

## Development Services

# Memo

**To:** Development Management  
FAO Julie Seidel

**From:** Planning and Environment

**Date:** 13 January 2017

**Enquiries:** 4739

**Fax:**

**Our Ref:** DC/BNS/AOS

**Your Ref:** P/16/0721/FUL

**Application No:** P/16/0721/FUL

**Proposal:** Change of Use of Public Open Space to Private Garden Ground, and Erection of Outbuilding (Partially Retrospective)

**Location:** 4 Kinglass Court, Bo'ness, EH51 9RH

**Applicant:** Mr John Thompson

I refer to your consultation on the above planning application and would comment as follows:

### Background

1. The site is part of a belt of mature structure planting which surrounds the Kinglass housing development, albeit that the applicant appears has felled the trees within this particular plot to the rear of his house and garden. The proposal is to incorporate the ground into the garden of 4 Kinglass Court and to erect a pigeon loft and a fence along the boundary with the Recreation Centre.
2. The structure planting was a requirement of the original planning brief for the site, a planning condition on the original outline consent ((F/90/861) and a clause in the associated Section 50 agreement. The landscaped areas of the Kinglass development were originally conveyed to the Greenbelt Company for maintenance. It is understood that the Greenbelt Company has sold on the land to different residents in the estate, giving rise to pressure for incorporation of the landscaped areas into garden ground. A previous application elsewhere on the estate (F/15/0470FUL) proposed similar incorporation of structure planting within garden ground, and was refused.

### Policy

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'.*
4. Policy DO3 (Urban Design) sets out various principles for creating attractive and safe places for new development, including that *'development proposals should conform with any relevant development brief covering the site'*, and that *'streets and spaces should have buildings fronting them, or where this is not possible, a high quality architectural or landscape treatment'*.

### **Assessment**

5. The structure planting belt around the Kinglass development is an important part of the overall planning of the estate, contributing to its amenity and its integration into the surrounding area. The planting between the estate and Bo'ness recreation centre, provides a landscaped buffer between the two uses, screening unattractive rear garden fences, and providing an attractive setting for the recreation centre.
6. Notwithstanding the loss of the trees, the site still contributes to the amenity and landscape setting of the estate and the recreation centre. Enclosure by a fence and the erection of the pigeon loft would be detrimental to visual amenity, and contrary to Policy INF03. It would undermine the original intention of the planning brief, planning conditions and S.50 agreement. Moreover, the proposal would create a dangerous precedent, encouraging other householders in the estate who have bought sections of the woodland to fell the trees, enclose the space with fencing, and erect structures within the enclosed ground. Cumulatively, this would have a major adverse impact on the environment of the neighbourhood.

I trust these comments are of assistance.