



Agenda Item 1

**CONSTRUCTION OF DOMESTIC
GARAGE (RETROSPECTIVE) AT 30
ALLAN CRESCENT, DUNIPACE,
DENNY, FK6 6LZ,
FOR MR JASON SECKER -
P/20/0598/FUL**

FALKIRK COUNCIL

Subject: CONSTRUCTION OF DOMESTIC GARAGE
(RETROSPECTIVE) AT
30 ALLAN CRESCENT, DUNIPACE, DENNY, FK6 6LZ, FOR
MR JASON SECKER - P/20/0598/FUL

Meeting: PLANNING COMMITTEE

Date: 20 January 2021

Author: DIRECTOR OF PLACE SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Fiona Collie
Councillor Paul Garner
Councillor Nigel Harris

Community Council: Denny and District

Case Officer: John Cooney (Acting Planning Officer), Ext. 4705

[View this Application on Public Access](#)

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application property comprises of an end-of-terrace house which faces north-north-east on Allan Crescent, Dunipace. The property is located opposite designated open space, and is attached to No. 32 Allan Crescent to the south-east. The rear boundary of the site bounds Nos. 8-12 Milton Place to the south and south-west, and the Avon Burn to the north-west. The site is designated by SEPA as having a low-medium risk of surface water flooding, and a low-high risk of river flooding. A flood wall runs the length of the flank north-west boundary of the site.
- 1.2 The proposal seeks retrospective permission for a single storey domestic garage outbuilding in the south-west corner of the application site. This outbuilding is intended for personal use associated with the applicant's hobby of stock car racing, and not for commercial use.
- 1.3 The structure subject of this application has a single-pitched shallow metal roof and its external concrete block walls are proposed to be finished in smooth cement render. Its dimensions are 3.40 metres in height at the rear, 4.00 metres maximum height at the front, 11 metres in width, and 11 metres in depth. There is a large front garage door and a pedestrian door on the flank wall facing the garden. Officers have also observed that there is currently a flue at the south-west corner of the proposal which has not been shown on the drawings. This flue is proposed to be removed.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor McCue, to allow members to consider the impact of the development on residential amenities in light of the objections.

3. SITE HISTORY

- 3.1 This is a retrospective application, it was submitted following an investigation associated with a planning enforcement complaint.

4. CONSULTATIONS

- 4.1 The Coal Authority has raised no objection to the proposal.
- 4.2 The Council's Environmental Protection Unit are conducting a separate investigation into air quality and noise at the property.
- 4.3 The Council's Flooding Team have advised that along the boundary of this property is a flood wall constructed and maintained by Falkirk Council, which protects a considerable number of properties from flooding from the Avon Burn. This is not recorded as a formal structure under the Flood Risk Management (Scotland) Act 2009 but nevertheless is an important asset for flood risk management in the area. The garage has been constructed approximately 1 metre away from the wall to allow for maintenance access and to not impact the wall's foundation.
- 4.4 The Flooding Team has also commented that the garage has been constructed on the functional floodplain. Flooding Officers would object to this application on the grounds of flood risk, specifically increased flood risk to other properties through loss of flood water storage at the location of the proposed garage.
- 4.5 In addition, the Flooding Officer has drawn attention to Falkirk Council Supplementary Planning Guidance SG05 which requires a buffer zone between the top bank of a watercourse and the nearest building. In this instance, the buffer zone for the Avon Burn should be 20 metres wide, and the garage outbuilding has been constructed within that zone.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 6 contributor(s) submitted 9 letter(s) to the Council. In addition, a petition signed by 19 individuals from 12 addresses was also received. The salient issues are summarised below.

- Applicant intends to transfer a business from Chattan Works in High Bonnybridge to this site;

- Change of use is likely to be applied for in the event of approval to change from domestic garage to commercial workshop;
- Inappropriate industrial use within a residential area;
- Commercial fabrication and welding business, and plant repair operating out of the outbuilding;
- Noise, dust and disturbance to neighbours from works in outbuilding, including as late as 3am.;
- Questions regarding why an extraction system capable of air exchange 10 times per hour is required for a domestic outbuilding;
- Increased traffic movements and parking issues along narrow street;
- Road surface damage from increased vehicle movements;
- Questions regarding ownership of the land in question, perhaps by Council;
- Questions regarding whether any Council land was advertised for sale on the open market prior to its sale;
- Building and its use is out of character for a residential street;
- A tree was cut down to make way for the garage and bats are prevalent in the area;
- The building height is larger in reality than on the proposed drawings;
- Operations/parking often spills over into open public land to the north of the site.

The issues raised in the petition are as follows:

- Belief that the workshop will be used for a business;
- Applicant intends to transfer a business from Chattan Works in High Bonnybridge to this site;
- Change of use is likely to be applied for in the event of approval to change from domestic garage to commercial workshop.

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 \(LDP2\)](#) was adopted on 7 August 2020. The proposed development was assessed against the following policy or policies:

HC08 - Residential Extensions and Alterations

- 7a.2 The property is a large plot with a combined side and rear garden comprising 0.05 hectares, and the proposed garage outbuilding covers approximately 23.5% of this combined side and rear garden area. It is considered that the size and design of the building are acceptable having regard to the siting of the building to the rear of the plot, the dimensions of the building, its position in relation to other residential properties, and the size of neighbouring plots to the south and west.

- 7a.3 It is acknowledged that inappropriate parking has recently been observed on open green space outwith the applicant's control to the north, which is held on the account of the Council's Housing Services. This matter has been brought to the attention of that service. In addition, an investigation is currently underway by the Environmental Protection Unit following reports of noise and air quality issues emanating from the application site. However, these matters are considered to be separate to the assessment of this planning application, which is for a domestic outbuilding. The structure itself is adequately set back from the street to not compromise parking capacity on site, and it is more appropriate to progress any necessary enforcement as regards noise and air quality under separate Environmental Health legislation. As such, the proposed retrospective garage structure would accord with Policy HC08.

HC07 - Established Residential Areas

- 7a.4 This policy ensures that new uses are compatible with the residential character and amenity of the area. In this instance, whilst the volume of objections from the local community is noted regarding activities and comings and goings at this site, it remains the case that insufficient evidence is before officers to suggest that the use of the garage outbuilding would be commercial in nature. In addition, the applicant has specifically applied for planning permission for a domestic outbuilding, and indicated that this shall be used for purposes associated with their hobby of stock car racing. Therefore, it would not be reasonable for officers to assess the current proposal against Policy HC07 as a material change of use is not considered to have occurred. Were a future application to be submitted for a commercial use on this site, it would be assessed on its own merits against Policy HC07 and other relevant policies.

PE24 - Flood Management

IR10 - Drainage Infrastructure

- 7a.5 It is noted that the site is within the functional floodplain, that its footprint is larger than the existing built form on the application site, and that the Flooding Officer has raised concern that flood risk could be exacerbated elsewhere. However, Paragraph 257 of Scottish Planning Policy indicates that alterations and small-scale extensions to existing buildings are outwith the scope of its Managing Flood Risk and Drainage policy, provided that such proposals would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems. Having considered the size of the proposed garage outbuilding, officers consider that the effect on the storage capacity of the functional floodplain and local flood risk would not be significant. As such, the proposal would accord with Policy PE24.
- 7a.6 The proposed impermeable footprint of the proposal falls well below the threshold for a Drainage Impact Assessment to be required. As such, the proposal accords with Policy IR10.

PE19 - Biodiversity and Geodiversity

- 7a.7 The erection of the proposed garage structure would not adversely impact protected species within the local area. As such, the proposal would accord with Policy PE19.

IR13 - Low and Zero Carbon Development

- 7a.8 The proposed garage would not be heated or cooled other than by heating provided solely for the purpose of frost protection. As such, the proposal is exempt from the requirements of Policy IR13.

PE01 – Placemaking

7a.9 The proposed garage outbuilding which is the subject of this application would in general promote the six qualities of successful places, where they are relevant and as defined in Scottish Planning Policy. As such the proposal would accord with the intent of Policy PE01.

7a.10 Accordingly, the proposal accords with Falkirk Local Development Plan 2.

7b Material Considerations

7b.1 The material consideration to be assessed are Falkirk Council Supplementary Guidance, consultations, representations, and coal mining legacy.

Falkirk Supplementary Planning Guidance

7b.2 Supplementary Guidance SG03 - Residential Extensions and Alterations

The proposed structure would relate well to the existing house and plot size. The proposal would not harm the privacy or light of neighbouring properties, and the introduction of the structure, with its set back nature from the street, would not exacerbate parking pressure in the surrounding area. The proposal therefore accords with SG03. Noise and air quality are being considered separately by the Environmental Protection Unit.

7b.3 Supplementary Guidance SG05 - Green Infrastructure and New Development

It is acknowledged that SG05 requires maintenance buffers between new structures and watercourses, and that the Flooding Officer has raised concern that the proposed structure is entirely sited within 20 metres of the Avon Burn, which is the width of buffer strip required between development and a 10 metre wide waterbody to maintain natural fluvial processes and to protect the water environment. However, as set out in Paragraph 7a.5, officers consider that the size and scale of this household development is such that it would be exempt from the Flood Risk Framework set out in Scottish Planning Policy. As such, the proposal would accord with the intent of SG05.

SG07 Biodiversity and Development

7b.4 This guidance note is intended to assist developers in making a planning application which will meet the Council's biodiversity objectives. The Council has a duty to uphold legislation associated with protected species, habitats and sites. In this instance, the proposed outbuilding would not negatively impact local biodiversity. The proposal would accord with the terms of SG07.

SG15 Low and Zero Carbon Development (non-statutory from previous LDP 2015)

7b.5 This guidance is non-statutory as it was adopted under the previous Local Development Plan. New guidance (SG14 – Renewable and Low Carbon Energy) shall be subject to consultation later in 2021. As set out in paragraph 7a.8, the proposal would be exempt from Policy IR13, and therefore it is not necessary to assess the proposal against Policy SG15.

Consultations

7b.6 The consultation responses as summarised in Section 4 of this report are acknowledged. For the reasons discussed in Paragraphs 7a.5 and 7b.3, officers consider that the proposal would accord with policy and guidance regarding flood risk.

Public Representations

7b.7 The public representations are summarised in Section 6 of this report, and are addressed as follows:

- There is no evidence before officers that a business is intended to be transferred from a different location to this site;
- A new planning application would be required in the event that the applicant or future occupier wishes to materially change the use of the proposed domestic garage to use for business purposes. That application would be subject to neighbour notification and assessment against the development plan and any material planning considerations;
- There is insufficient evidence before officers to suggest that an industrial or commercial use is being undertaken at this site. Officers consider that the use of the outbuilding, which is associated with the applicant's hobby of stock car racing, does not constitute a material change of use in planning terms relative to the existing domestic use of the site;
- Noise and air quality issues are being investigated by the Council's Environmental Protection Unit;
- The applicant's agent has indicated that Building Standards requirements necessitate building ventilation of the type proposed. Were noise nuisance to result from such equipment in future, this would be investigated under Environmental Health legislation;
- It is acknowledged that there have been significant vehicle movements and parking issues along this street. This is not grounds for refusal of a domestic outbuilding which is well set back from the property's street frontage. The blocking of neighbouring driveways by vehicles would be a matter for Police Scotland;
- The concerns regarding road surface damage are noted and have been brought to the attention of the relevant Council department. This is not grounds for refusal of a domestic outbuilding, particularly one which is set back approximately 16 metres from the adopted road at the front of the property;
- The land is a former Council property, which was sold in 2005 in accordance with "Right to Buy" legislation;
- Officers consider the proposed domestic outbuilding to be appropriate in appearance, and not out of character with the wider residential area;
- The applicant is entitled to remove a tree on their property as the area is not covered by a Tree Preservation Order. There is no evidence before officers to suggest that a bat roost was located in the tree in question;
- Officers consider that the outbuilding height is accurately shown on the drawings;
- The matter of parking on public land has been brought to the attention of the Council's Housing Services, and is a separate matter from the proposed garage structure in this application.

The issues raised in the petition are addressed as follows:

- Officers cannot comment as to an applicant's future intentions. If the garage structure is intended for a different use such as business in the future, a separate planning application may be required which would be subject to neighbour notification and assessment against the development plan and material planning considerations;
- There is no evidence before officers that a business is intended to be transferred from a different location to this site;
- A new planning application may be required in the event that the applicant or any future occupier wishes to change the use of the garage. That application would be subject to neighbour notification and assessment against the development plan and material planning considerations.

Consideration of the Site in relation to Coal Mining Legacy

7b.8 The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.

7b.9 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7c Conclusion

7c.1 The proposed development is assessed as being in accordance with Local Development Plan policies. There are no material considerations which would justify a recommendation of refusal in this instance.

8. HUMAN RIGHTS AND EQUALITY ASSESSMENT

8.1 Officers have considered the Human Rights Act 1998 in making this recommendation. It is considered that the proposed recommendation would not adversely impact on any protected characteristic groups as identified within the Equality Act 2010.

9. RECOMMENDATION

9.1 It is recommended that Planning Committee grant the planning application 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. Within six months of the date of this decision, the external walls of the garage outbuilding shall be finished in smooth cement render.**

3. Within six months of the date of this decision, an existing flue at the south-west corner of the garage outbuilding shall be removed.

Reason(s):

1. As these drawings and details constitute the approved development.
2. To safeguard the visual amenity of the area.
3. To safeguard the residential amenity of the area.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, and 04.
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. 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.

4. The garage outbuilding shall only be used for domestic purposes incidental to the enjoyment of the dwellinghouse. Planning permission would be required for the introduction of a commercial use on this site in the future.

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pp Director of Place Services

Date: 12 January 2022

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan 2.
2. Scottish Planning Policy 2014.
3. SG03 Residential Extensions and Alterations
4. SG05 Green Infrastructure and New Development
5. SG07 Biodiversity and Development
6. SG13 Developer Contributions
7. SG15 Low and Zero Carbon Development
8. Objection received from Billy Quin, 38 Allan Crescent, Dunipace, Denny, FK6 6LZ, on 10 February 2021
9. Petition with 19 signatures received from Mr Billy Quin, 38 Allan Crescent, Dunipace, Denny, FK6 6LZ, on 26 February 2021
10. Objection received from Mrs Joan Quin, 38 Allan Crescent, Denny, FK6 6LZ on 14 February 2021
11. Objection received from Mr Robert Hunter, 12 Allan Crescent, Dunipace, Denny, FK6 6LZ, on 18 March 2021
12. Objection received from Mr Robert Hunter, 12 Allan Crescent, Dunipace, Denny, FK6 6LZ, on 6 May 2021
13. Objection received from Mr Robert Hunter, 12 Allan Crescent, Dunipace, Denny, FK6 6LZ, on 14 June 2021
14. Objection received from Mr Robert Hunter, 12 Allan Crescent, Dunipace, Denny, FK6 6LZ, on 3 November 2021
15. Objection received from A Carruthers, 28 Allan Crescent, Dunipace, Denny, FK6 6LZ, on 10 March 2021
16. Objection received from Mr William Mckenzie, 40 Allan Crescent, Denny, FK6 6LZ on 6 April 2021
17. Objection received from Mr Tony Wallace, 8 Milton place, Dunipace, FK6 6NE on 2 March 2021

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for John Cooney, Assistant Planning Officer.

Policy Schedule

PE01 Placemaking

Development proposals should promote the six qualities of successful places as defined in Scottish Planning Policy by addressing the following principles:

1. Distinctive

- Existing natural and historic environment features should be identified, conserved, enhanced and integrated sensitively into development. Further guidance is set out in Policies PE05-PE27, and accompanying Supplementary Guidance SG07- SG12;
- The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create a coherent structure of buildings, streets and public spaces that are attractive, distinctive and create a sense of identity within the development. Further guidance is set out in SG02 'Neighbourhood Design';
- Development should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, manages surface water sustainably, and contributes, where appropriate, to the wider green network. Further guidance is set out in SG05 'Green Infrastructure and New Development';
- Developments of a significant scale should contribute to public art either through a contribution to an existing local project, or through provision of public art within the development, guided by a strategy prepared by the developer in consultation with the Council and Falkirk Community Trust. Further guidance is set out within SG13 'Developer Contributions' and the public art procurement guide produced by Falkirk Community Trust.

2. Safe and pleasant

- Development 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 provision of safe access for all. Further guidance is set out in SG02 'Neighbourhood Design';
- Development should not exacerbate existing air quality issues or introduce new sources of pollution which impact on local air quality without appropriate mitigation.

3. Easy to move around and beyond

- Development should be designed to encourage the use of active travel and sustainable, integrated transport. Further guidance is set out in Policies IR05-IR07;
- Development should build on the existing network of paths, edges, nodes, districts and landmarks to create places that people can navigate easily around.

4. Welcoming

- Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality hard or soft landscape treatment. Further guidance is set out in SG02 'Neighbourhood Design'.

5. Adaptable

- Development should be designed to consider how people use places differently, for example depending on age or degree of personal mobility;
- Where appropriate, development should provide a mix of building densities, tenures and typologies where a variety of diverse but compatible uses can be integrated.

6. Resource efficient

- In support of climate change mitigation, 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 incorporating space to separate materials at source; incorporation of low and zero carbon generating technologies and integration into neighbourhood and district heating networks. Further guidance is set out in Policies IR12-IR14;
- In support of climate change adaptation, 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;
- Provision should be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.

HC07 Established Residential Areas

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. neighbourhood shops, surgeries and nurseries) or other compatible business uses (e.g. home business and 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.

HC08 Residential Extensions and Alterations

Extensions and alterations to residential properties will be permitted where:

1. The scale, design and materials are sympathetic to the existing building;
2. The location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and
3. It will not result in overdevelopment of the plot, thereby giving rise to adverse impact on the functioning of garden ground, unacceptable loss of off-street parking or road safety issues.

Detailed guidance on the application of these criteria is set out in Supplementary Guidance SG03 'Residential Extensions and Alterations'.

PE19 Biodiversity and Geodiversity

The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:

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. Qualifying interests of a Natura 2000 site may not be confined to the boundary of a designated site. 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, there are imperative reasons of overriding public interest, including of a social or economic nature and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. 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 for 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 significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance;
3. Development likely to have an adverse effect on European protected species; a species listed in Schedules 5, 5A, and 8 of the Wildlife and Countryside Act 1981 (as amended); or badgers as per section 10 of the Protection of Badgers Act 1992, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted;
4. Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified on the Proposals Map and in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, local habitat or local species population will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance;
5. Where development is to be approved which could adversely affect any site, habitat or species of significant local nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss or fragmentation is unavoidable, the creation of replacement habitat to compensate for any negative impacts will be required, along with provision for its future management. Where adverse impacts on locally important species are unavoidable, measures to protect and enhance the wider local population of that species will be required; and
6. All development proposals should conform to Supplementary Guidance SG07 'Biodiversity and Development'.

PE24 Flood Management

1. The Council will support the delivery of the objectives and actions set out in the Local Flood Risk Management Strategies and Local Flood Risk Management Plans covering the area. There will be a presumption against development which would prejudice the implementation of the relevant actions.
2. Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy, with development being avoided in locations at medium to high flood risk, unless it accords with the criteria set out in the Framework. There will be a presumption against new development which would:
 - Be likely to be at risk of flooding;
 - Increase the level of risk of flooding for existing development;
 - Result in a use more vulnerable to flooding or with a larger footprint than any previous development on site; or
 - Lead to an increase in the probability of flooding elsewhere.
3. Development proposals on land identified as being at medium to high risk from any source of flooding, and low to medium risk areas as identified by the Flood Risk Framework, or where other available information suggests there may be a risk, including proposals to restore the natural course of watercourses, will be required to provide a flood risk assessment in accordance with SEPA's Technical Flood Risk Guidance for Stakeholders that demonstrates that:
 - Any flood risks can be adequately managed both within and outwith the site;
 - An adequate allowance for climate change and freeboard has been built into the flood risk assessment;
 - Access and egress can be provided to the site which is free of flood risk; and
 - Water resistant materials and forms of construction will be utilised where appropriate (including any development permitted in medium to high risk areas (that accords with the exceptions in the Flood Risk Framework) or is located in adjacent low to medium risk areas).
4. Development proposals on previously developed land which is at risk of flooding will be limited to uses which are of equal or less vulnerability as defined by SEPA's Land Use Vulnerability Guidance.
5. Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded.

IR02 Developer Contributions

Developers will be required to contribute to the provision, upgrading and, where appropriate, the maintenance of infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The types of infrastructure where contributions may be required are set out in Table 4.1. The nature, scale and phasing of developer contributions will be determined by:

1. Guidance and contribution rates set out in SG13 'Developer Contributions';
2. Site specific requirements set out in the LDP or relevant development brief; and
3. The principles contained in Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.

In assessing applications where developer contributions are required, the economic viability of proposals will be taken into account as a material consideration where supported by a Development Viability Statement. Developer contributions for education and open space will be waived for flatted residential development, or conversions of buildings for residential use, of up to 50 units within town centre boundaries.

IR10 Drainage Infrastructure

1. Necessary sewerage infrastructure associated with new development should either be adopted by Scottish Water or have alternative maintenance arrangements which are acceptable to SEPA. Connection to the public sewer is the most sustainable option and will ensure that any pollution risk to the environment is minimised.
2. Surface water management for new development should comply with current best practice on Sustainable Urban Drainage Systems (SUDS), where appropriate forming an integral part of the development's landscape structure as set out within Supplementary Guidance SG05 'Green Infrastructure and New Development'. SUDS will be required to meet the specifications as detailed in the most recent version of Sewers for Scotland should the developer wish the surface water system to vest in Scottish Water.
3. For developments that involve a change of use and/or redevelopment, wherever possible, opportunities should be taken to retrofit SUDS.
4. 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. The strategy should follow the latest version of the SUDS Manual.

IR13 Low and Zero Carbon Development

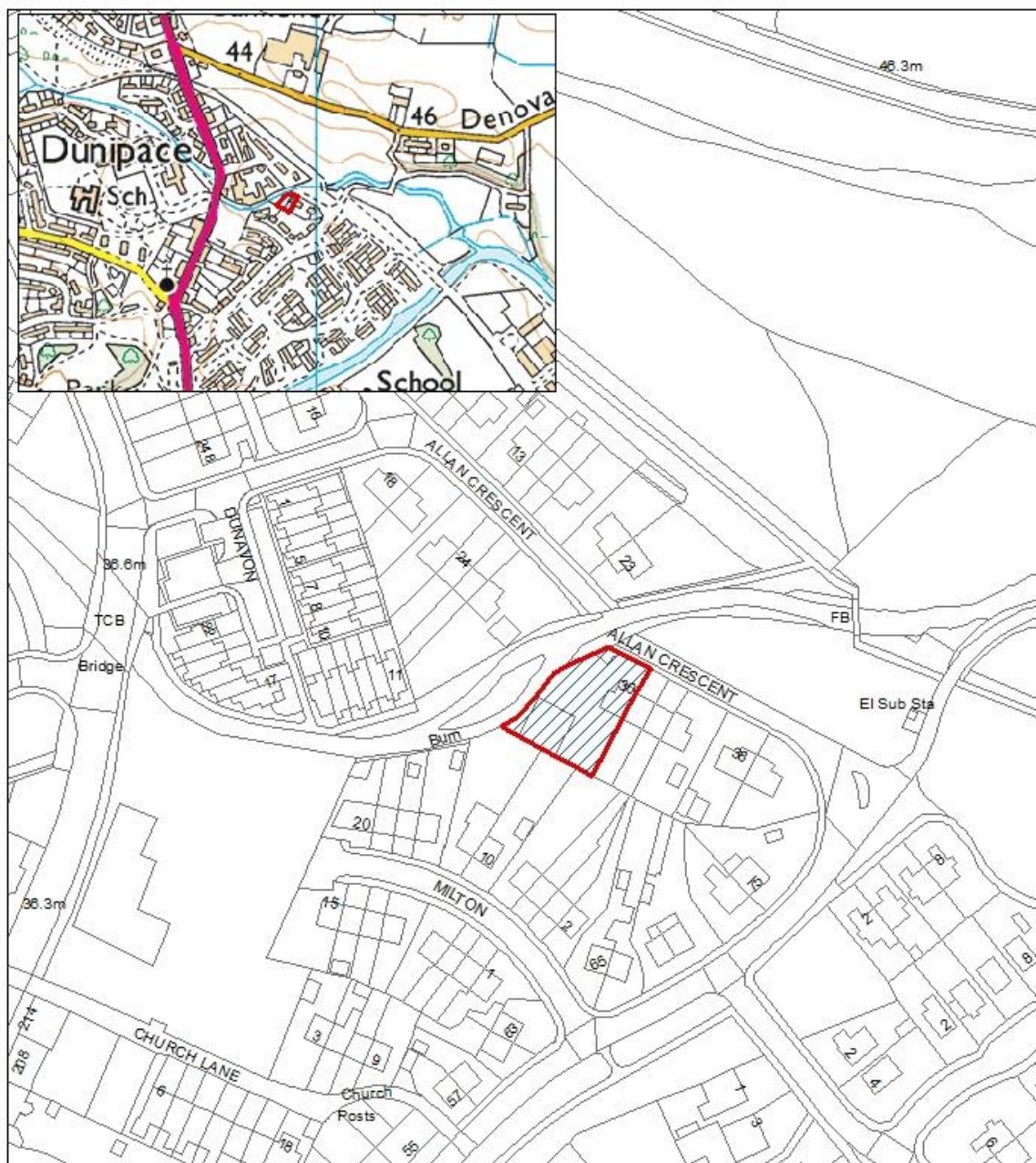
1. All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 12% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance is contained in Supplementary Guidance SG14 Renewable and Low Carbon Energy. Exclusions from the requirements of this policy are:
 - Proposals for change of use or conversion of buildings;
 - Alterations and extensions to buildings;
 - Stand-alone buildings that are ancillary and have an area less than 50 square metres;
 - Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;
 - Temporary buildings with consent for 2 years or less; and
 - Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.
2. The design and layout of development should, as far as possible, seek to minimise energy requirements through the other sustainability aspects of the current Sections 6 and 7 of the current Building Standards Technical Handbook.

Planning Committee

Planning Application Location Plan

P/20/0598/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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