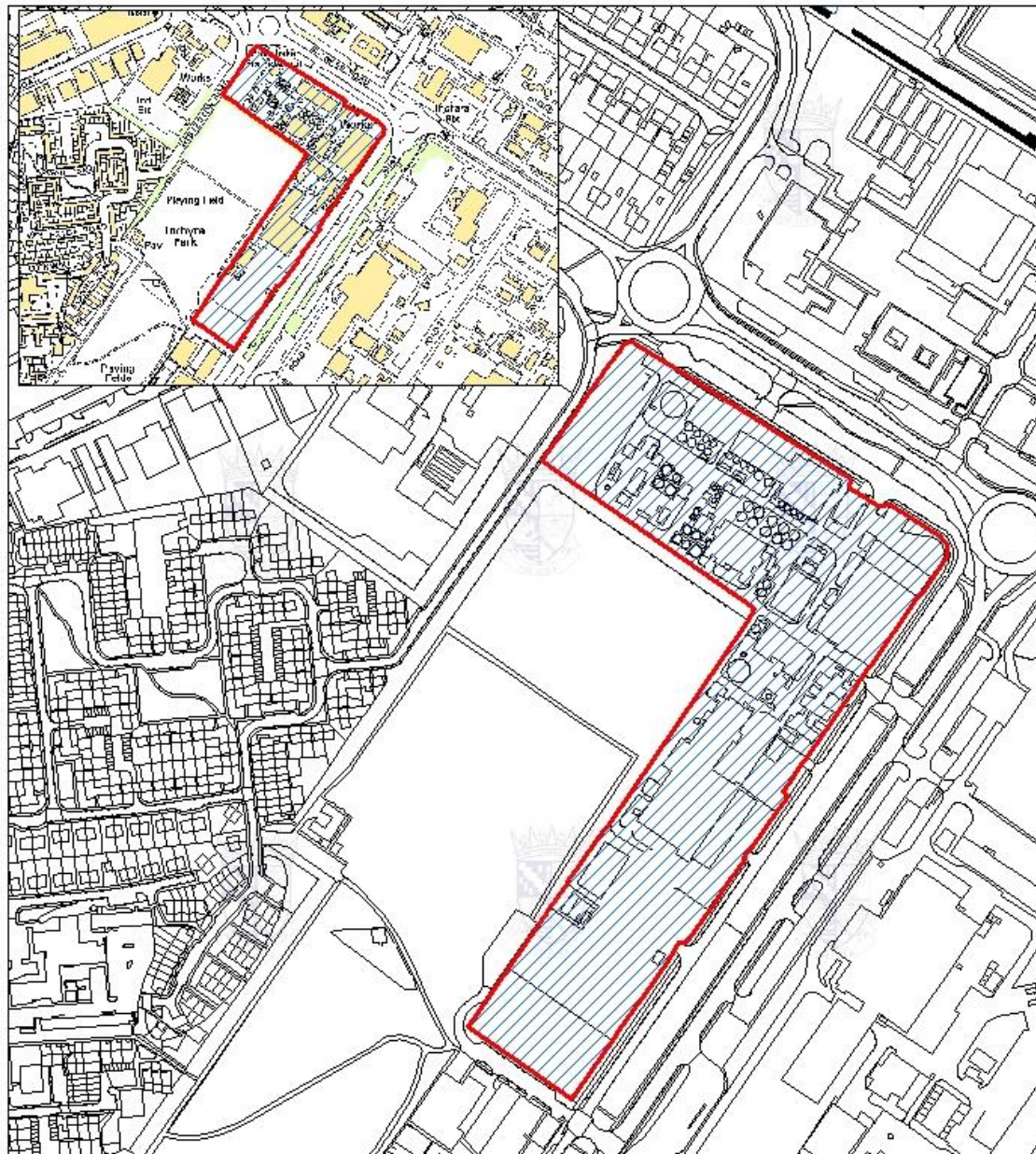
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0423/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: EXTRACTION OF DIMENSION SANDSTONE AT DRUMHEAD QUARRY, DENNY FOR MR & MRS D GRAHAM – P/11/0156/MRL

Meeting: PLANNING COMMITTEE

Date: 2 November 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 is a local development for the phased extraction of dimension and secondary stone (aggregate) and the phased restoration of the site.

1.2 The application site comprises the northern portion of the former Doghillock Quarry and adjoining agricultural land. The site is bounded to the south and west by existing trees and scrub within the former quarry area. Agricultural land adjoins to the north and east. There is a public path which follows the western site boundary and crosses the northern part of the site. The nearest dwellinghouse is at Doghillock Farm, some 120 metres to the south-east. Vehicular access is from an access track off Denovan Road.

1.3 The following information has been submitted in support of the application:-

- A Planning Statement;
- A Method of Working Statement;
- Concept restoration proposals, indicating a water feature surrounded by mature indigenous woodland;
- A Bat Survey;
- A Badger Survey and Local Biodiversity Action Plan (LBAP) Evaluation;

- A Report from the British Geological Society on Dimension Sandstone at Drumhead Quarry;
- A Public Event Information Letter, 27 February 2011;
- Press Articles; and
- Letters of Support from the British Geological Society, the Scottish Stone Liaison Group, stonemasons and professional groups.

1.4 The Planning Statement indicates the following:-

- The site incorporates an extraction area and an operational area (within the original quarry);
- Extraction and restoration would be in three phases;
- Extraction would be to a depth of 52 metres above ordnance datum;
- The total volume of sandstone reserve is estimated at 72,219 tonnes;
- An average of 10,317 tonnes would be extracted per annum over a 7 year period (7997 tonnes of dimensional stone and 2320 tonnes of secondary stone);
- The proposal offers an opportunity to secure further mitigation/site restoration of other land within the ownership of the applicant;
- The dimension stone would be used in the conservation and repair of historic buildings and to provide high quality sandstone in new developments;
- The more fragmented (secondary) stone would be used for stone walling and garden use; and
- The overburden material comprises 4 to 7 metres of boulder clay, overlying shale and mudstone beds, which would be used to form a screening bund on the western boundary and temporary storage bunds for use in the restoration.

1.5 The Method of Working Statement indicates the following:-

- The stone would be extracted by a mechanical excavator and the larger blocks would be reduced by hammer and chisel and the use of iron wedges (i.e. plugs and feathers);
- There would be no blasting;
- A single digger would be used to load the stone onto the lorry. Alternatively, if the lorry has a hiab, that would be used;
- The lorry type for transporting dimension sandstone would be an 8 wheeler (maximum load 12 tonnes);

- The lorry type for transporting secondary stone would be an 8 wheeler (maximum load 20 tonnes);
- The estimated number of lorries entering and leaving the site is 16 per week resulting in 32 movements;
- There would be no temporary buildings or containers; and
- The hours of operation would be Monday to Friday 8am to 4pm.

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 Planning application ref: F/99/0855 for the infilling of land and associated landscaping works was granted in May 2002 for a period of three years (until 2 May 2005). The officer's report recognised the potential long term benefits of infill and restoration of a disused quarry and creation of a recreational facility for the community. These benefits were seen to outweigh the potential for short term loss of amenity to residents as a consequence of lorry movements associated with the infill.
- 3.2 The officer's report for F/99/0855 recorded the following planning history:-
- Extraction of flagstone at the former Doghillock quarry ceased prior to 1948 and no restoration scheme was put in place;
 - Planning application ref: F/87/0552 to infill the quarry and reclaim the land for agricultural use was refused on the grounds of (1) road safety concerns from the additional vehicular traffic that would be generated on Denovan Road and (2) visual amenity concerns arising from the loss of trees and scrub woodland as a consequence of the proposed infill. A subsequent appeal against this refusal was dismissed on the grounds that the end product of the operations (the reuse of land for agricultural use) did not outweigh the reduction in amenity which would result, at a time when agricultural land was being set aside from production;
 - An application for an established use certificate for tipping was refused in 1989. A subsequent appeal was dismissed by the then Secretary of State for Scotland on the grounds that there was insufficient evidence to prove that the use was established;
 - The site was the subject of enforcement action in 1990 in relation to the unauthorised use of the quarry as a tip. The enforcement action required the removal of material from the tip. The operator (at that time) appealed to the former Secretary of State for Scotland against the enforcement action and the appeal was dismissed.

3.3 The current applicants (Mr and Mrs Graham) have submitted that:-

- Planning permission ref: F/99/0855 was obtained by Clark Services UK Ltd and was operated by this company under a lease arrangement with them;
- Infilling of the land commenced in mid May 2002;
- They were dissatisfied with the operator's approach and had the project stopped and ceased their affiliation with the operator;
- The infill operation ceased by the end of 2002; and
- Very little infill was done as most of the material was used to infill the proposed new access. As the site was not restored, there was no material impact on its original condition.

3.4 A Section 75 Legal Agreement was concluded for F/99/0855, which required Clark Services UK Ltd to reinstate the site by 2 May 2005, in accordance with the approved landscape plan. In November 2005, Falkirk Council Legal Services gave notice that the Council waives its right to require the carrying out of the approved restoration works.

4. CONSULTATIONS

4.1 The Roads Development Unit acknowledge the relatively low level of anticipated vehicle movements associated with the proposed development but consider that the introduction of HGV traffic on Denovan Road would not be in the best interests of road safety. This is due firstly, to the restricted forward visibility at several points in Denovan Road along the proposed haul route, caused by a contribution of horizontal alignment and roadside vegetation and, secondly, the width of the carriageway in the vicinity of the existing and proposed accesses, which gives rise to some concern that there may be insufficient width for a car and a lorry to safely pass each other. However, they recognise the opportunity for some localised road widening, primarily in the vicinity of the new site entrance, and they would take some comfort if there is a restriction on lorry movements. In the event of permission being granted, they recommend conditions in relation to formation and construction of a new access, the erection of a 'No Left Turn' sign at the entrance and the provision of wheel wash facilities and localised road widening.

4.2 Scottish Water have no objection to the application.

4.3 SEPA have no objection to the application subject to planning conditions being attached to any approval to secure the submission of a full site specific environmental management plan (EMP) and a restoration and aftercare plan.

4.4 The Environmental Protection Unit have no objection to the application subject to the proposed noise and dust control measures being implemented and the hours of operation being restricted to those proposed (i.e. Monday to Friday 8am to 4pm). The proposed mitigation measures include a prohibition on blasting, the employment of water suppression methods and the formation of screening bunds to mitigate noise. They advise that the effect on air quality is likely to be minimal due to the proposed method of working.

- 4.5 The Transport Planning Unit have advised that the latest survey information they have for Denovan Road indicates a traffic volume of 500 vehicles per day. Based on the applicant's estimate of 32 lorry movements a week, they advise that this equates to 6 vehicle movements per day (3 in and 3 out), which represents a 1.2% increase in traffic generation. They advise that Denovan Road is currently a 'C' Class adopted road with a weight restriction of 7.5t except for access, meaning that any vehicle accessing the proposed development would be exempt from this restriction. They advise that there are currently no pedestrian facilities along this section of Denovan Road and that no additional facilities would be required as the development is unlikely to give rise to a significant increase in pedestrian movements. Due to the remote location and anticipated number of movements associated with the development, they advise that there would be no requirement for cycling facilities.
- 4.6 Scottish Natural Heritage have not offered any advice or comments and are content for Falkirk Council to identify any natural heritage impacts.
- 4.7 Museum Services have advised that there are no known archaeological sites in the area of the application site. However, due to the proximity of standing stones and prehistoric enclosures, they have requested the undertaking of an archaeological investigation.

5. COMMUNITY COUNCIL

- 5.1 The Denny and Dunipace Community Council have not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 Eight objections to the application have been received. The concerns raised in the objections can be summarised as follows:-

Suitability of Denovan Road/Road Safety

- Denovan Road is unsuitable for increased heavy lorry use due to weight restrictions, its poor condition, its narrow width, its winding nature and many blind spots, and the location of a bridge near the proposed entrance;
- Denovan Road is already very busy and at various times of the day is used as a short cut to avoid Denny Cross;
- Damage would be caused to the road;
- The existing access track is in a poor state of repair and material from it is washed and carried down onto Denovan Road making this road dirty and uneven;
- The existing access junction is dangerous;
- Will the existing access be upgraded?;
- There should be no left hand turn from the site onto Denovan Road;

- Will there be restrictions on the times that lorries can operate?;
- What size will the lorries be?;
- Safety concerns as Denovan Road links to a number of right of ways and is regularly used by walkers, runners, cyclists and horse riders, including children;
- A footpath along Denovan Road should be built if permission is granted;
- The speed limit on Denovan Road should be reduced to protect other road users;
- Denovan Road should be widened;
- The Denovan Road/Stirling Street junction should be improved as additional heavy lorry traffic would increase the existing danger caused by vehicles parking close to the junction and proximity of a pelican crossing;

Public Right of Way

- Will the existing public right of way to Plean alongside the quarry be maintained?;
- How will the site be fenced off bearing in mind the public right of way?;

Amenity

- Concerns regarding hours of operation;
- Concerns regarding noise impacts;
- Noise issues as Denovan Road to Stirling Road has a number of properties directly on the road;
- The general area would become filthy due to heavy lorries running to and from the quarry;
- Will the applicant be responsible for cleaning the road?;
- The site will become an eyesore in the countryside;

Environmental

- Impacts on wildlife, e.g. buzzards, hawks, roe deer, badgers, foxes, bats, etc?;

Notification of Consideration

- The affected residents have not been informed;
- No attempt to inform the community before any application was lodged;

Existing Use

- What is the site currently being used for given that there are lorry movements at present?;
- Existing use of the access by farm machinery and excavators;

Site Restoration / Compliance Concerns

- Concerns over the future restoration of the site and how the Council will ensure this happens;
- The applicant has a history of not complying with planning conditions;
- Due to past attitudes and behaviours, there are no guarantees that the applicant will manage the quarry in an appropriate manner or give any consideration to the neighbouring properties; and
- Difficult to believe that lorries running up to the quarry would adhere to any restrictions imposed, as there is not any way of policing this.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

- 7a.1 The proposed development does not raise any strategic issues and has therefore been assessed against the adopted Falkirk Council Local Plan alone.

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 indicates that development in the countryside will be subject to the detailed policies for specific uses indicated in Table 3.3. The detailed policies of relevance in this case are the mineral policies (EQ32 to 39), which the application has been assessed in this report as complying with. With regard to part (2) of the policy, no significant or long lasting impacts on the character of the countryside are anticipated, subject to measures to mitigate operational impacts and restoration of the quarry workings and aftercare of the restored site. The application is therefore considered to accord with this policy.

7a.4 Policy EQ39 - 'Hard Rock Aggregates' states:

"There will be a presumption against additional sites or extensions to existing hard rock aggregate workings in accordance with the Structure Plan."

7a.5 This policy presumes against additional sites or extensions to existing hard rock aggregate workings on the basis that there is an adequate land bank for the quarrying of hard rock aggregate in the local area. Whilst the application is to extract dimension sandstone, the applicant estimates that 19% of the total yield would be secondary stone, which would be used for walling and garden use, although the exact percentage split between dimension stone and secondary stone would only be revealed during extraction. It is accepted that the primary use of the site (for dimension sandstone) is the relevant consideration in a policy context rather than the ancillary by-product and, therefore, there is not considered to be a conflict with this policy. In addition, given the proposed scale of the operation, it is accepted that the aggregate yield would be minor in quantitative terms and so would have an insignificant impact on the 10 year supply from the three existing hard rock aggregate quarries in the Falkirk Area (Falkirk, Boards and Northfield Quarries).

7a.6 Policy EQ32 'General Criteria for Minerals Development' states:

"There will be a general presumption against new or extended mineral workings which:

- (1) *would have a significant adverse impact on the amenity of a community or smaller groups of houses which cannot be mitigated by planning conditions/agreements;*
- (2) *would be visually intrusive from main transport corridors;*
- (3) *would result in the permanent loss of or damage to prime quality agricultural land which cannot be restored to its previous condition;*
- (4) *would have a significant adverse impact on the landscape of the area, with particular respect to Areas of Great Landscape Value and Green Belt, having regard to Policies EQ20 and EQ23;*

- (5) *would have a significant adverse impact on internationally or nationally designated areas of nature conservation value such as Ramsar sites, SPAs, SACs or SSSIs, on locally designated sites such as Wildlife Sites and SINC's, or on national and local priority habitats and species identified in the Falkirk Area Local Biodiversity Action Plan, having regard to Policies EQ24 and EQ25;*
- (6) *would have a significant adverse impact on the character or setting of a Listed Building, Conservation Area, Scheduled Ancient Monument or site of archaeological or historic importance or site within the Inventory of Gardens and Designed Landscapes, having regard to Policies EQ12, EQ14, EQ16 and EQ18, or*
- (7) *Would have a significant adverse impact on the water environment."*

7a.7 This policy generally presumes against new or extended mineral workings where significant impacts would arise in respect of the matters detailed in the policy. Due to the scale, nature, siting and duration of the proposed development, and subject to the imposition of appropriate planning conditions and completion of an Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997, the application is considered to accord with this policy. Access to and from the site by lorries would be via the A872 and Denovan Road, and the haul route would be secured by a Section 75 Planning Obligation. Whilst there are houses close to Denovan Road near the A872, the estimated lorry movements would represent a small increase in traffic on this road, equating to, on average, 3 vehicles entering and 3 vehicles leaving the site on each day of operation (Monday to Friday). Planning conditions would be imposed to ensure adherence to the proposed method of working and to control potential noise and dust impacts. Accordingly, no significant impacts on local amenity are anticipated. Views of the site from the south would appear to be limited and the closest views are from a minor road to the north. No significant or long lasting visual or landscape impacts are therefore anticipated subject to the provision of screening bunds during the operational period and the implementation of a phased restoration scheme. No significant adverse impacts are anticipated in respect of the matters detailed in parts 5 and 6 of the policy. Impacts on national and local priority habitats and species have been assessed against Policies EQ24 and EQ25. The application site is not classified as prime quality agricultural land. A planning condition would require the submission of an Environmental Management Plan (EMP) before any works start, to control potential operational impacts on air and the water environment.

7a.8 Policy EQ33 - 'Cumulative Impact Of Mineral Workings' states:

"Proposals for new or extended mineral workings will be assessed in terms of their cumulative impact where there are existing workings or unimplemented consents in the area."

7a.9 This policy requires the cumulative effects of new or extended workings to be considered. The proposed development is relatively small in scale and a cumulative impact assessment of the proposal in relation to the large sites at Falkirk, Boards and Northfield Quarries is not considered to be necessary. It is considered that the imposition of appropriate planning conditions and the completion of a Section 75 Planning Obligation would satisfactorily control the impacts of the development and address any potential cumulative impacts. On that basis, the application is considered to accord with this policy.

7a.10 Policy EQ34 - 'Benefits From Mineral Extraction' states:

"In considering proposals for new or extended mineral workings potential benefits accruing through development of the site will be taken into account in assessing any application. These include:

- (1) the removal of associated mineral deposits in one operation;*
- (2) avoiding the sterilisation of minerals by other development;*
- (3) the provision of local employment; and*
- (4) the removal of dereliction following working of the mineral and subsequent restoration and aftercare."*

7a.11 This policy requires potential benefits from new or extended mineral workings to be taken into account. In this instance, the proposed development provides an opportunity to address the dereliction of the full extent of the original quarry, which extends outwith the application site. This would be secured by a Section 75 Planning Obligation. The application therefore accords with this policy.

7a.12 Policy EQ36 - 'Restoration And Aftercare Of Surface Mineral Workings' states:

- (1) Where the Council intends to grant planning permission for mineral extraction, conditions and / or Section 75 agreements will be imposed to ensure satisfactory restoration and aftercare of the land.*
- (2) Restoration and aftercare schemes should secure opportunities for landscape improvement, habitat creation and the promotion of biodiversity (see Policy EQ25), and countryside access and recreation (see Policy EQ29).*
- (3) Restoration should be appropriately phased to minimise the impact of the workings during the extraction period.*
- (4) Appropriate financial guarantees will be required which are sufficient to secure the full implementation of the required restoration and aftercare scheme, allowing for inflation over the lifetime of the permission."*

7a.13 This policy relates to securing appropriate restoration and aftercare of mineral workings. The provision and implementation of a detailed, phased, restoration and aftercare scheme would be secured by a Section 75 Planning Obligation before work starts on site. The scheme would be required to improve the landscape, enhance and create habitat and consider opportunities to enhance access to the countryside and provide associated facilities. The planning obligation would also secure a bond or other appropriate guarantee to deliver the approved restoration and aftercare if the site were abandoned. The application therefore accords with this policy.

7a.14 Policy EQ37 - 'Abandoned/Derelict Sites' states:

"The appropriate reclamation of abandoned/derelict sites will be pursued to enable restoration and aftercare procedures to be implemented unless reclamation, or further work to finance reclamation, has the potential to create further unacceptable environmental impacts."

7a.15 This policy indicates that reclamation of abandoned/derelict sites will be pursued where appropriate. As stated in paragraph 7a.11, the proposed development provides an opportunity to address the dereliction of the original quarry and properly restore the area. As detailed, this matter would be the subject of a Section 75 Planning Obligation. The application therefore accords with this policy.

7a.16 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.17 This policy indicates that, where appropriate, provision shall be made for archaeological excavation and recording. The Council’s Archaeologist has advised that there are no known archaeological sites in the area but that a programme of archaeological work should be carried out due to the proximity of standing stones and prehistoric enclosures. This would be secured by a planning condition. On this basis, the application accords with this policy.

7a.18 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.19 This policy prohibits development likely to have an adverse effect on protected species. In light of potential impacts, bat and badger surveys of the site and surroundings have been undertaken. The Bat Survey found no evidence of roosting bats, although bats were active and foraging during the surveys and there are trees close to the proposed extraction area that could potentially provide roosting habitat for bats. A Bat Mitigation Method Statement has been prepared, which should be adhered to if trees are to be felled, worked on or potentially disturbed. The Badger Survey identified badger paths and signs of badger foraging within the application site but no setts and the main sett is located approximately 140 metres from the application site. A range of mitigation and protection measures are recommended, which relate to raising the awareness of quarry workers, minimising light nuisance and measures to reduce the risks to foraging badgers during the night. Compliance with the proposed bat and badger mitigation would be required by a planning condition. The application therefore accords with this policy.

7a.20 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.21 This policy promotes the biodiversity of the Falkirk Council area. In light of potential impacts, a Local Biodiversity Action Plan (LBAP) evaluation has been undertaken, which identifies a range of LBAP habitats and species within the application site and surrounding area. The LBAP habitats are semi-broadleaved woodland, grassland, arable land and boundary habitats. The LBAP species are badger, brown hare and grey partridge. In addition, several songbirds, species associated with grassland and an invasive species (Japanese Knotweed) were noted. The evaluation recommends a range of habitat enhancement measures, which include native tree planting, a new boundary hedge, the planting of unharvested crops with nectar sources for the duration of the quarry operations and the erection of outdoor barn owl nest boxes. These measures are supported and could form part of the restoration scheme for the application site and former quarry. The provision and implementation of a detailed, phased, restoration scheme would be the subject of a Section 75 Planning Obligation. The plan would need to consider a full range of habitat enhancement measures and include a programme to eradicate Japanese Knotweed. On this basis, the application is considered to accord with this policy.

7a.22 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.23 This policy presumes against development in an area covered by a Tree Protection Order unless it can be proven that the longevity, stability and appearance of the trees would not be affected. Part of the application site lies within an area covered by a blanket Tree Protection Order but this part of the TPO area does not currently contain any trees. A planning condition would secure the provision of a suitable temporary fence around the boundary of the works areas to ensure workings or vehicles do not encroach into the protected tree areas and result in their damage or loss. This would apply also to the new access area where there are trees in close proximity. On this basis, the application is considered to accord with this policy.

7a.24 Accordingly in light of the above policy assessment, the proposed development is considered to accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations in respect of this application are National Planning Policies and Guidance, the planning history for the site, the consultation responses, the representations received and the need for, and quality of, the mineral resource.

National Planning Policies and Guidance

- 7b.2 National Planning Framework 2 (NPF2) recognises the need for adequate supplies of minerals to be available to the construction industry and acknowledges the importance of local sources of mineral resources, particularly in the Central Belt.
- 7b.3 Scottish Planning Policy (SPP) 2010 emphasises the need to secure an adequate and steady supply of minerals in order to support sustainable economic growth. It states that planning authorities should safeguard resources such as dimension stone and provide for their working. It recognises that dimension stone is important for repair of existing buildings and as a new building material.
- 7b.4 Accordingly, the proposed development is considered to be supported by National Planning Policy and Guidance.

Planning History

- 7b.5 The planning history is summarised in Section 3 of this report. It notes the granting of planning permission ref: F/99/0855 in May 2002 for the infilling of land and associated landscaping works. The landowners (the current applicants) have submitted that the infill operation ceased by the end of 2002 as they were dissatisfied with the operator's approach and terminated their affiliation with the operator. As a result, the approved restoration plan was never implemented. The applicants have submitted that the current proposal is entirely under their control and offers a realistic opportunity to restore the former quarry.
- 7b.6 The application for infill (ref: F/99/0855) estimated that around 30,000 tonnes of infill material would be required, which equated to 35 vehicles per day for 48 weeks per year. The heavy vehicle movements generated by this proposal were therefore significantly greater on a daily basis than the current proposal but were for a shorter duration, as the infill operation was for 3 years whereas the current proposal is for 7 years. The potential for short term loss of amenity as a consequence of lorry movements was recognised in the previous application.

Consultation Responses

- 7b.7 The consultation responses are summarised in Section 4 of this report. The matters raised in these responses could generally be the subject of suitable planning conditions/Section 75 Planning Obligations. The Roads Development Unit have road safety concerns, as detailed in paragraph 4.1, but acknowledge the relatively low level of anticipated lorry movements and the opportunity for localised road widening.

Representations Received

7b.8 The representations are summarised in Section 6 of this report. With regard to the concerns raised, the following comments are considered to be relevant:

- The estimated lorry movements associated with the proposed development are low, representing a 1.2% increase in traffic generation per week, as informed by the Council's latest survey information;
- The proposed haul route is the A872 and Denovan Road west of the site. This section of Denovan Road is relatively straight, although it is acknowledged that there are several points where there is restricted forward visibility. The applicant has agreed to undertake some localised road widening, which would improve visibility and the opportunity for vehicles to pass each other. This would be subject to a planning condition requiring the agreed works to be completed prior to the commencement of extraction works;
- The operator of the quarry would be liable for any damage to the road attributable to the quarry operation;
- The existing site access would be located further to the east where overall visibility would be improved and appropriate surfacing at the entrance and wheel washing facilities would be required to minimise impacts on the surface of Denovan Road;
- The haul route would be secured by a Section 75 Planning Obligation and a planning condition would require the erection of a 'No Left Turn' sign at the new entrance;
- This report details the proposed hours of operation and the size of the lorries;
- The proposed development would not generate a significant number of pedestrian movements to justify the construction of a footpath along Denovan Road;
- The existing geometry of Denovan Road makes it difficult for vehicles to achieve speeds in excess of 40mph. The Transport Planning Unit has advised that a survey carried out in September 2010 confirms this;
- Any widening of Denovan Road would increase traffic speed and may encourage more vehicles to use it as an alternative route. The current width and alignment may act as a deterrent at present;
- The Transport Planning Unit have advised that the existing junction of Denovan Road and Stirling Road is bounded by properties and it would therefore be difficult to carry out any improvements within the existing road boundary. In any case, they note that Stirling Road to the north of the junction (towards the zebra crossing) has existing restrictions (zig zags) that run across the junction and there would not appear to be a desire to park on the east side of Stirling Road, to the south of Denovan Road, as the property along this section has access from Denovan Road;
- There would be a requirement to make suitable arrangements to maintain public access through and adjacent to the site to maintain a link from Denovan Road to Plean;

- Measures to mitigate potential impacts on local amenity would be subject to planning conditions/Section 75 Planning Obligations. Planning conditions would control the hours of operation and require adherence to the Method of Working Statement, the provision of temporary screening bunds and wheel wash facilities, and operation in accordance with an Environmental Management Plan. The phased restoration of the land would be secured by a Section 75 Planning Obligation;
- It is acknowledged that some properties on Denovan Road along the haul route may be exposed to noise from lorries but it is considered that noise impacts would not be significant, based on the estimated number of lorry movements;
- Potential impacts on wildlife and biodiversity has been adequately assessed. As detailed in the report, bat and badger surveys have been undertaken and mitigation measures have been identified. Biodiversity enhancements would be considered as part of the detailed restoration proposals;
- There is no requirement to undertake pre-application consultation with the local community in respect of a 'local development' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
- Notification of neighbours was undertaken by the Council in accordance with the relevant requirements;
- The applicants have advised that they have, on occasion, taken out stone from the former quarry, usually for their own private use. They have also advised that some stone has been extracted under 'permitted development'. Class 53 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 provides for works for the purposes of mineral exploration during a period not exceeding 28 consecutive days and subject to conditions being satisfied;
- The question of current lorry movements and whether they relate to the use of land subject to planning control is being investigated as a separate matter;
- The applicant would be bound by the terms of a Section 75 Planning Obligation and planning conditions should permission be granted. The phased restoration of the land, including the original quarry area, would be secured by Planning Obligation, meaning that it would be registered against the title. The Planning Obligation would also cover the detailed arrangements for the applicant to demonstrate ongoing compliance with the planning conditions and site restoration. The grant of planning permission would provide an opportunity for the Development Management Unit to put in place an effective regime to monitor operational aspects and site restoration; and
- The application is required to be considered on its individual merits, notwithstanding any outstanding issues in respect of breach of planning control related to other developments.

The Need for, and Quality of, the Mineral Resource.

- 7b.9 The need for dimension sandstone and the quality of the mineral resource at this site are material planning considerations. A statement from the British Geological Society (BGS) on demand for the stone, its previous use and the current lack of supply in the region and Central Belt has been submitted with the application. BGS identify that presently there are no sandstone quarries operating in Central Scotland other than one quarry in Fife, which supplies a different type of sandstone, and almost all sandstone used in Scotland today derives from Northern England. BGS identify the stone from this quarry as one of the higher quality stone types compared to those currently quarried in the UK and a good match for historic buildings throughout the Central Belt. They recognise that the unique characteristics of the stone from this quarry would contribute to the current demand in the Central Belt for this type of stone. Reference is made to use of the stone in the repair of the Robbie Burns statue in Melbourne, Australia.
- 7b.10 Letters of support by the Scottish Stone Liaison Group, stonemasons and professional groups have been submitted with the application.

7c Conclusion

- 7c.1 The application is considered to accord with the Development Plan for the reasons detailed in this report. The proposal is relatively small scale and planning conditions would be imposed on any grant of permission to control the duration of extraction and impacts on local amenity and natural and heritage resources.
- 7c.2 At the same time, the proposal provides an opportunity to meet a regional need for a high quality sandstone type that is not currently sourced from within Scotland. It also provides the opportunity to restore the original derelict quarry resulting in landscape improvements, habitat creation and enhancement and consideration of public access and related facilities. In addition, the proposal is supported by national planning policy which recognises that planning authorities should provide for the working of resources such as dimension sandstone, in order to secure an adequate supply to support sustainable economic growth.
- 7c.3 The main concerns raised in the public representations relate to road safety issues, the suitability of Denovan Road for increased heavy traffic and amenity impacts arising from lorry movements. In that regard, the estimated heavy traffic generation would represent a small increase in the existing traffic volume on Denovan Road and planning conditions/Section 75 Planning Obligations would restrict the haul route and require adherence to the proposed method of working, wheel washing facilities and a suitably constructed new access, to improve overall visibility. The haul route would be the A872 and Denovan Road west of the site. All concerns raised in the representations have been discussed in detail in paragraph 7b.8 of the report

- 7c.4 Balanced against this, the Roads Development Unit consider that the introduction of HGV traffic on Denovan Road would not be in the best interests of road safety due to restricted visibility at several points on the road west of the site and the narrow road width. However, they acknowledge the relatively low level of anticipated lorry movements and the opportunity for localised road widening. It should also be borne in mind that the existing width and alignment of Denovan Road could in itself act as a deterrent to speed and its use as an alternative route, and that planning permission (Ref. P/99/0855) granted in May 2002 for infilling the former quarry anticipated significantly higher traffic generation, albeit for a shorter duration.
- 7c.5 In conclusion, it is considered that the application can be supported and there are no material planning considerations of such weight to justify the application being refused. Accordingly, it is recommended that the Planning Committee indicate that it is Minded to Grant the application subject to a Section 75 Planning Obligation to secure the matters detailed below and thereafter to grant temporary planning permission subject to appropriate conditions.

8. RECOMMENDATION

- 8.1 It is recommended that Committee indicate that it is Minded to Grant Planning Permission subject to:-
- (a) The satisfactory conclusion of an Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure:-
 - (i) The phased restoration and aftercare of the site and adjoining land (including the original quarry area);
 - (ii) A bond or other financial guarantee which is capable of achieving the approved restoration and aftercare scheme should the land be abandoned;
 - (iii) The haul route to be used by lorries entering and leaving the site to transport the stone; and
 - (iv) The arrangements for the applicant demonstrating ongoing compliance with the conditions of the permission and implementation of the approved restoration and aftercare scheme;
 - (b) And thereafter, subject to the satisfactory conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following condition(s):-
 - (1) The development to which this permission relates must be begun within three years of the date of this permission.
 - (2) The permission shall be valid for a limited period of 7 years from the date of commencement of the proposed extraction works.
 - (3) Unless otherwise agreed in writing by this Planning Authority, no more than 10,317 tonnes of sandstone shall be extracted per annum.

- (4) From the commencement of the proposed extraction works, the operator shall submit an annual statement and drawings to the Planning Authority illustrating the extent of quarry working, the amount of extraction per annum and projected operations during the forthcoming 12 month period.
- (5) Before commencement of the proposed extraction works, the existing access to the quarry from Denovan Road shall be closed off in accordance with details to be approved in writing by the Planning Authority, and relocated to the position indicated in red on the plan attached to this Decision Notice in accordance with Conditions 6 to 11 of this permission.
- (6) The relocated access shall conform to a bellmouth arrangement, with a western radius of 11 metres and an eastern radius of 6 metres, unless otherwise agreed in writing by this Planning Authority.
- (7) The relocated access shall be formed at a minimum width of 6 metres and a maximum gradient of 10%, unless otherwise agreed in writing by this Planning Authority, and shall be constructed in a manner to ensure that no loose material or surface water is discharged on to the public road.
- (8) The first 15 metres of the bellmouth and access road from the edge of the existing carriageway shall be surfaced with a coated material in accordance with details approved in writing by this Planning Authority.
- (9) There shall be no obstruction to visibility above ground level within a visibility splay measuring 9 metres x 60 metres to the west and 9 metres x 90 metres to the east of the relocated site access, unless otherwise agreed in writing by this Planning Authority.
- (10) Any access gates shall open inwards only.
- (11) Any access gates shall be positioned a minimum distance of 15 metres back from the edge of the public carriageway.
- (12) Before commencement of the proposed extraction works, a "No Left Turn" sign which complies with diagram 13 of the Traffic Signs Manual shall be provided in the position indicated in blue on the plan attached to this Decision Notice.
- (13) Before commencement of the proposed extraction works, strategically placed passing places on the access road shall be provided at positions and in accordance with details to be approved in writing by this Planning Authority.
- (14) Before commencement of the proposed extraction works, localised widening of Denovan Road, primarily in the vicinity of the relocated site entrance, shall be fully completed in accordance with details to be approved in writing by this Planning Authority.

- (15) Before commencement of the proposed extraction works, wheel washing facilities shall be provided in a working condition at a position and in accordance with a specification and drainage arrangements to be approved in writing by this Planning Authority. Thereafter, the approved facilities shall be retained and maintained for the duration of the operation.
- (16) Before the development commences, a detailed scheme of public access (existing, during construction and upon completion) shall be submitted to and approved in writing by this Planning Authority. The scheme shall include (as appropriate):-
- (a) All existing paths, tracks and rights of way, and any other areas currently outwith or excluded from statutory access rights;
 - (b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
 - (c) All paths and tracks proposed for construction for use by walkers, riders, cyclists and all abilities users, including details of the proposed specification; and
 - (d) Any diversions of paths - temporary or permanent - proposed for the purpose of the development.

Thereafter, public access shall be provided in accordance with the approved details and agreed timescales for provision.

- (17) Before the development commences, a full site specific Environmental Management Plan (EMP) shall be submitted to and approved in writing by this Planning Authority, in consultation with SEPA, and all works shall be carried out in accordance with the approved EMP.
- (18) Before the development commences, a temporary fence shall be erected around the boundary of the work areas in a position(s) and in accordance with a specification approved in writing by this Planning Authority.
- (19) Upon erection of the approved fencing, the Planning Authority shall be notified and no work shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable.
- (20) The approved fencing shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected areas, including the operation of machinery.
- (21) No trees shall be felled without the prior written approval of this Planning Authority.
- (22) The development shall be carried out in accordance with the Bat Mitigation Method Statement contained in the Bat Survey prepared by Brindley Associates, dated September 2010, and the Mitigation for Badgers contained in the Badger Survey and Local Biodiversity Action Plan (LBAP) Evaluation prepared by Sandra Stewart, dated July 2011.

- (23) Where the development has not commenced within 12 months of the last survey for bats and badgers, further walkover survey(s) and any necessary species protection plan shall be submitted to and approved in writing by this Planning Authority.
- (24) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by this Planning Authority.
- (25) Unless otherwise agreed in writing by this Planning Authority, the development shall be carried out in accordance with the Method of Working Statement submitted with the application.
- (26) Before the development commences, details of the exact location, profile, height and timescales for provision of the temporary screening bunds shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) The estimated volume of sandstone reserves are proposed to be extracted over a 7 year period.
- (3) To control the amount of extraction of sandstone, in accordance with the information submitted with the application.
- (4) In the interests of monitoring the operation.
- (5-15) To safeguard the interests of the users of the highway.
- (16) To safeguard the interests of the users of the public right of way.
- (17) To control potential sources of pollution to air, land and water.
- (18-21) To protect and safeguard the existing trees and woodland.
- (22-23) To protect the interests of Protected Species.
- (24) To ensure that satisfactory provision is made of possible archaeological resources.
- (25) To control the scale and nature of the operation in the interests of local amenity.
- (26) To mitigate the potential for temporary landscape, visual and amenity impacts.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01,02,03,04,05,06,07,08,09,10,11,12,13,14,15,16 and 17.
- (2) A Minor Roadworks Consent will be required for any works to the public road. The applicant should contact Falkirk Council Development Services, Roads Depot, Earls Road, Grangemouth (01324 504600) to obtain the relevant application form for the Minor Roadworks Consent.
- (3) SEPA have noted from section 6.1.13 of the Planning Statement that there will be no dewatering at the site as groundwater is not anticipated. In addition, there will be no abstractions from surface watercourses. However, the applicant should note that in the event that groundwater dewatering is required, the activity is regulated by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).
- (4) It is advised that the applicant should carry out further liaison with the local SEPA regulatory team in relation to Sustainable Urban Drainage Provision (SUDs) in the treatment of water during operations.

Pp

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Director of Development Services

Date: 25 October 2011

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. National Planning Framework 2.
4. Scottish Planning Policy.
5. Letter of objection from Mr David Gourlay, Avonview, Denovan Road, Dunipace, FK6 6BH on 5 July 2011.
6. Letter of objection from Mr Scott Wright, Roebuck Lodge, Denny, FK6 6BJ on 15 August 2011.
7. Letter of objection from Ms Anne Macdonald, Schoolhouse Cottage, Denovan Road, Denny, FK6 6BH on July 2011.
8. Letter of objection from Mr Tom Esplin, 2 Denovan Road, Dunipace, FK6 5EG on 10 July 2011.
9. Letter of objection from Mr James Lapsley, The Coachhouse, Denovan Mains, Denny, FK6 6BJ on 8 September 2011.
10. Letter of objection from Dr Wesley Edmund, Denovan House, Denny, FK6 6BJ on 16 August 2011.
11. Letter of objection from Dr Roddy Macdonald, West Denovan Church, Denovan Road, Dunipace, FK6 6BJ on 14 April 2011.

12. Letter of objection from Mr Colin Brodie, The Schoolhouse, Denovan Road, Dunipace, FK6 6BH on 4 July 2011.

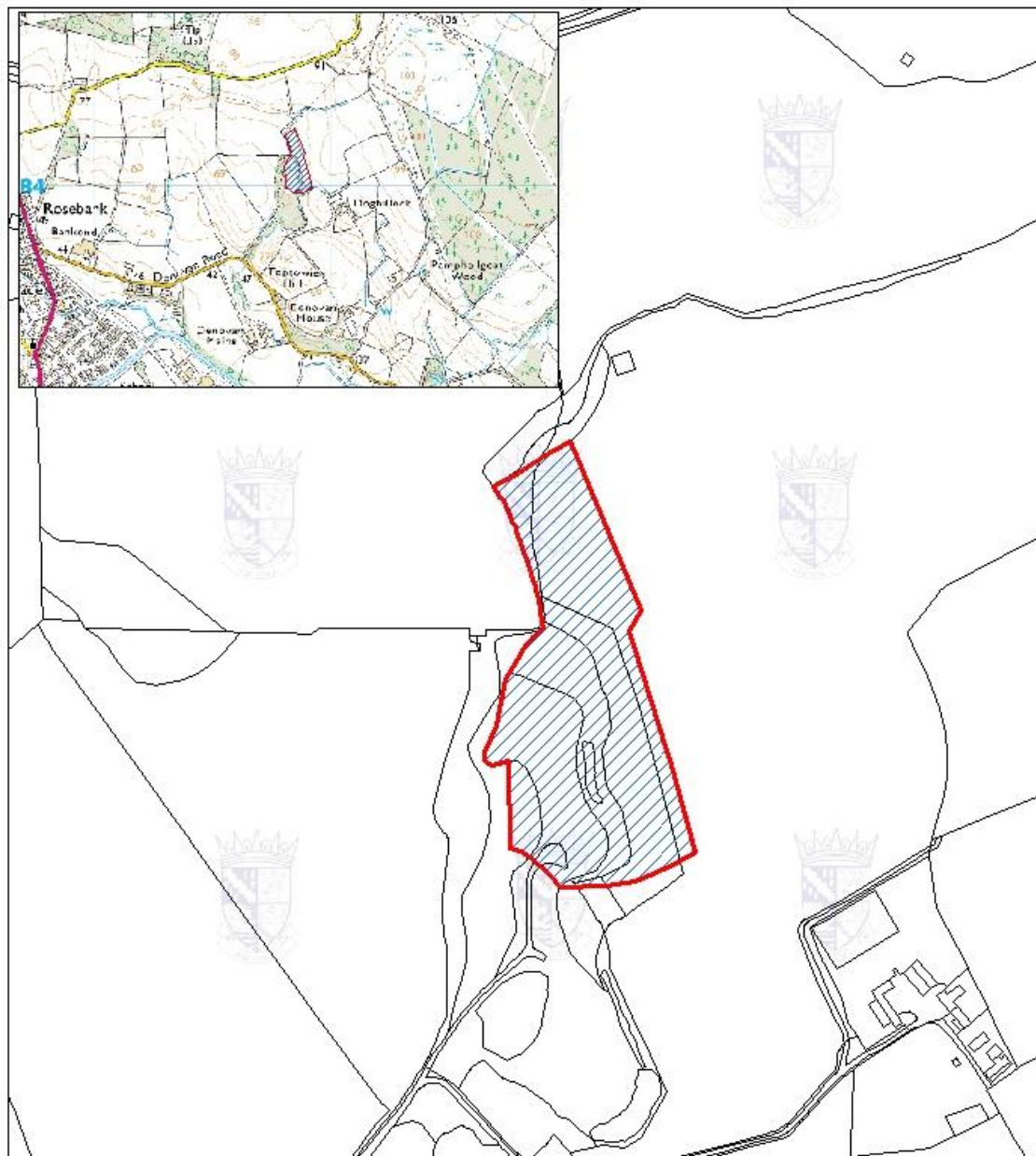
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0156/MRL

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: CLASS 6 DEVELOPMENT COMPRISING A DISTRIBUTION WAREHOUSE, PARKING, SUDS, ACCESS ROADS, INTERNAL ACCESS ROAD, LANDSCAPE WORKS AND ASSOCIATED FACILITIES AT LAND TO THE NORTH WEST OF GRANGEMOUTH TECHNOLOGY PARK, EARLS ROAD, GRANGEMOUTH FOR BERICOTE PROPERTIES LTD – P/11/0511/FUL

Meeting: PLANNING COMMITTEE

Date: 2 November 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grangemouth

Case Officer: John Angell (Head of Planning and Transportation) Ext. 4951

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks planning permission to erect a Class 6 storage and distribution warehouse (measuring 43,426 square metres in floor area and 18 metres in height), parking, sustainable drainage system, access roads, internal roadways, landscape works and associated facilities.
- 1.2 It is intended that the proposed development would be an ambient food storage and distribution warehouse employing 607 persons. The proposal outlines two possible scenarios with respect to the potential operator of the site. Firstly, an operator from outwith the Falkirk area could relocate their existing operations and staff. Secondly, and more likely, an existing operator within the Falkirk area could relocate to the site, moving their existing operations and staff. If the operator of the facility were to be a relocated business from outwith the Falkirk area, they would bring about 455 existing employees with them and create a further 152 new jobs in the Falkirk area. It is more likely, however, that an existing ambient food storage and distribution warehouse in the Falkirk/Grangemouth area would relocate to the proposed development. In such a case, 117 new jobs to the Falkirk area would be created. The existing facility of such an operator would be available for use by another operator.
- 1.3 Access for commercial vehicles would be via the existing access at Earls Road together with a further new vehicular, pedestrian and cycle access at Forth-Clyde Way to the north of the

application site providing access to the car parking area for employees and visitors. The car park would provide 500 vehicles.

- 1.4 It is intended to upgrade the footpath network adjacent to the north and west boundaries of the site to a 3 metre wide cycleway.
- 1.5 It is proposed to remove approximately 4 hectares of woodland from the site. It is also proposed to demolish the existing disused buildings and walled garden at the site. The buildings were previously used as canteen, sport and leisure facilities for the petro chemical industry workers. The walled garden remains from the previous Kerse House, demolished over 70 years ago.
- 1.6 The site extends to some 18 hectares and is located to the south of Forth-Clyde Way, east of Glenburgh Road and north east of Earls Road, in close proximity to Junction 6 of the M9 motorway.
- 1.7 Land uses in the surrounding area are mainly industrial and transport related, with the predominantly residential area of Glensburgh to the north. Land uses in the local area include:
 - Predominantly residential area of Glensburgh to the north;
 - Industrial uses on land to the east, including the existing chemical complex and Scottish Enterprise Forth Valley Grangemouth Technology Park;
 - The west boundary shared with the A905 Glensburgh Road, with motor retail and licensed premises on the west side of the road;
 - A904 Earls Road defining the southern boundary with the Earls Gate Park site comprising mixed commercial/industrial uses.
- 1.8 Much of the site was previously used for private recreational purposes, with bowling facilities, football practice area and a football pitch. The remaining areas are semi-mature planted woodland and mown amenity grassland, with a recreation/social club established in the south west corner of the site.
- 1.9 However, access to the site has been restricted by the owner, in view of health and safety considerations, and the facilities are no longer utilised.
- 1.10 The proposed development constitutes a major development under the terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The applicant has carried out the required pre-application public consultation.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development does not constitute a significant departure from the Development Plan under the terms of the Town and Country Planning (Development Management Procedure)(Scotland) Regulation 2008. The proposed development requires Committee consideration because approval would be potentially contrary to some provisions of the Development Plan and would also require referral to Scottish Minister because of an objection from the Health and Safety Executive.

3. SITE HISTORY

- 3.1 F/2005/0085 – redevelopment of class 4 office, class 5 general industry and class 6 storage and distribution – outline – granted 11 January 2006.
- 3.2 P/08/0615/OUT – Mixed development comprising, offices, light industrial units and general manufacturing (Classes 4, 5, and 6) – outline – Minded to grant 21 October 2010 subject to the satisfactory completion of an Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) in respect of the payment of a financial contribution of £415,000 towards the provision of a transport mitigation scheme at the M9 junction 6. It is noted that the Section 75 Obligation has, to date, not been concluded in respect of application P/08/0615/OUT.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has raised no objections. It is advised that conditions be attached to ensure that:-
- Roadways, accesses, footway and cycleway construction is carried out to a satisfactory standard.
 - The development is carried out in accordance with the approved plans.
 - The proposed 3 metre wide cycleway proposed adjacent to the north and west boundaries of the site at Forth – Clyde Way and Glensburgh Road is completed prior to the development being brought into use.
- 4.2 The Transport Planning Unit has raised no objections subject to the conclusion of an Agreement under the terms of Section 69 of the Local Government (Scotland) Act 1973, or a planning Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended, to ensure a financial contribution towards improvement to the M9 junction 6. The contribution would be £382,000 based on April 2011 costs. The contribution would be index linked to construction price indices. Furthermore, a Travel Plan would have to be approved in writing, and the terms of the Travel Plan subsequently adhered to, in keeping with the Travel Plan Framework submitted in support of the application.
- 4.3 Transport Scotland has no objection subject to an appropriate financial contribution being secured for upgrading road network infrastructure at M9 Junction 6, and that a Travel Plan is approved by the planning authority.

- 4.4 The Environmental Protection Unit has raised no objection.
- 4.5 Sportscotland has raised no objection.
- 4.6 Scottish Water has raised no objection.
- 4.7 Museums Services has advised that a condition be attached to ensure that no development takes place at the site until such times as a programme of archaeological work, which has the prior written approval of the planning authority, has been carried out.
- 4.8 Scottish Environmental Protection Agency has raised no objection.
- 4.9 Scottish Natural Heritage has raised no objection. It is advised however that work to remove trees from the site should be overseen by a licensed bat surveyor and that the works to remove trees are completed within 12 months of the most recent bat survey.
- 4.10 The Forestry Commission has advised on the level of detail which should be sought from the applicant and advised that steps should be taken to ensure that any tree felling at the site is mitigated by compensatory planting elsewhere.
- 4.11 The Health and Safety Executive's Planning Advice for Developments near Hazardous Installation (PADHI+) system has advised against the approval of planning permission. It is noted that the applicant has submitted a safety plan to mitigate risk at the site. The Health and Safety Executive has advised, however, that the safety plan would have no legal status and that on this basis the advice against approving planning permission stands. It is also acknowledged, however, that it is for the planning authority to consider the safety plan as a material consideration when determining the planning application. It is also advised, however, that if the planning authority was minded to grant planning permission, the application would have to be notified to Scottish Ministers.

5. COMMUNITY COUNCIL

- 5.1 Grangemouth Community Council has raised the following concerns:
- Safety issues. There are no safe zones explicitly shown on the proposed layout drawings. Furthermore, the orientation of the loading bays would likely render the development at risk from any incident at the adjacent petrochemical industries. It is not clear how many people would be on site at any one time.
 - The Transport Assessment (TA) is almost three years old. The Council should consider if the TA requires to be updated.
 - The applicant draws comparison with application P/08/0615/OUT, detailed in Section 3 of this report. The applicant makes the case that the current proposal is preferable. The previous application should not be a determining factor.
 - 20% of commercial vehicles at the site would access and leave via Beancross Road. There is a 7.5 ton restriction at Beancross Road. Has consideration been given to the amenity of residents at Beancross Road?

- The placement of traffic lights at the M9 off ramp would cause traffic to backup. As a result, there would be increased traffic noise which would be detrimental to the adjacent residents.
- It is not clear whether the Earls Gate Roundabout has capacity to take the increase in traffic as a result of the development and function adequately.
- Forth – Clyde Way, Glensburgh Road, Earls Road and Beancross Road currently form part of a safe route to school. The proposal would compromise the safety of children walking to school.
- The applicant refers to National Planning Framework 2, and the need to improve traffic infrastructure. There is no evidence of any improvement to road infrastructure in the proposal.
- The Community Council is disappointed that a full Environmental Impact Assessment was not requested.
- The applicant claims that Policy ECON1 of the Falkirk Council Structure Plan "Strategic Development Opportunities" supports the proposal. Policy ECON1 refers to developments within Grangemouth Docks. It is noted that the application site is not located within the docks area.
- It is not clear what sports facilities have been relocated. The Community Council is unaware of any new facilities created to absorb the sports use of the application site.
- Would ecology related statements be assessed by an independent third party?
- Mitigation statements regarding noise and air quality should be clear and precise.
- Environmental impact scenarios have been quantified as "not significant". What does this term imply?
- The applicant is not clear if any hazardous substances would be present on site.

6. PUBLIC REPRESENTATION

- 6.1 Two letters have been received. One letter neither supporting nor objecting has been received from the Grangemouth Community Council, in addition to the formal response. This letter questions whether the pre application public consultation process was adequate to meet legislative obligations.
- 6.2 In addition, a second letter of objection has been received. Concerns raised are:-
- Grangemouth Freight Hub is identified in National Planning Framework 2 as a national development. The framework sets out aspirations for the sustainable growth and consolidation of the freight hub as a development of national importance. The proposal does not meet the aspirations of NPF2.

- It is not considered that there is sufficient information to assess the proposal fully. There is insufficient information with respect to air quality, noise and vibration.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy ECON.1 ‘Strategic Development Opportunities’ states:

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

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

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

7a.2 It is acknowledged that the application site is not within Grangemouth Docks nor will be used for chemical or petrochemical development. However, the application site is owned by an adjoining chemical industry and existing infrastructure – such as drainage provision, power and water supply will be shared with potential tenants.

7a.3 The proposal accords with Policy ECON.1.

7a.4 Policy ECON.3 ‘Local Business Development Opportunities’ states:

“Provision will be made for business and industrial land to meet local needs within settlements. Local Plans will assess local need and identify and safeguard suitable sites which should meet all relevant environmental, amenity, access and infrastructure requirements giving priority to previously developed sites.”

7a.5 The site is identified in the Falkirk Council Local Plan as an opportunity for class 4, 5 and 6 development (ED.GRA08). This is assessed in detail in sections 7a.34-7a.38 of this report.

7a.6 The proposal does not fully accord with proposal ED.GRA 8 in that 4 hectares of woodland would be removed which the Local Plan proposal states should be retained. The proposal does not therefore fully accord with Policy ECON 3.

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

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

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

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

7a.8 Two aspects of the proposal are relevant to Policy COM.5. Firstly, the proposal would have a significant impact on the functioning of the M9 motorway junction 6 and, consequently connectivity to the wider road network. Secondly, approximately 4 hectares of woodland would be lost from the application site.

7a.9 The applicant has committed to contributing towards improvement works to junction 6 of the M9 by means of a developer contribution. The applicant has agreed a contribution of £382,000 to be secured by means of an Agreement under the terms of Section 69 of the Local Government (Scotland) Act 1973. It is noted that this figure is based on April 2011 costs and would be index linked to construction price indices. A Travel Plan Framework has been submitted in support of the application, and could be addressed by condition.

7a.10 The applicant has also committed to contributing towards the planting of compensatory off site tree planting or habitat creation and improvement by means of a developer contribution. The applicant has agreed a contribution of £48,000 to be secured by means of an Agreement under Section 69 of the Local Government (Scotland) Act 1973. This figure is based on a contribution of £12,000 per hectare to cover costs of planting and maintenance.

7a.11 Planning permission would be issued on receipt of the developer contributions.

7a.12 The proposal accords with Policy COM.5.

7a.13 Policy COM.6 ‘Open Space and Recreational Facilities’ states:

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

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

7a.14 There would be an identifiable loss of open space and what was formerly recreation facilities for the use of employees at the adjacent petrochemical industry. The Council's Open Space Strategy highlights the visual amenity value of the open space, and the potential to enhance biodiversity and wildlife connectivity, particularly due to existing woodland at the site. It is also noted that the application site is identified as an opportunity for Class 4, 5 and 6 development on the basis that the existing woodland at the site is retained.

7a.15 Two issues are relevant, the visual amenity of the area and the potential to enhance biodiversity and wildlife connectivity. Firstly it is considered that the identification of the site as a development opportunity in the Falkirk Council Local Plan concedes that the open space at the site is potentially to be lost to development. As compensatory measures, however, the proposal includes an area of open space at the south west corner of the site extending to approximately 1 hectare, together with the retention of existing trees and the planting of additional screen landscaping. It is considered that this would provide a reasonable standard of visual amenity open space and screening. Secondly, whilst the proposal includes the removal of 4 hectares of woodland at the site, it is intended to retain an existing area of woodland at the north west corner of the site and the applicant has committed to provide a developer contribution towards the provision of off site tree planting or habitat creation and improvement in compensation for the loss of the 4 hectares of woodland to be removed. On balance, there would be a loss of open space and woodland at the site. In light of the Local Plan proposal, however, it is considered that there would be a reasonable standard of visual amenity value open space at the proposed development, and that there would be satisfactory compensatory measures put in place to mitigate against the loss of habitat due to the removal of trees. It is considered that the impact on the community as a whole may be considered limited.

7a.16 The proposal largely accords with Policy COM 6.

7a.17 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.18 The applicant has submitted habitat surveys, breeding bird surveys and bat surveys relating to the site. It is noted that Scottish Natural Heritage has raised no objection provided that the removal of trees at the site is supervised by a licensed bat surveyor. Furthermore, it is considered that tree planting or habitat creation and improvement off site, funded by means of a developer contribution, would mitigate the loss of woodland at the application site.

7a.19 The proposal accord with Policy ENV.3.

7a.20 Policy ENV.4 'Coastal Planning and Flooding' states:

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

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

7a.21 It is noted that the application is supported by a Flood Risk Assessment. It is not considered that the proposed development constitutes a significant flood risk either within the application site, or at land beyond its boundaries.

7a.22 The proposal accords with Policy ENV.4.

7a.23 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.24 It is noted that the application is supported by a Design Statement. The statement highlights the character and features of the application site and the surrounding area together with details of infrastructure. The statement details the thought process behind the design of the proposal and the potential impact on amenity and infrastructure.

7a.25 It is considered that there would be no impact on the infrastructure of the area which cannot be mitigated. An existing footpath adjacent to the north and west boundaries of the site would be upgraded to a 3 metres wide cycleway.

- 7a.26 There would however be an impact on the visual amenity of the area. It is noted that approximately 4 hectares of woodland at the application site would be removed. Whilst it is proposed to mitigate the loss of the woodland with off site tree planting or habitat creation and improvement, retain trees at peripheral areas and provide new landscaping, the impact in terms of the amenity of the site would be identifiable.
- 7a.27 The proposed building would measure 43,426 square metres in area and would be 18 metres in height to the ridge. The scale of the building necessitates that ancillary activities such as vehicle wash, fuel tank and cage storage facility would be on the west side of the proposed building facing the public road. Furthermore, the proposed building and internal roadway encroaches close to the west boundary of the site leaving little room for screening.
- 7a.28 It is considered that although there is landscape screening proposed, the development would have a significant impact on the visual amenity of the area. The proposal is not considered to be sympathetic to the character of the site.
- 7a.29 The proposal does not fully accord with Policy ENV.7.
- 7a.30 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.31 The application is supported by a Transport Statement and a Travel Plan Framework. It is not considered that there would be a significant impact on the road network of the area, provided that improvements to the M9 motorway junction 6 can be secured. The applicant has committed to making a developer contribution to secure appropriate improvements at the junction. Furthermore, it is considered that the approval of a Travel Plan in keeping with the Framework submitted in support of the application would secure adequate movement and connectivity of pedestrians, cyclists and public transport.
- 7a.32 The proposal accords with Policy TRANS.3.
- 7a.33 The proposal does not fully accord with the Falkirk Council Structure Plan.

Falkirk Council Local Plan

7a.34 Proposal ED.GRA08 Earls Gate Park Phase 2

Opportunity	Business/Industry
Site Area	14.0 hectares
Agency	Kemfine UK Ltd/SE
Comments	Site would be suitable for use classes 4, 5 and 6 with an opportunity to share spare capacity in power and effluent treatment. Development of the site should retain the woodland area and important trees. The loss of sports facilities requires to be addressed either by replacing them with new ones, or upgrading existing ones, all in line with national planning policy guidance. Other matters which potentially have to be addressed include flooding, access and European protected species. Any proposals for hazardous substances consent will require to be assessed under Policy EP19.

7a.35 It is noted that the proposed development would secure a class 6 use at the site, sharing utilities with the adjacent petro chemical industry site in accordance with the proposal.

7a.36 It is noted that the site was previously used as sport and recreation facilities for employees of the adjacent petrochemical industry, part of the facilities being available for the use of a local juvenile football team. The sports and recreation facilities have not been used since 2008. Furthermore the juvenile football team have been relocated to alternative facilities in the Grangemouth area. It is not considered that the loss of the vacant sports facilities at the site is significant. It is noted that SportsScotland has raised no objection.

7a.37 It is noted, however that the proposal ED.GRA08 specifies that there is existing woodland and important trees at the site. Whilst some trees at peripheral areas are proposed to be retained and that there would be new landscaping, and screen planting, it is intended to remove 4 hectares of woodland at the site which would have a significant impact on the character of the site.

7a.38 The proposal does not fully accord with proposal ED.GRA08.

7a.39 Opportunity TR.GRA05 M9 Junction 6/Glensburgh Road

Opportunity:	Junction Improvement
Agency:	Falkirk Council / Transport Scotland
Comments:	Junction identified as requiring upgrade to cope with projected traffic growth. Appraisal has identified specific mitigation measures which would resolve capacity issues over the term of this Local Plan. Signalisation likely to control staggered junction at Glensburgh. Signals and road widening at Earls Gate roundabout. Developer contributions required from major developments contributing to growth in the vicinity. All contributions will be raised in accordance with national planning policy guidance. Longer term solutions will be pursued through STPR and the National Development mechanism set out in NPF2.

7a.40 The proposed development would have an impact on the functioning of the M9 junction 6 at Earls Gate. Improvements would have to be carried out to accommodate the additional traffic generated by the proposal. The applicant has committed to contributing towards the cost of the required junction improvements. It is considered that these improvements would be designed and carried out to meet a short term need and would not jeopardise any improvements which may be required long term in relation to the National Planning Framework.

7a.41 The proposal accords with Opportunity TR.GRA05.

7a.42 Opportunity TR.GRA03 A905 Glensburgh – Inchyra Road

Opportunity Strategic Pedestrian/Cycle Route

Agency Falkirk Council

Comments Opportunity to promote remote cycleway along Glensburgh and Beancross Roads, linking into proposed cycleway route to the north (see TR.RUR10). Part of cycleway under construction at Beancross Road in association with development at Earls Gate Park (ED.GRA07).

7a.43 It is noted that the pedestrian/cycle route referred to in opportunity TR.GRA03 lies partly adjacent to the west boundary of the application site. The application proposes to upgrade this section of the route to a 3 metre wide cycleway in accordance with TR.GRA03 because most employees, other than lorry drivers, would not enter the site from Earls Road. A condition can be attached to ensure the completion of this section of cycleway.

7a.44 The proposal accords with Opportunity TR.GRA03.

7a.45 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.46 The proposed development is considered to be satisfactory in terms of resource use and infrastructure. It is noted however that approximately 4 hectares of woodland would be lost as a result of the proposal. This would be necessary to accommodate the size of building proposed, together with associated buildings and infrastructure. Whilst there is an intention to retain existing trees at the periphery, and plant new screen landscaping, the proposal, by reason of its scale, siting and design, would have a impact on the visual amenity of the area and would not be sympathetic to the existing surroundings at the site.

7a.47 The proposal does not fully accord with Policy EQ1.

7a.48 Policy EQ4 - 'Landscape Design' states:

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

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

7a.49 It is noted that it is proposed to retain existing trees at the periphery of the site and plant new screen landscaping. However, approximately 4 hectares of woodland would be lost. It is noted that this does not accord with Opportunity ED.GRA08 detailed in sections 7a.34-38 of this report. The proposed development would not be sympathetic to the existing landscape.

7a.50 The proposal does not accord with Policy EQ4.

7a.51 Policy EQ6 'Design and Energy Use' states:

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

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

7a.52 It is noted that the proposal includes the use of sustainable energy features such as solar thermal panels, air to water reverse cycle heat technology, daylight control and presence detectors and rainwater harvesting.

7a.53 The proposal accords with Policy EQ6.

7a.54 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.55 The comments of Museums Services detailed in section 4 of this report are noted.

7a.56 The proposal accords with Policy EQ6.

7a.57 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.58 The development would have a significant impact on the landscape of the site and surrounding area. Approximately 4 hectares of woodland at the site would be lost. It is noted that landscape design statements have been submitted in support of the application.

7a.59 Whilst the developer is committed to contributing towards the funding of compensatory tree planting or habitat creation and improvement off site by means of a developer contribution, the proposed development would not respect the existing landscape character of the site.

7a.60 The proposal does not accord with Policy EQ22.

7a.61 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.62 The comments of Scottish Natural Heritage detailed in section 4.9 of this report are noted.

7a.63 The proposal accords with Policy EQ25.

7a.64 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.65 It is noted that approximately 4 hectares of woodland would be lost at the application site and that consequently there would be a significant impact on the visual amenity of the area. It is also noted however, that the applicant is committed to providing off site compensatory tree planting or habitat creation and improvement by means of a developer contribution.

7a.66 It is considered that the proposal substantially accords with Policy EQ26.

7a.67 Policy EQ30A “Air Quality” states:

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

7a.68 The application is supported by an air quality assessment. It is considered that the proposal is satisfactory in terms of air quality management

7a.69 The proposal accords with Policy EQ30A.

7a.70 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.71 The aspects of the proposal that are relevant to Policy SC11 are, firstly, the proposal would have a significant impact on the functioning of the M9 junction 6 and consequently connectivity to the wider road network and, secondly, it is noted that the proposal would result in the loss of approximately 4 hectares of woodland at the site which would have a significant impact on the visual amenity of the area.

7a.72 This issue is addressed in sections 7a.7-7a.12 of this report.

7a.73 The proposal accords with Policy SC11.

7a.74 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.75 Sections 7a.13 - 7a.16 of this report in respect of Policy COM 6 of the Falkirk Council Structure Plan “Open Space and Recreation Facilities” are relevant.

7a.76 The proposal largely accords with Policy SC.12.

7a.77 Policy EP1 - ‘Strategic Development Opportunities’ states:

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

7a.78 Policy EP1 reflects the strategic development opportunities identified in Policy ECON.1 of the Falkirk Council Structure Plan, detailed in section 7a.1-7a.3 of this report. The principle of development in Grangemouth is supported by Policy EP1.

7a.79 The proposal accords with Policy EP1.

7a.80 Policy EP4 ‘Business and Industrial Development within the Urban and Village Limits’ states:

- “(1) New business and industrial development, or extensions to such uses, will be supported within the business areas highlighted in Policy EP2 and EP3(1), where it accords with the use specified for the area, is compatible with the established level of amenity in the business area, and protected habitats and species are safeguarded in accordance with Policy EQ24. Office development will also be supported within the Town and District Centres, providing it is also consistent with the specific policies for the relevant centre, particularly with regard to the safeguarding of the centre’s retail function.*
- (2) Outwith these areas, proposals within the Urban Limit will only be permitted where the nature and scale of the activity will be compatible with the surrounding area, there will be no adverse impact on neighbouring uses or residential amenity, and the proposal is satisfactory in terms of access, parking and traffic generation.”*

7a.81 It is noted that the site is identified on an opportunity for Class 4, 5 and 6 development in the Falkirk Council Local Plan. Sections 7a.34 – 7a.38 of this report are relevant. It is considered that the proposal would be compatible with the surrounding area, given the industrial/commercial uses on adjoining land, and is satisfactory in terms of traffic generation. It is noted that improvements to the M9 junction 6 and compensatory off site tree planting and habitat creation and improvement, would be secured by means of a developer contribution.

7a.82 The proposal accords with Policy EP4.

7a.83 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.84 It is noted that the Health and Safety Executive, Planning Advice for Development near Hazardous Installations, (PADHI+) system has advised against the grant of planning permission. The applicant has submitted a Safety Plan in support of the application. The HSE has advised that the Safety Plan would have no legal status and that the 'advise against' status would stand. However, the Safety Plan may be considered by the planning authority as a material consideration. HSE has confirmed that if the Council are minded to grant planning permission, the application would need to be referred to Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

7a.85 The proposal does not accord with Policy EP18.

7a.86 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.87 It is noted that a Travel Plan Framework has been submitted in support of the application. The Travel Plan Framework is considered to be satisfactory in terms of addressing issues of connectivity to the proposed development in terms of walking, cycling and public transport links. The terms of a Travel Plan could be covered by condition.

7a.88 The proposal accords with Policy ST3.

7a.89 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.90 The application is supported by a Transport Assessment.

7a.91 It is considered that the proposed development would not generally have a significant impact on the road network. Two issues, however have emerged:

- Firstly, there would be a significant impact on the functioning of junction 6 of the M9 motorway. Junction improvements would be required to accommodate the traffic which would be generated by the proposed development. The junction improvements can be secured by means of a developer contribution.
- Secondly, the impact of the proposal would mean that in order to achieve a satisfactory standard of an access and movement in respect of pedestrians and cyclists, the footpath adjacent to the west and north boundaries of the site should be upgraded to a 3 metres wide cycleway. This can be addressed by condition.

7a.92 The proposal accords with ST7.

7a.93 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.94 It is considered that the proposed development would afford adequate on-site parking. There would be no impact on parking outwith the application site.

7a.95 The proposal accords with Policy ST10.

7a.96 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.97 The application is supported by a drainage strategy. It is considered that there would be adequate drainage in accordance with sustainable drainage principles.

7a.98 The proposal accords with Policy ST11.

7a.99 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.100 The application is supported by a Flood Risk Assessment. It is not considered that the proposed development constitutes a significant flood risk either within the site or beyond the site boundaries.

7a.101 The proposal accords with Policy ST12.

7a.102 Policy ST12A - 'Sewerage Infrastructure' states:

"New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA."

7a.103 It is proposed to discharge waste water by means of connection to the existing public sewer. Scottish Water has raised no objection.

7a.104 The proposal accords with Policy ST12A.

7a.105 Policy ST19 - 'Waste Reduction In New Development' states:

"Proposals for new housing and commercial developments must demonstrate that they have maximised the use of recycled or reused materials and minimised the generation of waste during construction and that appropriate recycling facilities are accommodated in the completed development."

7a.106 The application is supported by a Waste Statement. It is considered that disposal of waste would be adequately minimised. The Environmental Protection Unit has raised no objections.

7a.107 The application is supported by a Design Statement. It is considered that the applicant has addressed sustainability satisfactorily.

7a.108 The proposal accords with Policy ST19.

7a.109 The proposal does not fully accord with the Falkirk Council Local Plan.

7a.110 Accordingly, the proposed development does not fully accord with the Development Plan.

7b Material Considerations

7b.1 Material considerations to be considered are consultation responses, letters of representation/objection, Scottish Planning Policy, Supplementary Planning Guidance Note “Local Employment Agreements”, Section 69 Agreement, Falkirk Council Economic Downturn - Action Plan and the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

Consultation Responses

7b.2 It is noted that the Health and Safety Executive has advised against the granting of planning permission. If the committee were to be minded to grant planning permission, the application would be referred to the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 2009. Scottish Ministers would then decide whether to call in the application for their determination, or to accept the recommendation of the Council to grant planning permission.

7b.3 The consultation response from Grangemouth Community Council is noted. Response to comments raised are:-

- With regard to safety, it is noted that the applicant has submitted a Safety Plan in response to the Health and Safety Executive (HSE) PADHI+ system advising against planning permission being approved. The HSE has advised however, that whilst the Safety Plan has no legal status, the Safety Plan may be considered by the planning authority as a material consideration. If the Council is minded to grant planning permission, the application would be notified to Scottish Ministers.
- The Transport Planning Unit has advised that the Transport Assessment was carried out less than 3 years ago and, consequently, is still relevant and can be considered.
- Planning application P/08/0615/OUT, detailed in section 3 of this report, is a material consideration in terms of planning history of the site. The current application has been fully assessed on its own merits.
- It is noted that a weight restriction has been placed upon vehicles using Beancross Road between specified times for a temporary period. The applicant has submitted a Transport Assessment and Travel Plan Framework in support of the application. The supporting documents detail the applicant’s commitment to comply with the terms of the restriction. The control of the restriction would, however, be monitored and enforced by the appropriate body. It is not considered that the temporary restriction compromises the operation of the proposed development. This issue can be addressed by means of an informative.

- The Transport Planning Unit has advised that improvements would be required to M9 Junction 6 in order to accommodate the traffic generated by the proposed development. The junction improvements would ensure that there would be no adverse impact on the road network.
- There would be no adverse impact on the safety of pedestrians. The Transport Planning Unit has, however, advised that a 3 metre wide cycleway be formed adjacent to the north and west boundaries of the site. This can be addressed by condition.
- Reference to Natural Planning Framework 2 (NPF 2) is noted. The provisions of NPF2 in regard to Grangemouth Freight Hub are not at all intended to restrict or supersede any other type of development in Grangemouth. Indeed the element entitled 'expand freight storage and handling facilities and other port related development' could be interpreted as applying more widely e.g. to this proposal, than just to Forth Ports. Irrespective of the provisions of NPF2 in regard to 'better connection to the M9 motorway' the Falkirk Council Local Plan makes provision for junction improvements at junction 6, which the Earls Gate proposal should contribute to. These improvements are to deal with shorter term issues and are independent of any longer term NPF2 related ones. There is a wide range of business sites in Grangemouth which the Falkirk Council Local Plan promotes and the National Development elements should not be seen as taking precedence.
- Comment concerning the possible need for an Environmental Impact Assessment (EIA) is noted. The proposal was subject to an Environmental Impact Screening Opinion prior to the submission of the application. The proposal is deemed to constitute a Schedule 2, class 10 development, infrastructure project, (a), industrial estate development. It was not considered that the assessed impact of the proposal necessitated the submission of an EIA.
- Policy ECON.1 of the Falkirk Council Structure Plan is detailed in section 7a.1-7a.3 of this report. The issue of National Planning Framework 2 is addressed above.
- The issue of sports facilities is detailed in sections 7a.13-7a.15 of this report.
- An Air Quality Assessment has been submitted in support of the application. The findings are considered to be satisfactory. It is noted that the Environmental Protection Unit has raised no objections.
- Environmental Impact scenarios considered to be 'not significant' were part of the EIA screening opinion.
- No hazardous substances would be stored on site which would require hazardous substance consent.
- A Noise Impact Assessment has been submitted in support of the application. Findings are considered to be satisfactory. It is noted that the Environmental Protection Unit has raised no objections.

Letters of Representation/Objection

- 7b.4 One letter of representation has been received from Grangemouth Community Council neither objecting or supporting the proposal. The letter is an addition to the consultation response submitted. The letter however raises concern that the pre-application public consultation procedure was minimal. The application is supported by a pre consultation report. It is considered that consultation carried out meets statutory obligations.
- 7b.5 One letter of objection has been received. Comments concerning National Planning Framework 2 are noted. National Planning Framework 2 is addressed in section 7b.3 of this report.
- 7b.6 It is noted that an Air Quality Assessment and Noise Impact Assessment have been submitted in support of the application. The reports are addressed in section 7b.3 of this report.

Scottish Planning Policy

- 7b.7 This highlights that in respect of Economic Development, authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential. The planning system should support economic development in all areas by:-
- Taking account of the economic benefits of proposed development in development plans and development management decisions,
 - Promoting development in sustainable locations, particularly in terms of accessibility,
 - Promoting regeneration and the full and appropriate use of land, buildings and infrastructure,
 - Supporting development which will provide new employment opportunities and enhance local competitiveness,
 - Promoting the integration of employment generation opportunities with supporting infrastructure and housing development, and
 - The planning system should also be responsive and sufficiently flexible to accommodate the requirements of inward investment and growing indigenous firms.
- 7b.8 In terms of the economic development issue, Scottish Planning Policy supports the proposal.
- 7b.9 However, Scottish Planning Policy also supports a broad approach to landscape and recognises its value in terms of biodiversity, connectivity and eco-systems, as well as amenity, in both countryside and urban settings. Trees and woodland are recognised as an irreplaceable natural measure which should be preserved and enhanced. Woodland removal should only be allowed where it would achieve significant and clearly defined public benefits. In appropriate cases, compensatory planting may form part of the balance.

- 7b.10 Whilst it is noted that the applicant is committed to the provision of compensatory off site planting through a developer contribution, there is no clearly defined public benefit to the removal of woodland from the application site. Scottish Planning Policy does not support the removal of the existing woodland at the site.

Supplementary Planning Guidance Note “Local Employment Agreements”

- 7b.11 The advice note provides guidance to developers on how they can help provide employment and training opportunities for disadvantaged groups in Falkirk. Those people likely to be targeted would include long-term unemployed, single parent, welfare benefit claimants, young people and minority groups. A primary economic objective of the Council is to promote a stronger and more diverse local economy, building on the area’s locational and other strategic assets. The local labour force is viewed as one of these strategic assets.
- 7b.12 The applicant has stated that in commitment to the SPG, support apprenticeships and training will be provided during the construction and operational phases.
- 7b.13 The SPG supports the proposal.

Section 69 Agreement

- 7b.14 It is noted that as a result of the proposal the following would have to be secured:-
- Improvements to the M9 motorway junction 6.
 - Off site tree planting and habitat creation and improvement to compensate for the loss of approximately 4 hectares of woodland at the application site.
- 7b.15 Sections 7a.7-7a.12 of this report are relevant to the improvements to the M9 junction 6 and to off site planting and habitat creation and improvement.

Falkirk Council Economic Downturn – Action Plan

- 7b.16 The Council’s Economic Downturn Action Plan was approved in December 2008. The action plan was developed in anticipation of an economic recession in 2009. The action plan set out to mitigate impacts of the economic downturn in the Falkirk area, assess the economic strengths of the area which will aid its response and identify key actions planned by the Council to respond. Since the action plan was approved, the recession and downturn in the economy has bitten deeper and longer than anticipated. The aspirations of the Council’s economic downturn action plan remain relevant and material.
- 7b.17 The action plan sets out a range of measures which the Council could implement or influence to encourage investment, promote business support and safeguard employment. As part of the package of measures, the Council committed to extend the flexibility of the Council’s approach to planning and review it’s approach to attaching planning obligations to planning permissions. Additionally, the Council is committed to re-evaluating the impact of the economic recession as a material consideration in determining planning applications to help attract investment and maintain and create jobs in the Falkirk area.

- 7b.18 It is noted that the proposed development could help to secure substantial investment from a current major employer in the Falkirk area and help prevent investment being redirected outwith the Falkirk area. The proposal could help secure existing jobs in the area as well as creating between 117 and 152 new jobs in the Falkirk area. Additionally, the applicant has stated that there would be regard to the Council's Local Employment Agreements Supplementary Planning Guidance Note in that there would be support apprenticeships and training during the construction and operational phases of the development.
- 7b.19 The Falkirk Council Economic Downturn – Action Plan supports the proposed development.

Town and Country Planning (Notifications of Applications) (Scotland) Direction 2009

- 7b.20 Under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, if a planning authority is minded to grant planning permission in respect of which there is an objection made by a Government Agency, the application must be notified to Scottish Ministers. Scottish Ministers will then decide whether the application should be called in for determination by Scottish Ministers.
- 7b.21 In the case of the proposed development, it is noted that the Health and Safety Executive, Planning Advice for Developments near Hazardous Installations System (PADHI+) has advised against the grant of planning permission. Whilst it is noted that a Safety Plan has been submitted in response, the Executive has advised that the 'advise against' recommendation stands.
- 7b.22 As the Health and Safety Executive is a statutory Government Agency consultee, if the Council were minded to grant permission, the application would have to be notified to Scottish Ministers.

7c Conclusion

- 7c.1 It is noted that the proposed development does not fully accord with the Development Plan.
- 7c.2 The application site is identified in the Falkirk Council Local Plan as an opportunity for classes 4, 5 and 6 development (opportunity ED.GRA08). Opportunity ED.GRA08 recognises the value of the existing woodland at the application site and, consequently, the terms of the identification of the site as a development opportunity require that the woodland at the site should be retained. It is noted that the proposed development would require the removal of much of the woodland. It is noted, however, that the applicant has committed to contributing towards meeting the cost of off site compensatory tree planting and habitat creation and improvement.
- 7c.3 Furthermore, the proposed development is not considered to constitute an entirely harmonious fit into the landscape in terms of scale, siting and design. The character of the site has not fully informed the design of the proposed development. It is considered there would be a significant impact on the visual amenity of the area.
- 7c.4 However, it is recognised that the proposal would provide major business investment in the Falkirk area, and create between 117 and 152 new jobs at a time of economic downturn and recession. The proposal is supported by economic development policies of the Development Plan, the Falkirk Council Economic Downturn – Action Plan and local economic development initiatives.

- 7c.5 In considering the balance between amenity and economic benefit, two material considerations are significant. Firstly, the site is identified in the Falkirk Council Local Plan as an opportunity for uses including class 6. Secondly, the applicant has committed to funding compensatory tree planting off site through a developer contribution. The planting of compensatory tree planting and habitat creation and improvement off site is considered to be an acceptable alternative to the retention of the existing woodland and is supported by the Forestry Commission.
- 7c.6 On balance, the economic benefit of job creation and potential job retention is considered to outweigh the potential impact on visual amenity. The proposed development is considered to be satisfactory provided that improvements to the M9 motorway junction 6 and adequate compensatory off site tree planting can be secured, the proposed 3 metre wide cycleway adjacent to the west and north boundaries of the site is completed and that the provisions for the Travel Plan Framework submitted in support of the application and other matters covered by the recommended planning conditions are met.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee indicate that it is minded to grant planning permission subject to :-
- a) The notification of the application to Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 2009 and
 - b) The satisfactory conclusion of an Agreement under the terms of Section 69 of the Local Government (Scotland) Act 1973. The Agreement is to secure :-
 - (i) A financial contribution of £382,000 towards the improvement of the M9 motorway junction 6 (the figure is based on April 2011 costs and to be index linked to construction price indices), and
 - (ii) A financial contribution of £48,000 towards off side tree planting and habitat creation and improvement as a compensatory measure for the loss of woodland at the site.
- 8.2 Thereafter, on conclusion of the foregoing matters, revert to the Director of Development Services to grant planning permission subject to the following conditions:-
- (1) The development to which this permission relates must be begun within three years of the date of this permission.
 - (2)
 - (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 development shall not be brought into use until such time as details of a 3 metre wide cycleway to be formed adjacent to the north boundary of the site at Forth-Clyde Way and the west boundary of the site at Glensburgh Road (as shown in drawing no. 3/6B-102(02), Planning Authority reference 05A). has been submitted to and approved in writing by the Planning Authority and thereafter has been completed in accordance with the approved details.
- (4) There shall be no works on site until such times as a written scheme of archaeological investigation has been submitted to, and approved in writing by, the planning authority and that the scheme of archaeological investigation has been demonstrated to have been completed also with the written approval of the Planning Authority. For the avoidance of doubt the scheme of archaeological investigation should be carried out in respect of the existing standing structures at the site, and the site of the former Kerse House. The developer shall allow access at all reasonable times to any archaeologist/archaeological organisation approved by this planning authority and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, site contact person and name of the archaeologist/archaeological organisation retained by the developer shall be submitted in writing not less than 14 days before development commences.
- (5) Before the development commences, a schedule of landscaping should be submitted to and approved in writing by this planning authority. Details of the schedule should include :-
 - i) The position of any existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposal for their replacement.
 - ii) The location of all new trees, shrubs, hedges and grass areas
 - iii) A schedule of plant, trees, shrubs and hedges to comprise species, sizes and proposed number/species

- iv) A programme for the management and maintenance for all proposed landscaping.

Unless otherwise approved in writing by this planning authority, the approved landscaping schedule shall be implemented in the first planting season following the completion of the building or the occupation of any part of it, whichever is the earlier date. Thereafter any trees, shrubs or other plants which die, are removed, become seriously diseased or are severely damaged within 5 years of planting shall be replaced during the first available planting season with others of similar size and species, or in accordance with such other maintenance programme as agreed with this planning authority under the terms of (iv) above. For the avoidance of doubt, the planting season shall be taken to run from October to March inclusive.

- (6) All road, access, footpath and cycleway construction shall be carried out in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area as amended January 2000.
- (7) The development shall not be brought into use until such time as the vehicular access onto Forth-Clyde Way to the north of the application site is formed as a 3 metre wide carriageway with a 10.5 metre radius bellmouth on 9 metre x 70 metre visibility splays.
- (8) The development shall be implemented in accordance with the approved drainage and any other submitted details which have been approved in writing by the Planning Authority.
- (9) No part of the development shall be occupied until a Travel Plan has been submitted to, and approved in writing by, the planning authority in consultation with Transport Scotland. The Travel Plan will have particular regard to the provision for walking, cycling and public transport access to and within the site and will identify measures to be provided. The system of management monitoring, review, reporting and duration of the plan. Implementation of the Travel Plan should continue as long as the development is occupied. The records of implementation should be made available to the planning authority.
- (10) Notwithstanding any details previously submitted, there shall be no work on site with respect to the application and construction of any external finish to any buildings or ancillary plant until such time as details of the external colour and materials of any buildings and ancillary plant have been approved in writing by the planning authority. Thereafter the buildings and ancillary plant shall be finished in accordance with the approved details.

- (11) Notwithstanding any details previously submitted, there shall be no work on site until such time as details of boundary treatments have been approved in writing by the planning authority. Details shall include all permanent boundary treatments following completion of the development, any temporary boundary treatments during the construction phase and time scales for the erection and planting of boundary treatments. Thereafter, the erection and planting of boundary treatments shall accord with the approved details.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the environmental amenity.
- (3) To ensure connectivity in the footpath and cycleway network.
- (4) To safeguard the archaeological heritage of the site and ensure that the developer provides an adequate opportunity to investigate, record and rescue archaeological remains.
- (5) To ensure a high standard of landscaping and to ensure the landscaping is implemented as early as possible and has opportunity to become established.
- (6) To safeguard road users.
- (7) To safeguard the interests of highway users.
- (8) To ensure the development is carried out to the satisfaction and approval of the Planning Authority.
- (9) To be consistent with the requirements of Scottish Planning Policy.
- (10,11) To safeguard visual amenity

Informative(s):

- (1) For the avoidance of doubt the plans to which this consent refers bear our references 01, 02, 03, 04A, 05A, 06A/1, 06A/2, 07A, 08A, 09A, 10A, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21.
- (2) Work to remove trees at the site should be overseen by a licensed bat surveyor. Any trees which cannot be assessed and cleared for bats prior to felling should be section felled and lowered to the ground by rope. Should development not commence within 12 months of the last bat survey, a further bat survey should be carried out to inform the removal of trees.
- (3) The applicant is advised that there is a temporary weight restriction of 7.5 ton Monday to Friday 6pm to 8am and Friday 6pm to Monday 8am.

pp

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Director of Development Services

Date: 26 October 2011

LIST OF BACKGROUND PAPERS

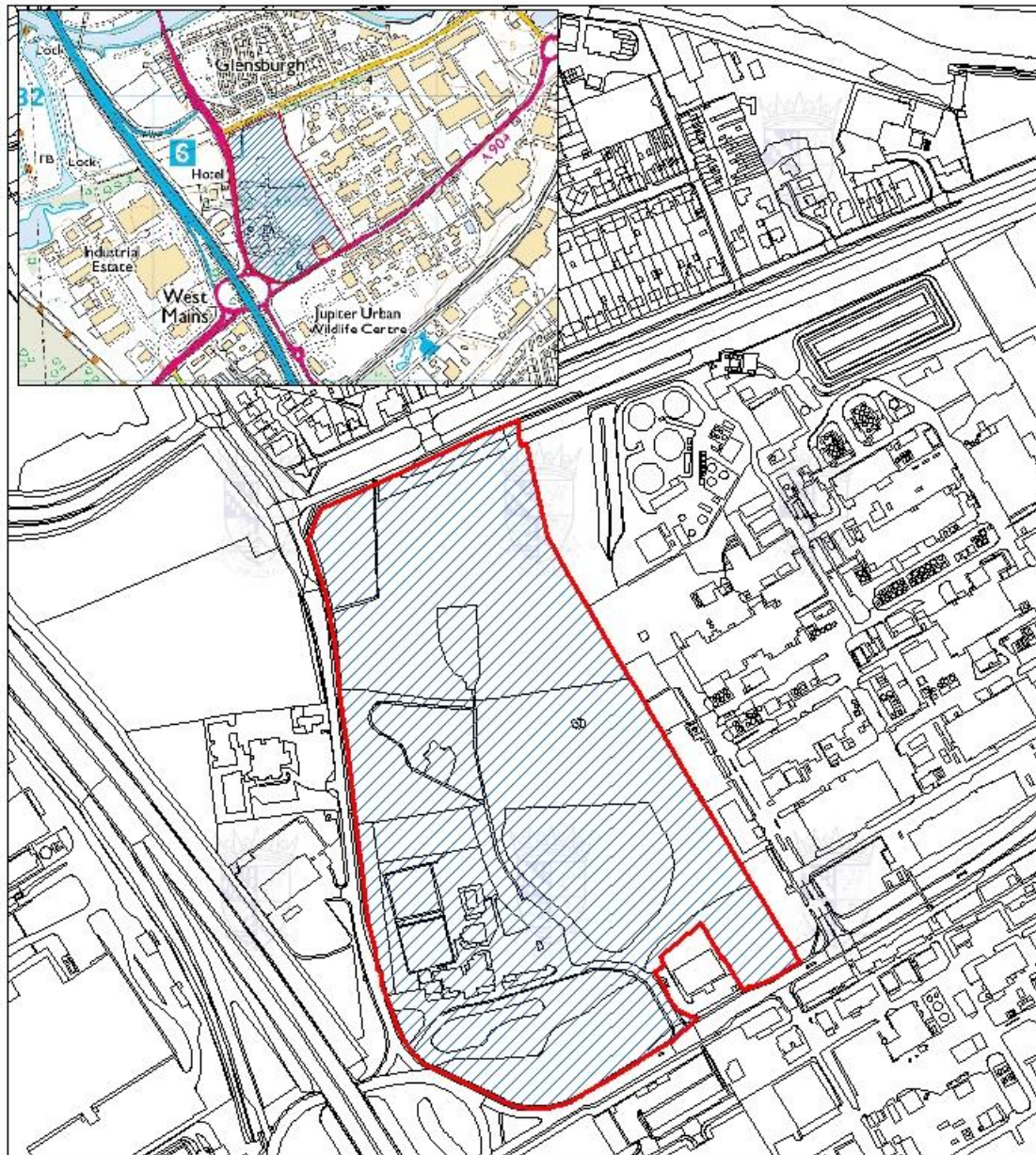
1. Scottish Planning Policy
2. Falkirk Council Structure Plan
3. Falkirk Council Local Plan
4. Supplementary Planning Guidance Note “Local Employment Agreements”
5. Falkirk Council Economic Downturn – Action Plan
6. Town and Country Planning (Notification of Applications) (Scotland) Direction 2009
7. Letter of representation from Mr Walter Inglis, 14 Lawers Place, Grangemouth FK3 0DB on 26 August 2011
8. Letter of objector from Ms Michaela Sullivan, Forth Ports Ltd, 1 Princes of Wales Dock, Edinburgh on 16 September 2011

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504951 and ask for John Angell, Head of Planning and Transportation.

Planning Committee

Planning Application Location Plan **P/11/0511/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: REDEVELOPMENT OF FORMER PAPER MILL TO PROVIDE 129 DWELLINGHOUSES AND 53 FLATS; 750M² OF COMMERCIAL FLOORSPACE; ROADS INFRASTRUCTURE INCLUDING NEW ROUNDABOUT; OPEN SPACE, LANDSCAPING, WOODLAND MANAGEMENT AND PUBLIC PATHWAY PROVISION; CONSTRUCTION OF A FISH LADDER; AND ALTERATIONS TO LISTED BUILDING TO RETAIN BUSINESS USE AT CARRONGROVE PAPER MILL, DENNY FK6 5HJ FOR MCTAGGART & MICKEL - P/08/0296/FUL

Meeting: PLANNING COMMITTEE

Date: 2 November 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. BACKGROUND

- 1.1 Members may recall that this application was originally considered at the meeting of the Planning Committee on 24 February 2010 (a copy of the previous report is appended). At this meeting, the Committee indicated that it was minded to grant the application subject to the satisfactory conclusion of a Section 75 Legal Agreement (Planning Obligation) and thereafter to grant planning permission. The matters to be subject to the Planning Obligation relate to improvements to educational, transportation and recreational facilities and infrastructure, and to the provision of live-work units and affordable housing.
- 1.2 The Planning Obligation has not been concluded as the applicant has proposed a number of amendments to the application. A factor contributing to these proposed amendments are appraisals of the costs of the proposed road infrastructure and engineering works, which suggest that proposed phase 1 of the scheme is unviable. Proposed phase 1 is the provision of 27 affordable housing units (social rented) and has an anticipated completion date of September 2013. The applicant has therefore reviewed the scheme, including the site layout, taking into account the post-demolition levels.

1.3 The main proposed amendments to the application are:

- Vehicular access to the site solely from a new roundabout rather than from a new priority junction (principal access) and a new roundabout (secondary access);
- Changes to the internal road configuration so that a main access road serves, to the north, a series of north-south oriented cul-de-sacs;
- An increase, by 9, of the overall number of residential units;
- An increase in the number of dwellinghouses from 108 to 129 and a reduction in the number of flats from 65 to 53;
- Changes to house types;
- Provision for surface water drainage by a new SUDS pond rather than underground filter trenches and attenuation tanks;
- Removal of the majority of high internal and external retaining walls;
- The provision of a local shop (250m²) and office space (500m²) in place of the original proposal for 480m² of commercial floor space;
- Relocation of the commercial floor space from within the development site to the site entrance at the new roundabout; and
- Removal of the live-work units.

1.4 The following information has been submitted in support of the proposed amendments to the application:-

- Revised Site Layout and Site Levels Plans;
- An updated Ecological Impact Assessment;
- Tree Survey Information and Details of Proposed Tree Works (Proposed Phase 1);
- A Revised Flood Risk and Drainage Impact Assessment;
- A Supporting Infrastructure Statement;
- A Supporting Transportation Statement; and
- A Statement on Removal of the Live-Work Units.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was previously considered by the Planning Committee. In accordance with the discretion afforded to the Director of Development Services under the Scheme of Delegation, it is considered that the proposed amendments to the application should also be considered by the Planning Committee.

3. SITE HISTORY

- 3.1 The site history is detailed in the previous report, which is appended.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that the proposed carriageway and parking provision generally accords with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. However, they have road safety concerns with the proximity of the proposed delivery layby for the retail unit, to the proposed new roundabout on the B818. Accordingly, they consider that the parking and servicing arrangements at this location require further consideration. They accept the conclusions and recommendations of the updated Flood Risk and Drainage Impact Assessment.
- 4.2 The Transport Planning Unit have advised that the amended proposal for one vehicular access point is acceptable in principle subject to the proposed roundabout satisfying the Design Manual for Roads and Bridges. They have advised that the previously agreed off-site mitigation measures and developer contributions as they relate to transportation matters should stand.
- 4.3 The Environment Protection Unit have no comments in respect of the proposed amendments.
- 4.4 Education Services have requested an increased pro-rata contribution arising from the proposals to increase the overall number of residential units and the ratio of dwellinghouses to flats, as this would directly affect the number of pupils from the development.
- 4.5 Corporate and Neighbourhood Services fully support the proposed amendments to the site layout for the affordable housing element (phase 1), as this reflects the applicant's bid for the National Housing Trust (NHT) initiative. They advise that delivery of 27 NHT units would meet the Council's Affordable Housing policy requirements.
- 4.6 Museum Services consider that the revised site layout does not have any more significant impact upon the setting of the listed building of Carrongrove House than the original proposal. They request that an historic building survey of the house be undertaken and the record deposited in the Council's archives.
- 4.7 SEPA are satisfied that the proposed amendments to the site layout comply with the principles of the Flood Risk and Drainage Impact Assessment, and accept in principle the proposed amendments to surface water drainage. They seek clarification regarding the second level of SUDS treatment and recommend the imposition of a planning condition requiring the submission of full details for the proposed integrated SUDS scheme.

- 4.8 Scottish Water have no objection to the proposed amendments to the application.
- 4.9 Scottish Natural Heritage note the presence of two European Protected Species (otters and bats) in the area but advise that the proposed development would not be detrimental to maintenance of the otter and bat populations. This is based on an appraisal of survey results, the proposed mitigation measures outlined in the updated Ecological Impact Assessment and the fact that derogation licenses have previously been issued in relation to demolition works on the site. They advise that a Badger Protection Plan should be submitted as two badger setts have been recorded within the development site.
- 4.10 Central Scotland Police have not responded to the proposed amendments.
- 4.11 The Royal Society for the Protection of Birds (RSPB) have no further comments to their consultation response dated 18 July 2008.
- 4.12 The Scottish Wildlife Trust have not responded to the proposed amendments.
- 4.13 The Scottish Civic Trust have not responded to the proposed amendments.
- 4.14 The Glenwood Tenants and Residents Association have not responded to the proposed amendments.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council have not made any representations to the proposed amendments.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received in respect of the proposed amendments to the application.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

- 7a.1 A detailed appraisal of the application against the Development Plan is contained in the report considered by the Planning Committee on 24 February 2010 (which is appended). This current report is concerned with assessing the proposed amendments to the application against the relevant planning considerations.

- 7a.2 Since consideration of the application by the Planning Committee on 24 February 2010, the adopted Falkirk Council Local Plan has replaced the adopted Denny and District Local Plan. The relevant Development Plan considerations are therefore now contained in the approved Falkirk Council Structure Plan and the adopted Falkirk Council Local Plan.

Design and Layout

- 7a.3 The proposed development was assessed as respecting the character and appearance of the townscape and responding positively to the surroundings. The proposed amendments to the application do not change this assessment and it is evident that the proposed increase in units and change in mix can be satisfactorily accommodated. In particular, the listed building, and views of it, have been integrated sensitively into the development by provision of a courtyard setting framed by (higher density) housing blocks. The proposed changes introduce some houses that back on to the river edge but this a relatively small element of the development and, overall, the development responds positively to its natural surroundings. The proposal to remove the majority of the high retaining walls is supported. Overall, the application, as amended, contributes positively to the quality of the built environment and accords with Policy EQ3 (Townscape Design) of the adopted Falkirk Council Local Plan.

Open Space

- 7a.4 The application includes substantial areas of passive open space and active open space in the form of an equipped play facility. In addition, a cycleway through the site linking to the former railway line to Denny is proposed and developer contributions towards upgrading the former railway line and providing or upgrading recreational facilities in the local area have been agreed with the applicant. Further to this, a planning condition requires the provision of a Multi Use Games Area (MUGA) within the proposed development, to serve the local area. The proposed amendments to the application provide an opportunity to review the overall open space provision against the Council's new Supplementary Planning Guidance Note for Public Open Space and New Development. This review has been undertaken and indicates that the overall provision exceeds the requirements promoted in the guidance, if some credit is given to the contribution that the proposed cycleway and upgrades to the former railway line would make towards active recreation. On this basis it is considered that there is flexibility to remove the requirements for a MUGA, whilst acknowledging the overall enhancement to recreational opportunities that the proposed development would provide for the local community. The remainder of the originally proposed/agreed open space provision would be unchanged and includes an extensive path network, including a link to Johnston Park, and viewing/seating areas to take advantage of the aspect to the River Carron.

Impact on Trees

- 7a5 The proposed amendments to the application introduce a SUDS pond within a wooded area at the eastern end of the site and encroachment of Phase 1 of the development eastwards towards a line of lime trees along the former access road. The wooded area has been subject to a recent Tree Survey, which identifies a number of trees in poor condition that need to be removed along with trees proposed to be removed for the access roundabout and the SUDS pond and associated access track. The Council's Landscape Officer has reviewed the relevant information and considers the overall tree survey to be accurate and the recommendations for tree removal and surgery to be appropriate and reasonable, taking into account the proposals for compensatory new tree planting. In response to concerns that the extent of infill and retaining wall construction for proposed phase 1 may adversely impact on the roots of the lime

trees and their setting, the proposed development has been pulled back to the edge of the former access road and level changes have been reduced. These changes are considered to be acceptable. The proposed development is therefore considered to be sensitive to its surrounding landscape and provides an opportunity to enhance and effectively manage this woodland area. The application, as amended, therefore accords with Policies EQ4 (Landscape Design) and EQ26 (Trees, Woodland and Hedgerows) of the adopted Falkirk Council Local Plan.

Ecology

- 7a.6 An updated Ecological Impact Assessment has been submitted in support of the proposed amendments to the application, and was informed by updated badger and otter surveys and an updated bat survey for proposed Phase 1 of the development. The updated assessment predicts no significant effects on otter, bats or badger as a result of the proposed development but acknowledges that the amended proposal for a SUDS pond, at the wooded east end of the site, affects the previous commitment to retain a rookery. The original suite of mitigation measures are presented in the updated assessment, along with further environmental commitments. In addition, detailed Species Protection Plans for otter, bats and badgers are proposed. The further environmental commitments include the re-positioning of a bat roost (under license), which is within a bat box attached to a tree to be lost to the proposed Phase 1 works. A planning condition would require the submission of a Method Statement to show how impacts in construction and operation of the SUDS pond on the existing habitat would be minimised. In addition, a planning condition would require the submission of an Environmental Management Plan, covering habitat enhancement measures, compensatory new planting and design of the SUDS pond to benefit biodiversity. In light of these comments, the application, as amended, is considered to accord with Policies EQ24 (Ecological Sites and Features) and EQ25 (Biodiversity) of the adopted Falkirk Council Local Plan.

Provision of Retail/Commercial Development

- 7a.7 The original application included 480m² of commercial floorspace, for a range of uses such as shops and offices. The potential for up to 480m² of retail floorspace was considered to be commensurate with maintaining the hierarchy of shopping centres in the Falkirk Council area. The application, as amended, proposes 250m² of floorspace for local shops and 500m² of floorspace for offices. In addition, the proposal for 565m² of office floorspace within Carrongrove House is retained. The application, as amended, is similarly considered to maintain the local retail hierarchy and therefore accords with Policy ECON.5 (Location of New Retail and Commercial Leisure Development) of the approved Falkirk Council Structure Plan and Policy EP7 (New Retail Development) of the adopted Falkirk Council Local Plan.

Transportation

- 7a.8 The application, as amended, provides for a single access point to serve the proposed development. The Transport Planning Unit have advised that this is acceptable in principle and a revised Transport Assessment is not required as the overall trip generation is anticipated to be similar to the original proposal. The previous requirements for developer contributions to fund off-site works to the local road and cycle networks remain unchanged and the applicant has accepted this. These contributions would be secured by a Section 75 Planning Obligation. Accordingly, impacts on the surrounding road network would be adequately mitigated and the application, as amended, accords with Policy TRANS.3 (Transport Assessment) of the approved Falkirk Council Structure Plan and Policy ST7 (Transport Assessments) of the adopted Falkirk Council Local Plan.

Surface Water Drainage/Flooding

- 7a.9 The original proposals to divert the existing Sandyford Burn culvert and a culvert from the Strathcarron Hospice pond, which cross the site to the River Carron, remain unchanged. These culverts would pass below roads, parking areas and open space areas of the proposed development. The Roads Development Unit are satisfied that the potential for culvert blockage has been satisfactorily taken into account in the design and that retention of the existing culvert size under the B818 for Sandyford Burn is acceptable subject to the existing trash screen provision being improved. In addition, the Roads Development Team have accepted the proposed changes to the SUDS scheme to include a pond. They recognise that the principles of the revised drainage and SUDS design do not vary from those included in the previously accepted Flood Risk and Drainage Impact Assessment. Accordingly, no significant flood related impacts are anticipated and a suitable surface water management scheme is proposed. The application, as amended, is therefore considered to accord with Policy ENV.4 (Coastal Planning and Flooding) of the approved Falkirk Council Structure Plan and Policies ST11 (Sustainable Urban Drainage) and ST12 (Flooding) of the adopted Falkirk Council Local Plan.
- 7a.10 Accordingly, in light of the above comments, the application is considered to accord with the Development Plan.

7.b Material Considerations

- 7b.1 An appraisal of the application against the relevant material planning considerations is contained in the report considered by the Planning Committee on 24 February 2010 (which is appended). This current report is concerned with assessing the proposed amendments to the application against the relevant planning considerations.

Planning Brief

- 7b.2 The Planning Brief for the former Paper Mill site, dated March 2007, sets out the Council's requirements and expectations for the future development of the site. It identified the key land use, design, environmental and infrastructural considerations as well as additional community benefits that are likely to be required.
- 7b.3 The proposed amendments to the site layout indicate a single access and a spine road parallel to the river, serving north-south orientated cul-de-sacs. This satisfies the Indicative Layout contained in the Planning Brief to a greater extent than the original proposal. The Brief promotes active housing frontages to the river and retention of the eastern woodland area. However, the amended proposals include a small element of housing backing onto the river and accommodation of a SUDS pond within the eastern woodland area but these are considered to be acceptable as detailed in this report. In accordance with the Brief, the amended proposal retains a riverside woodland walk/cycleway, bespoke housing around the listed building and a fish ladder at the Fankerton Weir.
- 7b.4 The Planning Brief indicated the provision of approximately 1.5 hectares of business/industrial land. The application as previously considered by the Planning Committee proposed 480m² of commercial floor space for retail and office uses, alterations to Carrongrove House to provide 565m² for business use and 18 live-work units, specifically designed to enable both residential and business use. Taking into account the locational constraints of the site for industry and the

largely residential character of the proposed development, the proposed commercial and business use provision in lieu of 1.5 hectares of business/industrial land provision was accepted.

- 7b.5 The application, as amended, proposes to delete the live-work units and increase the proposed commercial floorspace from 480m² to 750m². The applicant has submitted a statement to support removal of the live-work units, which refers to information from the Office of National Statistics confirming that development of communication technologies is making it increasingly feasible for people to work from home. The statement also refers to revisions to Scottish Building Regulations to improve the accessibility of housing and its adaptability to meet the various needs of householders, including working from home. Against this background, the statement indicates that all house types within the proposed development would be suitable for home working and dedicated live-work units are no longer appropriate. Having reviewed this matter, it is considered that removal of the dedicated live-work units can be accepted taking into account the submissions of the applicant, the proposed increase in business provision and experience elsewhere that indicates the operation of live-work units through the planning system is not always straightforward. For example, difficulties can arise in enforcing the retention of dedicated work space which is integral to a dwellinghouse.

Consultations

- 7b.6 The updated consultation responses are summarised in section 4 of this report. The matters referred to in these responses would be the subject of suitable planning conditions or a Section 75 Planning Obligation. The previously approved terms of the Section 75 Planning Obligation and the planning conditions would be amended, as appropriate.
- 7b.7 Since the proposed amendments to the application were submitted, the developer contribution rates for education have changed. Education Services have advised that an increased pro-rata contribution is required due to the proposals to increase the overall number of residential units and the ratio of dwellinghouses to flats. Given that the advice from Education Services on the updated contribution for the proposed amendments to the application pre-dated the new rates, it is considered reasonable for the contribution to reflect the advice at the time rather than the new rates.

7.c Conclusion

- 7c.1 This report provides an update of proposed changes to this application and concludes that the application, as amended, accords with the Development Plan. The Planning Committee decided on 24 February 2010 that it is minded to Grant the application subject to the satisfactory conclusion of a Section 75 Legal Agreement (Planning Obligation) and, thereafter, remit to the Director of Development Services to grant planning permission subject to appropriate conditions. Given that the proposed changes to the application are considered to be acceptable, it is recommended that the previous decision stand. However, changes to the terms of the Section 75 Planning Obligation and planning conditions are recommended, to reflect the proposed changes, the submission of update information and the receipt of updated consultation responses. These changes are incorporated into the recommendation as detailed below.

8. RECOMMENDATION

8.1 It is recommended that the Committee indicate that it is minded to grant detailed planning permission subject to:-

- (a)** the satisfactory completion of a Planning Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-
 - (i)** the payment of a financial contribution of £501,750 towards the provision and upgrade of educational facilities in the area;
 - (ii)** the payment of a financial contribution of £550,000 towards the provision of a roundabout at the junction of Nethermain Road and Glasgow Road, Denny and a mini-roundabout at the junction of Nethermain Road and Stirling Street, Denny;
 - (iii)** the payment of a financial contribution of £20,000 towards the upgrade of a former railway line for the purposes of a cyclepath (Safer Routes to School) between Stoneywood and Denny;
 - (iv)** the payment of a financial contribution of £30,000 towards the provision, upgrade and maintenance of recreational facilities in the local area; and
 - (v)** the nature and provision of the proposed affordable housing units;
- (b)** the submission of a Stage 2 Road Safety Audit for the written approval of this Planning Authority, which assesses all of the new road infrastructure to be constructed by the applicant;
- (c)** further consideration and the agreement of the Planning Authority in respect of the proposed parking, access and servicing arrangements for the retail, office and residential uses comprising the proposed 3 storey flatted block at the entrance to the proposed development;
- (d)** and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:-
 - (1)** The development to which this permission relates must be begun within three years from the date of this permission.
 - (2)** Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking areas shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.
 - (3)** Before the development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.
 - (4)** Before the development commences, full details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):

- (i) existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;
 - (ii) the location of all new trees, shrubs, hedges and grassed areas;
 - (iii) a schedule of plants to comprise species, plant sites and proposed numbers/density;
 - (iv) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure (including details of the proposed treatment along the river edge);
 - (v) the location, colour and specification of all proposed hard surface materials;
 - (vi) existing and proposed services such as cables, pipelines, sub-stations, etc;
 - (vii) other artefacts and structures such as seating, litter bins, dog bins, external lighting, bollards, trail and interpretive signage and viewing galleries. Thereafter, the development shall be completed in accordance with the approved details.
- (5) Before the development commences, a scheme for the provision of active recreational facilities shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include:
- (i) the location of a toddler/junior play area and the type and location of all associated play equipment, seating, fences, walls and litter bins;
 - (ii) the surface treatment of play areas;
 - (iii) the location and specification of all proposed cycleways and footways within the application site and proposed connections to the wider network. Gradient, cross-section and signage details shall be submitted as appropriate;
 - (iv) details of the proposed pedestrian/cycle crossing point on the B818, east of the new access roundabout. The details shall include a plan showing relevant dropped kerbs and provision of a 3 metre wide footpath to link the proposed development to Kirkwood Drive (for use by pedestrians and cyclists).
- (6) The existing stone wall along the frontage of the site to the B818 shall be made good and re-built where gaps exist or damage has occurred or where sections have been removed to achieve the required visibility splays, in accordance with details approved in writing by this Planning Authority.
- (7) Before the development commences, a final statement and plan confirming the existing trees proposed to be removed shall be submitted to and approved by this Planning Authority. No existing trees shall be removed until the final statement and plan have been approved in writing. The existing trees proposed for removal shall be marked, and the Planning Authority shall be notified when the trees are marked, in order to provide the opportunity for an inspection of the marked trees.
- (8) Before the development commences, a Tree Protection Plan shall be submitted to and approved in writing by this Planning Authority. The plan shall include details of the exact location and specification of the temporary fencing to protect the areas of retained habitat, and a Method Statement showing how surrounding

woodland and other habitat would be protected during construction and operation of the SUDs pond. The protective fencing shall be put in place before the development commences and shall remain in place until all construction works are complete. The Planning Authority shall be notified in order to provide an opportunity for inspection of the protective fencing once it is in place.

- (9) During construction, no excavation, level changes, material storage, fires or vehicle movement shall take place within the fenced off areas indicated in the approved Tree Protection Plan.
- (10) Before the development commences, the exact details of the proposed environmental measures as detailed in Tables 1A and 1B of the updated Ecological Impact Assessment prepared by Heritage Environmental Limited, dated July 2011, shall be submitted to and approved in writing by this Planning Authority, in consultation with SEPA and SNH (as appropriate). Thereafter, the development shall proceed in accordance with the approved details.
- (11) Before the development commences, Species Protection Plans for otter, bats and badgers shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall proceed in accordance with the approved details, under the supervision of a suitably experienced ecologist acting as Ecological Clerk of Works.
- (12) Before the development commences, an Environmental Management Plan shall be submitted to and approved in writing by this Planning Authority. The plan shall include woodland management measures and management prescriptions for the SUDS pond and habitat, and consider the opportunities for access and recreation within the various habitat areas. Thereafter, the development shall proceed in accordance with the approved details.
- (13) In respect of otter:
 - (a) No vehicular access, works or pedestrian access shall occur within 30 metres of the otter resting places identified in the otter survey(s). This exclusion zone shall be marked on the site with temporary posts and high visibility tape or similar before the development commences (to be removed at the end of the contract). The positioning and erection of fences demarcating the boundaries of exclusion zones shall be supervised, and subsequently monitored, by a suitably experienced ecologist acting as Ecological Clerk of Works.
 - (b) The existing scrub/trees screening the otter resting places from the area where works are proposed shall be retained.
 - (c) All personnel, including contractors and sub-contractors, shall be made aware of the presence of otters and their holts, their protected status and the conditions of any granted licence.
- (14) Should the development not commence within 12 months of the last survey of the site for otter, bats and badgers, a further walk-over survey of the site shall be

conducted and the results of the survey submitted for the written approval of this Planning Authority.

- (15) Tree, scrub and hedgerow removal shall only occur between the months of September to March (inclusive) in order to avoid the destruction of birds nesting during the breeding season.
- (16) Before the development commences, the presence and breeding status of any barn owls on the site shall be confirmed by a suitably experienced consultant. Should their presence and breeding be confirmed, restrictions on timings of works as per other breeding bird species shall apply, such that works may only be carried out between the months of September to March (inclusive).
- (17) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (18) Waste management facilities for the proposed development shall be provided in accordance with the Council's Refuse and Recycling Collection Requirements for Housing and Commercial Developments.
- (19) Before the development commences, the design and construction details of the proposed fish ladder shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (20) Within one year of the commencement of the development, a separate planning application shall be submitted for the provision of a small-scale hydro-electric power scheme. The application shall include the detailed design for the scheme and an assessment of its potential impacts on flooding and flood management.
- (21) Unless otherwise agreed in writing by this Planning Authority, all new road and footway design and construction shall be carried out in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (22) All individual driveways shall be constructed to meet the public road at right angles, with a maximum gradient of 1:10, and in a manner to ensure that no surface water or loose material is discharged onto the public road.
- (23) Parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. All dedicated car parking spaces for the proposed commercial and business uses shall be demarcated for that purpose.
- (24) The proposed development shall be carried out in accordance with the recommendations detailed on page 43 of the Flood Risk and Drainage Impact

Assessment, Revision H, prepared by Waterman Civils Limited, dated September 2011.

- (25) Before the development commences, details of the provision of an improved trash screen for the Sandyford Burn under the B818 and arrangements for the maintenance of the proposed and existing culverts and outfalls that cross/adjoin the application site shall be submitted to and approved in writing by this Planning Authority. Thereafter, the approved trash screen shall be installed in accordance with an agreed timescale and maintenance of the culverts shall be carried out in accordance with the approved details.
- (26) Before the development commences, details of the location and specification of all proposed bus stop infrastructure shall be submitted to and approved in writing by this Planning Authority. The details shall include: provision of new bus shelter(s) for eastbound stops, with appropriate flagpoles and timetable information; relocation of the westbound stop; and provision of a connecting footpath to the westbound stop. Thereafter, the development shall be carried out in accordance with the approved details.
- (27) One cycle locker per flat shall be provided, in accordance with details to be submitted to and approved in writing by this Planning Authority before the development commences.
- (28) Before the first unit is occupied, a Residential Travel Plan, including a Travel Pack, shall be submitted to and approved in writing by this Planning Authority and the Travel Pack shall be distributed to households prior to occupation.
- (29) Before the cycleway/pedestrian path to the B818 at the western end of the site is brought into use, a section of footpath to link the cycleway/pedestrian path to the existing footpath at Fankerton shall be constructed in accordance with the Design Guidance and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (30) Before the development commences, details of the party (parties) to implement the Environmental Management Plan, and the timescale thereof, and details of the on-going future management and maintenance of the hard and soft landscaping areas, the active recreational facilities and the fish ladder, shall be submitted to and approved in writing by this Planning Authority. Documentary evidence shall be submitted to demonstrate the long-term securing of the management and maintenance of these areas and infrastructure.
- (31) Before the first residential unit is occupied, the new pedestrian/cyclist crossing point of Fintry Road and the new bus stop infrastructure shall be fully completed in accordance with the approved details.
- (32) Unless otherwise agreed in writing by this Planning Authority, the new entrance roundabout to serve the proposed development shall be fully completed before the first residential unit is occupied, in accordance with details approved in writing by this Planning Authority. The details to be submitted for approval shall include a swept path assessment.

- (33) No residential unit shall be occupied until a mini-roundabout has been constructed at the junction of Stirling Street and Nethermains Road in accordance with an approved Road Construction Consent.
- (34) Before the 50th residential unit is occupied, the toddler/junior play area and the fish ladder shall be fully completed in accordance with the approved details.
- (35) Before the 70th residential unit is occupied, the alterations to the listed building (Carrongrove House) to retain business/office use shall be fully completed in accordance with the approved details.
- (36) The proposed ground floor shop contained within the 3 storey flatted block shall be restricted to a use(s) with Class 1 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further application to and approved by this Planning Authority.
- (37) The listed building (Carrongrove House) and the proposed offices contained within the 3 storey flatted block shall be restricted to a use(s) within Class 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further planning application to and approved by this Planning Authority.
- (38) Before the development commences, full details of the proposed integrated SUDS scheme shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (39) Before the commencement of any works to Carrongrove House, a historic building survey shall be undertaken and the record submitted to the Planning Authority for deposit in the Council's archives.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997
- (2) To enable the Planning Authority to consider these aspects in more detail.
- (3-4,6) To safeguard the visual amenity of the area.
- (5) To ensure the provision of adequate and appropriate recreational facilities.
- (7-9) To safeguard the visual and environmental amenity of the area.
- (10-16) To safeguard the environmental amenity of the area and ecological and biodiversity interests.
- (17) To ensure the ground is suitable for the proposed development.
- (18) To ensure the provision of appropriate waste management facilities.

- (19) To enable this Planning Authority to consider these aspects in more detail.
- (20) To secure an application for the provision of a small scale hydro-electric scheme, in accordance with the requirements of the Planning Brief.
- (21-22) To safeguard the interests of the users of the highway.
- (23) To ensure the provision of appropriate parking facilities.
- (24-25) To safeguard the site against the risk of flooding.
- (26-29) To ensure the provision of facilities and measures to support sustainable modes of transport.
- (30) To secure the ongoing maintenance of the common areas and facilities.
- (31-35) To secure the timeous provision of facilities and infrastructure which are a requirement of the proposed development.
- (36-37) In order to retain proper control over the use of the development.
- (38) To ensure that adequate drainage is provided, which accords with sustainable urban drainage principles.
- (39) To maintain a record of the historic interest of Carrongrove House.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 02A, 03C, 04B, 05, 06, 07, 08, 09 , 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22A, 23A, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36A, 37A, 38A, 39A, 40, 41, 42, 43A, 44 & 45.
- (2) All proposed adoptable roads, cycleways and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.
- (3) Bollards and lighting within roads and footpaths to be adopted as public will require to satisfy the Council's Design Guidelines and Construction Standards. The Council specification for bollards is Marshalls Steel Rhino Bollard RB119.
- (4) Retaining structures should be outwith a 1 in 2 slope zone of a footpath or carriageway to be adopted as public. Design calculations and drawings for any structure within this zone will require to be submitted to Falkirk Council as part of the Road Construction Consent process.
- (5) The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) require general binding rule (GBR) 10 of CAR to be complied with in relation to surface water drainage. GBR 10 makes Sustainable Urban Drainage Systems (SUDS) a requirement for new development. SEPA has

requested the submission of a Drainage Management Plan, including details of proposed SUDS systems, prior to works commencing on site.

- (6) Any proposals for modifications to the bank of the Carron River and other works within the vicinity of the river will require SEPA authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).
- (7) SEPA has requested the submission of information on the feasibility of an eel pass on the River Carron.
- (8) Scottish Water has requested the developer to make contact in order to understand the proposed phasing and timescales, to enable consideration of the options for connections and the impact of the development on existing infrastructure.
- (9) Scottish Natural Heritage should be contacted to ensure that valid licenses are in place for the carrying out of works that will affect European protected species or their shelter/breeding places.
- (10) Due to proximity to the River Carron, which hosts species that respond to changing light levels, including salmon fish and otters, careful consideration should be given to the design of street lighting to minimise impact on the river. Scottish Natural Heritage recommends that proposals for lighting are reviewed in accordance with the Scottish Governments Guidance Note on Controlling Light Pollution and Reducing Light Energy Consumption.

Pp

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Director of Development Services

Date: 25 October 2011

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. Falkirk Council Supplementary Planning Guidance Note for Public Open Space, Falkirk Greenspace and New Development, June 2011.

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

FALKIRK COUNCIL

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

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Denny and Dunipace

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

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

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

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

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

4. CONSULTATIONS

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

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

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

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

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

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

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

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

7. DETAILED APPRAISAL

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

Accordingly,

Approved Falkirk Council Structure Plan

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

7a.2 Policy ECON. 5 ‘Location of New Retail and Commercial Leisure Development’ states:

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

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

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

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

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

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

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

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

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

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

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

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

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

reasonableness and whether it reasonably relates in scale and kind to the proposed development.

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

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

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

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

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

7a.13 Policy ENV.3 ‘Nature Conservation’ states:

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

- (1) Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:*
 - (a) it will not adversely affect the integrity of the site, or;*
 - (b) there are no alternative solutions and there are imperative reasons of overriding national public interest.*

- (2) *Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) *Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*
- (4) *The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats."*

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

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

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

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

supplementary information to assist in the determination of planning applications.”

- 7a.16 The Flood Risk Assessment submitted with the application has concluded that the proposed development would not be at direct risk of flooding from the River Carron. In addition, it has indicated that existing culverts from the Sandyford Burn and the Strathcarron Hospice pond, which cross the site to the River Carron, would be diverted beneath new roadways. Periodic maintenance of the culvert entrances is recommended in order to avoid blockage. The Roads Development Unit has accepted the findings and recommendations of the Flood Risk Assessment and is satisfied that the required flood level (1 in 200 years with a 20% increase in flood flows to allow for climate change) and the potential for culvert blockage have been taken into account in the design. In addition, the Roads Development Unit is satisfied that land and building levels adjacent to the flood routes over new roadways (in the event of culvert blockage failure) are acceptable.
- 7a.17 The Roads Development Unit has accepted the proposed surface water drainage arrangements, which include measures such as porous paving, filter trenches, enlarged storage pipes, attenuation tanks and outflow controls on discharge to the River Carron. In addition, the Roads Development Unit is satisfied that the proposed surface water drainage arrangements would be able to cope with a 1:200 year flood.
- 7a.18 Accordingly, it is considered that the proposed development would not be at risk of flooding or increase the level of risk to existing development, and therefore accords with this policy. As detailed in paragraph 4.9, SEPA has no objection to the application on flood grounds.

- 7a.19 Policy ENV.16 ‘Contaminated Land’ states:

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

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

- 7a.21 Policy TRANS.3 ‘Transport Assessment’ states:

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

- 7a.22 A Transport Assessment has been submitted with the application, which indicates that Denny Cross would have insufficient capacity to accommodate the traffic generated by the proposed development. In order to mitigate this impact, measures have been agreed with the applicant in the form of financial contributions towards the provision of new

roundabouts at the Nethermain Road/Stirling Street and Nethermain Road/Glasgow Road junctions. These will facilitate the use of Nethermain Road instead of Denny Cross, particularly for southbound traffic (by easing two right turning movements). In addition, measures have been agreed in order to encourage sustainable modes of transport. These measures include the provision of a cyclepath and footway through the site and enhancement of the former railway line to Denny as part of the Safer Routes to School Programme. Subject to the payment of the agreed contributions and provision of all proposed transport related infrastructure, the proposed development accords with this policy.

Adopted Denny and District Local Plan

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

7a.24 Policy DEN 1 'Urban Limit' states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) detached from the Town Centre and likely, by virtue of its size, nature or location, to have*

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

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

7a.36 Policy DEN 22 'Townscape' states:

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

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

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

7a.38 Policy DEN 23 'Landscaping' states:

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

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

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

7a.39 The landscape framework for the site respects the setting and character of the site by retaining to a large extent the existing woodland which contains the site. The landscape framework integrates with the proposed open space and pedestrian and cycleway provision

and includes proposals for high quality hard landscaping, street furniture and viewing areas (of the River Carron). In addition, new planting and management and maintenance of all landscaped areas are proposed. The exact details with regard to these matters would be the subject of conditions of any grant of planning permission. Accordingly, the proposed development is considered to accord with this policy.

7a.40 Policy DEN 24 'Listed Buildings' states:

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

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

7a.42 Policy DEN 26 'Ecological Sites' states:

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

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

7a.44 Policy DEN 28 'Watercourses' states:

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

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

potential impacts on the aquatic environment should be adequately addressed, thereby ensuring compliance with this policy.

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

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

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

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

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

7b Material Considerations

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

National Planning Policy and Guidance

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

7b.3 Scottish Planning Policy (February 2010) sets out the Scottish Government's commitment to increasing the amount of electricity generated from renewable energy sources and supporting low and zero carbon developments. The provision of a small-scale hydro-electric scheme as part of the proposed development would be supported by SPP. In addition, the applicant

incorporates design sustainability features into its buildings in order to reduce CO² emissions. Such measures are supported by SPP.

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

Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

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

SC14 (Education and New Housing Development)		COM.7 (School Provision)
EP6 (Town Centre Hierarchy)	DEN20 (Town Centre Shopping Function)	ECON.5 (Location of New Retail and Commercial Leisure Development)
ST2 (Pedestrian Travel and Cycling) and ST3 (Bus Travel and New Development) and ST7 (Transport Assessments) ST12 (Flooding)	DEN17 (Roads and New Development)	TRANS.3 (Transport Assessment)
		ENV.4 (Coastal Planning and Flooding)

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

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

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

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

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

7b.11 Policy EQ24 ‘Ecological Sites and Features’ states:

- “(1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an*

appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

- (2) *Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) *Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) *Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) *Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest."*

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

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

7b.14 The Ecological Impact Assessment has predicted impacts on otter and bats due to the proximity of works to the River Carron and the removal of existing buildings and trees. In consequence, the Ecological Impact Assessment has detailed general measures to mitigate the

impact of the proposed development on otter and bats. These measures include the seeking of licences from the Scottish Government where disturbance to these species would be unavoidable, the undertaking of further update surveys and the implementation of an Environmental Management Procedure.

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

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

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

- 7b.19 The application site and surrounds have been surveyed for the presence of the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan. The priority habitats found at this location are broadleaved and mixed woodland, grassland and the River Carron. The priority species found are otter, bats and 2 species of flora (ox-eye daisy and wych elm).
- 7b.20 The overall site planning is considered to promote biodiversity interests as it retains the majority of the existing broadleaved, semi-natural woodland and neutral grassland areas. In

order to compensate for the loss of priority habitat, new planting and management and maintenance measures are proposed. The management measures proposed for the existing habitats are detailed in a Woodland Management Plan. These measures include removal of non-native and invasive species (e.g. Japanese Knotweed, Snowberry and Rhododendron), woodland thinning, removal of flying tipping and enhancement of grassland habitats. The provision of access and recreational opportunities within the habitat areas would be considered as part of an Environmental Management Plan (incorporating woodland management). This matter would be the subject of a condition of any grant of permission. Measures are also proposed to mitigate the potential impacts of construction activities on the existing habitats within and adjacent to the site (e.g. the River Carron and the Carron Glen SSSI). Potential impacts and mitigation measures in relation to otter and bats have been assessed in this report.

7b.21 Subject to the imposition of appropriate conditions and implementation of an approved Environmental Management Plan, the proposed development is considered to promote the biodiversity of the Falkirk Council area and accord with this policy.

7b.22 Policy SC6 - 'Housing Density And Amenity' states:

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

7b.23 The overall housing density for the proposed development of 173 units exceeds the housing density of 120 units indicated in the Planning Brief. The proposed housing density has been influenced by the reduction in industrial/business land provision from the 1.5 hectares indicated in the Planning Brief. In addition, the housing density has been informed by the character of the site and the design objectives for the proposed development. An example of this is the provision of higher density development to create a formal courtyard setting for the listed building, which is considered to reflect design excellence. Adequate private amenity space is provided for the proposed dwellinghouses, and the proposed flatted buildings are set within communal amenity areas. The overall housing layout has been designed to ensure adequate privacy and avoid excessive overshadowing. On balance, the proposed development is considered to accord with this policy. Whilst the overall housing density indicated in the Planning Brief is exceeded, the proposed site layout, the mix of house types and the range of densities across the site are considered to achieve design excellence, and can be accommodated whilst retaining the majority of the woodland setting.

Falkirk Council Supplementary Planning Guidance

7b.24 The Council's Supplementary Planning Guidance on Housing Layout and Design, Education and New Housing Development, Biodiversity and Development, Trees and Development and

Affordable Housing are relevant to the proposed development. This guidance is intended to assist developers in meeting the requirements of Development Plan policy. The proposed development is considered to be supported by this guidance and accords with the relevant policies of the Development Plan and Falkirk Council Local Plan Finalised Draft (Deposit Version) for the reasons detailed in this report.

Planning Brief

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

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

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

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

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

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

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

7b.30 A further constraint to the provision of industrial land within the proposed development is compatibility with the residential aspect of the development. Industrial uses by their very

nature can raise amenity and compatibility issues which may detract from the quality and attractiveness of the residential environment. In that regard it is considered that business uses, rather than industrial uses, would be more suitable as a component of the overall development.

- 7b.31 Ryden have advised that the site has the potential to accommodate a modest scale of employment uses linked to a housing development. There may, for example, be a demand for locally based small scale business workshop uses. As a reflection of this advice and the need to adopt a flexible approach, the applicant has proposed 5,700 square feet of commercial floorspace for retail and office use, alterations to the listed building (Carrongrove House) to retain business use (approximately 6,000 square feet) and 18 live/work units (approximately 6,400 square feet), specifically designed to enable both residential and business use. The applicant has advised that the live/work units would target business start ups and entrepreneurs who do not require formal business premises. It is accepted that live/work units can contribute positively to the range of business opportunities and is a sustainable form of development, by bringing the workplace and place of residence together, and so reduce vehicle trips. In order to safeguard the business use of the live/work units, it is considered that a legal agreement would be required.
- 7b.32 Taking into account the locational constraints of the site and the nature of the proposed development, it is considered that the proposed provision for commercial and business uses as detailed above is acceptable. It is considered that payment of a £500,000 financial contribution towards off-site business provision, as promoted by Community Services (Economic Development), to compensate for the 1.5 hectare business/industrial land requirement of the Planning Brief cannot be justified. The reasons for this are detailed in paragraph 7a.9 of this report. In addition, the applicant has estimated the cost of refurbishment of Carrongrove House for business use to be at least £900,000. This cost approximates the £1m to £1.4m increase in land value estimated by Community Services (Economic Development) arising from an increase in residential in lieu of business/industrial.
- 7b.33 The Planning Brief promotes the construction of a small scale hydro-electric scheme due to the proximity of the site to the River Carron. The Brief indicates that the potential for a stand-alone system, as opposed to one which is connected to the National Grid, should be investigated. A feasibility report prepared by the applicant has concluded that the installation of a 180 kW small hydro-electric scheme is marginally viable and it is not considered to be viable to supply direct to the National Grid. The applicant has costed the scheme at £450,000.
- 7b.34 SEPA has objected to the provision of a hydro-electric scheme on the grounds detailed in paragraph 4.9 of this report. It has advised that it would consider removing its objection should the determination process conclude that the scheme is "consentable" under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). It has recommended against the use of a suspensive condition to address this issue. The applicant has not progressed an application under CAR to date. However, the applicant has indicated that it would still wish to explore the viability of the scheme and would revisit this and submit a separate planning application when there is sufficient operator interest.
- 7b.35 Taking into account the marginal viability of a hydro-electric scheme and uncertainty regarding operator interest, it is considered reasonable to enable the submission of a separate planning application, which could be secured by a condition of any grant of the current application. It should be noted, however, that the acceptability of the proposed hydro-electric scheme would ultimately be influenced by the consentability of the scheme under the CAR regulations with consideration of the design detail and potential changes to the hydraulic regime. The removal

of the proposed hydro-electric scheme from the current application effectively removes the objection of SEPA to this application.

Consultation Responses

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

Representations Received

- 7b.41 Three representations to the application have been received. The concerns raised in these representations are summarised in section 6 of this report. In respect of the concerns raised, the following comments are considered to be relevant:-
- The B818 is considered to be suitable to accommodate the traffic generated by the proposed development. A priority junction and a roundabout junction are proposed in order to provide suitable access to the new development.
 - A financial contribution towards upgrading educational facilities to cope with the anticipated rise in school rolls as a consequence of this development has been agreed.
 - Sources of land contamination have been identified and remedial measures would be required in order to ensure that the site is suitable for the proposed development. This matter would be the subject of a condition of any grant of permission.
 - No direct footpath link from the development to the Glenview play area is proposed.

- The footpath link from the development to the B818 would follow the line of an existing path. Mature planting between this path and Glenview would be retained.
- The existing bus stop opposite the main entrance to Strathcarron Hospice would be retained.
- There is no proposal for a pedestrian crossing from the proposed development to Strathcarron Hospice.

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

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

Planning Issues Related to the Viability of the Proposed Development

- 7b.45 The applicant has submitted information in relation to the viability of the proposed development. In consideration of this information, Community Services (Economic Development) has advised that the proposed development would appear to be unviable at this present time of economic downturn, but that timing or phasing of the development to coincide with market recovery would be a factor in overall viability. However, the applicant has advised that a first phase of affordable housing could proceed soon.
- 7b.46 The applicant has made reference to the requested developer contributions as a particular burden to viability in addition to upfront development costs. Specific reference is made to the costs in provision of a hydro-electric scheme, which to date has attracted limited operator interest. Concern is raised that provision of 1.5 hectares of business/industrial land would further reduce the level of contribution that could be delivered. Upfront development costs

have included costs associated with preparing this substantial brownfield site for the proposed development. These costs include those associated with demolition works, remediation of contaminated land and refurbishment of the listed building. The applicant has indicated that some of these costs were unforeseen at site acquisition, when a survey was undertaken.

- 7b.47 Falkirk Council has approved an Economic Action Plan in response to the economic downturn. This Plan promotes a flexible approach to planning legal agreements in order to help attract investment and maintain jobs. In recognition of this, it is considered that the phasing of payments in respect of the agreed contributions can be supported, with the detail of the phasing being the subject of consideration in a Section 75 Legal Agreement.
- 7b.48 As detailed in this report, the applicant has agreed to the payment of financial contributions and the provision of facilities and infrastructure in the sum of £1,206,905. The applicant has submitted, however, that any additional contributions would result in the redevelopment of this significant brownfield being postponed for the foreseeable future. The agreed level of contribution does not include the £500,000 requested by Community Services (Economic Development) to compensate for the 1.5 hectare business/industrial land requirement of the Planning Brief not being satisfied. In recognition of current viability issues, Community Services (Economic Development) would accept deferred payment of the contribution. The applicant, however, has declined to offer any additional contributions above the agreed £1,206,905. The justification for the financial contribution with the terms of Circular 1/2010 has been discussed in this report.

7c Conclusion

- 7c.1 The proposed development is considered to accord with the Development Plan for the reasons detailed in this report. The proposal is considered to reflect the high aspirations for the site as envisaged in the Planning Brief and satisfies the majority of requirements of this Brief. In particular, the proposal respects and enhances the setting of the listed building, secures its refurbishment and future use, provides for affordable housing as phase 1 of the development, provides for a fish ladder on the River Carron, secures and enhances the provision of recreational facilities in the local area and walking and cycling infrastructure, retains the woodland setting of the site, secures enhancement of existing habitats and its future management, and protects biodiversity interests. In addition, financial contributions have been agreed to mitigate the impacts of the proposed development on existing infrastructure and facilities, and a condition of any grant of permission would require a separate application for a small-scale hydro-electric scheme in recognition that this was a requirement of the Planning Brief and the applicant's continued interest to deliver this scheme.
- 7c.2 An outstanding issue relates to the provision of 1.5 hectares of business/industrial land as required by the Planning Brief. However, in recognition that the location of the site is not ideal for certain types of business, Community Services (Economic Development) would accept as compensation, the payment of a financial contribution of £500,000 towards business provision at an alternative location in the Denny area. This payment could be deferred until occupation of the 100th unit in recognition of current viability issues. However, the applicant has declined to agree to this contribution and it is not considered that this contribution can be justified within the terms of Circular 01/2010. With reference to these terms, the contribution is not considered to directly relate to the proposed development or be reasonably related in scale and kind to the proposed development. The applicant is, however, proposing some business use on the site and this includes refurbishment of Carrongrove House for business use at an estimated

cost of £900,000 which represents a substantial commitment and a contribution to the supply of business property in the Denny area.

- 7c.3 The application is therefore recommended as a minded to grant subject to the satisfactory conclusion of a Section 75 Legal Agreement and, thereafter, grant of planning permission subject to appropriate conditions.

8. RECOMMENDATION

8.1 It is recommended that the Committee indicate that it is minded to grant detailed planning permission subject to:-

- (a) the satisfactory completion of an agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-**
 - (i) the payment of a financial contribution of £457,200 towards the provision and upgrade of educational facilities in the area;**
 - (ii) the payment of a financial contribution of £550,000 towards the provision of a roundabout at the junction of Nethermain Road and Glasgow Road, Denny and a mini-roundabout at the junction of Nethermain Road and Stirling Street, Denny;**
 - (iii) the payment of a financial contribution of £20,000 towards the upgrade of a former railway line for the purposes of a cyclepath (Safer Routes to School) between Stoneywood and Denny;**
 - (iv) the payment of a financial contribution of £30,000 towards the provision, upgrade and maintenance of recreational facilities in the local area;**
 - (v) the nature and provision of the 18 proposed live/work units;**
 - (vi) the nature and provision of the proposed affordable housing units.**
- (b) the submission of a Stage 2 Road Safety Audit for the written approval of this Planning Authority. The audit shall assess all of the new road infrastructure to be constructed by the applicant and include the short internal link between the priority access junction on the B818 and the first internal junction;**
- (c) and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:-**
 - (1) The development to which this permission relates must be begun within five years from the date of this permission.**
 - (2) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking areas shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.**
 - (3) Before the development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing**

by this Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.

- (4) Before the development commences, full details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):
- (i) existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;
 - (ii) the location of all new trees, shrubs, hedges and grassed areas;
 - (iii) a schedule of plants to comprise species, plant sites and proposed numbers/density;
 - (iv) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure;
 - (v) the location, colour and specification of all proposed hard surface materials;
 - (vi) existing and proposed services such as cables, pipelines, sub-stations, etc.;
 - (vii) other artefacts and structures such as seating, litter bins, dog bins, external lighting, bollards, trail and interpretive signage and viewing galleries. Thereafter, the development shall be completed in accordance with the approved details.
- (5) Before the development commences, a scheme for the provision of active recreational facilities shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include:
- (i) the location of a toddler/junior play area and a Multi Use Games Area (MUGA) and the type and location of all associated play equipment, seating, fences, walls and litter bins;
 - (ii) the surface treatment of play areas;
 - (iii) the location and specification of all proposed cycleways and footways within the application site and proposed connections to the wider network. Gradient and cross-section details shall be submitted as appropriate;
 - (iv) details of the proposed pedestrian/cycle crossing point on the B818, east of the new access roundabout. The details shall include a plan showing relevant dropped kerbs, suitable connection details into Kirkland Drive and a central island.
- (6) The existing stone wall along the frontage of the site to the B818 shall be made good and re-built where gaps exist or damage has occurred or where sections have been removed to achieve the required visibility splays, in accordance with details approved in writing by this Planning Authority.
- (7) Before the development commences, a final statement and plan confirming the existing trees proposed to be removed shall be submitted to and approved by this Planning Authority. No existing trees shall be removed until the final statement and plan have been approved in writing. The existing trees proposed for removal shall be marked, and the Planning Authority shall be notified when

the trees are marked, in order to provide the opportunity for an inspection of the marked trees.

- (8) Before the development commences, a Tree Protection Plan shall be submitted to and approved in writing by this Planning Authority. The plan shall include details of the exact location and specification of the temporary fencing to protect the areas of retained habitat. The protective fencing shall be put in place before the development commences and shall remain in place until all construction works are complete. The Planning Authority shall be notified in order to provide an opportunity for inspection of the protective fencing once it is in place.
- (9) During construction, no excavation, level changes, material storage, fires or vehicle movement shall take place within the fenced off areas indicated in the approved Tree Protection Plan.
- (10) Before the development commences, the exact details of the proposed environmental measures as detailed in Section 6, Table 9, of the Ecological Impact Assessment prepared by Heritage Environmental Limited, dated March 2009, shall be submitted to and approved in writing by this Planning Authority, in consultation with SEPA and SNH (as appropriate). Thereafter, the development shall proceed in accordance with the approved details.
- (11) Before the development commences, a Species Protection Plan for otter shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall proceed in accordance with the approved details, under the supervision of a suitably experienced ecologist acting as Ecological Clerk of Works.
- (12) Before the development commences, an Environmental Management Plan shall be submitted to and approved in writing by this Planning Authority. The plan shall include woodland management measures and consider the opportunities for access and recreation within the various habitat areas. Thereafter, the development shall proceed in accordance with the approved details.
- (13) In respect of otter:
 - (a) No vehicular access, works or pedestrian access shall occur within 30 metres of the otter resting places identified in the otter survey(s). This exclusion zone shall be marked on the site with temporary posts and high visibility tape or similar before the development commences (to be removed at the end of the contract). The positioning and erection of fences demarcating the boundaries of exclusion zones shall be supervised, and subsequently monitored, by a suitably experienced ecologist acting as Ecological Clerk of Works.
 - (b) The existing scrub/trees screening the otter resting places from the area where works are proposed shall be retained.

- (c) All personnel, including contractors and sub-contractors, shall be made aware of the presence of otters and their holts, their protected status and the conditions of any granted licence.
- (14) Should the development not commence within 12 months of the last survey of the site for badgers, a further walk-over survey of the site shall be conducted and the results of the survey submitted for the written approval of this Planning Authority.
- (15) Tree, scrub and hedgerow removal shall only occur between the months of September to March (inclusive) in order to avoid the destruction of birds nesting during the breeding season.
- (16) Before the development commences, the presence and breeding status of any barn owls on the site shall be confirmed by a suitably experienced consultant. Should their presence and breeding be confirmed, restrictions on timings of works as per other breeding bird species shall apply, such that works may only be carried out between the months of September to March (inclusive).
- (17) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (18) Waste management facilities for the proposed development shall be provided in accordance with the Council's Refuse and Recycling Collection Requirements for Housing and Commercial Developments.
- (19) Before the development commences, the design and construction details of the proposed fish ladder shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (20) Within one year of the commencement of the development, a separate planning application shall be submitted for the provision of a small-scale hydro-electric power scheme. The application shall include the detailed design for the scheme and an assessment of its potential impacts on flooding and flood management.
- (21) All new road and footway design and construction shall be carried out in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (22) All individual driveways shall be constructed to meet the public road at right angles, with a maximum gradient of 1:10, and in a manner to ensure that no surface water or loose material is discharged onto the public road.
- (23) Parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. All dedicated car

parking spaces for the proposed commercial and business uses shall be demarcated for that purpose.

- (24) The proposed development shall be carried out in accordance with the recommendations detailed on page 37 of the Flood Risk and Drainage Impact Assessment, Revision E, prepared by Waterman Civils Limited, dated July 2009.
- (25) Before the development commences, details of the arrangements for the maintenance of the proposed and existing culverts and outfalls that cross/adjoin the application site shall be submitted to and approved in writing by this Planning Authority. Thereafter, maintenance of the culverts shall be carried out in accordance with the approved details.
- (26) Before the development commences, details of the location and specification of all proposed bus stop infrastructure shall be submitted to and approved in writing by this Planning Authority. The details shall include provision of new bus shelters for eastbound stops, with appropriate flagpoles and timetable information. Thereafter, the development shall be carried out in accordance with the approved details.
- (27) One cycle locker per flat shall be provided, in accordance with details to be submitted to and approved in writing by this Planning Authority before the development commences.
- (28) Before the first unit is occupied, a Travel Plan Welcome Pack shall be submitted to and approved in writing by this Planning Authority and distributed to households prior to occupation.
- (29) Before the cycleway/pedestrian path to the B818 at the western end of the site is brought into use, a section of footpath to link the cycleway/pedestrian path to the existing footpath at Fankerton shall be constructed in accordance with the Design Guidance and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (30) Before the development commences, details of the party (parties) to implement the Environmental Management Plan, and the timescale thereof, and details of the on-going future management and maintenance of the hard and soft landscaping areas, the active recreational facilities and the fish ladder, shall be submitted to and approved in writing by this Planning Authority. Documentary evidence shall be submitted to demonstrate the long-term securing of the management and maintenance of these areas and infrastructure.
- (31) Before the first residential unit is occupied, the new pedestrian/cyclist crossing point of Fintry Road and the new bus stop infrastructure shall be fully completed in accordance with the approved details.
- (32) Unless otherwise agreed in writing by this Planning Authority, the new entrance roundabout to serve the proposed development shall be fully completed before the first residential unit is occupied, in accordance with the approved details.

- (33) No residential unit shall be occupied until a mini-roundabout has been constructed at the junction of Stirling Street and Nethermains Road in accordance with an approved Road Construction Consent.
- (34) Before the 50th residential unit is occupied, the toddler/junior play area and the fish ladder shall be fully completed in accordance with the approved details.
- (35) Before the 70th residential unit is occupied, the alterations to the listed building (Carrongrove House) to retain business/office use shall be fully completed in accordance with the approved details.
- (36) Before the 100th residential unit is occupied, the Multi Use Games Area (MUGA) shall be fully completed in accordance with the approved details.
- (37) The ground floor commercial area of proposed Block 3 shall be restricted to a use within Classes 1, 2 and 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further planning application to and approved by this Planning Authority.
- (38) The listed building (Carrongrove House) shall be restricted to a use within Class 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further planning application to and approved by this Planning Authority.
- (39) Notwithstanding the approved details, before the development commences, the design of the south facing elevation of the 3 storey flatted building shall be subject to further consideration and the submission of amended proposals for the written approval of this Planning Authority. Thereafter, the development shall proceed in accordance with the approved details.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997
- (2) To enable the Planning Authority to consider these aspects in more detail.
- (3-4,6) To safeguard the visual amenity of the area.
- (5) To ensure the provision of adequate and appropriate recreational facilities.
- (7-9) To safeguard the visual and environmental amenity of the area.
- (10-16) To safeguard the environmental amenity of the area and ecological and biodiversity interests.
- (17) To ensure the ground is suitable for the proposed development.
- (18) To ensure the provision of appropriate waste management facilities.
- (19) To enable this Planning Authority to consider these aspects in more detail.

- (20) To secure an application for the provision of a small scale hydro-electric scheme, in accordance with the requirements of the Planning Brief.
- (21-22) To safeguard the interests of the users of the highway.
- (23) To ensure the provision of appropriate parking facilities.
- (24-25) To safeguard the site against the risk of flooding.
- (26-29) To ensure the provision of facilities and measures to support sustainable modes of transport.
- (30) To secure the ongoing maintenance of the common areas and facilities.
- (31-36) To secure the timeous provision of facilities and infrastructure which are a requirement of the proposed development.
- (37-38) In order to retain proper control over the use of the development.
- (39) In the interests of design quality and visual amenity.

Informative(s):

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 01, 02C, 03C, 04B, 05B, 06F, 07C, 08C, 09C, 10C, 11B, 12B, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22A, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34C, 35, 36A, 37A, 38, 39, 40, 41, 42D, 43B, 44B, 45G, 46F, 47F, 48A, 49A and 50.
- (2) All proposed adoptable roads, cycleways and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.
- (4) Bollards and lighting within roads and footpaths to be adopted as public will require to satisfy the Council's Design Guidelines and Construction Standards. The Council specification for bollards is Marshalls Steel Rhino Bollard RB119.
- (4) Retaining structures should be outwith a 1 in 2 slope zone of a footpath or carriageway to be adopted as public. Design calculations and drawings for any structure within this zone will require to be submitted to Falkirk Council as part of the Road Construction Consent process.
- (5) The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) require general binding rule (GBR) 10 of CAR to be complied with in relation to surface water drainage. GBR 10 makes Sustainable Urban Drainage Systems (SUDS) a requirement for new development. SEPA has requested the submission of a Drainage Management Plan, including details of proposed SUDS systems, prior to works commencing on site.
- (6) The proposal for modifications to the bank of the Carron River and other works within the vicinity of the river will require SEPA authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).

- (7) SEPA has requested the submission of information on the feasibility of an eel pass on the River Carron.
- (8) Scottish Water has requested the developer to make contact in order to understand the proposed phasing and timescales, to enable consideration of the options for connections and the impact of the development on existing infrastructure.
- (9) Scottish Natural Heritage should be contacted to ensure that valid licenses are in place for the carrying out of works that will affect European protected species or their shelter/breeding places.
- (10) Due to proximity to the River Carron, which hosts species that respond to changing light levels, including salmonid fish and otters, careful consideration should be given to the design of street lighting to minimise impact on the river. Scottish Natural Heritage recommends that proposals for lighting are reviewed in accordance with the Scottish Governments Guidance Note on Controlling Light Pollution and Reducing Light Energy Consumption.
- (11) The level of provision for the toddler/junior play area and the Multi Use Games Area (MUGA) will require to be commensurate with a total cost of £100,000 inflation adjusted at the time of provision.

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 Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

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

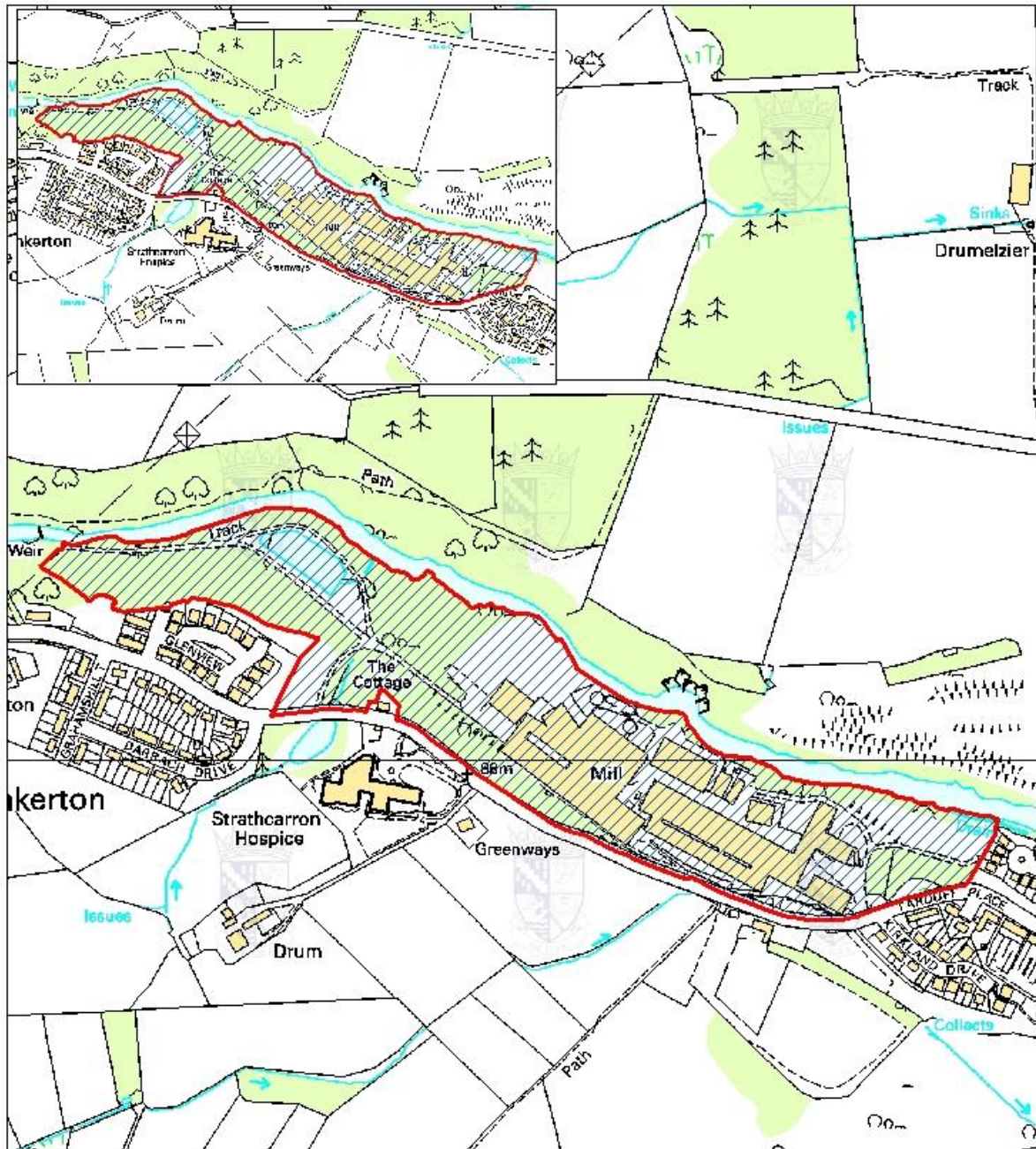
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 50935 and ask for Brent Vivian (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/08/0296/FUL

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