

FALKIRK COUNCIL

Subject: CHANGE OF USE OF PUBLIC OPEN SPACE TO FORM
VEHICULAR ACCESS AND HARDSTANDING
(RETROSPECTIVE) AT 21 ZETLAND DRIVE, LAURIESTON,
FALKIRK, FK2 9NP FOR MR MICHAEL REAPE –
P/10/0688/FUL

Meeting: PLANNING COMMITTEE

Date: 01 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: Kirsty Hope, (Assistant Planning Officer) ext. 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks detailed retrospective planning permission for the change of use of public open space to form a vehicular access and hardstanding. Although the development has started, works have not been completed. The proposed final paved surface has not been laid. The application site forms a larger area of public open space located at the corner of no.7 Dundas Road and no.21 Zetland Drive, Laurieston. The site measures approximately 3.7 metres in width and 11 metres in length, to allow for two vehicles to be parked off road.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires Committee consideration because the land is owned by Falkirk Council.

3. SITE HISTORY

- 3.1 No.28 Zetland Drive (Planning Reference: F/96/0476) and no.30 Zetland Drive (Planning Reference:F/96/0167), located opposite the application site, have both benefitted from planning permission to change the use of public open space to private garden ground.

4. CONSULTATIONS

- 4.1 The Roads Unit has advised that the proposal is generally acceptable; however they have requested that conditions be attached if consent is given in respect of the width and length of the driveway, its gradient and any means of enclosure.
- 4.2 The Environmental Protection Unit has no objections to the development.

5. COMMUNITY COUNCIL

- 5.1 The local Community Council did not make any representations.

6. PUBLIC REPRESENTATION

- 6.1 During the consideration of the application, one letter of objection has been received. The concerns raised within this objection can be summarised as follows:
- Cars parked next to access path to neighbouring dwelling, and if any of those cars were to catch fire Health and Safety of the adjoining resident is not being considered.
 - If the whole piece of land is owned by neighbour then there is ample room to move the access further from the joint pathway.
 - Poor quality edging along access path is clearly a trip hazard and is concerned about standards of work carried out.
 - Object to the application being considered in retrospect as works have been carried out and is worried that the application will be automatically passed.
 - Two vehicles parked on the unauthorised driveway before planning permission being sought.
 - There is a similar property to this property on Icehouse Brae that has a garage and a drive that is a reasonable distance from the entrance doors and would like this reflected in this application.

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 There are no policies relevant to the proposal in the Structure Plan.

Polmont and District Local Plan

7a.2 Policy POL 2.2 'Urban Limit' states:

"The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of the urban and village areas of Polmont and District for the period of the Plan. Accordingly, there will be a general presumption against development proposals which would extend the urban area beyond this limit or which would constitute sporadic development in the countryside."

7a.3 The site is located within the urban limits and therefore is in accordance with Policy POL 2.2.

7a.4 Policy POL 9.3 '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. When considering redevelopment proposals for playing fields and public open space, there should be a clear long term excess of pitches, playing fields and public open space in the wider area, taking into account long term strategy, recreational and amenity value and any shortfall in adjoining local plan areas;*
- (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; or*
- (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.*

Where a proposal is permitted which involves the loss of an area of open space, the Council may require a contribution from the developer towards upgrading other open space in the vicinity or the provision of replacement facilities to offset the loss. This alternative provision should be of equal community benefit and accessibility."

7a.5 Policy POL 9.3 (Protection of Open Space) seeks to protect all existing open space and to ensure that development does not diminish their recreational value. In this instance, the proposed development forms part of a larger plot of open space, there is no enclosure proposed. It is considered that the appearance and setting of the area is not adversely affected. Furthermore, existing trees within the corner plot are not affected. Other properties nearby have benefitted from permission to change the use of small areas of open space to garden ground in the past and therefore this application is not considered to be setting an undesirable precedent.

7a.6 Accordingly, it is considered the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), the responses from consultees and the letter of representation.

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

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 a settlement and neighbourhood audit 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 Policy SC12 seeks to protect all existing urban open space. Under this policy, the loss of urban open space will only be permitted in limited circumstances. These circumstances include where there would be no adverse impact on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development.

7b.4 In this instance, the development does not enclose the area of ground. This proposal is not considered to materially reduce the amenity and character of the corner plot. The application site is not considered to be recreational open space or to have any other ecological value, and its loss would not threaten any public access routes.

Responses To Consultation

7b.5 The Roads Unit has requested that conditions be attached as detailed in paragraph 4.1, if consent is given. The application site is relatively flat, the submitted drawings indicate that the driveway would have a slabbed run-in and the width and length of the driveway would comply with the suggested conditions. No enclosures are proposed. Any enclosures would require planning consent separate to this application.

Assessment of Public Representations

7b.6 The concerns raised have been summarised in Section 6.1 of this report. In response to the concerns, the following comments are considered to be relevant:

- Cars catching fire is not a material planning consideration.
- The whole corner plot is not owned by the applicant and planning permission is only being sought for the land indicated in red within the location and block plan submitted.
- The quality of edging along a footpath would not require planning permission and therefore cannot be controlled by this application.
- This application will be assessed in retrospect and this will not automatically mean that the application will be consented; land owner's consent should be sought by the applicant separately.
- There are similar driveways within close vicinity and it is not considered reasonable to move the vehicular access.

7c Conclusion

7c.1 It is considered that the proposed development accords with the terms of the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010). It is considered there are no material planning considerations which warrant refusal of this planning permission.

8. RECOMMENDATION

8.1 It is recommended that planning permission be granted subject to the following conditions:-

- (1) Within six months of the date of this permission the proposed hardstanding areas shall be surfaced and finished in accordance with the plan that bears our online reference number 01.

Reason(s):

- (1) In the interests of road safety and to safeguard the visual amenity of the area.

Informative(s):

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

- (2) Please note that this permission does not alter the need to ensure that any other consent(s) necessary, under other legislation, are obtained. The Land is in ownership of Falkirk Council therefore this development cannot be carried out until ownership or a lease is obtained.

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 from Miss Lesley McChristie, 23 Zetland Drive, Laurieston, Falkirk FK2 9NP on 4 November 2010

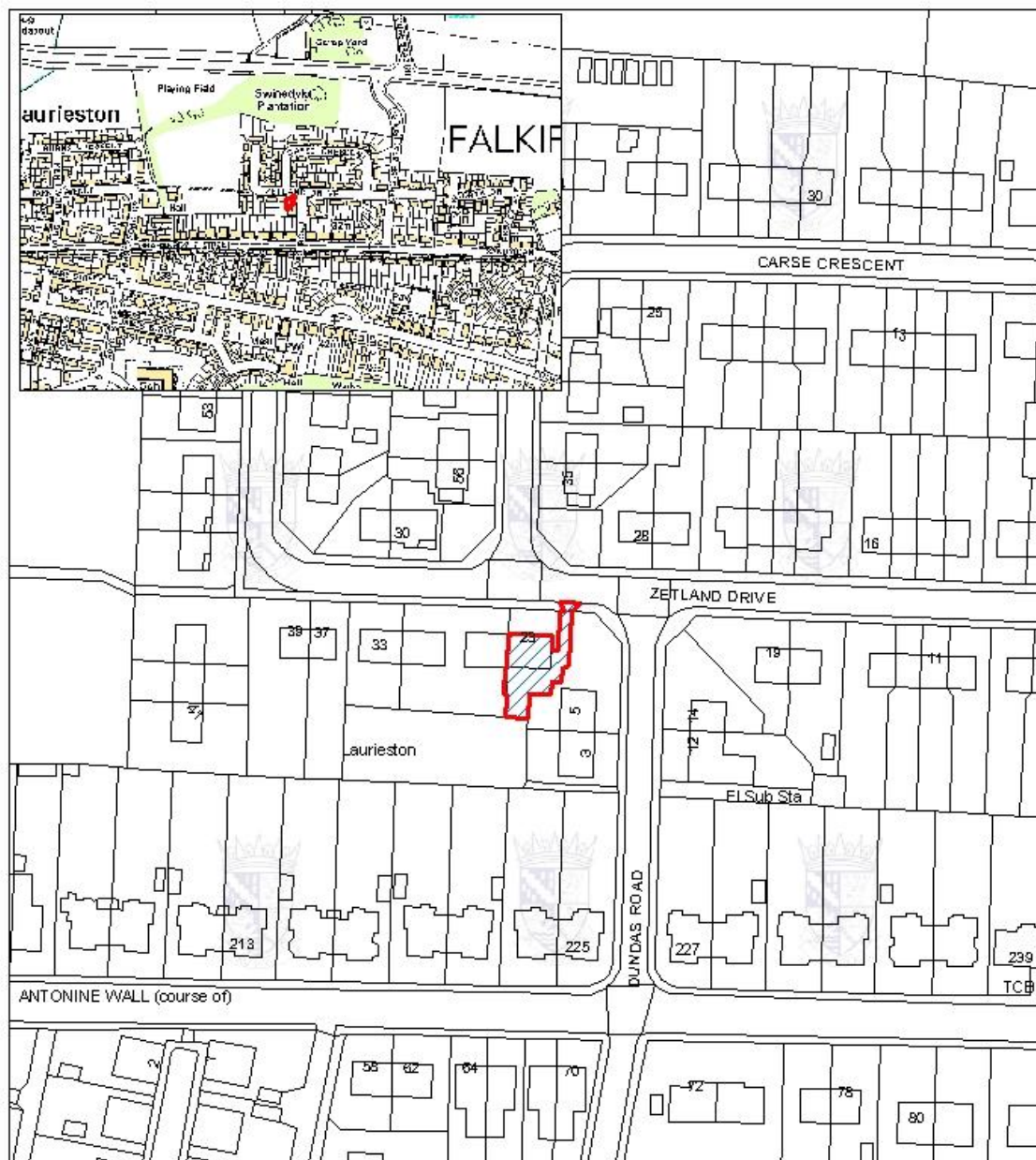
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0688/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