

FALKIRK COUNCIL

Subject: LANDSCAPE WORKS, ERECTION OF 3 NO. STORAGE HUTS, REFUSE STORAGE AREA, PATHWAYS AND LEISURE AREAS AT SITE TO THE NORTH OF 1 CAUSEWAYEND, LINLITHGOW, FOR SCOTTISH CANALS - P/14/0076/FUL

Meeting: PLANNING COMMITTEE

Date: 30 April 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: No Community Council

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located at Causewayend canal basin on the Union Canal. Planning permission has previously been granted for the use of the Causewayend Basin for a maximum of six residential moorings. The current application seeks full planning permission for environmental improvements and service facilities to provide for the approved moorings. The site is surrounded to the north and west by countryside, to the east by the Union Canal and to the south by a recently opened restaurant.
- 1.2 The proposed development is to provide storage facilities for the previously approved residential moorings and provide landscape and leisure proposals to improve the amenity of the site and encourage the wider use as a tourism / recreational area.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called to Committee by Councillor Hughes.

3. SITE HISTORY

- 3.1 P/12/0731/FUL - Change of Use from Leisure Moorings to Residential Moorings, approved 8 February 2013.
- 3.2 P/09/0313/FUL - Erection of restaurant and dwellinghouse, granted 4 November 2010.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objection subject to parking and turning facilities being provided.
- 4.2 Scottish Natural Heritage has no objection to the proposed development.
- 4.3 Historic Scotland has no objection to the proposed development following the submission of further information from the applicant confirming no adverse impact on the Union Canal as a Scheduled Monument.
- 4.4 Falkirk Community Trust (Museum Services) has no objections subject to the imposition of an archeological monitoring condition.

5. COMMUNITY COUNCIL

- 5.1 No Community Council currently in operation.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 3 letters of objections were received. The grounds of objection are:
 - No neighbour notification received;
 - Commencement of development prior to grant of permission;
 - Lack of information relating to details of vehicular access, power supply, refuse disposal and management of the proposed residential moorings;
 - Traffic generation;
 - Road safety.

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

Falkirk Council Local Plan

7a.2 Policy EQ16 'Sites of Archaeological Interest' states:

- “(1) Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances;*
- (2) all Other archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
- (3) Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.”*

7a.3 A planning condition requiring archaeological investigation prior to development will ensure that impact on the Union Canal as a Scheduled Monument can be fully considered in relation to EQ16.

7a.4 Policy EP17 - 'Canals' states:

“The Council, in conjunction with British Waterways and other key partners, will seek to promote the sustainable development of the Forth & Clyde and Union Canals as a major recreational, tourism and heritage asset. Accordingly, the Council will support:

- (1) The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the Local Plan;*
- (2) The protection and enhancement of the operational capacity of the canals for recreational use, including the maintenance and improvement of navigation and the provision of infrastructure and amenities for a wide range of canal users; for freight use, including the development of any necessary freight transfer facilities;*
- (3) The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) for nature conservation reasons; and*
- (4) Appropriate canal-side development which*
 - is compatible with the broad objectives, policies and key development opportunities set out in the Council's 'Canal Corridor Development Framework';*
 - is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, moorings and slipways, together with any appropriate commuted sums for maintenance;*

- *achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping;*
- *incorporates measures to ensure that there is no detriment to the canal water environment;*
- *ensures there is no detriment to the structural stability of the canal; and*
- *accords with other Local Plan policies, including Policy ST12 (Flooding)."*

7a.5 The development of residential mooring opportunities is considered to be an appropriate diversification of water use that will assist in the continued regeneration of the canal network and is considered to accord with the aims of Policy EP17 - Canals. The proposed development is required to service the previously approved residential moorings and contribute to the development of the moorings as a tourist destination.

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 The proposed development is not considered to have any impact on the countryside setting which is covered by Policy EQ23 - Area of Great Landscape Value.

7a.8 Policy EQ24 - 'Ecological Sites and Features' states:

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

- (5) *Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest."*

7a.9 The applicant has previously submitted an ecological statement demonstrating that the proposed residential use would not adversely impact on Causewayend Basin identified as an ecological site by proposal ED.RUR02. The development currently proposed does not necessitate the need for further ecological assessment.

Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Local Development Plan (Proposed Plan), objections received and consultation responses.

Falkirk Local Development Plan (Proposed Plan)

7b.2 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. This plan has now been submitted to the Department of Planning and Environmental Appeals for examination. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.

7b.3 Policies BUS01 - Business and Tourism Locations, GN05 - Outdoor Access and D14 - Canals are considered to support and develop relevant policies of the extant Falkirk Local Plan.

7b.4 The proposed development is considered to comply with all relevant policies of the emerging Development Plan.

Objections Received and Consultation Responses

7b.5 Neighbour notification requirements were carried out by officers in accordance with the requirements of Scottish Government. The relevant legislation (The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013) stipulates that all neighbouring land which is conterminous with or within 20m of the application site requires to be notified. In addition the proposed development was advertised in the Falkirk Herald on 20 February 2014, published in the weekly list of planning applications sent to Councillors, Community Councils and other interested parties and details made available on the Council's Website.

- 7b.6 The applicant has confirmed that works associated with the previous grant of planning permission for residential moorings (P/12/0731/FUL), which was granted on 8 February 2013, have commenced. No works have been commenced that relate to the application currently under consideration. Works undertaken include basin edge works to service mooring pontoons, path improvements around the basin and the installation of power supply to mooring pontoons. These works are associated with the previous grant of planning permission for residential moorings and could, in fact, have been carried out in respect of Permitted Development rights available to Scottish Canals.
- 7b.7 The Roads Development Unit is satisfied with the proposed development. Acceptable access is provided from the B825 to serve the existing Causewayend Bistro. Parking, vehicle turning and refuse collection are proposed to be served from the car park of the Bistro. This arrangement has been agreed between the applicant (Scottish Canals) who has retained access rights over the site and the Bistro owners and is considered to be a satisfactory arrangement.
- 7b.8 In further assessment of the submitted objections the Roads Development Unit has compared historic records of traffic flow in the vicinity of the site with recent surveys. No recognizable change in traffic flow has been noted over the past seven years.
- 7b.9 The Roads Development Unit has pointed out that a footpath connection from the Bistro site to the B825 has been approved under the terms of planning permission P/09/0313/FUL. The implementation date for this footpath is currently under discussion with the Bistro owner.
- 7b.10 The Roads Development Unit has confirmed that the last recorded personal injury accident in proximity to the site occurred 24 years ago and have no concerns with regard to this application in respect of road safety.
- 7b.11 The applicant has provided further information relating to sewerage arrangements. No sewerage connection or refuse connection is either proposed or required. Residential boats using Causewayend Basin will have on-board foul tanks which are required to be discharged at Scottish Canal's pump-out facilities on the canal network. In response to concerns regarding refuse collection, Scottish Canals has confirmed that refuse collection is provided for at the adjacent Bistro site. No refuse storage or collection is proposed at the Basin.
- 7b.12 Scottish Canals has confirmed that the site will be formally managed as part of obligations to manage the wider Canal estate. The proposed boaters' huts will be leased and their maintenance controlled through the lease arrangements.
- 7b.13 The applicant has confirmed that the only proposed lighting will be small external lights on each boating hut. In addition, low level safety lighting is to be provided on the previously approved pontoons.
- 7b.14 The views of remaining consultees can be addressed by appropriately worded planning conditions in respect of archaeological monitoring and environmental protection plan.

7c Conclusion

- 7c.1 The proposed development accords with all relevant policies of the Falkirk Local Plan and emerging Development Plan. The proposal would contribute to the diversification of the canal corridor and its continued regeneration.

- 7c.2 There is no evidence of impact on the Union Canal as a Scheduled Monument.
- 7c.3 The objections received have been assessed and it is not considered that the proposed development would result in any significant impact on the amenity of surrounding residents or the area in general.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee grant planning permission subject to the following conditions:-
1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
 2. No development shall take place within the application site until a programme of archaeological work and written scheme of investigation has been submitted to and approved by Falkirk Council as Planning Authority including any amendment as required.
 3. Prior to the permanent residential mooring of any vessels on the site, an environmental protection plan shall be submitted for the written approval of Falkirk Council as Planning Authority. The plan shall include definition of areas to be cordoned off to protect orchids in the vicinity of the site, communication measures to identify ecological constraints to site staff and future residents, timing of any implementation works and proposed signage identifying ecological features.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure that no adverse impact on archaeological features occurs.
3. To ensure no impact results on identified ecological features.

Informative(s):-

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

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

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Director of Development Services

Date: 17 April 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Falkirk Local Development Plan (Proposed Plan)
3. Letter of objection received from Brian Kerr, Crownerland Farm, Linlithgow, EH49 6LN on 4 April 2014.
4. Letter of objection received from Chris Sherry, 1 Causewayend, Linlithgow, EH49 6LW on 2 April 2014.
5. Letter of objection received from George M Paterson, Firdale, Causewayend, Linlithgow, EH49 6LW on 1 April 2014.

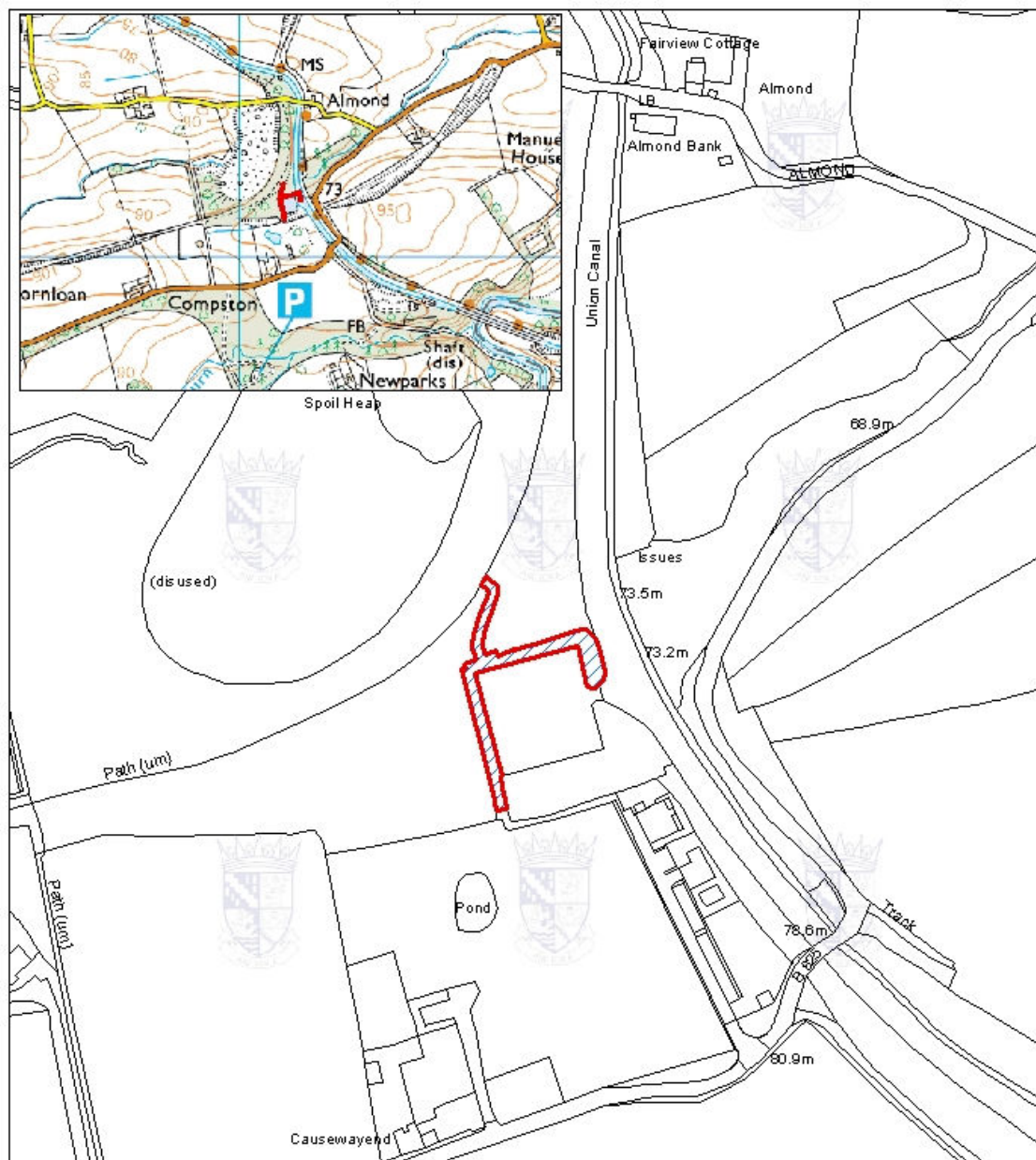
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/14/0076/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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