

**FALKIRK COUNCIL**

**Subject:** DEMOLITION OF FORMER SCOUT HALL AND ERECTION  
OF 3 DWELLINGHOUSES AT  
SCOUT HALL, GARTCOWS ROAD, FALKIRK, FOR GRS HOMES  
LTD - P/14/0336/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 27 November 2014

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Falkirk South

Depute Provost John Patrick  
Councillor Colin Chalmers  
Councillor Dennis Goldie  
Councillor Gerry Goldie

**Community Council:** No Community Council

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

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered by Planning Committee on 29 October 2014 at which time it was agreed to continue the application for a site visit. The site visit took place on 10 November 2014 when the Committee viewed the site and surrounding area.
2. At the meeting the case officer provided a factual summary of the application assessment.
3. The agent for the applicant spoke in support of the application and described how the proposal had been designed in the context of the characteristics of the site and surrounding area.
4. Objectors to the application were heard in relation to concerns of boundary trees, land ownership, road adoption, site access and road safety.
5. A representative from Falkirk Council Roads Development Unit addressed the concerns raised and undertook to provide further information in relation to road adoption for the further consideration of Planning Committee. A verbal update in respect of these matters will be given at the Planning Committee. However, it is recommended that proposed condition (2) be amended slightly to (a) turn it into a stronger “suspensive” condition regarding non-occupation of houses prior to upgrading the access road and (b) clarify that it is the Council’s current standards to which the road is to be upgraded.

6. Members of the Committee directed questions relating to the objections raised to Council officers and discussed the safety of the existing access and road adoption status.
7. Deputy Provost Patrick was heard in relation to the concerns of objectors on issues of land ownership, rights of access, adopted road status, access road specification and road safety. The issue of the ownership of the Lane (Well Road) and access rights is currently under consideration at the time of writing this report. A verbal update will be given to the Planning Committee on this matter.
8. Other than the revisions to proposed condition (2) recommended in paragraph 5 above, no matters were raised which would amend the previous recommendation.

## **9. RECOMMENDATION**

### **9.1 It is therefore recommended that the Planning Committee grant planning permission in principle 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 dwellinghouse shall be occupied prior to the first 50 metres of the access to the site on Well Road from Gartcows Road being brought up to the Council's current standards, as detailed in the Roads Unit specification in paragraph 4.1 of Appendix 1;**
- (3) Before development commences, a Tree Protections and Planting plan shall be submitted for the site, which plots the position of each tree accurately and tabulates details of species, crown spread, height, stem diameter and condition (in accordance with the Council's SPG 'Trees and Development'). From this tree survey information and specifically the tree stem diameters, a 'Tree Constraints Plan' shall be provided to show the root protection areas (RPA) required for each tree where no development or construction operations shall take place. Development shall not commence on site until the submitted Tree Survey and Constraints Plan has been approved by Falkirk Council as Planning Authority including amendment as required;**
- (4) (i) No development shall commence on site unless otherwise agreed with the Planning Authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority;**

- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination;
  - (iii) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority;
  - (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue;
- (5) Before development commences a detailed specification schedule for all masonry, fenestration rain water goods and roofing construction materials shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) In the interests of road safety.
- (3) In the interests of landscape quality.
- (4) To ensure the ground is made suitable for the approved development.
- (5) In the interests of visual amenity.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-06.
- (2) Records indicated that a public sewer/water main crossed the application site. Scottish Water is the Water and Drainage Authority for the area and has a policy of not permitting building over or in close proximity to sewers/water mains. Your attention is therefore drawn to the fact that this planning permission does not constitute consent to build over or close to a public sewer/water mains.

Pp

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Director of Development Services

Date: 17 November 2014

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Local Development Plan (Proposed Plan).
4. Letter of objection received from Miss Moira Sommerville, 80 Gartcows Road, Falkirk, FK1 5EQ on 30 June 2014.
5. Letter of objection received from Mr Callum Renton, 78 Gartcows Road, Falkirk, FK1 5EQ on 4 July 2014.
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Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

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**Local Members:** Ward - Falkirk South

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Councillor Dennis Goldie  
Councillor Gerry Goldie

**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 that of a former scout hall building (Falkirk District Scouts) and associated land to the south of Gartcows Road Falkirk. The application site extends to an area of 0.33 hectares.
- 1.2 The site is served by the historic Well Road shared access from Gartcows Road which rises steadily over a distance of approximately one hundred metres. The site is generally square in character, the northern part of which is generally level but rises steadily to the south. The northern part of the site is heavily wooded.
- 1.3 Pedestrian access is possible through the site from Gartcows Road to Blinkbonny Park. This route has been used informally for many years but has not been asserted as a Right of Way.
- 1.4 The proposal is for detailed planning permission for the erection of three detached dwellinghouses. The dwellinghouses are of a split level design with two storeys of accommodation and integrated garages at a lower level. The arrangement of dwellinghouses has been designed to minimise changes to existing ground levels and to retain existing mature trees.

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

- 2.1 The application has been called to Planning Committee by Councillor Chalmers and Councillor Patrick.

## **3. SITE HISTORY**

- 3.1 F/90/0892 – erection of dwelling and domestic garage – refused 13 November 1990.
- 3.2 P/PPA/08/219 – erection of dwelling and domestic garage – appeal dismissed 19 November 1991.
- 3.3 P/11/0820/PPP – development of land for residential use – withdrawn.
- 3.4 P/12/0362/PPP – development of land for residential use – refused 7 March 2013.
- 3.5 PPA-240-2031 – development of land for residential use – appeal granted 20 August 2013.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has noted the previous grant of Planning Permission in Principle for the site and has no objections to residential development of the site. The Roads Development Unit has, however, requested clarification that the access arrangements will be the same as those previously approved at appeal, i.e. that the first 50 metres of the access to the site on Well Road and served from Gartcows Road be constructed to adoptable standards. The applicant's agent has confirmed that the first 50 metres of the site access from Gartcows Road would be upgraded to adoptable standard with the remaining section to be resurfaced to a non-adoptable standard. The Roads Development Unit is satisfied with these proposals and a condition can be imposed on any grant of planning permission to ensure that this arrangement is implemented.
- 4.2 The Roads Development Unit also advise that Well Road was adopted prior to 1975 with a road length of 135m from its junction with Gartcows Road. The area immediately adjacent on the north-west side is not shown as being adopted, but would normally be assumed to be the verge of the road and also adopted.
- 4.3 Scottish Water has no objections but has advised that there would be a need for further discussion at a more detailed stage, as there are sewerage and fresh water connections within the site and immediately adjacent to the site. These would have to be protected and designed into any proposal, especially in relation to the current access points.
- 4.4 The Environmental Protection Unit has no objection to the proposal. However, a contaminated land assessment would be required to be submitted and approved before any works commenced on-site.
- 4.5 The Coal Authority has no objection to the proposal.

## **5. COMMUNITY COUNCIL**

5.1 No Community Council currently exists for this area.

## **6. PUBLIC REPRESENTATION**

6.1 In the course of the application, 7 contributors submitted letters of objection to the Council. And there was one letter of representation. The salient issues are summarised below:-

- that the site access is not owned by the applicant and that no right of access exists over it;
- that the only right of access to the site available to the applicant is a pedestrian one over the historic Well Road which is of a width incapable of accommodating vehicular traffic;
- traffic impacts of vehicles accessing and egressing Well Road which is narrow and unsuitable for this purpose;
- inability for cars to pass on the site access road (Well Road);
- traffic speeds on Gartcows Road adjacent to the proposed site access;
- previous road traffic accidents in proximity of the site access;
- uncertainty over refuse and recycling bin storage and collection arrangements: and
- construction access difficulties when demolishing the existing Scout Hall and erecting new dwellinghouses.

## **7. DETAILED APPRAISAL**

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

Accordingly,

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

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

7a.1 The proposed development is not strategic in nature. There are no relevant policies of the Falkirk Council Structure Plan.

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

7a.2 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.3 The site is located adjacent to an area covered by a Tree Preservation Order (TPO) in Greenhorn's Well Avenue. No trees on the application site are protected. The proposed arrangement of houses on the site has been designed to protect and retain a significant number of mature trees and incorporate these within the gardens of proposed houses. New tree planting is proposed to augment retained trees. Tree protection and planting can be required by planning condition if appropriate.

7a.4 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

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

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



7a.5 The proposed site is a brownfield site, currently containing a Scout Hall which has become surplus to use by the Falkirk District Scout Council and it is therefore being proposed to remove the hall and develop the site for residential use. The proposed housing use is seen to be compatible with neighbouring uses, which are residential, and it is considered that a satisfactory level of residential amenity can be achieved. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities. Existing physical infrastructure such as roads, drainage, water supply and sewerage capacity are considered acceptable, or could be upgraded, to accommodate residential use of the site. It is also considered that community facilities such as education and healthcare have the capacity to accommodate the site being used for residential purposes. The proposal is seen to satisfy Policy SC2 and there is no conflict with any other Local Plan policy or proposal.

7a.6 Policy SC8 'Infill Development and Subdivision of Plots' states:

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

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

7a.7 It is considered that the submitted development proposals are of an appropriate scale, density, disposition and design of dwellings, which respects the architectural and townscape character of the area. It is also considered that an adequate amount of garden ground will be provided to serve dwellings on the site, and that adequate privacy will be afforded to the proposed dwellings and existing neighbouring dwellings. It is also considered that no significant loss of any established features such as trees, vegetation, walls etc would result. The proposed vehicular access and other infrastructure is of an adequate standard or could be upgraded as required, and the proposal is seen to comply with other Local Plan policies. It is therefore considered that the proposal accords with Policy SC8.

7a.8 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material consideration to be assessed are the emerging Falkirk Local Development Plan (Proposed Plan) planning history, Falkirk Council Supplementary Guidance and assessment of objections to the development.

- 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. 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 The following policies of the emerging Falkirk Local Development Plan (Proposed Plan) are relevant:
- Policy EN04 - Trees, Woodland and Hedgerows;
  - Policy HSE03 - Windfall Housing;
  - Policy HSE05 - Infill Development and Subdivision of Plots.
- 7b.4 The above policies evolve policy thinking in respect of extant Falkirk Local Plan Policies. No new issues are however, introduced. The proposed development is considered to comply with all relevant policies of the emerging Falkirk Local Development Plan (Proposed Plan) April 2013.

### ***Planning History***

- 7b.5 Planning application F/90/0892 was originally submitted for the erection of a dwelling and domestic garage on the site. This application was subsequently refused on 13 November 1990 as at the time it was immediately adjacent to the then active Scout Hall. With the only access to the dwelling passing through the Scout Hall car park, there would not have been a satisfactory residential environment. The decision was appealed (P/PPA/08/219), with the appeal being dismissed. The reasons for the refusal are not now relevant, as the Scout Hall is no longer in use and the proposal is to redevelop the whole site for residential use, which would be within keeping of the surrounding land uses.
- 7b.6 An initial application was submitted in 2011 for the redevelopment of the site, P/11/0820/PPP. This application was subsequently withdrawn, as the applicant had not included the full length of the access to Gartcows Road within the application. It became clear during the assessment of this application, that the full length of the access road would have to be upgraded, and would therefore have to be included within the application site boundary.
- 7b.7 Planning application P/12/0362/PPP was submitted in July 2012 for the development of the site for residential use. Planning permission was refused by the Planning Committee on 27 February 2013 on the grounds that development of the site would have an adverse impact on road safety and loss of amenity.
- 7b.8 Planning permission was subsequently granted on 20 August 2013 following a successful appeal to Scottish Government. The grant of appeal was subject to conditions relating to site access, contaminated land assessment, tree survey and a limit of three detached dwellinghouses on the site.

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

- 7b.9 Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note - It is considered that the site has been designed to follow the guidance contained within the supplementary guidance, given the size, position and access of the site. It is therefore considered that the site accords with the Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note.
- 7b.10 Falkirk Council Trees and Development Supplementary Planning Guidance Note – It is considered that the site layout design has provided for the retention of a significant number of unprotected trees to complement site quality. Planning conditions can ensure the retention and protection of trees and provision of new landscaping.

### ***Responses to Objections***

- 7b.11 Impact on the value of properties arising from development is not a material planning consideration.
- 7b.12 The access to the site has been assessed by the Roads Development Unit subject to upgrading to adoptable standard over the first 50 metres from Gartcows Road. It is not considered that there would be an unacceptable volume of traffic to the site if it were to developed, and it is considered that this would not result in unacceptable noise levels in relation to traffic generation from the site. As stated in para 4.2 of this report, the Roads Development Unit has confirmed that Well Road is adopted for 135m from its junction with Gartcows Road.
- 7b.13 The egress onto Gartcows Road has been assessed as being acceptable by the Roads Development Unit, subject to upgrading. This would require to be carried out and completed prior to any dwellings being occupied at the site. It is not considered that the development would produce an unacceptable amount of traffic which would use the new access.
- 7b.14 No road safety issues are considered to result. Accident statistics confirm that since 1983 there have only been eight reported injury accidents in the vicinity of the site. Only one of these accidents was serious and none were at the Well Road / Gartcows Road junction.
- 7b.15 Any new development at this site would have to comply with current requirements for drainage, which should not result in water run-off to neighbouring properties.
- 7b.16 Refuse vehicles will be able to use the re-surfaced access road. Turning provision can be accommodated adjacent to the proposed dwellinghouses. The applicant's agent has provided a site access plan confirming the arrangements for refuse vehicles and road upgrading proposals.
- 7b.17 Legal issues in terms of land ownership and current maintenance are not material planning considerations. The applicant has however provided confirmation that access rights exist over the entire access from Gartcows Road to the proposed dwellinghouses.
- 7b.18 Scottish Water are aware of the proposal for the site, and have raised no objection. However, it would be the responsibility of the land owner and/or developer to take any necessary actions and discuss the pipe network with Scottish Water to ensure that there is no damage caused through any future construction work.

- 7b.19 Access to the site to remove the existing Scout Hall and for any future construction work would be the responsibility of the land owner/s and the developer. Any damage to neighbouring properties would be a legal matter between the land owner/s and the developer and is not a material planning consideration.
- 7b.20 If any damage occurred to the parking area between the access lane to the Scout Hall and Gartcows Road, this would be a legal matter between the land owners. This is not a material planning consideration.
- 7b.21 The lane to the former Scout Hall may currently be accessed and used by the public, but it is not registered as a right of way or as a pathway by the Council. Due to its location, it is also not considered that it would be allocated as such, given that current footpaths are available to access Blinkbonny Park. The development proposals do not restrict the use of this pedestrian access.

## **7c Conclusion**

- 7c.1 It is considered that the proposal is acceptable development and is in accordance with Policies EQ26, SC2 and SC8 of the Falkirk Council Local Plan and therefore the Development Plan. There are no other material planning considerations which would justify a refusal of planning permission in principle.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that the Planning Committee grant planning permission in principle 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) The first 50 metres of the access to the site on Well Road from Gartcows Road shall be brought up to an adoptable standard, as detailed in the attached Falkirk Council Roads Unit plan in Appendix 1, prior to the occupation of any approved dwellinghouse;
- (3) Before development commences, a Tree Protections and Planting plan shall be submitted for the site, which plots the position of each tree accurately and tabulates details of species, crown spread, height, stem diameter and condition (in accordance with the Council's SPG 'Trees and Development'). From this tree survey information and specifically the tree stem diameters, a 'Tree Constraints Plan' shall be provided to show the root protection areas (RPA) required for each tree where no development or construction operations shall take place. Development shall not commence on site until the submitted Tree Survey and Constraints Plan has been approved by Falkirk Council as Planning Authority including amendment as required;

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**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) In the interests of road safety.
- (3) In the interests of landscape quality.
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- (5) In the interests of visual amenity.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-06.

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Director of Development Services

Date: 20 October 2014

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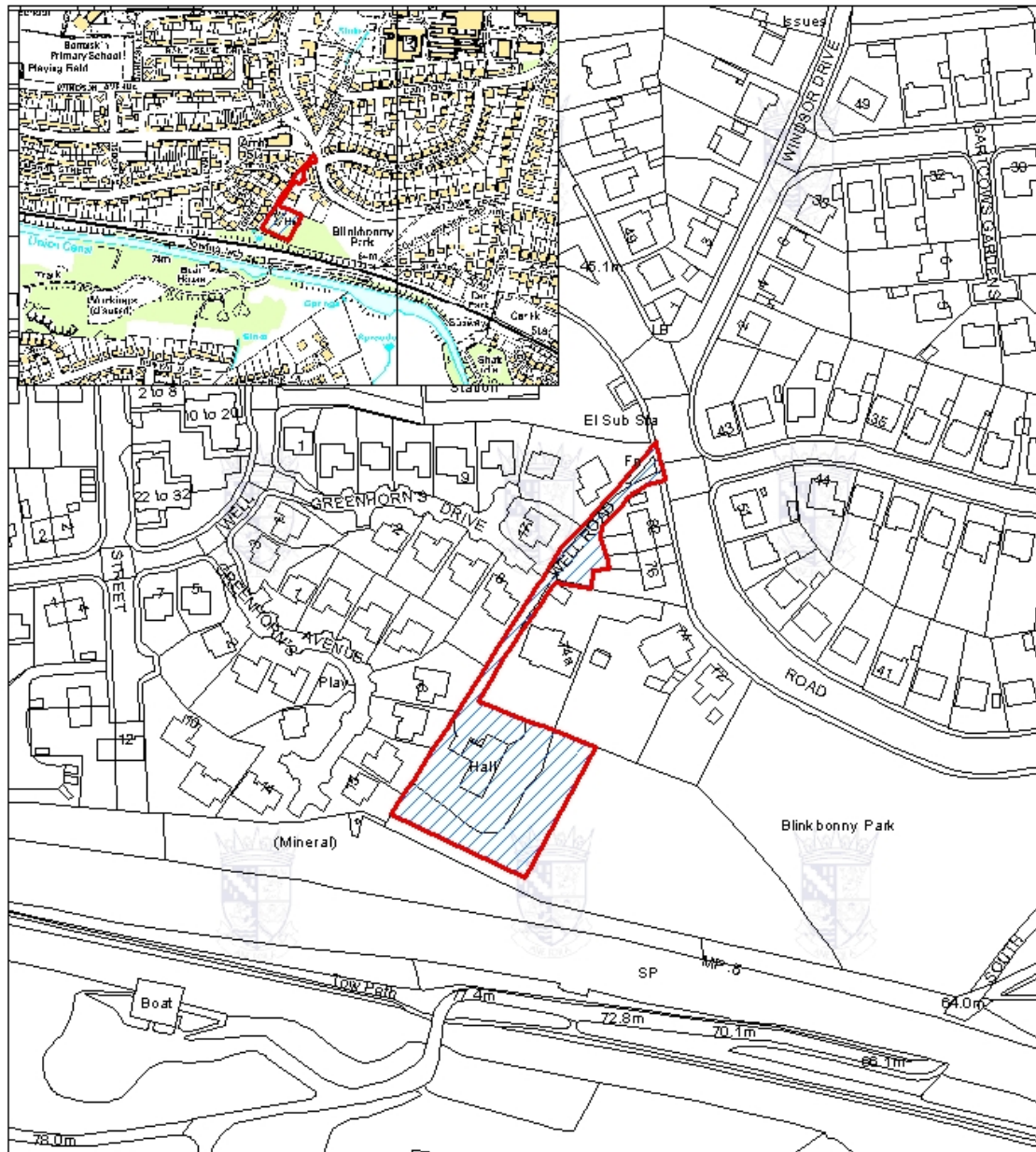
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/14/0336/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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