

**FALKIRK COUNCIL**

**Subject:** CHANGE OF USE FROM PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND AT 5 RANNOCH PLACE, STENHOUSEMUIR, FOR LAURA MCLINTOCK AND DAVID MITCHELL (P/09/0561/FUL)  
**Meeting:** PLANNING COMMITTEE  
**Date:** 2 December 2009  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Steven Carleschi  
Councillor Lynda Kenna  
Councillor Charles MacDonald  
Councillor Craig Martin

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** Julie Seidel (Planning Officer), ext 4880.

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application site comprises an area of public open space, approximately 237 m<sup>2</sup>, adjoining 4 and 5 Rannoch Place, Stenhousemuir. The area forms a large area of open landscape and amenity space between the rear of the established residential development and King Street.
- 1.2 The proposed development involves the change of use of this public open space to private garden ground to serve 5 Rannoch Place and its enclosure with timber fencing to match the existing fence.
- 1.3 The applicants were advised, in light of planning policy concerns, to amend the proposal to incorporate a smaller area of open space into their garden ground, by extending the current line of the rear, southern boundary fence. The applicant failed to respond to the most recent correspondence dated 28 September 2009 and therefore the application was progressed to the recommendation as detailed in paragraph 8.1 of this report.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called-in by Councillor Craig Martin

**3. SITE HISTORY**

- 3.1 No relevant history.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit indicated that the proposed development does not encroach within the visibility splays of King Street and Lomond Crescent and as such the Unit have no road safety concerns with the application.

#### **5. COMMUNITY COUNCIL**

- 5.1 Larbert, Stenhousemuir and Torwood Community Council has not made any representations.

#### **6. PUBLIC REPRESENTATION**

- 6.1 Following the neighbour notification process and advertisement in local press, no letters of representation have been received.

#### **7. DETAILED APPRAISAL**

- 7.1 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 Policy COM.6 'Open Space and Recreational Facilities' states:

*"The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Accordingly:*

- (1) the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole;*
- (2) Local Plans will identify and seek to address any remaining localised deficiencies in provision;*
- (3) resources will generally be concentrated on improving the quality, management and accessibility of existing provision; and*
- (4) all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision. Standards will be set out in Local Plans based on the provision of 2.8ha per 1000 persons."*

7a.2 Policy COM.6 ‘Open Space and Recreational Facilities’ of the approved Falkirk Council Structure Plan seeks to ensure a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. The application proposal would have an adverse impact on the visual amenity of the residential area owing to its loss of public open space, and as such fails to accord with the above policy.

### ***Larbert and Stenhousemuir Local Plan***

7a.3 Policy LAR 49 - ‘Protection of Open Space’ states:

*“The Council will generally protect parks, playing fields and other areas of public open space from unrelated development which would diminish their recreational or amenity value. Proposals involving the loss of any area of public open space, whether through built development or incorporation as private garden ground, will normally be resisted where the proposal would:-*

- (i) adversely affect the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the surrounding area;*
- (ii) result in the loss of amenity open space such that the character or appearance of the area or its setting will be adversely affected; and*
- (iii) set an undesirable precedent for further incremental loss of public open space such that the provision of amenity or recreation open space in the area would be eroded.”*

7a.4 Policy LAR 49 Protection of Open Space of the adopted Larbert and Stenhousemuir Local Plan seeks to protect parkland, playing fields and smaller areas of landscaped ground as a valuable community asset with regard to amenity, townscape, recreational and ecological value.

7a.5 The application site forms the rear boundary of dwellings at Rannoch Place and forms a large grassy, landscaped verge between the rear of these properties and King Street. The character and setting of this area is influenced by larger areas of principal amenity, landscape and amenity open space and wedges of grassy landscaped verge between the rear of residential developments and King Street.

7a.6 The loss of the area of open space and its enclosure with a 2 metre high fence would result in the loss of amenity open space such that the character, appearance and setting of the residential area would be adversely affected. Further it is considered the application could set an undesirable precedent for further incremental loss of open space in the area. The location of the proposed new fence would not form a rational extension to the garden area or continuation of the existing fence line along King Street as it would form a step arrangement between 5 and 6 Rannoch Place. The application fails to accord with the terms of the above policy and Development Plan.

### **7b Material Considerations**

7b.1 The material planning considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version).

## ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

7b.2 Policy SC12 - 'Urban 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, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:*

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) In the case of recreational open space, it can be clearly demonstrated from the Council’s open space audit and strategy, or a site specific local audit of provision in the interim, that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded.”*

7b.3 The above policy provides protection for all urban open space considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. The application would have an adverse effect on the character and appearance of the area through the loss of amenity open space, planned as an integral part of the residential development. The application site forms part of a larger area of open space separated by a road, Lomond Crescent, from an area of principal open space, as identified on the Proposals Map. Whilst the application site, itself, is not an area of principal open space it is considered to have added importance as it contributes to a network of open space that includes this principal area. The application fails to accord with the above policy.

## **7c Conclusion**

7c.1 The application has been assessed as being contrary the Development Plan and the emerging District Wide Local Plan on the grounds of detriment to the character and setting of the area through the loss of an area of amenity open space and the undesirable precedent that granting the application would set.

7c.2 The application is therefore recommended for refusal and it is considered that there are no material considerations that would justify setting aside the terms of the Development Plan in this instance.

## **8. RECOMMENDATION**

**8.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):**

- (1) The application is contrary to Policy COM.6 'Open Space and Recreational Facilities' of the approved Falkirk Council Structure Plan as the proposed development, resulting in the loss of an area of public open space, would have an adverse impact on the visual and recreational amenity of the residential area.**

- (2) The application is contrary to Policy LAR 49 'Protection of Open Space' of the adopted Larbert and Stenhousemuir Local Plan and Policy SC12 'Urban Open Space' of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as the proposed development would result in the loss of public amenity open space such that the character, appearance and setting of the area would be adversely affected. The application would set an undesirable precedent for further incremental loss of open space such that the provision of amenity open space, planned an integral part of the residential area, would be eroded.

Pp

.....  
Director of Development Services

Date: 26 November 2009

**LIST OF BACKGROUND PAPERS**

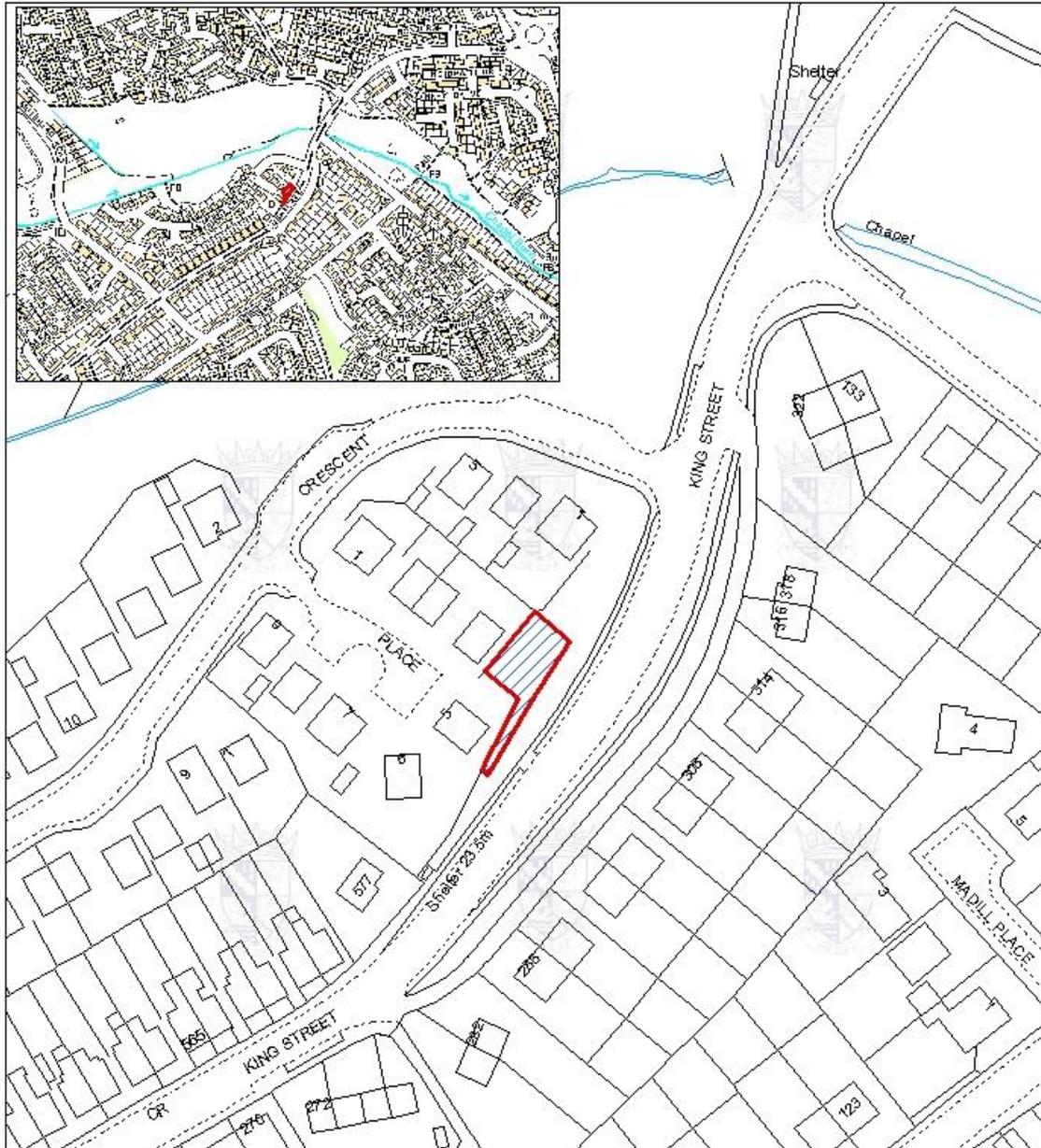
1. Falkirk Council Structure Plan
2. Larbert and Stenhousemuir Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

# Regulatory Committee

## Planning Application Location Plan **P/09/0561/FUL**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Reproduced by permission of Ordnance Survey on behalf of HMSO.  
© Crown copyright and database right 2009. All rights reserved.  
Ordnance Survey Licence number 100023384