

FALKIRK COUNCIL

Subject: ERECTION OF FARM SHOP, STABLES, BUNK HOUSE, CHALETs, TOILET BLOCK, FORMATION OF CARAVAN SITE AND ERECTION OF MANAGER'S HOUSE AT LAND TO THE NORTH OF GREENRIGG FARM, BONNYHILL ROAD, FALKIRK FOR THE DEANSTOUN PARTNERSHIP - P/09/0409/FUL

Meeting: PLANNING COMMITTEE

Date: 22 September 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: Falkirk South

Case Officer: Allan Finlayson (Senior Planning Officer), ext 4706

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 16 June 2010 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. This visit took place on 16 August 2010.
2. On consideration of the application at Planning Committee on 25 August 2010, Members agreed to a further continuation of the application to seek an accident report from Central Scotland Police in respect of any previous accident statistics for the B816 Tamfourhill to Bonnybridge Road. This action followed concerns of potential road safety.
3. Members also sought clarification of the extent of farm land under the control of the applicant. The total land holding extends to 130 hectares (320 acres) and is indicated in blue on the appended plan. The application site area is indicated in pink on the same plan. It should be noted that this plan does not fully illustrate land ownership to the east of the site. At the time of writing, a plan is awaited from the applicant's agent detailing all land in the ownership of the applicant in the vicinity of the site.
4. Members also raised questions with regards to potential tree loss, surfacing of internal access roads and maintained public access through the site.
5. The applicant's agent has confirmed agreement to additional planting, over that already proposed. In addition he has confirmed that internal roads will be resurfaced and maintained by the applicant and continued public access will be maintained.

6. Members should also note that subsequent to the Planning Committee meeting on 25 August 2010 an objection to the proposed development from the owners of Bonnyhill Farm, to the west of the application site, has been received. The grounds of objection relate to the number of vehicle accidents in the vicinity of the site, the use of the roads by agricultural vehicles and inadequate provision for pedestrians.
7. An accident report from Central Scotland Police has confirmed that a total of eight accidents have occurred on the B816 Bonnyhill Road from the period 1981 - 2010 inclusive. The accidents are summarised as follows:
 - 4 February 2005 at 1pm. Fatal accident of one male driver at junction of Bonnyhill Farm with B816. No other vehicles involved.
 - 2 August 2004 at 2am. Serious injuries to motorcycle rider who swerved to avoid vehicle exiting Bonnyhill Farm access.
 - 26 August 2003 at 10.30pm. Accident involving taxi and motorcycle east of Bonnyhill Farm access. Slight injury to taxi passenger.
 - 17 November 2002 at 4.40pm. Slight injuries to drivers of two vehicles following collision north of Bonnyhill Farm access.
 - 15 February 2000 at 7.15am. Vehicle lost control on ice and resulted in three car accident. Serious injuries to one driver, slight injuries to another.
 - 14 December 1988 at 8.45pm. Single car lost control midway between Bonnyhill Farm access and Tamfourhill traffic lights. Slight injury to two passengers.
 - 2 June 1985 at 6.55pm. Slight injuries to motorcycle rider. No other vehicles involved.
 - 24 August 1984 at 9am. Pedestrian stepped into the path of lorry midway between Bonnyhill Farm access and Tamfourhill traffic lights. Slight injury to pedestrian.
8. Further analysis of the accident locations confirms that no accidents have occurred on the stretch of road where the applicant proposes to form a new access. The proposed access is considered to be in accordance with the requirements of the Roads Development Unit with regards to junction visibility and radii.
9. In response to the submitted objection it is considered that the accident records do not presume against the introduction of a replacement vehicle access to the site. In addition, it is considered that the proposed development will encourage use of existing footpaths and provide improved linkage to paths well away from Bonnyhill Road (B816) and are unlikely to result in increased pedestrian usage of Bonnyhill Road.
10. In conclusion, it is considered that the grounds of objection have been satisfactorily addressed in the assessment of the planning application and that issues raised in Central Scotland Police accident records do not confirm information that would amend the original recommendation to grant planning permission.

11. Recommendation

11.1 It is recommended that Committee indicate that they are minded to grant planning permission subject to the satisfactory conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to:

- (a) Ensure the farm manager's house is retained and occupied by a manager for the continued operation of Rough Castle Farm.
- (b) Ensure the approved chalets and caravan site are occupied for tourism use only and on a seasonal basis.
- (c) And thereafter on conclusion of the Section 75 Agreement to remit to the Director of Development Services to grant planning permission subject to the following conditions:

11.2 On completion of the legal agreement referred to in paragraph 7.1 above, the Committee remit the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Within three months of the date of this permission detailed sustainable urban drainage (SUDs) calculations and discharge rates for a 1:200 year storm flood return period shall be submitted for the written approval of this Planning Authority.
- (3) All drainage shall comply with the requirements of the Scottish Environmental Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
- (4) Prior to the occupation of, or initiation of, approved uses a new access road to the site shall be formed to the west of the existing site access on the B816, at a position to be agreed in writing with the Planning Authority. The new access shall take the form of a bellmouth junction of a minimum 6 metres in width for the first 20 metres of length and with a minimum 10.5 metre junction radii.
- (5) Within three months of the date of this permission a detailed landscaping scheme including provision for subsequent maintenance shall be submitted for the written approval of the Planning Authority. No work shall commence on site until written approval has been provided.
- (6) Parking facilities shall be provided in accordance with Falkirk Council Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000 and completed prior to occupation of the Development.
- (7) Details of the location and specification for the formation of additional vehicle passing places to allow the passing of car and caravan traffic shall be provided for the consideration of the Planning Authority. Development shall not commence until written approval of these details has been provided.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,3) To ensure that adequate drainage is provided.
- (4,6) To ensure adequate access and parking is provided.
- (5) In the interest of visual amenity.
- (7) To safeguard the interests of the users of the highway.

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, 04A, 05, 06, 07, 08, 09, 10, 11, 12.

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Director of Development Services

Date: 15/09/10

LIST OF BACKGROUND PAPERS

- 1. Falkirk Structure Plan, 2007.
- 2. Falkirk Local Plan, 2000.
- 3. Falkirk Rural Local Plan, 1994.
- 4. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
- 5. Letter of Representation received from Mr Peter Rowe, 16 Dundas Street, Bo'ness EH51 0DG on 25 June 2009.
- 6. Letter of Objection received from Mr Ronald Pollock , Bonnyhill Farm, Bonnybridge, FK4 2EP on 2 September 2010.
- 7. Scottish Planning Policy.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).



FAKIRK COUNCIL
DEVELOPMENT
SERVICES
RECEIVED
16 JUN 2019
APPLICATION NUMBER
P/09/0409/PL

DAVID ANGUS LTD.
The Malvern, Tenney Road, Colinton
The Grange, Midlothian
EH26 8JN

Responsible
Developer/
Scheme
Site Information
R0251

Drinking Water
1:250
1:1000

FALKIRK COUNCIL

Subject: ERECTION OF FARM SHOP, STABLES, BUNK HOUSE, CHALETs, TOILET BLOCK, FORMATION OF CARAVAN SITE AND ERECTION OF MANAGER'S HOUSE AT LAND TO THE NORTH OF GREENRIGG FARM, BONNYHILL ROAD, FALKIRK FOR THE DEANSTOUN PARTNERSHIP – P/09/0409/FUL

Meeting: PLANNING COMMITTEE

Date: 25 August 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: Falkirk South

Case Officer: Allan Finlayson (Senior Planning Officer) ext, 4706

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 16 June 2010 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. This visit took place on 16 August 2010.
2. Members viewed the site of the application, surrounding area and site access.
3. In support of the application, the applicant's agent outlined the proposed development, its relationship with the existing and use and the potential tourism benefits to the Falkirk Council area.
4. Members asked questions in relation to existing agricultural use of the site, the applicant's agricultural background, the relationship of the application site to surrounding land including landscape setting, the structure of the proposed legal agreement to restrict occupancy of the proposed chalets / caravan site / managers house and the previous decontamination of the site. Clarification of the site address was also sought by Members.
5. The applicant's agent and the planning case officer addressed the questions of Members and a contaminated land report was submitted for the consideration of Members. The proposed new site access point on the B816 to serve the application site was also viewed by Members.
6. No matters were raised that would amend the original recommendation to grant planning permission.

7. RECOMMENDATION

7.1 It is recommended that Committee indicate that they are minded to grant planning permission subject to the satisfactory conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to:

- (d)** Ensure the farm manager's house is retained and occupied by a manager for the continued operation of Rough Castle Farm.
- (e)** Ensure the approved chalets and caravan site are occupied for tourism use only and on a seasonal basis.
- (f)** And thereafter on conclusion of the Section 75 Agreement to remit to the Director of Development Services to grant planning permission subject to the following conditions:

7.2 On completion of the legal agreement referred to in paragraph 7.1 above, the Committee remit the Director of Development Services to grant planning permission subject to the following conditions:-

- (1)** The development to which this permission relates must be begun within three years of the date of this permission.
- (2)** Within three months of the date of this permission detailed sustainable urban drainage (SUDs) calculations and discharge rates for a 1:200 year storm flood return period shall be submitted for the written approval of this Planning Authority.
- (3)** All drainage shall comply with the requirements of the Scottish Environmental Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
- (4)** Prior to the occupation of, or initiation of, approved uses a new access road to the site shall be formed to the west of the existing site access on the B816, at a position to be agreed in writing with the Planning Authority. The new access shall take the form of a bellmouth junction of a minimum 6 metres in width for the first 20 metres of length and with a minimum 10.5 metre junction radii.
- (5)** Parking facilities shall be provided in accordance with Falkirk Council Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000 and completed prior to occupation of the Development.
- (6)** Details of the location and specification for the formation of additional vehicle passing places to allow the passing of car and caravan traffic shall be provided for the consideration of the Planning Authority. Development shall not commence until written approval of these details has been provided.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,3) To ensure that adequate drainage is provided.
- (4,5) To ensure adequate access and parking is provided.
- (6) To safeguard the interests of the users of the highway.

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, 04A, 05, 06, 07, 08, 09, 10, 11, 12.

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Director of Development Services

Date: 18 August 2010

LIST OF BACKGROUND PAPERS

- 1. Falkirk Structure Plan, 2007.
- 2. Falkirk Local Plan, 2000.
- 3. Falkirk Rural Local Plan, 1994.
- 4. Falkirk Council Finalised Draft Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
- 5. Letter of Representation from Mr Peter Rowe, 16 Dundas Street, Bo'ness EH51 0DG on 25 June 2009.
- 6. Scottish Planning Policy.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

FALKIRK COUNCIL

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Meeting: PLANNING COMMITTEE

Date: 16 June 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: Falkirk South

Case Officer: Allan Finlayson (Senior Planning Officer) ext, 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposal is a major application for the erection of a farm manager's house for operation of land at the existing Greenbank and Rough Castle Farms, a farm shop, horse riding stables, a bunkhouse and chalets for rent, the formation of touring caravan pitches and associated toilet facilities and infrastructure. The application was submitted before the requirement for applicants to consult the public on major applications.
- 1.2 The application site is located within a rural area in agricultural grazing land to the south of Bonnyhill Road, Tamfourhill, Falkirk.
- 1.3 The application site and surrounding land outwith is collectively referred to as Rough Castle Farm.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Councillor Lemetti.

3. SITE HISTORY

- 3.1 A previous outline application (P/08/0717/OUT) for the same development was withdrawn on 10 June 2009.

- 3.2 Temporary planning permission (F/91/0973) for the continuation of opencast mineral workings was granted on 27 August 1992. The site has subsequently been restored to agricultural grazing land.

4. CONSULTATIONS

- 4.1 The Roads Development Unit initially advised that the site is remote from the public road and that the applicant has not clearly indicated how access to the public road will be formed. The demonstration of access to the public road was requested. Additional information on anticipated employee numbers, facilities use and vehicle movements was requested. The applicant has now submitted access details and has provided details of employee numbers, facilities use and vehicle movements. Proposed surface water drainage (SUDs) has been provided and the detailed calculations can be covered by condition. Clarification of the land to which SUDs discharge has been provided.
- 4.2 The Roads Development Unit assessed the information submitted by the applicant in relation to site access and SUDs. The site access was not considered to be acceptable and a revised access position has been identified 70-80 metres west of the current site access. The applicant's agent has confirmed that the formation of a new access at the revised position, to the specification required by the Roads Development Unit, is acceptable to his client. A condition requiring this revised site access can be attached to any grant of planning permission.
- 4.3 Scottish Water has no objections to the proposed development. Requirements for potential network improvements to allow water capacity to the site have been provided to the applicant.
- 4.4 The Environmental Protection Unit has advised of contaminated land conditions to be attached to any grant of planning permission. The site has previously been decontaminated and restored to countryside from a former open cast coal use. Further conditions in this regard are not considered to be necessary. Advice on licensing obligations for caravan site operation has been provided to the applicant.
- 4.5 Community Services (Archaeology) has previously provided comment that the farm manager's house was proposed in the buffer zone of the Antonine Wall World Heritage Site. The amended application currently under assessment has relocated to the house to outwith the buffer zone. The remaining ground is considered to be archaeologically sterile given previous opencast workings.

5. COMMUNITY COUNCIL

- 5.1 The Falkirk South Community Council did not make comment.

6. PUBLIC REPRESENTATION

- 6.1 One letter has been submitted to the Council by a disabled access consultant, requesting that a fold down shower seat and colour coding for the visually impaired is provided in the toilet facilities.

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

Falkirk Council Structure Plan

7a.1 Policy ECON.7 'Tourism' states:

"The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:

- (1) the key locations for development will be the Millennium Canals, Falkirk Town Centre/Callendar Park and Bo'ness;*
- (2) development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential."*

7a.2 Policy ENV.1 'Countryside and Protected Areas' states:

- "(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans."*

7a.3 Policy TRANS.1 'Core Path Networks' states:

"The Council through consultation will identify a network of strategic paths and core path networks based on the main communities of the area. In particular the Council will make provision for the identification, safeguarding and development of the following:

- (1) National Cycle Network route between Edinburgh and Stirling through the Falkirk Council area;*
- (2) Strategic walking and cycling routes utilising the Union and Forth and Clyde Canal towpaths; and*
- (3) Local Core Path networks in line with the Council's Countryside Access Strategy.*

The Council in its Local Plans will contain policies that protect identified paths from development and ensure that wherever possible new development proposals create linkages and strategic routes to the identified core path network."

- 7a.4 Policies ECON.7, ENV.1 and TRANS.1 of the Falkirk Structure Plan support the proposed use for sustainable countryside tourism development which would enable appropriate agricultural diversification and connection with the existing countryside path network.
- 7a.5 The site is covered by Opportunity ENV.5 in the Falkirk Structure Plan which is for tree planting, countryside recreation, and canal and Roman heritage related interpretation as part of the Greenspace initiative. The proposed development promotes these objectives.

Falkirk Local Plan

- 7a.6 Policy FAL 4.2 'Falkirk Greenspace Initiative' states:

"The Council will support and assist the Falkirk Greenspace Initiative, and will oppose development which would prejudice its implementation. Accordingly:

- (i) priority will be given to proposals for woodland planting and management, countryside recreation and access improvements, and the development of areas for nature conservation within the areas identified as Opportunities ENV 1 - 6 on the Policies, Proposals, and Opportunities Map;*
- (ii) priority will be given the creation of a circular route through the Greenspace for pedestrians and cyclists, complemented by secondary routes where appropriate (see Opportunity TRA 5);*
- (iii) developers will be expected to contribute to the Greenspace Initiative by providing tree planting and/or access improvements and creating wildlife habitats in association with new development in urban fringe locations; and*
- (iv) initiatives to encourage community participation in the implementation of Greenspace projects will be supported."*

- 7a.7 The proposal does not compromise the Falkirk Greenspace Initiative and would result in improved recreational access. Planting and access improvements are proposed.

- 7a.8 Policy FAL 11.1 'New Development in The Countryside' states:

"Within the countryside (i.e outwith the Urban Limit), there will be a general presumption against new development except in the following circumstances:

- (i) Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 277(1) of the Town and Country Planning (Scotland) Act 1997, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- (ii) Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- (iii) Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- (iv) Development for tourism and countryside recreation purposes where the Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the area. Proposals which accord with the Council's Tourism Strategy are particularly welcomed.*

- (v) *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

7a.9 The development is considered appropriate for the reason that it requires a rural location and on the basis that the residential occupation of the proposed residential uses are restricted to permanent occupation of the dwellinghouse by the management of Rough Castle Farm development and the seasonal occupation of the tourist chalets. The applicant has submitted a business report from an agricultural consultant, demonstrating the requirement for residential accommodation for a farm manager.

7a.10 Policy RURAL 1 'New Development in the Countryside' states:

"That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council's "Guide to Tree Planting/Housing Proposals on Slamannan Plateau".*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
- 6. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

7a.11 The proposed tourism / recreation development accords with policy RURAL 1 for the reasons expressed in paragraph 7a.9.

7a.12 Policy FAL 3.2 ‘Design and Landscaping’ states:

“Development proposals should incorporate appropriate hard and soft landscaping which enhances the character of the development and the local area. The landscaping scheme should:

- (i) respect the setting and character of the development site;*
- (ii) retain, where practical, existing vegetation and natural features such as ponds, wildflower meadows/verges, and scrub;*
- (iii) incorporate structure planting, street trees and informal open space planting, as appropriate to the nature and location of the proposal;*
- (iv) make use of native tree and plant species;*
- (v) incorporate high quality hard landscaping, including surfacing materials, boundary enclosures and street furniture which complement the development and the local townscape; and*
- (vi) demonstrate that satisfactory arrangements have been made for the future maintenance and management of landscaped areas.”*

7a.13 The proposal respects the site's landscape setting and character and incorporates acceptable planting proposals which enhance the character of the surrounding area.

7a.14 Policy FAL 4.4 ‘Trees, Woodland and Hedgerows’ states:

“The Council recognises the landscape, recreational and nature conservation value of trees, woodland and hedgerows, and accordingly will:

- (i) protect ancient, long established and semi-natural woodlands as a habitat resource of irreplaceable value;*
- (ii) safeguard trees, woodland and hedgerows of landscape, nature conservation or recreational value. Where necessary, endangered trees and woodlands will be protected through the designation of Tree Preservation Orders and introduction of Management Agreements. Within an area covered by a TPO there will be a presumption against development unless it can be proven that the proposal would not adversely affect the stability, vitality or appearance of protected trees. Where felling of protected trees is permitted for safety or other reasons, the Council will require appropriate replacement planting;*
- (iii) continue to support through partnerships and other initiatives, proposals for community woodlands and amenity planting, particularly through the Falkirk Greenspace and Central Scotland Forest Initiatives. Tree planting proposals will be particularly encouraged within the urban fringe, along transport corridors, in wildlife corridors and to enhance open space; and*
- (iv) require the use of native species of trees and shrubs in all new planting proposals.”*

7a.15 The proposal has no adverse impact on trees, woodland or community partnership initiatives.

7a.16 Policy FAL 4.7 ‘Footpaths and Rights of Way’ states:

“The Council will seek to protect, improve and signpost rights of way and other recognised footpaths. The Council will also seek to encourage the creation of new access routes into the countryside, in co-operation with landowners and other funding agencies.”

7a.17 The proposed development would promote new access routes to the countryside.

7a.18 Policy RURAL 20 ‘Trees and Woodland’ states:

“That the District Council recognises the economic, landscape, ecological and recreational importance of trees, woodland, afforested land and hedgerows and accordingly :-

- 1. Felling detrimental to the character of the landscape or to the economic, nature conservation or recreational value of the planted area itself will be discouraged. The enhancement and management of existing woodland and other natural landscape features will be encouraged.*
- 2. Where necessary, endangered areas and trees will be statutorily protected through the designation of Tree Preservation Orders. Within an area covered by a T.P.O. there will be a presumption against development unless it can be proven that the proposal would not adversely affect the stability or appearance of protected species. Where permission is given to fell a tree within a Conservation Area or an area covered by a T.P.O., the District Council will normally require the provision of replacement planting appropriate in terms of number, size, species and position.*
- 3. Appropriate proposals for community woodlands and amenity planting will be encouraged, in particular within and adjacent to the rural villages, along urban fringes and transport corridors, within the Green Belt and in relation to derelict and industrial sites and farmed landscapes.*
- 4. When consulted on forestry planting proposals the District Council will support the provisions of the indicative forestry strategy as outlined by Central Regional Council in its approved Structure Plan.*

The District Council favours the use of appropriate native species of trees and shrubs in new planting.”

7a.19 The proposal includes acceptable amenity structure planting.

7a.20 Policy RURAL 22 ‘Countryside Access’ states:

“That the District Council seeks to protect and signpost existing rights of way and other recognised footpaths and, where appropriate, will encourage the creation of new means of access to the countryside for walking, cycling and equestrian purposes.”

7a.21 The proposed development would provide additional links to existing countryside paths and provide improved countryside access.

7a.22 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be considered are The Falkirk Council Local Plan Finalised Draft (Deposit Version), summary of public representations and National Policies and Guidance.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EQ19 - ‘Countryside’ states:

“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council’s ‘Design Guide for Buildings in the Rural Areas’; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7b.3 Policy EP16 - ‘Leisure And Tourism Development In The Countryside’ states:

“Leisure and tourism development within the countryside will only be permitted where the use demonstrates a particular need for a countryside location and could not more appropriately be located within the Urban or Village Limits, or where existing buildings are to be utilised. In particular:

- (1) Proposals for small-scale self-catering chalet developments, caravan and camping sites may be acceptable, subject to appropriate siting and compliance with Policy EP15. Proposals for new hotels, B&Bs, guest houses and pubs / restaurants will generally only be permitted where existing buildings are being utilised or where a specific opportunity is identified in the Local Plan;*
- (2) Proposals for outdoor sport and recreation which require a countryside location may be acceptable, subject to appropriate siting. Associated built development will be limited to that which is directly ancillary to the activity (e.g. clubhouses, changing facilities, parking);*
- (3) Proposals for new visitor attractions, heritage and interpretative centres may be acceptable, subject to appropriate siting and compliance with Policy EP15. The nature and theme of the facility must provide a clear rationale for the countryside location chosen; and*
- (4) Proposals for new roadside facilities will not be permitted unless it is demonstrated that there is a clear need for additional services. Proposals for facilities on motorways and the trunk road network should comply with the guidance in NPPG9.*

Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ16), and of the adequacy of access and car parking arrangements must be satisfactory.”

7b.4 Policy EP15 'Tourism Development' states:

"Proposals for tourism development will be supported where:

- (1) they will support the strategic tourism priorities set out in Policy ECON.7 of the Structure Plan, and the tourism strategies of the Council and VisitScotland;*
- (2) they will complement the existing pattern of provision;*
- (3) the quality of development will be such as to enhance the image and tourism profile of the area; and*
- (4) they comply with other Local Plan policies."*

7b.5 Policy ST1 - 'Core Path Network' states:

"The Council will safeguard and promote the development of the core path network as and when this is defined. Where appropriate, developer contributions to the implementation of the network will be sought."

7b.6 Policy EQ21 - 'Falkirk Greenspace' states:

"Through the Falkirk Greenspace Initiative, the Council will work with its partners to improve the landscape, habitat quality and recreational potential of the network of urban fringe and urban open space around and within settlements. Priority will be given to:

- (1) Appropriate woodland creation and management, where landscape quality, access, biodiversity, and connectivity across the Greenspace can be promoted;*
- (2) The creation of an interlinked network of paths within the Greenspace, with particular emphasis on a principal circular route, as a key part of the core path network, complemented by secondary routes where appropriate; and*
- (3) Requiring developers in urban fringe locations to contribute to landscape and/or access improvements in association with new development."*

7b.7 Policy EQ25 'Biodiversity' states:

"The Council will promote the biodiversity of the Council area and ensure that the aims and objectives of the Falkirk Area Biodiversity Action Plan are promoted through the planning process. Accordingly:

- (1) Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*
- (2) The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in 'The Biodiversity of Falkirk' will be given particular attention in the consideration of development proposals;*
- (3) Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design, having reference to the Supplementary Planning Guidance Note on 'Biodiversity and Development'; and*
- (4) Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued."*

7b.8 Policy EQ26 - ‘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) 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 a plan and make provision for its future management; 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.”*

7b.9 Policy EQ29 ‘Outdoor Access’ states:

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network once it is defined.*
- (2) In promoting new routes particular emphasis will be placed on*
 - opportunities specified on the Proposals Map*
 - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
 - other areas of proven demand as identified through community consultation; and*
 - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25.*
 - the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) When considering planning applications, the Council will*
 - Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*
 - Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
 - Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

- 7b.10 The above policies confirm the policy position expressed in the extant Falkirk Local Plan. The proposed development accords with these policies in relation to the countryside, leisure and tourism, path networks, biodiversity, trees and outdoor access. A developer contribution is not considered appropriate in respect of Policy ST1 'Core Path Network' for the reason that the development provides improved linkages to an existing path network.

Summary of Public Representations

- 7b.11 One comment has been made from a disabled access consultant requesting that a fold down shower seat and colour coding for the visually impaired is provided in the toilet facilities. These comments have been forwarded to the applicant.

National Planning Policies and Guidance

- 7b.12 Scottish Planning Policy - A statement of the Scottish Government's policy on nationally important land use planning matters, emphasises Scottish Government's commitment to supporting sustainable economic growth in rural areas within the context of landscape setting and character. The proposed development promotes these objectives.

7c Conclusion

- 7c.1 There is support for countryside recreation/tourism development at the site in the context of Development Plan policy and national planning policies and guidance. The development of the Falkirk Wheel, designation of the Antonine Wall as a World Heritage Site and increased use of the Canal network have previously contributed to this.
- 7c.2 The farm manager's house and chalet development would have to be subject to legal agreement restricting occupancy to staff and tourist use respectively.
- 7c.3 Specific conditions requiring public access improvements and additional landscaping provision are however required.

8. RECOMMENDATION

- 8.1 It is recommended that Committee indicate that they are minded to grant planning permission subject to the satisfactory conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to:
- (g) Ensure the farm manager's house is retained and occupied by a manager for the continued operation of Rough Castle Farm.
 - (h) Ensure the approved chalets are occupied for tourism use only and on a seasonal basis.
 - (i) And thereafter on conclusion of the Section 75 Agreement to remit to the Director of Development Services to grant planning permission subject to the following conditions:

8.2 On completion of the legal agreement referred to in paragraph 8.1 above, the Committee remit the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Within three months of the date of this permission detailed sustainable urban drainage (SUDs) calculations and discharge rates for a 1:200 year storm flood return period shall be submitted for the written approval of this Planning Authority.
- (3) All drainage shall comply with the requirements of the Scottish Environmental Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
- (4) Prior to the occupation of, or initiation of, approved uses a new access road to the site shall be formed to the west of the existing site access on the B816, at a position to be agreed in writing with the Planning Authority. The new access shall take the form of a bellmouth junction of a minimum 6 metres in width for the first 20 metres of length and with a minimum 10.5 metre junction radii.
- (5) Parking facilities shall be provided in accordance with Falkirk Council Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000 and completed prior to occupation of the Development.
- (6) Details of the location and specification for the formation of an additional two vehicle passing places to allow the passing of car and caravan traffic shall be provided for the consideration of the Planning Authority. Development shall not commence until written approval of these details has been provided.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,3) To ensure that adequate drainage is provided.
- (4,5) To ensure adequate access and parking is provided.
- (6) To safeguard the interests of the users of the highway.

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, 04A, 05, 06, 07, 08, 09, 10, 11, 12.

.....
Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Structure Plan, 2007.
2. Falkirk Local Plan, 2000.
3. Falkirk Rural Local Plan, 1994.
4. Falkirk Council Finalised Draft Local Plan, 2007.
5. Letter of Representation from Mr Peter Rowe, 16 Dundas Street, Bo'ness EH51 0DG on 25 June 2009.
6. Scottish Planning Policy.

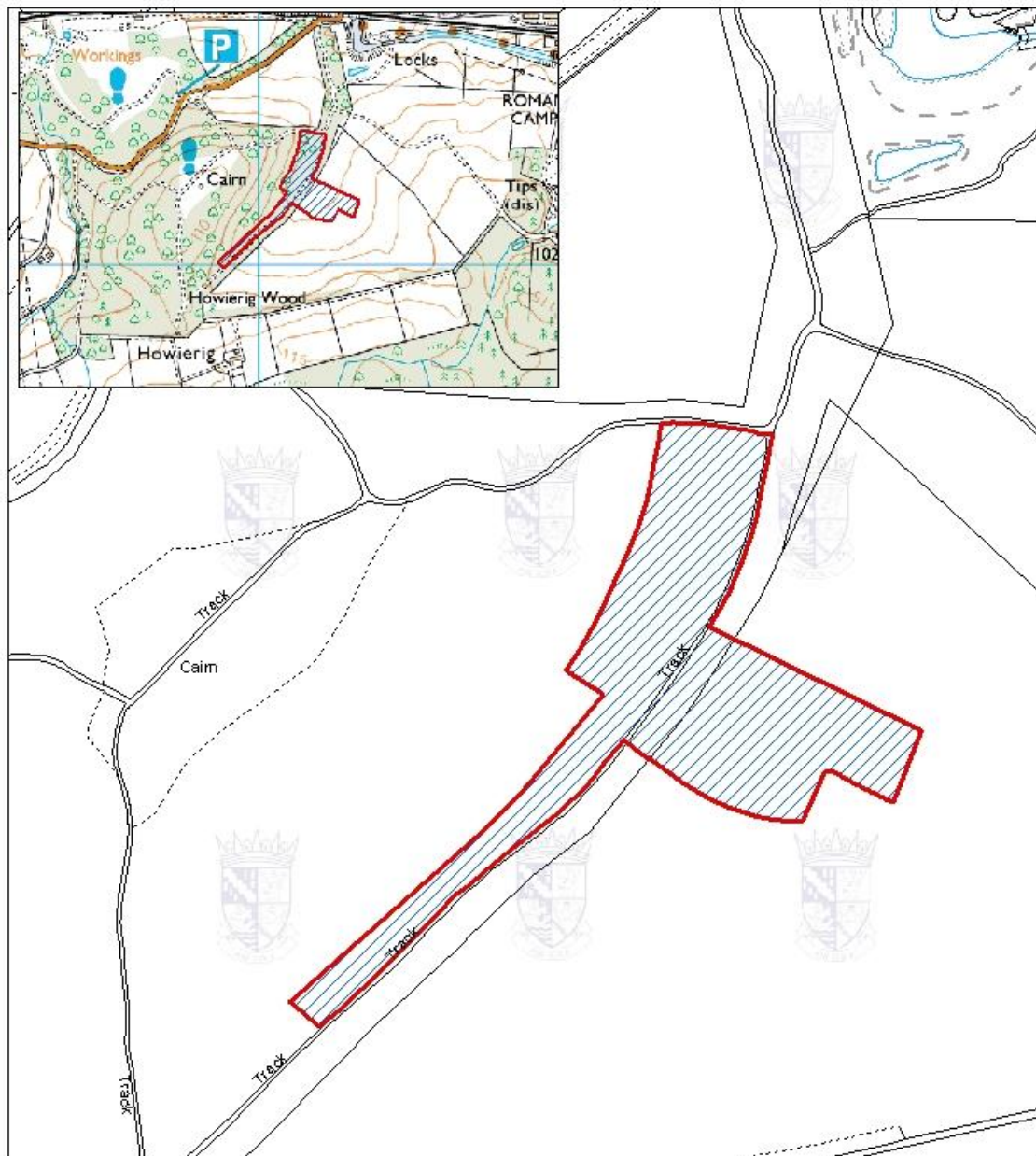
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0409/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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