

FALKIRK COUNCIL

Subject: CHANGE OF USE OF PUBLIC OPEN SPACE TO FORM PRIVATE GARDEN GROUND, ERECTION OF DOMESTIC GARAGE AND 1.8M TIMBER FENCING AT LAND TO THE EAST OF 14 BLINKBONNY ROAD, BLINKBONNY ROAD, FALKIRK FOR MR ALEXANDER GRAHAM – P/11/0254/FUL

Meeting: PLANNING COMMITTEE

Date: 24 August 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South
Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: None

Case Officer: Stephen McClure (Planning Officer), Ext. 4702

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site consists of an area of land to the rear of two residential properties (semi-detached), which has become surplus to Falkirk Council's requirements due to the construction of the new Falkirk High School. The Council has offered to sell the land to the respective owners of the residential properties. It is being proposed by the owners to change the use of the land to garden ground and integrate it into their existing rear gardens. In addition, the inhabitants of 14 Blinkbonny Road are proposing to erect new boundary fencing and a new garage.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Falkirk Council has a financial interest in the land and under the Council's approved Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 No history which is relevant to the current application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have no objection to the proposal.

- 4.2 The Environmental Protection Unit have advised that a Contaminated Land Assessment would be required.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, no letters of objection or representation were received.

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 relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

- 7a.2 Policy SC9 - 'Extensions And Alterations To Residential Properties' states:

"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 impacts on the functioning of garden ground, or the unacceptable loss of off-street parking."*

- 7a.3 The proposed alterations to the rear garden, including the erection of a domestic garage, are considered to be sympathetic to the existing dwelling in terms of the proposed scale, design and materials. The proposed additional area of garden ground and associated structures would also not affect the degree of amenity, daylight or privacy enjoyed by the neighbouring properties. The overall functioning of the garden ground would not be affected, with an increase in the usable area. Parking to both properties will remain unaltered. It is therefore considered that the proposal accords with Policy SC9.

7a.4 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."*

7a.5 The character and appearance of the area would not be affected by the integration of the area of open space into the rear gardens of the dwellings. Although this area was used to form a small section of a garage lock-up, this is no longer the case, due to the construction of the new High School and redrawing of the boundaries. The garage lock-up was removed as part of the construction of the new school and the small area of open space is outwith the new school's boundary, leaving it as an unused area of open space. The integration into the two dwellings' garden ground would see the area reused, and would therefore be beneficial to the overall character and appearance of the area. The area of open space currently has no public access routes passing through it, these having been removed with the construction of the new school. It is therefore considered that the proposal accords with Policy SC12.

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

7b Conclusion

7b.1 It is considered that the proposal is an acceptable development and is in accordance with Policies SC9 and SC12 of the Falkirk Council Local Plan. There are no other material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee 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) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.

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 and 04.

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Director of Development Services

Date: 16 August 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan

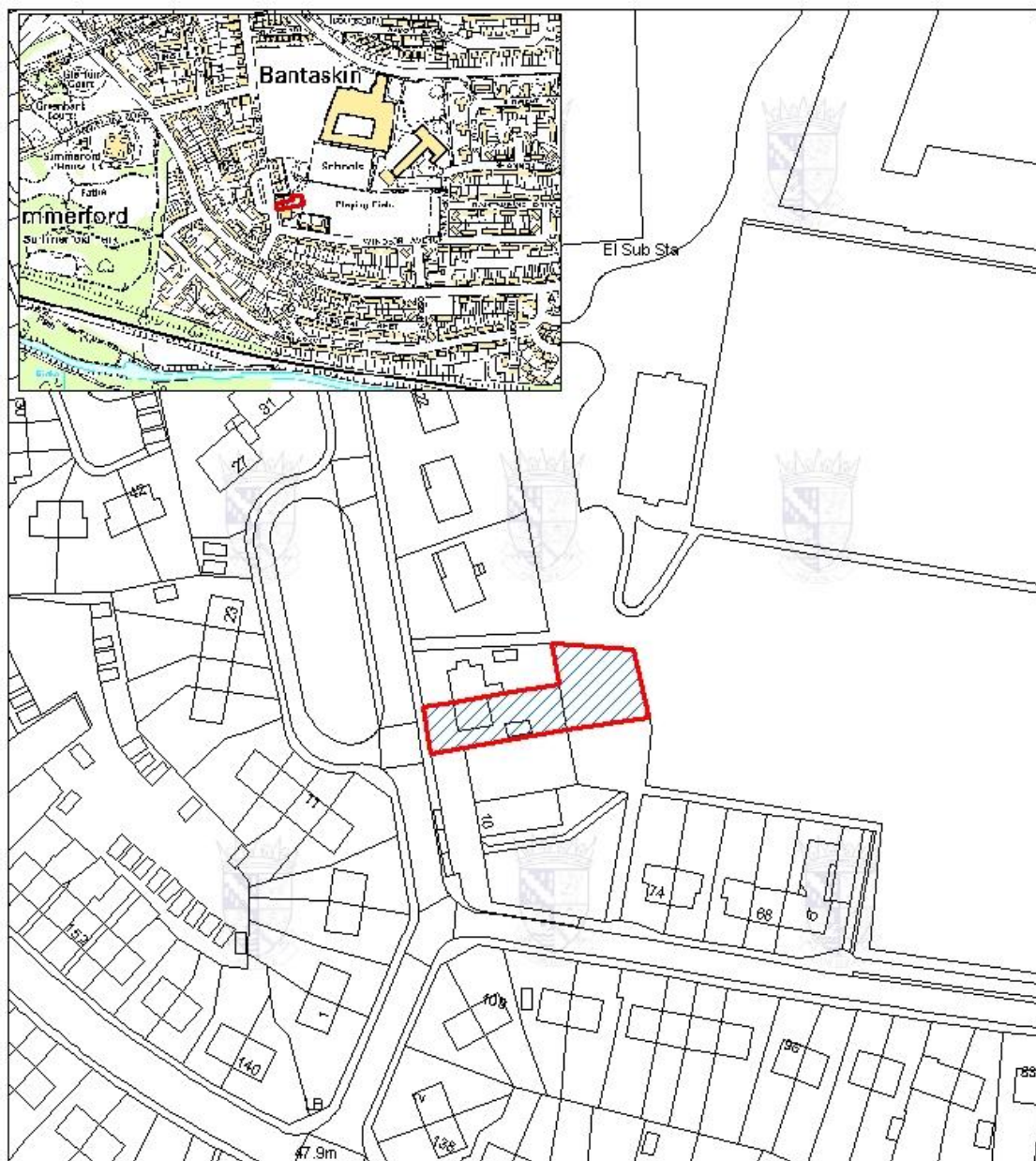
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure, Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0254/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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