

FALKIRK COUNCIL

Subject: FORMATION OF ALLOTMENTS WITH ANCILLARY PARKING, STORAGE BUILDINGS, TOILETS, SHEDS, GREENHOUSES, HARDSTANDING, INTERNAL TRACK AND FENCING AT LAND AT THE HELIX TO THE WEST OF THE M9 FROM JUNCTION 5 TO JUNCTION 6, FALKIRK FOR THE HELIX TRUST - P/10/0617/FUL

Meeting: PLANNING COMMITTEE

Date: 1 December 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes

Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Lower Braes

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposed development is for the formation of allotments for the Helix environmental improvement proposals. Sixty-five allotments are proposed, for use by members of the public for non-commercial recreational purposes.
- 1.2 The Helix project is an urban fringe environmental improvement project funded, in part, by BIG Lottery Living Landmarks. Fundamental to the Helix project is the aim to improve connections between existing settlements and facilities and allow for improved access to future Helix initiatives.
- 1.3 The proposed paths and associated infrastructure are located in two areas, either side of the existing Travel Lodge and Metro Inn developments adjacent to the Beancross Hotel.
- 1.4 The provision of 65 allotments is proposed, on a total site area of 1.5 hectares. Associated access, car parking and a community garden is proposed.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development involves land in which Falkirk Council has a financial interest, and Falkirk Council is a partner of the Helix Trust, who is the applicant.

3. SITE HISTORY

- 3.1 There are no relevant planning applications. Previous permissions have been granted for the development of the Travel Lodge and Metro Inn, in addition to previous developments at the Beancross Hotel and Salt of the Earth restaurant.
- 3.2 A legal agreement binds part of the site and this requires that no buildings are erected on the site of the application. In order for the currently proposed development to be fully implemented, a variation to this legal agreement is likely to be required. This is considered to be a civil matter between the applicant and current landowner, and is not material to the consideration of this planning application.

4. CONSULTATIONS

- 4.1 The Transport Planning Unit of Falkirk Council has expressed concern with regard to the location of car parking provision. The provision of a safety audit for access from the A9 Laurieston Bypass is requested.
- 4.2 The Roads Development Unit has no objection to the proposed development. Vehicular access is proposed from a properly formed junction on the A9, with satisfactory distribution by local access road thereafter. Public transport serves the application site from the A904. Proposed parking space numbers are considered to be acceptable. No flood risk is considered to exist. Conditions are requested in relation to vehicular access and road construction.
- 4.3 The Environmental Protection Unit has advised that a Contaminated Land Assessment is required. An informative in relation to construction noise is also suggested.
- 4.4 Shell UK has no comment in relation to pipeline interests in the vicinity of the site.
- 4.5 Ineos has confirmed that the Finnart to Grangemouth pipelines would be affected by the proposed development. The applicant is aware of this, and has designed the proposed layout so as not to affect the route of this pipeline.
- 4.6 Falkirk Council Museums Services (Archaeology) has no objections to the proposed development. The site lies in the Buffer Zone of the Antonine Wall, but the proposed use is not considered to affect this Scheduled Ancient Monument and World Heritage site.
- 4.7 Historic Scotland has no objections, and has confirmed that the proposed development would not impact upon the Antonine Wall.
- 4.8 Scottish Water has no objections.
- 4.9 Transport Scotland has no objections to the proposed development, but has advised of a requirement for an unclimbable fence to be erected between the site and the M9 motorway.

5. COMMUNITY COUNCIL

- 5.1 The Community Council did not make comment.

6. PUBLIC REPRESENTATION

- 6.1 One letter of support has been received, and comments relating to public transport accessibility, footpath links to the surrounding area and the need for improved crossing points on roads in the area.
- 6.2 One letter of objection has been received, as it is claimed the site takes access through land in the ownership of the objector.

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 The proposed development raises no strategic issues. The policies of the Falkirk Structure Plan do not therefore apply.

Polmont & District Local Plan

- 7a.2 Policy POL 8.2 'Green Belt' states:

"There will be a presumption against new development in the areas of designated Green Belt indicated on the Policies, Proposals and Opportunities Map, with the exception of development required for farming and forestry, and appropriate recreation and tourism purposes that require a countryside location. Other types of development such as telecommunications and temporary uses, including mineral and landfill activity, may be acceptable provided that:

- (i) A Green Belt location is essential; and*
- (ii) There is no serious detrimental impact on the character of the Green Belt.*

Temporary uses will only be permitted where these operate within a clearly limited timescale, and where landscape improvements are obtained. In general proposals which strengthen the function of the Green Belt and enhance its character and landscape qualities will be encouraged.

In accordance with the provisions of SDD Circular 24/1985 'Development in the Countryside and Green Belts', the Council strongly supports the principle of the Green Belt:

- a. To separate the main settlements of the Council area;*
- b. To provide areas for countryside recreation (excluding such urban forms as hotels, time-shares and holiday villages);*
- c. To provide a clear segregation of urban and rural uses;*
- d. To enhance the landscape adjacent to built up areas; and*
- e. To provide a corridor for essential services."*

- 7a.3 The proposed development is for recreational purposes. A location within the Green Belt is appropriate in this regard. There would be no impact on the character of the Green Belt as a result of the proposed development.

7a.4 Policy POL 8.3 ‘Greenspace Initiative’ states:

“The Council will support and assist the early implementation of the Greenspace Initiative in relation to tree planting, off-road routes, recreation opportunities, nature conservation and environmental improvements. In addition, the Council will seek to ensure that development proposals do not undermine the Greenspace Initiative. Furthermore, in urban fringe locations, developers will be expected to contribute to the Greenspace Initiative and accordingly, appropriate proposals for open space, tree planting and footpaths/cycle routes should be incorporated as part of any planning application for development (see also Policy POL 2.4).”

7a.5 The proposed allotments, and the ethos of the Helix project in general, would assist in the aims of the Greenspace Initiative in terms of improved access, footpath links, tree planting and recreational opportunities.

7a.6 Policy POL 4.8 ‘Pipeline Consultation Zones’ states:

“Within the Pipeline Consultation Zones identified on the Policies, Proposals and Opportunities Map, development will not normally be permitted unless the Council is satisfied that:

- (i) future users or occupants will not significantly add to the number of people exposed to the existing risk from the pipeline; and*
- (ii) the development will not in any way affect the operation of the pipeline.”*

7a.7 The proposed development has been the subject of pre-application consultation with Ineos and Shell in relation to pipeline location and requirements. The layout has been designed to accommodate the requirement, and no objections have been received following consultation on the application under assessment.

7a.8 Policy POL 9.4 ‘Enhancement of Open Space’ states:

“The Council will seek to improve the amenity, recreational and ecological value of existing open space. In particular the Council will investigate means of implementing Opportunity REC1 identified on the Policies, Proposals and Opportunities Map.”

7a.9 The proposed development would improve the recreational value of an area of open space with no current community use.

7a.10 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) (April 2007) as amended by the Final Proposed Modifications (June 2010) and the views expressed in consultation responses and representations.

Falkirk Council Local Plan Finalised Draft (Deposit Version) April 2007 as amended by the Final Proposal Modifications (June 2010)

7b.2 Policy EQ20 - ‘Green Belt’ states:

“There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:

- (1) The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3;*
- (2) The proposal will not undermine the role of the Green Belt by*
 - detracting from its existing landscape character;*
 - reducing the visual separation between settlements; or*
 - compromising its existing or potential future use for countryside recreation.*

Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21.”

7b.3 The proposed development, as noted previously in paragraph 7a.3 of this report, has no adverse impact on the Green Belt.

7b.4 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.5 The proposed development, as noted previously in paragraph 7a.5 of this report, would assist in the continued implementation of the Greenspace Initiative.

7b.6 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.7 The proposed development would link with existing countryside access routes and established core paths in particular. The proposed development, as previously noted, would assist the Greenspace Initiative and improve recreational access in general.
- 7b.8 The above policies affirm the policy position expressed in the extant Falkirk Local Plan. The proposed development accords with these policies in relation to the countryside, path networks and outdoor access.

Summary of Consultation Responses

- 7b.9 The initial views of the Transport Planning Unit have to an extent been superseded by comments subsequently received from the Roads Development Unit. Research, following on from the initial views of the Transport Planning Unit, has lessened concerns over access and parking. Nonetheless, the proposed access from the A9 will require the submission of a Road Safety Audit to assess the proposed access, and the need or otherwise for amendment to the existing access. The requirement for a Road Safety Audit is consistent with the requirement for this at previous developments at this location, and can be required by planning condition.
- 7b.10 The guidance provided by the Environmental Protection Unit in relation to required assessment of contaminated land can be required by planning condition.
- 7b.11 The requirements of Ineos in relation to the protection of the Finnart to Grangemouth pipelines have been provided to the applicant to action.
- 7b.12 The requirements of BEAR Scotland for a barrier fence can be required by planning condition.

Summary of Representations

- 7b.13 The Roads Development Unit has confirmed that the site is served by an existing bus service with disabled access from the A904 immediately adjacent to the site. Bus services on Beancross Road will also serve the site via a proposed 3 metre cycle/footway from Primrose Avenue, and will link with Grangemouth and Laurieston. Both sides of the A904 can be accessed by an underpass at this location.
- 7b.14 The proposed site access has been demonstrated to be acceptable to Falkirk Council as Roads Authority, subject to the provision of a Road Safety Audit and agreed construction specification. The right to use this access is a civil matter between owners, and cannot be used as a reason to refuse the application.

7c Conclusion

- 7c.1 There is support for the proposed allotment development in the Development Plan on the basis that improved countryside access for recreation and community linkage would be achieved. The proposed allotments would also further assist the implementation of Falkirk Council's established Greenspace Initiative and the wider aims of the Helix project, a major environmental improvement within the Falkirk Council area.

- 7c.2 There are no material considerations which would justify setting aside the Development Plan and refusing planning permission.

8. RECOMMENDATION

8.1 It is recommended that Committee grant planning permission subject to the following condition(s):-

- (1) The development to which this permission relates must be begun within three years from the date of this permission.**
- (2) No work shall commence until details of an "unclimbable" fence between the application site and the M9 motorway is provided to the Planning Authority for assessment and written approval. The allotments shall not be open to the public until the fence has been erected.**
- (3) No work shall commence until details of a "Stage 2 Road Safety Audit" has been submitted for the assessment and approval of Falkirk Council as Planning Authority. The required Audit shall assess the proposed access from the A9 Laurieston Bypass to the site in the context of existing accesses to other developments served.**
- (4) All hard standing and parking areas shall be of a porous construction which allows any surface water to soak away.**
- (5) 5% of the approved parking spaces shall be provided as disabled parking.**
- (6) Access to the site shall be by means of a standard dropped kerb footway crossing point formed in accordance with the "Design Guidelines and Construction Standard for Roads in the Falkirk Council Area".**
- (7) The access shall be formed with a maximum gradient of 10% and such that no surface water is discharged or loose material is carried onto the public road.**
- (8) The access shall be at least 5.5 metres wide for the first 10.00 metres of its length.**
- (9) Any access gates shall open in an inwards direction only.**

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2-3) In the interests of public safety.**
- (4) To reduce the potential for flooding.**

(5-9) In the interests of public safety.

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 and 03.
- (2) The builder shall ensure that noise work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday/Bank Holidays	10:00 - 16:00 Hours

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

Pp

.....
Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

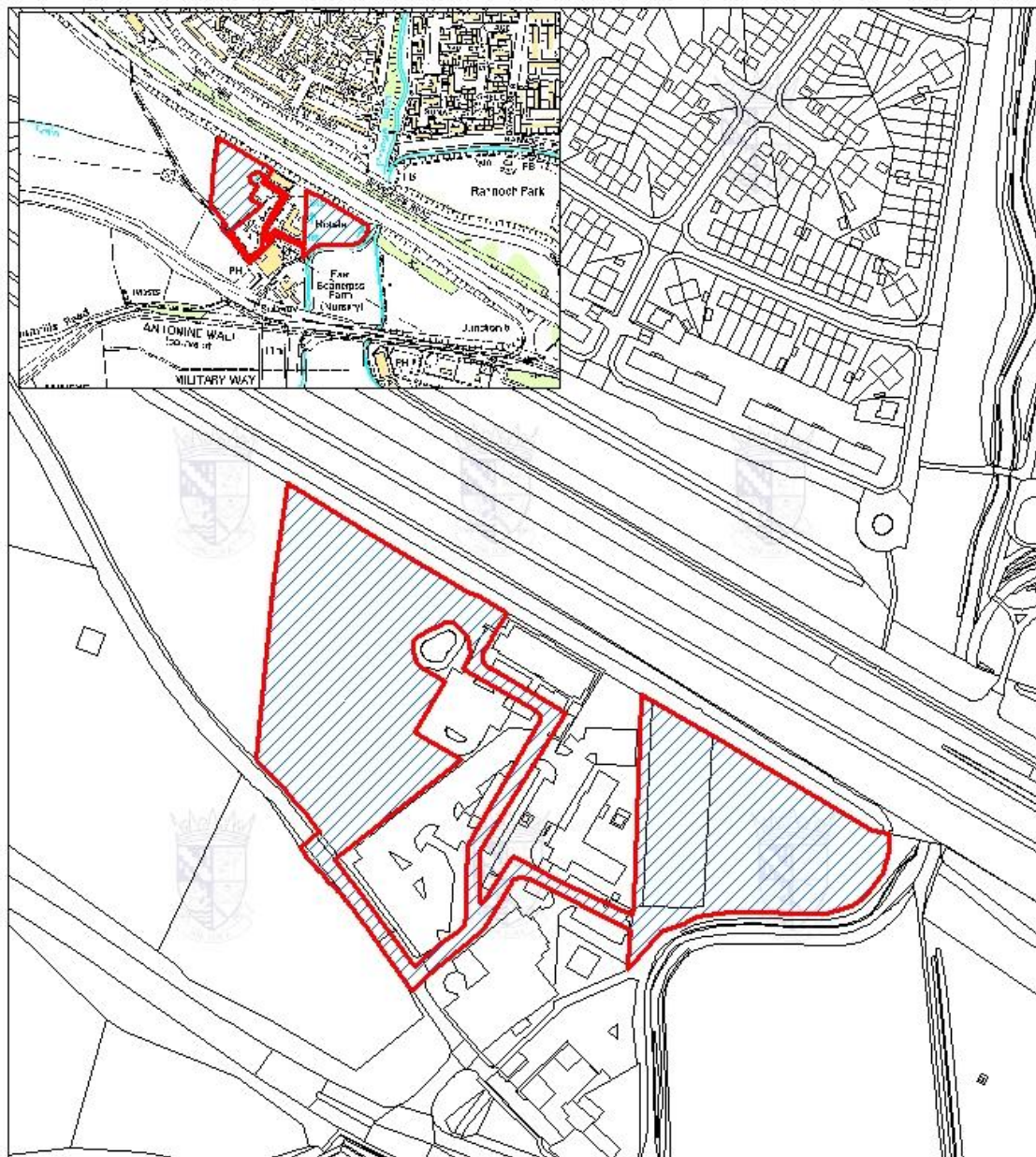
1. Falkirk Council Structure Plan.
2. Polmont & District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Letter of Objection received from J Walker, Marincest Limited, 111 Cadzow Street, Hamilton, ML3 6HG on 23 September 2010.
5. Letter of Support received from Mr Peter Rowe, 16 Dundas Street, Bo'ness, EH51 0DG on 1 September 2010.

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/10/0617/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 2010. All rights reserved.
Ordnance Survey Licence number 100023384