

FALKIRK COUNCIL

Subject: CHANGE OF USE OF PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND AND ERECTION OF FENCE (RETROSPECTIVE) AT 61 LITHGOW PLACE, DENNY, FK6 5BF, FOR MR ANDREW DELANEY - P/15/0386/FUL

Meeting: PLANNING COMMITTEE

Date: 15 SEPTEMBER 2015

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor Paul Garner
Councillor Martin David Oliver

Community Council: Denny and District

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks full planning permission to change the use of public open space to private garden ground and erect a fence. The application site has already been incorporated into the adjoining garden ground, therefore the application site is retrospective and seeks to regularise the existing situation. The fence is timber and 1.8 metres in height.
- 1.2 The application site lies along the southern edge of Sclandersburn Road, within an established housing area. At this location the rear property boundaries face onto the public road.
- 1.3 The applicant proposes to fill approximately 50% of the application site (lower side) with gravel to ensure that the adjoining property does not receive any rainwater.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 There is no relevant planning history for the application site.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that there are no roads related conditions to attach to any grant of planning permission.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 One letter of support has been received in respect of the application. It supports the application for the following reasons:-

- The land to the rear was an eyesore and left full of rubbish by the builder; and
- The fence does not restrict visibility from an adjoining driveway.

- 6.2 In addition, one letter of objection has been received. It raises the following concerns:-

- If the application is approved, please ensure that the proposed drainage works are put in place.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

- 7a.1 The Falkirk Local Development Plan (FLDP) was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of Supplementary Planning Guidance documents which now have statutory status.

- 7a.2 Under the FLDP, the application site lies within the urban limits for Denny.

- 7a.3 Policy INF03 - 'Protection of 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. Accordingly:

- 1. Development involving the loss of urban open space will only be permitted where:*

- There is no adverse effect on the character or appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;

- There will be no significant adverse effect on the overall recreational amenity of the local area, taking account of the Council's open space standards (defined within the Open Space Strategy) and its release for development will be compensated for by qualitative improvements to other parts of the green network in the local area;

- The area is not of significant ecological value (this can include areas that are not specifically designated for ecological features, but which are important in supporting the qualifying features of Natura 2000 sites); and

- Connectivity within, and functionality of, the wider green network is not threatened and public access routes in or adjacent to the open space will be safeguarded.

2. *Where development would also involve the loss of playing fields or sports pitches, it must additionally be demonstrated that:*

- The proposed development is ancillary to the principal use of the site as a playing field; or*
- The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training; or*
- The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or*
- The Council's pitch strategy has shown that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.*

7a.4 This policy seeks to protect all urban open space which is considered to have landscape, amenity, recreation or ecological value. The application site formed part of a road verge and was considered to have limited amenity value. The applicant has submitted that it was unkempt land and an eyesore. The site is not considered to have any recreational or ecological value.

7a.5 As a result of the proposal the existing fence has been moved some 1.5 metres towards the road. The closer proximity of the fence to the road is not considered to result in any amenity impacts. It can be noted that the adjoining property owner to the west has also done the same (subject to planning application P/15/0385/FUL, currently invalid).

7a.6 In light of these comments, the application is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed in respect of this application are the consultation response and the representation received.

Consultation Response

7b.2 The consultation response is summarised in section 4 of this report. As set out in this section, the Roads Development Unit have not raised any concerns or requested any conditions.

Representations Received

7b.3 The representations received in relation to this application is summarised in section 6 of this report. One of the representations is in support of the application. The other representation raises drainage concerns. This matter could be the subject of a planning condition of any grant of planning permission.

7c Conclusion

7c.1 The application is considered to accord with the Development Plan for the reasons detailed in this report. It is therefore recommended for approval. There are not considered to be any material planning considerations to set aside the terms of the Development Plan in this instance.

8. RECOMMENDATION

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

- (1)** Within one month of the date of this permission (or any other timescale that may be agreed in writing by this Planning Authority), the proposed drainage works, as detailed in Part 11 of the application form, shall be fully completed.

Reason(s):-

- (1)** To ensure that adequate drainage is provided.

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.

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Director of Development Services

Date: 2 September 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Letter of Support received from Mr Andy Muir, 7 Sclandersburn Road, Denny, FK6 5LP on 30 June 2015.
3. Letter of Objection received from Mr Andy Muir, 7 Sclandersburn Road, Denny, FK6 5LP on 23 August 2015.

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/15/0386/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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