



Agenda Item 4

**Change of Use From Private
Garden Ground to Form
Business with Six Self Catering
Holiday Units at Upper Kinneil
House, Kinneil House, Bo'ness
Road, Polmont, Falkirk FK2 0QS
for Gms (Recordings) Ltd -
P/17/0348/FUL**

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM PRIVATE GARDEN GROUND TO FORM BUSINESS WITH SIX SELF CATERING HOLIDAY UNITS AT UPPER KINNEIL HOUSE, KINNEIL HOUSE, BO'NESS ROAD, POLMONT, FALKIRK, FK2 0QS, FOR GMS (RECORDINGS) LTD - P/17/0348/FUL

Meeting: PLANNING COMMITTEE

Date: 13 September 2017

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes

Councillor Malcolm Nicol
Councillor Alan Nimmo
Councillor Adanna McCue

Community Council: Polmont

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application proposes the change of use of private garden ground within the walled garden of a category B listed building at Kinneil House, Polmont to form a business consisting of the siting of six self-catering holiday units. The applicant has submitted plans detailing the position of each unit and this is supported by indicative elevation drawings detailing how each of the timber units would be constructed. The proposed units are each intended to be constructed on site from timber with the exception of a 'cabin cruiser' unit which would take the form of a small salvaged canal boat/barge.
- 1.2 The proposal does not include any alterations to the existing wall associated with the walled garden. Access and parking provision proposes to utilise the existing driveway and car park for Kinneil House which sits adjacent. The application is supported by a tree survey which indicates that the proposal would not result in the removal of any of the existing mature trees on the site. Foundation details provided indicate that the units will each be supported on timber stilts which would in turn rest on concrete slabs with minimal ground excavations required. Each unit is intended to be fully insulated and double glazed, and each unit will have a connection to water, electricity and foul drainage.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called-in by Councillor Malcolm Nicol to allow further scrutiny of the application given concerns raised by objectors about potential impact on residential amenity.

3. SITE HISTORY

- 3.1 P/16/0746/LBC - Application Returned - Change of Use from Private Garden Ground to a 'Glamping' Business with Five or Six Units.
- 3.2 P/16/0747/FUL - Application Returned - Change of Use from Private Garden Ground to a 'Glamping' Business with Five or Six Units.

4. CONSULTATIONS

- 4.1 Falkirk Council's Roads Development Unit have no objections.
- 4.2 Scottish Water have no objections.
- 4.3 Falkirk Council's Environmental Protection Unit have no objections.

5. COMMUNITY COUNCIL

- 5.1 The Polmont Community Council has not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 25 letters of objection and one letter of support were submitted to the Council. The salient issues are summarised below:-
 - Access and parking;
 - Noise from the site;
 - Loss of privacy;
 - Residential amenity;
 - Property values;
 - Tree removal;
 - Light Pollution;
 - Increase in rubbish generation and vermin;
 - Dogs Barking;
 - Anti-social behaviour;
 - Health and safety associated with poorly maintained boundary wall;
 - Impact on water infrastructure.

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

The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policies:

7a.1 Policy HSG06 - Non-Residential Uses in Residential Areas states:

Within established residential areas, the introduction of uses which would be incompatible with the residential character and amenity of the area will generally not be permitted. 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.2 The proposed location of each unit has been carefully chosen to minimise overlooking to neighbouring properties. Each unit will be insulated and double glazed to help minimise noise impacts on the neighbouring properties. The proposal, in land use terms, is considered compatible with neighbouring residential land uses and is not considered likely to give rise to significant residential amenity concerns. The proposal accords with Policy HSG06.

7a.3 Policy BUS01 - Business and Tourism states:

- 1. The Council will promote the Strategic Business Locations (SBLs) and National Developments identified on Map 3.3 as the priority areas for economic development. Development of the site specific elements of the SBLs, as listed in the Settlement Statements and detailed in the Site Schedule in Appendix 1, will be to high standards of design in accordance with a development brief or masterplan for each location approved by the Council, to ensure a comprehensive and sensitive approach to site planning.*
- 2. Other local sites for new local business and industrial development listed in the Settlement Statements and detailed in the Site Schedule will be safeguarded for the employment use specified for each site.*
- 3. The Council will give priority to the development of tourism proposals which support the themes/networks and strategic nodes identified in Figure 3.2 and Map 3.4. Proposals will be supported which:*
 - complement the existing pattern of development;*
 - are of a quality which enhances the image and tourism profile of the area;*
 - comply with other LDP supporting policies.*

7a.4 The proposed development is considered to enhance the tourism profile of the area by providing additional self-catering accommodation within an area that falls within the existing tourist network. The proposal accords with policy BUS01.

7a.5 Policy GN04 - 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. Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. 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 and implement an appropriate Management Plan; and*
- 5. There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.*

7a.6 The application has been supported by a detailed tree survey which demonstrates that the existing mature trees which are protected by a Tree Preservation Order (TPO) can be retained, unharmed, as a result of the development proposed. However, it is considered appropriate to attach a condition to any permission granted which would require the submission of further details in respect of service trenches in order to minimise disturbance of existing tree root systems. The proposal accords with policy GN04.

7a.7 Policy D09 - Listed Buildings states:

The Council supports the sustainable re-use and management of the historic built environment, and on that basis there is a presumption against demolition or any other works that would adversely affect the special interest or setting of a listed building. The Council recognises, however, that listed buildings will require alteration, extension and adaptation from time to time to remain in beneficial use and encourages creative and sensitive development where there are no such adverse effects. Accordingly:

1. *The layout, design, materials, scale, siting and use of any development affecting a listed building, or its setting, including extensions, replacement windows, doors, roofs, rainwater goods, boundary treatments and other features, shall be appropriate to the character and appearance of the building and its setting, and should conform to Supplementary Guidance SG16 'Design Guidance for Listed Buildings and Non-Listed Buildings in Conservation Areas'.*
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 made by all concerned to find practical ways of keeping it. In particular it should be demonstrated that:*
 - the existing building is no longer of special interest;*
 - the existing building is incapable of physical repair and re-use, as shown by the submission and verification of a thorough structural condition report;*
 - the costs of repair and re-use are such that it is not economically viable.**Supporting evidence should include a full economic appraisal, evidence that grant aid is not able to meet any funding deficit, and evidence 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 restoring purchaser; or*
 - the demolition of the building is essential for the delivery of significant economic benefits for the local or wider community.*
3. *RCAHMS will be formally notified of all proposals to demolish listed buildings to enable features to be recorded.*

7a.8 The proposal includes no alterations to the fabric of the existing listed building and walled garden. The nature and location of the buildings proposed is such that the proposal will have no impact on the setting of the listed building. The proposal accords with policy DO9.

7a.9 *Policy D01 - Placemaking states:*

The following locations are regarded as key opportunities for placemaking within the area, within which there will be a particular emphasis on high quality design and environmental enhancement:

1. *Strategic Housing Growth Areas & Business Locations*
2. *Town and Village Centres*
3. *Town Gateways and Major Urban Road Corridors*
4. *Canal Corridor*
5. *Central Scotland Green Network*

7a.10 The proposed units will fit well within the setting of the walled garden area and have the appearance of a selection of small garden buildings. The proposal would create a pleasant environment and would be in accordance with Policy DO1.

7a.11 *Policy D03 - Urban Design states:*

New development should create attractive and safe places for people to live, work and visit. Accordingly:

1. *Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
2. *The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
5. *Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm.*

7a.12 The proposed units will fit well within the walled garden setting and would create a pleasant environment with the buildings having the appearance of a series of garden buildings. The proposal would retain existing residential amenity levels and will include supplementary landscaping. The proposal accords with policy DO3.

7a.13 Policy D02 - 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, distinctive, welcoming, adaptable, 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. *Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through 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.*

Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.

Figure 5.3, Sustainable Design Principles - Supporting Policies/Guidance provides further guidance.

7a.14 The proposed units are designed and sited so as to have a minimal impact on neighbouring residential properties and to make best use of existing mature trees and vegetation within the garden area. The site is well located for nearby services and public transport links. The proposal accords with policy DO2.

7a.15 Policy GN02 - Landscape states:

1. *The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations.*
2. *Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
3. *Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7a.16 The proposal makes good use of the existing mature planting within the site and would not result in the loss of any mature planting. The applicant proposes additional landscape planting to enhance the landscape character of the area and maximise amenity levels. The proposal is of a scale not considered to have a significant landscape impact and accords with Policy GN02.

7a.17 Policy INF11 - 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. *The scale of public parking provision in Falkirk Town Centre will be maintained broadly at its current level and any proposed change to parking provision will be assessed against its effect on the vitality and viability of the centre.*
2. *The feasibility of promoting Park and Ride facilities on the road corridors into Falkirk Town Centre will continue to be investigated.*
3. *Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
4. *New parking will be provided to support the strategic role of railway stations, with priority given to new provision at Falkirk High. Where possible, the provision of new off street parking facilities will be associated with traffic management and other measures to reduce uncontrolled on-street parking.*
5. *The maximum parking standards set out in the SPP will be applied to new development, where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, developer contributions to enhance travel plan resources may be required in compensation.*

7a.18 The proposal includes sufficient parking provision within the site boundaries to accommodate the level of accommodation proposed. The proposal accords with Policy INF11.

7a.19 Policy INF12 - Water and Drainage Infrastructure states:

1. *New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
2. *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.*
3. *A drainage strategy, as set out in PAN61, 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.20 The proposal indicates that connections will be made to existing Scottish Water infrastructure. Scottish Water have raised no objection to the proposal. The proposal accords with policy INF11.

7b Material Considerations

7b.1 The material consideration to be assessed are public representations and considerations in relation to coal mining legacy.

Assessment of Public Representations

- 7b.2 Access and parking at the site has been assessed and is considered adequate for the scale of development proposed. Falkirk Council's Roads Development Unit has raised no objections to the proposal.
- 7b.3 Issues over noise from the site and general anti-social behaviour concerns are noted. However, the site is well screened from other properties by the existing stone wall and tree cover. The scale of development proposed is small in scale and each unit is proposed to be insulated and double glazed. The applicants have submitted a supporting statement outlining how they intend to manage the site and have advised that marketing will target couples and families. Their intention is to create a 'quiet site' with a requirement for no noise after 10pm being highlighted within the booking conditions. The proposed land use is considered compatible with adjacent residential land uses. Any future complaints in respect of noise can be controlled using statutory nuisance legislation should the need arise.
- 7b.4 Given the position, orientation and distance between the proposed units and adjacent residential properties, privacy is not considered to be compromised by this application.
- 7b.5 Impact on property values is not a material planning consideration.
- 7b.6 A tree survey has been prepared for the site and it has been demonstrated that the development proposed would not have any detrimental impact on existing established trees within the site.
- 7b.7 Light Pollution concerns are noted. It is considered that lighting details can be adequately covered by way of a suitably worded planning condition attached to any permission given.
- 7b.8 It is accepted that the proposed business use would result in an increase in rubbish generation. However, there is sufficient space within the site to accommodate associated bin storage provision. The potential increase in rubbish generation and control of vermin are not material planning considerations.
- 7b.9 Health and safety concerns associated with poorly maintained boundary walls are noted however this is not a material planning consideration. It should however be highlighted that the proposal is to cross-fund the urgent repair works to the listed building and walled garden.
- 7b.10 The applicant will require separate consent from Scottish Water in order to be allowed to connect to their infrastructure.

Consideration of the Site in relation to Coal Mining Legacy

- 7b.11 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.

7b.12 Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.

7b.13 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7c Conclusion

7c.1 The proposal is an acceptable form of development and accords with the terms of 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 condition(s):-

- 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. Prior to the start of work on site, full details of the location of all proposed service trenches shall be submitted to and approved in writing by the planning authority, thereafter, the service trenches shall be completed in accordance with these approved details and any trenches proposed within root protection zones of existing trees shall be dug by hand.**
- 3. Prior to the start of work on site, full details of additional landscaping proposals including a scheme of implementation and details of maintenance arrangements shall be submitted to and approved in writing by the planning authority. Thereafter, landscaping shall be carried out in accordance with these approved details.**
- 4. Prior to the start of work on site, details of all external lighting provision shall be submitted to and approved in writing by the planning authority. Thereafter, all lighting shall be carried out in accordance with these details.**
- 5. Prior to the siting of each unit, full details of the size, design and finishing materials for each unit shall be submitted to and approved in writing by the planning authority. Thereafter, each unit shall be developed in accordance with these details unless otherwise agreed in writing with the planning authority.**

Reason(s): -

- 1. As these drawings and details constitute the approved development.**
- 2. To protect existing trees within the site and avoid root severance.**
- 3. To safeguard the landscape quality of the site and maximise privacy levels.**
- 4. To avoid light pollution and safeguard residential amenity levels.**
- 5. To safeguard visual amenity levels.**

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 and 09.**
- 2. 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.**
- 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.**
- 4. 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 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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

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Director of Development Services

Date: 4 September 2017

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Objection received from Mr Margaret Berry, 5 Ainslie Gardens, Polmont, Falkirk, FK2 0QH received on 21 June 2017.
3. Objection received from Mr Douglas Baxter, 10 Fullerton Dr, Polmont, Falkirk, FK2 0XX received on 21 June 2017.
4. Objection received from Mrs Jennifer Lewis, 38 Mellock Crescent, Maddiston, Falkirk, FK2 0RH received on 26 June 2017.
5. Objection received from Miss Amanda Steele, 10 Fullerton Drive, Polmont, Falkirk, FK2 0XX received on 23 July 2017.
6. Objection received from Mrs Kathleen Salmond, 4, Ainslie gardens, Polmont, FK20QH received on 3 July 2017.
7. Objection received from Ms Amanda Steele, 10 Fullerton Drive, Polmont, Falkirk, FK2 0XX received on 21 June 2017.
8. Objection received from Gibson & Kennedy, Benview, Wellside Place, Falkirk, FK1 5RP received on 26 June 2017.
9. Objection received from Mrs Sheena Wilson, 5 Talman Gardens, Polmont, Falkirk, FK2 0PY received on 27 June 2017.
10. Objection received from Catherine Russell, 7 Talman Gardens, Polmont, Falkirk, FK2 0PR, received on 23 June 2017.
11. Objection received from Mr John Blair, 3 Ainslie Gardens, Polmont, Falkirk, FK2 0QH received on 21 June 2017.
12. Objection received from Mr John Yates, 1 Ainslie Gardens, Polmont, FK20QH received on 23 June 2017.
13. Support received from Mr Marshall Blair, 7 Fullerton Drive, Polmont, Falkirk, FK2 0XX received on 21 June 2017.
14. Objection received from Mrs Isabella Blair, 7 Fullerton Drive, Polmont, Falkirk, FK2 0XX received on 21 June 2017.
15. Objection received from Mrs Elaine Blair, 3 Ainslie Gardens, Polmont, Falkirk, FK2 0QH received on 21 June 2017.
16. Objection received from Mrs Agnes Fairbrother, 20 Fullerton Drive, Polmont, Falkirk, FK2 0XX, received on 25 June 2017.
17. Objection received from Mr Colin Lynagh, 15 Lochty Street, Carnoustie, DD7 6EE received on 23 June 2017.
18. Objection received from Mrs Allison W Crumley, 11 Fullerton Drive, Polmont, Falkirk, FK2 0XX received on 20 June 2017.
19. Objection received from Miss Andrea Crozier, 24, Abbotsview, Polmont, FK2 0QL received on 20 June 2017.
20. Objection received from Mr Russell Macaloney, 14 Fullerton Drive, Polmont, Falkirk, FK2 0XX received on 21 June 2017.
21. Objection received from Mrs Margaret Yates, 1 Ainslie Gardens, Polmont, Falkirk, FK2 0QH received on 25 June 2017.
22. Objection received from Mrs Patricia Taylor, 16 Fullerton Drive, Polmont, FK2 0XX received on 26 June 2017.
23. Objection received from Mrs James Taylor, 16 Fullerton Drive, Polmont, FK2 0XX received on 20 June 2017.
24. Objection received from Mrs Lauren Doherty, 30 Colonsay Avenue, Polmont, Falkirk, FK2 0UZ received on 27 June 2017.
25. Objection received from Mr John Campbell, 8 Fullerton Drive, Polmont, FK2 0XX received on 24 June 2017.

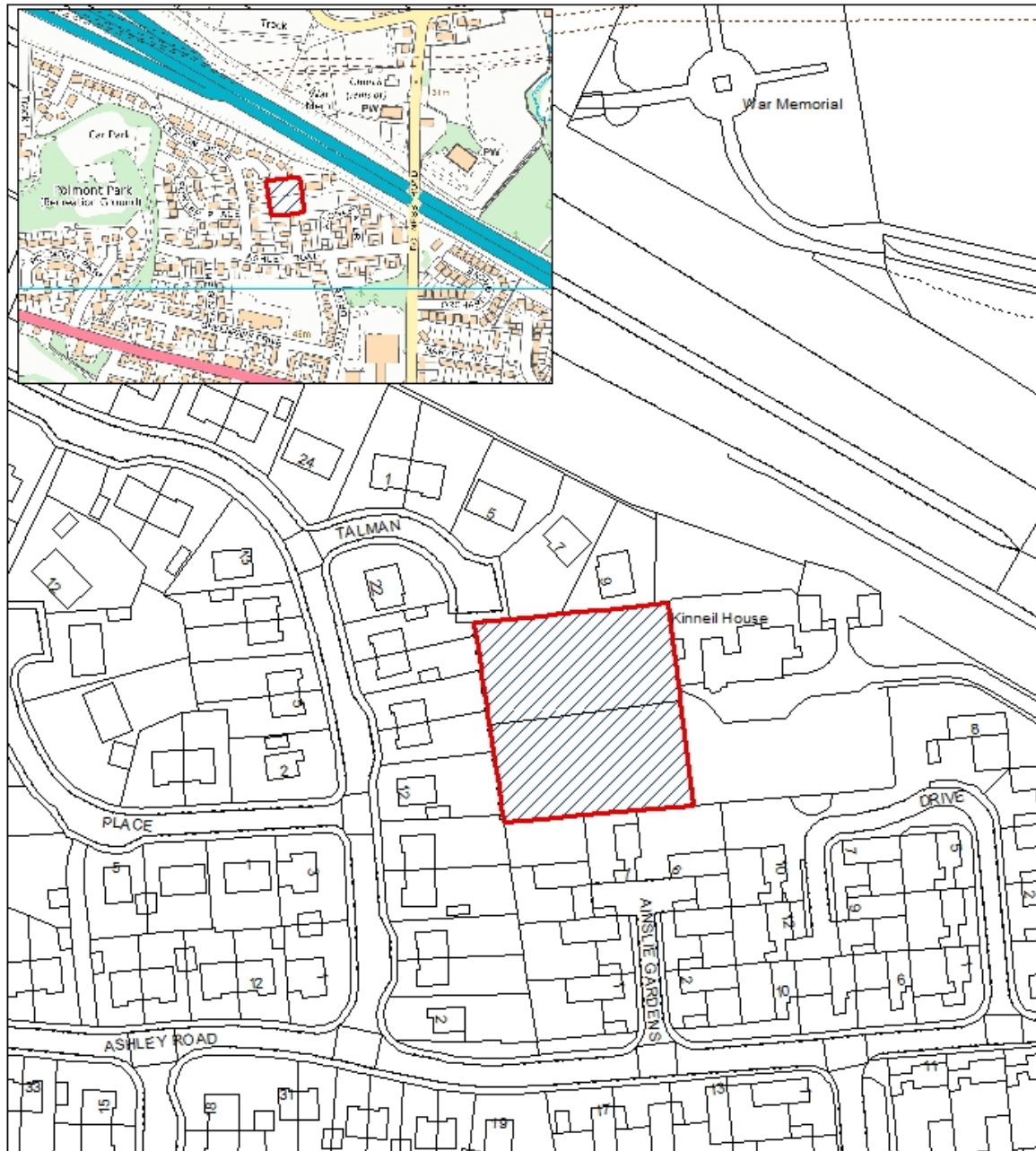
26. Objection received from Miss Lee Robertson, 2 Ainslie Gardens, Polmont, Falkirk, FK2 0QH received on 24 June 2017.
27. Objection received from Mrs Jean Grant, 16 Fullerton Drive, 12 Fullerton Drive, Polmont, FK2 0XX received on 19 June 2017.

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/17/0348/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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