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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND)
ACT 1997 (AS AMENDED)
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS



Falkirk Council

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review. Please note that the guidance notes are issued by the Scottish Government. They apply to planning authorities generally and not specifically to Falkirk Council

In terms of the Act and regulations referred to above, Falkirk Council's Planning Review Committee sits as the "local review body".

Please use **BLOCK CAPITALS** if completing by hand.

Applicant(s)

Name	JOHN MC GILTYN
Address	118 MAIN ST PLAINS AIRDRIE
Postcode:	ML67 3Q
Tel	
Mobile	
Fax	
e-mail *	

Agent

Name	
Address	
Postcode:	
Tel	
Mobile	
Fax	
e-mail *	

Mark this box to confirm all contact should be through your agent or representative: ☐

* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☐ No ☒

Planning authority's application reference number

P/10/0335/FUL

Site address

Description of proposed development

BADOUR COTTAGE - LAND TO EAST OF AIRMILL LANE, FALKIRK
ERECTION OF DWELLING HOUSE.

Date planning application declared
valid by Planning Authority

22.6.10

Date of Decision (Leave blank if
appeal against non-determination)

Note. This notice must be served on the planning authority within **three months** of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

The Planning Review Committee will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you consider that the review should be conducted by a combination of procedures. Please note, however, that the final decision as to procedure will rest with the Planning Review Committee.

- | | |
|---|-------------------------------------|
| 1. Further written submissions | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions | <input checked="" type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

APPEALING AGAINST DECISION.

Site inspection

In the event that the Planning Review Committee decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Planning Review Committee would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Planning Review Committee to consider as part of your review.

If the Planning Review Committee issues a notice requesting further information from any other person or body, copies of any such information received will be sent to you and you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State in the space provided the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Are you submitting a statement of reasons for review in a separate document?

Yes ☐

No ☐

Reasons for Notice of Review

SEE LETTER ENCLOSED

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☒

No ☐

Are you submitting additional documentation?

☐

☒

If you answer yes to either or both of the above questions, you should explain in the box below, why you are raising new material and/or introducing additional documentation, why it was not raised with or made available to the appointed officer before your application was determined and why you think it should now be considered in your review. Please note that it will be for the Planning Review Committee to decide whether or not all or any of the new material/additional documentation will be considered in the review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

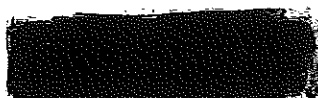
- Full completion of all parts of this form ☐
- Statement of your reasons for requiring a review ☐
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☐

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions; it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

6/10/10

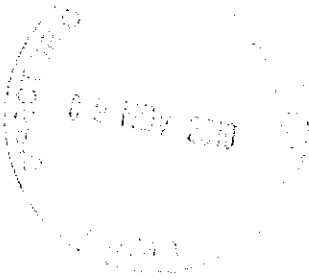
This form and other documents should be returned to:

The Development Manager,
Development Services,
Abbotsford House,
Davids Loan,
Falkirk FK2 7YZ

Planning Department
Falkirk Council
Abbotsford House
Davids Loan
Bainsford, Falkirk
FK2 7Y2

John McGlynn
118 Main Street
Plains
ML6 7JQ

04.11.2010



Dear Sir/Madam

Proposed dwelling house at Badcur Cottage by Avonbridge.
Planning reference No: P/10/0335/FUL/AD110

With reference to Falkirk Council's planning decision to refuse planning permission at the above location I would now wish to appeal this decision. My grounds for appeal are as follows:

- The sight formed part of the former Crossroads Village
- The site occupied a sandstone detached property which was demolished in or around the 1970's
- Following the demolition of the cottage the site was occupied for years by a residential caravan and garage
- The access to and from this site is no worse than numerous properties along the road.
- The area and landscape would benefit from the development because at present the sight is an eyesore and has been for years.

In conclusion, I would be obliged if you would consider the above points of appeal and thereafter grant the required planning permission.

Yours faithfully

John McGlynn

APPLICATION FOR PLANNING PERMISSION (NON HOUSEHOLDER)

Town & Country Planning (Scotland) Act 1997



Falkirk Council
Development Services

Please read the notes before completing this form. If you have any doubts about how to complete any part of the form, please contact Development Services and ask to speak with the Development Management Duty Officer. The telephone number is (01324) 504748. ONE copy of the completed form, TWO copies of the plans, the appropriate fee and other documents should be returned to:

The Director of Development Services
Abbotsford House, David's Loan,
Falkirk FK2 7YZ

REG
C18

21-05-2010 (FRI) 12:26
MCR01 044053
CT 1

1	PLANNING APP.	£319.00
	TOTAL	£319.00
	CHEQUE	£319.00
	CHANGE	£0.00

Falkirk Council is the Data Controller under the Data Protection Act 1998. Information submitted in this form and associated documents will be processed in accordance with the Act.

1 DESCRIPTION OF PROPOSED DEVELOPMENT

ERECTION OF 1 1/2 STOREY HOUSE

2 ADDRESS OR LOCATION OF PROPOSED DEVELOPMENT

Address: BACCHA COTTAGE AVONBRIDGE ROAD
AVONBRIDGE Postcode: _____

3 AGENTS NAME AND ADDRESS

Name: JOHN MCGLYN
Address: 118 MAIN ST PLAINS BY A. ROADIE
Postcode: ML6 7JQ E-mail: _____
Telephone: _____ Fax: _____

4 DETAILS OF PROPOSALS

a Land Use/Use of Building(s)

Present: VACANT - ORIGINALLY BACCHA COTTAGE DEMOLISHED APPROX 4/5/2000

Proposed: ERECTION OF 1 1/2 STOREY HOUSE

Last known use of land/buildings (if unoccupied/vacant or derelict):

RESIDENTIAL

b Site Area Gross: 0.07 hectares Net of buildings to be retained: _____ hectares

c Are any trees to be felled/lopped? Yes ☐ No ☒

If yes, existing trees and those proposed to be felled/lopped should be clearly shown on the submitted plans.

d Are any buildings/structures to be demolished? Yes ☐ No ☒

If yes, provide details of the floorspace, present use and condition:

e Is the construction of a new, or alteration of an existing access to a public road involved?

Yes ☒ Name of road to which access is required:

No ☐ AVONBRIDGE ROAD

f Car Parking Number of spaces available now: NIL Proposed: 3

g Provision for Cyclists

Number of spaces available now on racks outside of building: NIL

Number of spaces available on completion of development on racks outside of building: NIL

h Materials

External Walls: BUFF BRICKWORK, BUFF FACED BRICK / SANDSTONE

Roofs: GREEN GLAZED ROOF TILES

Parking Area/Driveway: NONE ALLOWED

Windows/Doors: BRICK UPVC.

Boundary Walls/Fences: SEVEN STAND STUBB WIRE

5 TYPE OF APPLICATION		
Planning Permission (FUL): <input checked="" type="checkbox"/>	Planning Permission in Principle (PPP) <input type="checkbox"/>	
Further Application (extension of time on development not started): <input type="checkbox"/>		
Further Application (removal of conditions on a previous application): <input type="checkbox"/>		
Application for Approval of Matters Specified In Conditions (MSC) <input type="checkbox"/>	*	
<i>*Date and reference number of previous decisions (if known and applicable):</i>		
6 HAVE THERE BEEN ANY PRE-APPLICATION DISCUSSIONS WITH THE PLANNING DEPARTMENT?		
Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>		
If yes: By Telephone: <input type="checkbox"/> Meeting: <input type="checkbox"/> Date: _____		
By Letter: <input type="checkbox"/> Officers Name: _____		
7 SITE INFORMATION/PROPOSED FLOOR AREAS		
a Residential Development		
i Does conversion of existing building to new units form part of this application? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
ii Total number of dwellings formed: Detached: <u>1</u> Semi: _____ Terrace: _____ Flats: _____ Other: _____ Grand Total: _____		
b Non Residential Development		
	Proposed	Existing
i Recreation and Leisure	m ²	m ²
ii Manufacturing/Production	m ²	m ²
iii Storage/Distribution	m ²	m ²
iv Office Area	m ²	m ²
v Retail	m ²	m ²
8 DRAINAGE AND CONTAMINATION		
Surface Water Drainage: It is intended to use:		
Connection to a public drain: <input type="checkbox"/>	Separate soakaway or watercourse: <input checked="" type="checkbox"/>	
	Sustainable Urban Drainage System: <input type="checkbox"/>	
Foul Drainage: It is intended to use:		
Connection to a public sewer: <input type="checkbox"/>	An existing septic tank: <input type="checkbox"/>	
A new septic tank: <input checked="" type="checkbox"/>	Another tank method: <input type="checkbox"/>	
For Septic Tank Drainage Systems: please specify whether the septic tank will drain to:		
A watercourse: <input type="checkbox"/>	A soakaway pit/perforated pipe system: <input checked="" type="checkbox"/>	
Estuary: <input type="checkbox"/>		
Flooding: is the area susceptible to flooding? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If yes, please supply any known details of previous floods including dates, area affected, etc: _____		
Contamination:		
To the best of your knowledge has the application site, in view of it's present or a previous use been subject to ground contamination? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If yes, please supply details: _____		
9 FEE		
I enclose a fee to the value of: <u>£ 319.00</u>		
Please state which fee group your application falls under, Group: _____		
If the fee is based on floorspace please state the floor areas using <u>external</u> dimensions for all floors (Notes for Guidance in relation to the Scale of Fees currently in force is contained in the application pack): _____		

10 LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2009
Regulation 15

If you do not own all of the land or property to which this relates, you must notify all the owners at the same time as submitting this form. You must complete either certificates A or B below as applicable by inserting the date and details as appropriate. . ANYONE WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE OR MISLEADING DECLARATION IS LIABLE, ON CONVICTION, TO A FINE OF CURRENTLY UP TO £2,000

Certificate A (Note A)

I hereby certify that:

- 1 no person other than *myself/the applicant was an owner (Note B) of any part of the land to which the application relates, at the beginning of the period of 21 days ending with the date of this application; and
- 2 none of the land to which this application relates constitutes or forms part of an agricultural holding.

Insert date if this certificate applies

Date: 21.5.10

Certificate B (Note A)

I hereby certify that:

Tick 1 box only

- 1 no person other than *myself/the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application; ☒

OR

*I have/the applicant has served notice on every person other than *myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner (Note B) of any part of the land to which the application relates. ☐

These persons are (continue on a separate sheet if necessary):

Name	Address	Date Notice Served

Tick 1 box only

- 2 none of the land to which this application relates constitutes or forms part of an agricultural holding ☒

OR

the land or part of the land to which the application relates constitutes or forms part of an agricultural holding and *I have/the applicant has served notice on every person other than *myself/himself who at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

These persons are (continue on a separate sheet if necessary):

Name of Tenant (Note C)	Address	Date Notice Served

Insert date if this certificate applies

Date: 21.5.10

Note A: Certificate A to be completed where the applicant is the only owner and the land is not an agricultural holding. Certificate B to be completed where Certificate A does not apply but where it has been possible to notify all the owners and agricultural tenants.

Note B: Any person who in respect of any part of the land, is the proprietor of the "dominium utile" or is the lessee under a lease thereof of which not less than 7 years remain unexpired.

Note C: If you are the sole agricultural tenant enter "None".

*Delete as appropriate

This page is intentionally left blank.

11 APPLICANTS DETAILS

Name: JOHN MCGILH
 Address: 118 MAIN ST PLAINS
BY AIRDRIE
 Postcode: ML6 7JQ E-mail: _____
 Telephone: _____ Fax: _____

12 DATA PROTECTION ACT**YOUR PERSONAL DATA**

Falkirk Council respects your personal information and undertakes to comply with the Data Protection Act 1998.

The personal data you provide in making an application under the Planning Acts and related legislation will be used for the following purpose:

to enable the Council to undertake its statutory planning responsibilities under the above legislation.

Your data may be disclosed to the following parties in connection with the aforesaid purposes:

Parts I and II of the Statutory Planning Register - the entire application in paper form will be made available to all members of the public in order that:

officers and Members of the Council can discharge their statutory responsibilities; and

consultees and the general public may provide an input to the planning process.

The Council's Website - personal data contained within the application form will not be uploaded to the Council's Website.

Falkirk is the registered Data controller. Any queries regarding the processing of your personal data by Falkirk Council should be directed to the Director of Law and Administration, Municipal Buildings, Falkirk FK1 5RS

Signature of Applicant OR
 Agent: _____

Date 21.5.10

13 PUBLIC ACCESS TO PLANNING INFORMATION

From 29 April 2009, Falkirk Council will provide the facility to view and comment on planning applications online. **AS A RESULT OF ADVICE GIVEN TO COUNCILS BY THE INFORMATION COMMISSIONER ONLY SECTIONS 1-7 OF THIS FORM WILL BE MADE AVAILABLE TO VIEW BY THE PUBLIC ON-LINE.** The full submission will, however, be placed on the statutory Planning Register which is accessible by the public at Abbotsford House, Davids Loan Falkirk FK2 7YZ during normal working hours Monday to Friday.

14 NOTES/ADDITIONAL INFORMATION

TO AVOID INADVERTANT DAMAGE TO UNDERGROUND PLANT WHICH MAY RESULT FROM YOUR PROPOSALS, YOUR AGENT OR BUILDER IS ADVISED TO USE THE NATIONAL ONE-CALL LINE 0845 800 9957. A free Dial-before-you-dig service is available to registered users see www.national-one-call.co.uk/selfplan.asp

Checklist - Application for Non-Householder Application

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

Failure to submit all this information may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

	YES	NO
A copy of a location plan which identifies the land to which the application relates. This should have a north point and be drawn to an identified scale.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A copy of other plans and drawings or information necessary to describe the proposals (two must be selected).		
Existing and proposed elevations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Existing and Proposed floor plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cross sections	<input type="checkbox"/>	<input type="checkbox"/>
Site layout plan/Block plans (including access).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roof plan.	<input type="checkbox"/>	<input type="checkbox"/>
Master Plan/Framework Plan		
Landscape plan		
Photographs and/or photomontages	<input type="checkbox"/>	<input type="checkbox"/>
Additional Surveys*	<input type="checkbox"/>	<input type="checkbox"/>
A Supporting Statement**	<input type="checkbox"/>	<input type="checkbox"/>
Copy of an Environmental Statement	<input type="checkbox"/>	<input type="checkbox"/>
Design statement, and/or access statement.	<input type="checkbox"/>	<input type="checkbox"/>
Flood Risk Assessment	<input type="checkbox"/>	<input type="checkbox"/>
Drainage Impact Assessment (including proposals for Sustainable Drainage Systems)	<input type="checkbox"/>	<input type="checkbox"/>
Drainage/SUDS layout	<input type="checkbox"/>	<input type="checkbox"/>
Transport Assessment or Travel Plan	<input type="checkbox"/>	<input type="checkbox"/>
Contaminated Land Assessment	<input type="checkbox"/>	<input type="checkbox"/>
Habitat Survey	<input type="checkbox"/>	<input type="checkbox"/>
Other Statements (please specify). (Max 500 characters)	<input type="checkbox"/>	<input type="checkbox"/>
Application Fee unless exempt	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other

* for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.

**you may wish to provide additional background information or justification for your proposals. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required.

Please note that, unless exempt, you must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been received by the planning authority.

PROPOSED HOUSE

AT

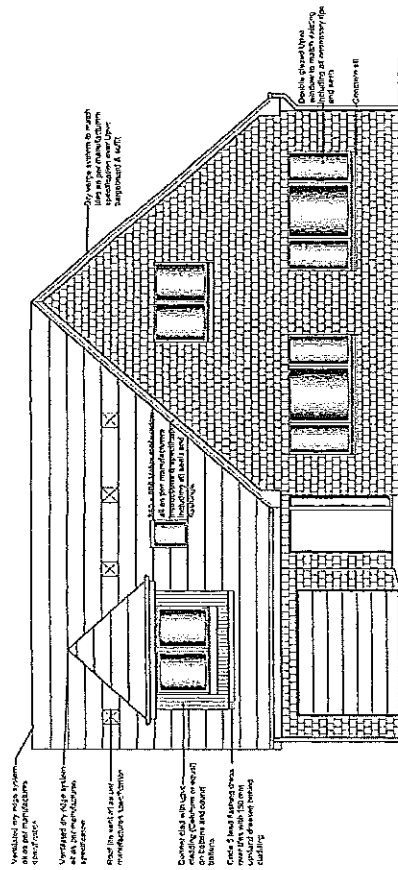
BADCUR COTTAGE

AVONBRIDGE ROAD

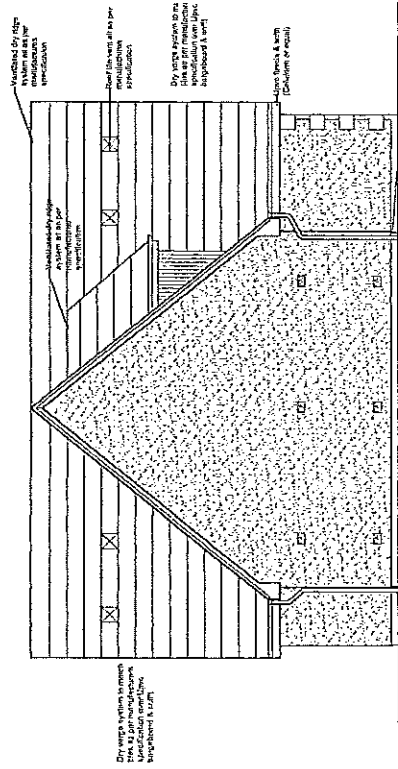
AVONBRIDGE

DRG No 2 ELEVATIONS

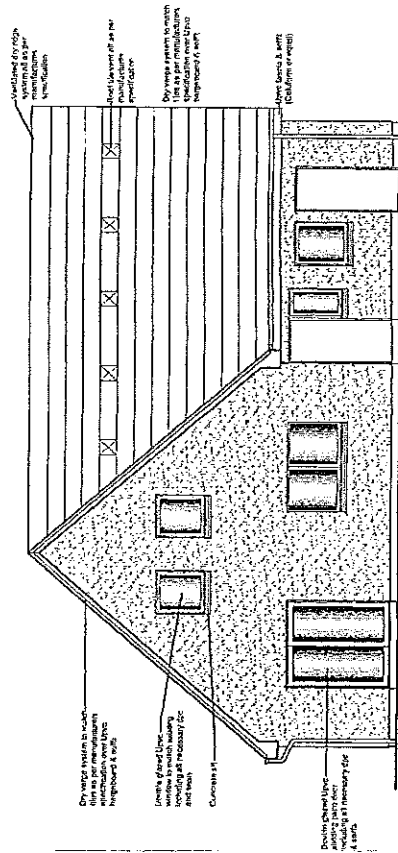
SCALE 1:50 MAY 10



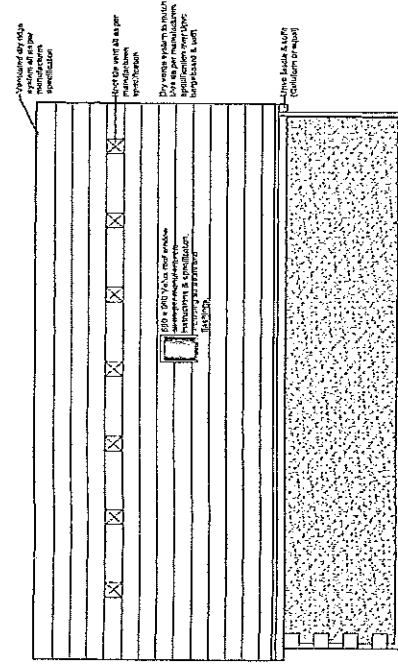
FRONT ELEVATION



GABLE ELEVATION



REAR ELEVATION



GABLE ELEVATION

A

AVONBRIDGE ROAD

DRG N°5 PROPOSED/

EXISTING LEVELS

SCALE 1:200 JUN 10

98-976850
SLAB TO FURNACE SHED/
GARAGE

BEVERLY SUE GARD

PROJ. 2671, QUOND

avonbridge road

EXISTING LEVELS

PROPOSED LEVELS

PROPOSED HOUSE

AT

BADCUR COTTAGE

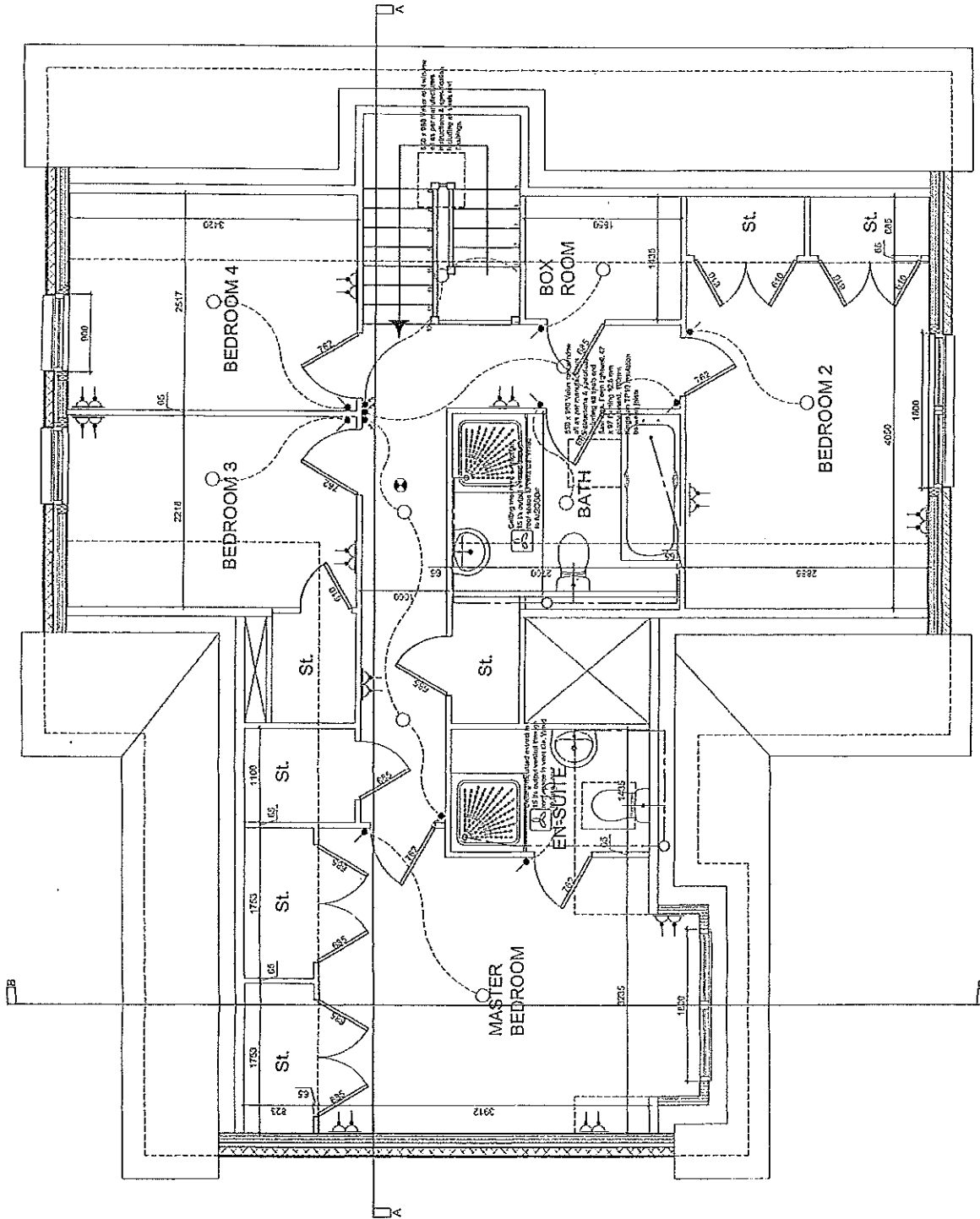
AVONBRIDGE ROAD

AVONBRIDGE

DRG N° 4 UPPER FLOOR LAYOUT

SCALE 1:50 MAY:10

16



FIRST FLOOR PLAN

PROPOSED HOUSE

AI

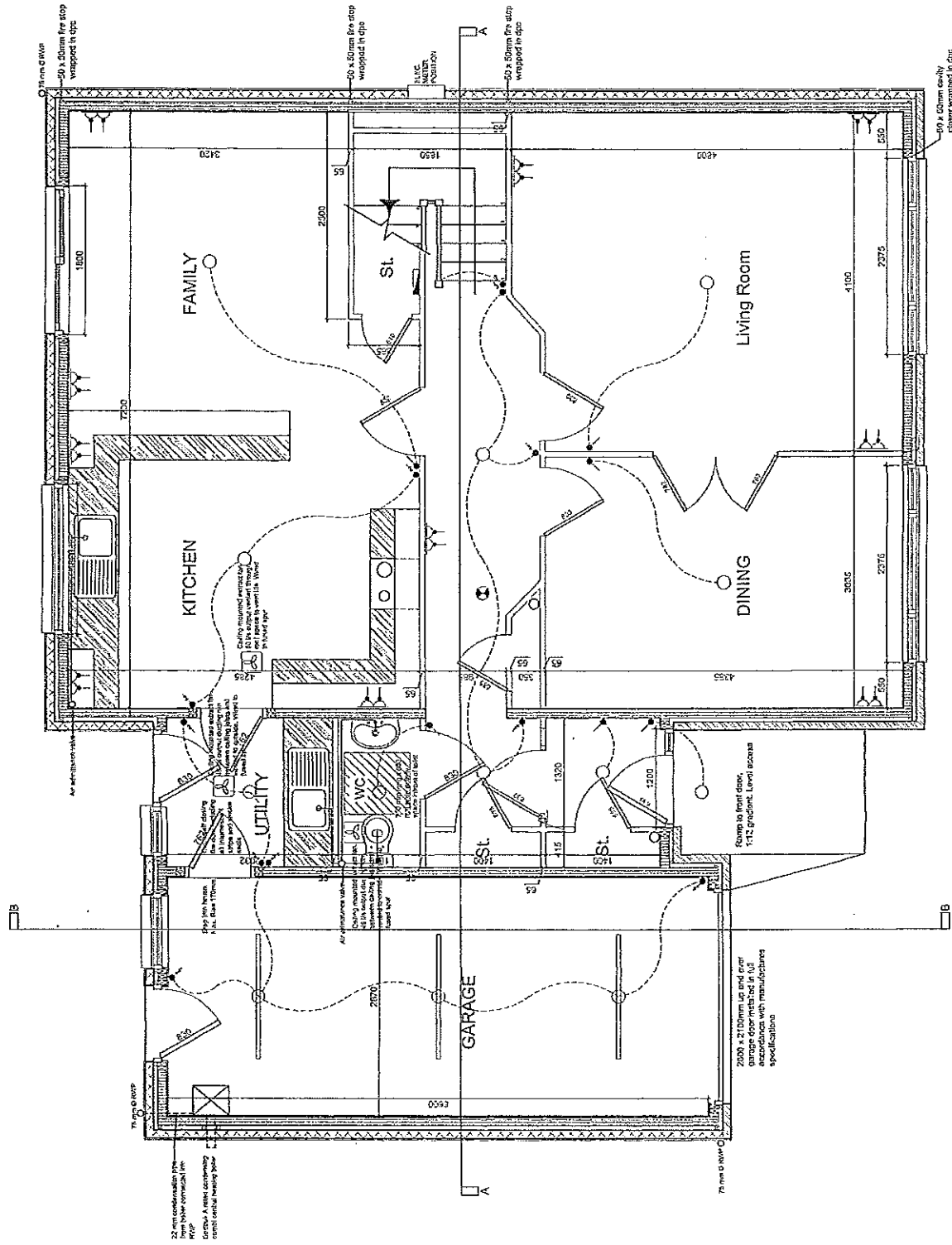
BADCUR COTTAGE

A VONBRIDGE ROAD

AVONBRIDGE

DRG No 3 GROUND FLOOR LAYOUT

SCALE 1:50 MAY 10



GROUND FLOOR PLAN

PROPOSED HOUSE

AT

BADCUR COTTAGE

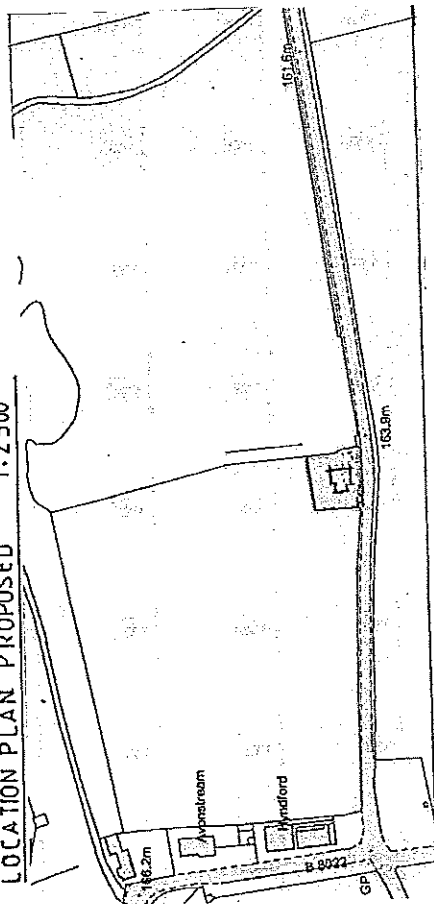
AVONBRIDGE ROAD

AVONBRIDGE

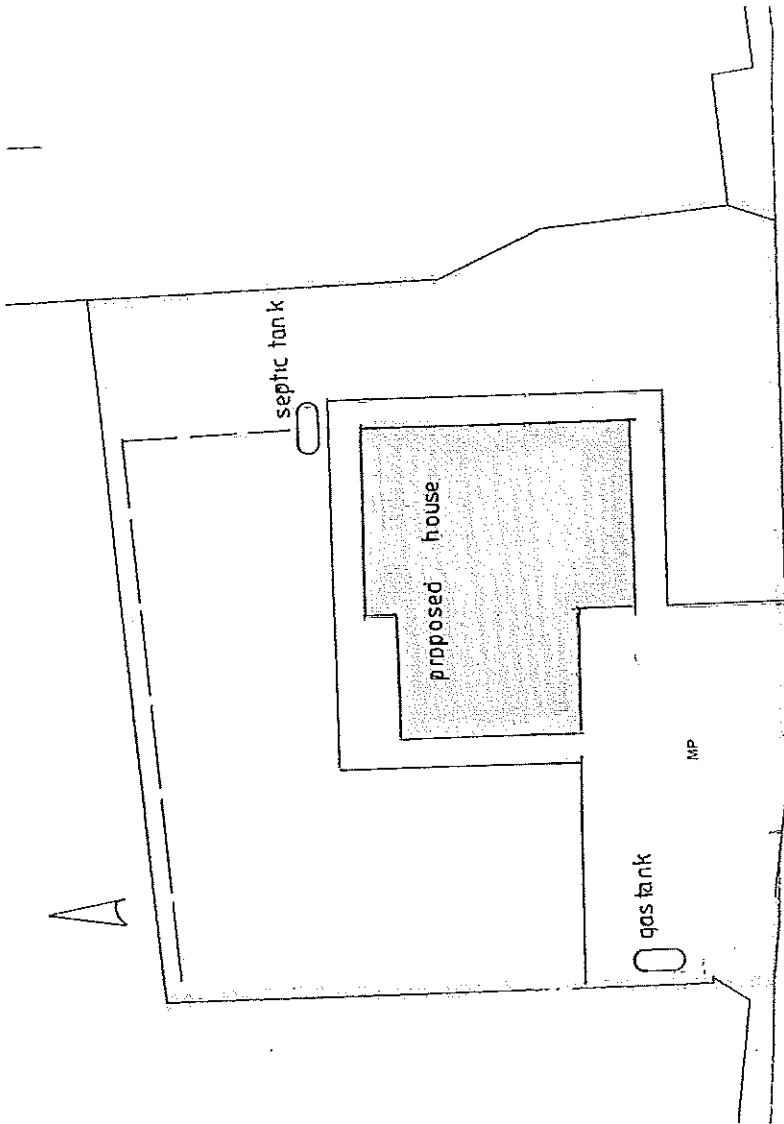
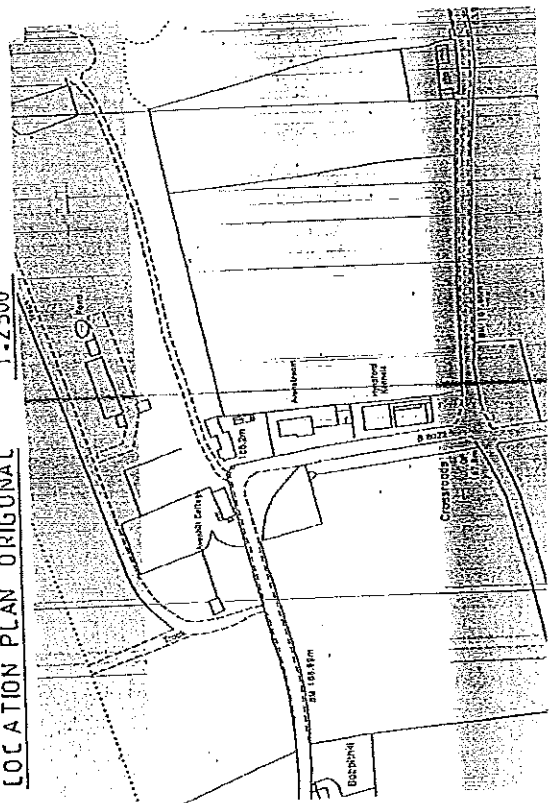
DRGN°1 BLOCK AND LOCATION PLAN

SCALE 1:200 1:2500 MAY 10

LOCATION PLAN PROPOSED 1:2500



LOCATION PLAN ORIGINAL 1:2500



BLOCK PLAN 1:200

SPECIFICATION

- ROOF : GRASS CONCRETE ROOF TILES
- WALLS : BUFF COLOURED RAILCATION ON CONCRETE BLOCKS WITH FACING BRICK BUFF COLOUR UNDER
- WINDOWS : BROWN U.P.V.C.
- DOORS : BROWN U.P.V.C.
- FACIA : BROWN U.P.V.C.
- RAVINGHILL / SOIL : BROWN U.P.V.C.
- DRIVE / FOOTPATHS : TONGUE BLOCK PAVING
- FENCE : 1 m HIGH 7 STRAND STAB AND WIRE.
- ACCESS : TO ROADS SPECIFICATION
- DRAINAGE : SEPTIC TANK WITH SOAKAWAY OUTLET.
- HEATING : CALOR GAS TANK.

Roads and Design

From: MacKenzie, Roddy
 Sent: 20 July 2010 16:49
 To: adtm1dmbscorr
 Cc: Raeburn, Brian
 Subject: P-10-0335-FUL Avonbridge Road

Development Services

Memo

To: Julie Seidel, Planning Officer
 Planning and Transportation (Development Control)

From: Roddy Mackenzie, Roads Development

Date: 20 July 2010
 Fax: 4850

Enquiries: 4908

Our Ref: RMK/
 P/10/0335/FUL

Your Ref:

Proposal : Erection of Dwellinghouse
 Location : Land to the East of Avonhill Lodge , Falkirk.
 Application : P/10/0335/FUL

I refer to your consultation notice received on 22 June 2010 regarding the above application.

The application site is in a rural location to the west of Avonbridge and is accessed via the B825 Avonbridge Road, which is a double lane width rural road of restricted alignment that lacks footway and lighting provision, and has quite restricted forward visibility at a number of locations.

The proposed access to the site is located at inside of a bend between to straight sections of road and thus could be subject to high vehicle speeds, and so I would not wish to encourage any further development at this section of rural road which could lead to additional vehicular and pedestrian traffic to the possible detriment of road safety. I would also contend that the granting of this consent may lead to further development in this rural location.

Roads and Design

In view of the aforementioned it is advised that consent should only be granted if the proposed dwelling is essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location

However, if you are minded to grant consent, I would ask that the following conditions be attached:-

1. Excluding any garage facility, off street parking shall be provided at a rate of one space for one and two bedroom dwellings and two spaces for dwellings with three or more bedrooms.
2. The off-street parking spaces shall be a minimum of 6m long and 3m wide.
3. A suitably sized turning area shall be provided within the site to allow vehicles to enter and exit in forward gear.
4. A visibility splay at the access to the site of 2.4m by 200m shall be required, within which there should be no obstruction to visibility over 0.6m in height.
5. The proposed bell mouth at the new access junction with the B825 Avonbridge Road shall have a new dropped kerb access across the verge with 6m kerbed corner radii.
6. The access road junction shall be constructed and surfaced to Falkirk Council Guidelines and the applicant shall apply for a Minor Roads Construction Consent that will advise on the section of access road that will cross the existing verge and any road-side drainage.
7. Any gates should only open in an inwards direction only.

I would be obliged if you could ask the applicant to provide an amended drawing to reflect the above points which would then allow me to add further comment.

Regards

RMK

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6th July 2010

Falkirk Council
Abbotsford House Davids Loan
Falkirk
FK2 7YZ

SCOTTISH WATER

Customer Connections
419 Balmore Road
Glasgow
G22 6NU

Customer Support Team
T: 0141 355 5511
F: 0141 355 5386
W: www.scottishwater.co.uk
E: connections@scottishwater.co.uk

Dear Sir/Madam

PLANNING APPLICATION NUMBER: P/10/0335/FUL
DEVELOPMENT: Land to the East of Avonhill Lodge, Falkirk
OUR REFERENCE: 361977
PROPOSAL: Erection of a dwellinghouse

Please quote our reference in all future correspondence

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Carron Valley Water Treatment Works currently has capacity to service this proposed development.

Water Network – Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will require to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:
www.scottishwater.co.uk.

Yours faithfully

Morven Henderson

Customer Connections Administrator

Tel: 0141 355 5289

morven.henderson@scottishwater.co.uk

Environmental Health Reply

From: hillis, alfred
 Sent: 01 July 2010 10:31
 To: adtmldmbcorr
 Subject: P/10/0335/FUL - Land to east of Avonhill Lodge, Falkirk

Contaminated Land

Informative

In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

Environmental Health

Noise need not be considered as a determining factor in considering this application.

Informative - The builder shall ensure that noisy 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.

Alf Hillis

Environmental Health Officer

01324 501024

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Environmental Health Reply
information contained in this e-mail is strictly prohibited.

The views and opinions expressed in this e-mail are the senders own and do not necessarily represent the views and opinions of Falkirk Council.

PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING

PROPOSAL : Erection of Dwellinghouse
LOCATION : Land To The East Of Avonhill Lodge Falkirk
APPLICANT : John McGlyn
APPN. NO. : P/10/0335/FUL
REGISTRATION DATE : 22 June 2010

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

This application relates to planning permission for the erection of one dwellinghouse at land to the east of Avonhill Lodge, Falkirk. The application site lies on the north side of the B825 within a countryside location.

2. SITE HISTORY

None relevant to this application.

3. CONSULTATIONS

The following responses to consultation were received:

Roads Development Unit

The Roads Development Unit advise that the application site is in a rural location and is accessed via the B825 Avonbridge Road, which is a double lane width rural road of restricted alignment, footway or lighting provision and has restricted forward visibility at a number of locations. The proposed access to the site is located at a straight section of road and as such could be subject to high vehicle speeds. The Unit do not encourage any further development at this section of rural road which could lead to additional vehicular and pedestrian traffic to the possible detriment of road safety. Further the Unit are concerned that the granting of planning permission could lead to further development in the rural area.

Scottish Water

Scottish Water has no objections, but do not guarantee a connection to Scottish Water's infrastructure.

Environmental Protection Unit

The Environmental Protection Unit advise of an informative relating to contamination. Noise is not considered a determining factor.

The local Community Council did not comment.

4. PUBLIC REPRESENTATION

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

5. THE DEVELOPMENT PLAN

The proposed development was assessed against the undernoted Development Plan(s):

Falkirk Council Structure Plan.

Env.1 Countryside and Protected Areas

Rural Local Plan

The relevant policies against which assessment was made are:

RUR01 New Development in the Countryside

RUR13 Areas of Great Landscape Value

5A. MATERIAL CONSIDERATIONS

The following matters were considered to be material in the consideration of the application:

Falkirk Council Local Plan Finalised Draft (Deposit Version)

National Planning Policies and Guidance

Responses to Consultation

Information Submitted in Support of the Proposal

6. PLANNING ASSESSMENT

The Development Plan

Policy ENV.1 of the approved Falkirk Council Structure Plan seeks to protect the countryside from development unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. It has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not an appropriate form of agricultural diversification. The application therefore does not accord with policy ENV.1.

The application site lies outwith any urban or village limit and in an area of great landscape value, within the countryside under the adopted Rural Local Plan.

Policy RURAL 1 of the adopted Rural Local Plan seeks to protect and conserve the open nature and character of the countryside whilst at the same time encouraging a level of beneficial development, appropriate to the rural location. This policy has a general presumption against new development in the countryside except in limited circumstances. In this instance the relevant potential exceptions are 1 and 2. With regard to exception 1, it has not been demonstrated that the proposed dwellinghouse is essential to the pursuance of agriculture or any other economic activity requiring a rural location. With regard to exception 2, the proposed dwellinghouse would not occupy a clear gap in an existing development pattern and would contribute to further sporadic development at this countryside location. The proposed development is therefore not considered to represent appropriate infill development at this location. The application is contrary to policy RURAL 1.

Policy RURAL 13 of the adopted Rural Local Plan seeks to protect and enhance the landscape character of the area, whilst at the same time facilitating appropriate development sympathetic to these attractive areas of countryside. The proposal does not accord with all other Council policies and standards. There is no justification for the proposed house and as such is not appropriate to the rural location. The application is contrary to policy RURAL 13.

Accordingly, the proposal does not accord with the Development Plan.

Falkirk Council Local Plan Finalised Draft (Deposit Version).

EQ19 - Countryside

SC03 - Housing Development in the Countryside

EQ23 - Areas of Great Landscape Value

The application site lies outwith any urban or village limit and in an area of great landscape value, within the countryside under the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

Policy EQ19 sets out the detailed policies for consideration of development proposals in the countryside. In this instance the detailed policy is Policy SC3.

Policy SC3 continues the general presumption of the Development Plan against new housing development in the countryside except in limited circumstances. The relevant potential exceptions in this instance are 1 and 3. With regard to exception 1, it has not been demonstrated that the proposed dwellinghouse is essential for the pursuance of an activity for which a countryside location is essential. With regard to exception 3, the proposed dwellinghouse would not be sited within the envelope of an existing group of residential buildings and it would contribute towards sporadic development at this countryside location. The proposed dwellinghouse is therefore not considered to represent an appropriate infill opportunity. With regard to exception 2, the proposal does not involve the restoration or conversion of the ruined cottage as Muirhead is not in a reasonable state of repair and does not stand substantially intact. The application does not therefore accord with policy SC3.

Policy EQ23 protects areas of great landscape value from development that would be detrimental to its amenity and distinctive landscape quality. The proposal does not accord with the relevant countryside policies and has not been accompanied by a landscape and visual assessment. The application does not accord with policy EQ23.

National Planning Policies and Guidance

Scottish Planning Policy (a statement of the Scottish Government's policy on nationally important land use planning matters) promotes the Development Plan as the means by which to identify opportunities for housing in the countryside. In this instance the Development Plan and the emerging District wide Local Plan are considered to provide an appropriate policy framework to support a range of sustainable development opportunities for housing in the countryside. The proposed development has been found, in this report, to be contrary to the relevant policies of these plans.

Responses to Consultation

The Roads and Development Unit have expressed concern in relation to road safety and an increase in vehicular and pedestrian traffic on the road as a result of the proposal.

Information Submitted in Support of the Proposal

The applicant was given the opportunity to provide a justification for his proposals on 29 June 2010 and has failed to respond. At our site meeting on 13 July 2010, no supporting information was raised.

7. CONCLUSION

The proposed development, for the erection of a dwellinghouse, is considered to be contrary to the Development Plan and the emerging District wide Local Plan for the reasons detailed in this report. Material considerations are therefore required to justify setting aside the terms of the Development Plan and approve the application.

In this instance it is considered that the weight of material considerations, as detailed in this report, fail to support the application. Accordingly, the application is recommended for refusal.

8. RECOMMENDATION

Refuse Planning Permission

Permission should be subject to the following condition(s):-

Reason(s):

1. The application does not accord with Policy ENV. 1 of the approved Falkirk Council Structure Plan, Policy Rural 1 and Rural 13 of the adopted Rural Local Plan and Policy SC3 and EQ23 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.
2. The proposal would result in vehicular access onto a rural road at a position with high vehicle speeds, leading to an increase in vehicular and pedestrian traffic, all to the detriment of road safety.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 05.


Director of Development Services

Contact Officer: Julie Seidel
(Planning Officer) 01324 504880

29/7/10
Date

Reference No. P/10/0335/FUL



Please note: this permission does not carry with it any necessary consent or approval for the proposed development under any other statutory enactments.

Falkirk Council

Town and Country Planning (Scotland) Acts as Amended

Refusal of Planning Permission

Applicant

John McGlyn
118 Main Street
Plains
Airdrie
ML6 7JQ

This Notice refers to your application registered on 22 June 2010 for permission in respect of the following development:-

Development	Erection of Dwellinghouse at
Location	Land To The East Of Avonhill Lodge, Falkirk

The application was determined under Delegated Powers. Please see the attached guidance notes for further information, including how to appeal against the decision.

In accordance with the plans docquetted or itemised in the attached informatives as relative hereto, Falkirk Council, in exercise of its powers under the above legislation, hereby

Refuses Detailed Planning Permission

The Council has made this decision for the following

Reason(s):

1. The application does not accord with Policy ENV. 1 of the approved Falkirk Council Structure Plan, Policy Rural 1 and Rural 13 of the adopted Rural Local Plan and Policy SC3 and EQ23 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.
2. The proposal would result in vehicular access onto a rural road at a position with high vehicle speeds, leading to an increase in vehicular and pedestrian traffic, all to the detriment of road 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 - 05.

9 August 2010



Director of Development Services

COPY

FILE

Policies

POLICY ENV.1

COUNTRYSIDE AND PROTECTED AREAS

- 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.
- 5.3 Existing Local Plans identify the boundaries between urban areas and the countryside. To protect the amenity of the countryside, the aim is generally to confine built development to the urban areas, unless it can be demonstrated that it is essential for the development to be located in the countryside or it is an appropriate form of agricultural diversification. Examples of acceptable forms of development would include agricultural buildings, forestry related development, mineral workings, rural based tourism and recreation projects, telecommunications, renewable energy proposals etc. Where it is established that a countryside location is essential the proposal will also be assessed against any other policies appropriate to specific areas and to ensure that the scale, siting and design of any proposal minimises its visual impact. These will be set out in the relevant Local Plan.

- 5.4 Within this broad area of countryside, and overlapping with it, there are specific areas, designated for particular purposes. These are set out in Schedule Env.1 and Env.3 below. Areas of Great Landscape Value relate to 3 areas which are considered to have particular landscape qualities where greater attention needs to be paid to protection and enhancement. The Green Belt relates to the urban fringe and is intended to ensure that there is a separation between, and a setting for, the main urban settlements in the Council area. They are also a focus for recreation and landscape enhancement (see Policy Env.6). Historic Gardens, Prime Quality Agricultural Land and the nature conservation areas (see Schedule Env.3) are intended to protect a particular kind of resource. The detailed definition of these areas and the policies applicable within them will be set out in the relevant Local Plan.

- 5.5 Map 2 sets out the Council's Indicative Forestry Strategy. It indicates those areas which will be sensitive for proposals for forestry and areas where forestry would be preferred. It provides only broad guidance and at a site specific level there may be other issues that have to be taken into account. It is based on the Indicative Strategy used in the previous Central 2000 Structure Plan and will be reviewed as necessary particularly with regard to any changing needs as a result of the development of the Central Scotland Forest.

POLICY ENV.2

GREEN BELTS

There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting and avoid prejudicing future proposals for landscape enhancement and countryside recreation.

The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.

Schedule ENV.1: Strategic Countryside and Landscape Protection

Type of Protected Area	Purpose/Function	General Locations
Countryside	Protection of open countryside.	As defined in Local Plans.
Area of Great Landscape Value	Protection of quality landscapes. (see Local Plan Policies)	Avon Valley Denny Hills Bo'ness South
Green Belt	To separate and provide a setting for settlements with opportunities for recreation. Priority area for enhancement.	Between Falkirk & Larbert. Between Falkirk & Carronshore. Between Grangemouth & Polmont/Laurieston. East of Stenhousemuir. Between Bo'ness & Polmont/Linlithgow Between Falkirk & Grangemouth Between Falkirk & Bonnybridge Between Denny & Bonnybridge Callendar Park and Wood. Between Bo'ness & Grangemouth.
Parks / Gardens in the Inventory of Historic Gardens and Designed Landscapes	Protection of historic landscapes.	Dunmore Park The Pineapple Callendar House
Prime Quality Agricultural Land	To protect an important land resource.	As defined in Local Plans.
Preferred Areas for Forestry Planting	To indicate areas where there are presumptions for or against forestry planting.	As set out in the Council's Indicative Forestry Strategy (see Map 2).

5.6 A key aim of the overall Development Strategy is to identify, protect and enhance the areas key environmental assets. One aspect of this is maintaining the identity of the individual communities that make up Falkirk Council area by preventing coalescence and protecting their landscape setting.

5.7 The areas of urban fringe around the settlements of Falkirk Council area experience strong pressures for development, which have been contained in particular key locations by the Green Belt. It is intended that protection will continue to be afforded to the identity and setting of settlements by a system of Green Belts.

5.8 It will be for Local Plans to define the detailed boundaries of Green Belts. In order to ensure the long term robustness of such boundaries, a balance will have to be struck between containment and growth needed to fulfil the Development Strategy. Particular regard will need to be given, where appropriate, to the Strategic Development Opportunities referred to in Policy ECON.1 and Schedule ECON.1.



Falkirk District Council



Rural Local Plan

Written Statement & Plan

November 1994



Falkirk District Council

DEPARTMENT OF DEVELOPMENT SERVICES

RURAL LOCAL PLAN WRITTEN STATEMENT AND PLAN (1ST REVIEW)

**W.E. EWING BSc(Hons), Dip TP, MRTPI
DIRECTOR OF DEVELOPMENT SERVICES
FALKIRK DISTRICT COUNCIL
MUNICIPAL BUILDINGS
FALKIRK FK1 5RS**

Adopted November 1994

I.S.B.N. 0906586771

Aims, Strategy and Policies

POLICY RURAL 1 NEW DEVELOPMENT IN THE COUNTRYSIDE

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. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.
3. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.
4. 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.
5. 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.

To protect and conserve the open nature and character of the countryside whilst at the same time encouraging a level of beneficial development appropriate to a rural location, in accordance with the provisions of S.D.D. Circular 24/1985 (Development in the Countryside and Green Belt) and 18/1987 (Development involving Agricultural Land), NPPG 3 "Land for Housing" and Scottish Office Planning Advice Note 36 (Siting and Design of New Housing the Countryside). Where applicable the developer may be expected to enter into an agreement under Section 50 of the Town and Country Planning (Scotland) Act 1972 to ensure compliance with the terms of this policy.

Information Update

Following the approval of the Central 2000 Structure Plan 2nd Alteration, by the Secretary of State in July 1997, the former Housing Policy HPO 4 (3) was deleted from the Plan. Accordingly Policy Rural 1(2) "small scale housing developments within the wooded policies of former estates" no longer conforms to the Structure Plan and should be treated as superseded.

Aims, Strategy and Policies

3.17 Related policies of Falkirk District Council are set out in various documents, the most relevant being:-

1. Shopping Policy 1980. Preparation of Revised Policy commenced 1994.
2. Housing Plan 1994 – 1999.
3. Economic Strategy 1994.
4. Leisure and Recreation Policy 1990.
5. Waste Disposal Plan 1985.
6. Tourism Strategy 1994.

These documents are available from the District Council, Municipal Buildings, Falkirk.

Local Plan Policies.

- 3.18 In addition to the above general policies, a number of specific policies are proposed, aimed at meeting the needs of the Local Plan area and achieving the overall strategy. These policies are listed below and where appropriate are indicated on the Policies and Proposals Map.
- 3.19 The definition of countryside in the context of the following policies encompasses all those areas outwith the urban boundaries, as defined in the other Local Plans covering Falkirk District and indicated on the Policies and Proposals Map and outwith the village limits, as defined on the Village Maps (Chapter 4).

Aims, Strategy and Policies

POLICY RURAL 12 ECOLOGICAL SITES

That to protect and conserve wildlife and other natural features of significance :-

1. There will be an overriding presumption against development which would adversely affect sites designated as a Special Protection Area, a Special Area of Conservation or a Ramsar site, Sites of Special Scientific Interest or any sites proposed by the UK Government or Scottish Natural Heritage for such designation.
2. Development likely to adversely affect Listed Wildlife Sites and local or non-statutory nature reserves will not normally be permitted.
3. Other sites of high nature conservation value will be safeguarded wherever possible.
4. Where development is to be approved which could affect any site of high nature conservation value, appropriate measures will be required to conserve, as far as possible, the site's biological or geological interest and to provide for replacement habitats or features where damage is unavoidable,
5. Appropriate site management will be encouraged wherever possible,
6. Local nature reserves will be designated as appropriate.

To safeguard those habitats which are important for the conservation of flora and fauna in accordance with the provisions of S.D.D. Circular 13/1992 "Nature Conservation and Part VII of the Environment Protection Act 1990" and in particular to recognise the international significance of the Inner Forth Estuary, which has candidate S.P.A. and Ramsar status.

Note : Appendix 1 indicates the location of S.S.S.I.'s, Listed Wildlife Sites and other important ecological areas within the Local Plan area.

POLICY RURAL 13 AREAS OF GREAT LANDSCAPE VALUE

That within the designated Areas of Great Landscape Value, as indicated on the Policies and Proposals Map, development appropriate to a rural location will generally be acceptable provided that it is not detrimental to the amenity of the area, and accords with all other relevant District Council policies and standards. Proposals will be subject to strict control in relation to design and landscape considerations as well as timescale, traffic generation and access, amenity and environmental impact. The District Council will pursue and encourage any measures to further enhance the environmental quality and attraction of these areas.

To protect and enhance landscape character which is important to Falkirk District, whilst at the same time facilitating appropriate development sympathetic to these attractive areas of countryside.

Aims, Strategy and Policies

POLICY RURAL 11 THE GREEN BELT

That there will be a presumption against new development in the areas of designated Green Belt indicated on the Policies and Proposals 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 :-

1. A Green Belt location is essential;
2. 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 S.D.D Circular 24/1985 "Development in the Countryside and Green Belts", the District Council strongly supports the principle of the Green Belt:

- a. To separate the main settlements of the District;
- 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;
- e. To provide a corridor for essential services.

This policy seeks to protect the generally open and attractive nature of the Green Belt. However, it is recognised that some developments require a Green Belt location. Accordingly, the District Council seeks to minimise the impact of these on the character of the Green Belt. Such proposals will also be considered with due regard to the relevant specialist policies of the District Council.

Policy RURAL 11 and the proposed Greenspace Initiative underline the District Council's commitment to the permanence and enhancement of the Green Belt.

Environmental Quality

Countryside

- 3.56 Although perceived to be mainly urban in character, the Falkirk Council area has an extensive and varied countryside, the quality of which has a major influence on the image of the area. It is an environment where people live, work, and visit for recreation and tourism, and which is subject to increasing development pressures for housing, business and infrastructure.
- 3.57 Structure Plan Policy ENV.1 sets out a policy approach of restricting development in the countryside unless a countryside location is essential or the activity is an appropriate form of agricultural diversification.
- 3.58 Within this context, Policy EQ19 defines the countryside by reference to a system of Urban and Village Limits, and establishes the overall policy approach to development within it, cross-referring to the other policies listed in Table 3.3 which give guidance on specific uses in the countryside. The objective is to encourage bone fide rural economic activity, whilst resisting sporadic development which would compromise the open character of the countryside. It will also encourage development to locate, where possible, within the rural villages, in order to sustain their vitality. It should be noted that in two of the areas identified for Special Initiatives for Residential-led Regeneration (SIRRs)- Banknock and Whitecross - the Urban/Village Limit is a provisional one pending redefinition of the urban area through the relevant development framework or masterplan.
- 3.59 Policy EQ19 also sets out design considerations which will be particularly relevant to the satisfactory integration of development into a countryside setting, and requires compliance with the 'Design Guide for Buildings in the Rural Area'. Reference should also be made, where appropriate, to PAN 36: Siting and Design of New Housing in the Countryside and PAN 39: Farm and Forestry Buildings.

3.60

EQ19 COUNTRYSIDE

- (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.

3.61 Table 3.3 Detailed Policies for Specific Uses in the Countryside

Housing	SC3	Housing Development in the Countryside
Business	EP5	Business and Industrial Development in the Countryside
Leisure and Tourism	EP16	Leisure and Tourism Development in the Countryside
Minerals	EQ31- 39	Mineral Policies
Waste Management	ST17	Landfill
Facilities	ST18	Waste Management Facilities
Telecommunications	ST13	Telecommunications Development
and Infrastructure	ST14	Pipelines
	ST15	Overhead Power Lines
Renewable Energy	ST20	Renewable Energy Development
Development	ST21	Wind Energy
Gypsy/Travellers' Sites	SC4A	Gypsy/Traveller Sites

PROTECTING AND ENHANCING THE NATURAL HERITAGE

3.54 Falkirk is endowed with a range of natural heritage resources, which are protected under a number of national, regional or local designations. The designations overlap in terms of both their policy objectives and their spatial coverage, and so there is merit in viewing them in a more integrated way, as a 'green network' within which the urban areas sit. Table 3.2 explains the different components of the green network, the general objectives for which may be summarised as to:

- Protect the integrity of the network in terms of its landscape, ecological and recreational functions;
- Promote investment in the enhancement and long-term management of the network;
- Promote the extension and diversification of the network to secure better linkages and fill gaps; and
- Promote better public access to the network where appropriate.

3.55 Table 3.2 The Green Network

Resource/Designation	Policy	General Description
Countryside	EQ19	All areas outwith Urban and Village Limits which are subject to general presumption against development in the interest of urban containment.
Green Belt	EQ20	Special areas of countryside between settlements where stronger policy presumption against development operates. Identified on Proposals Map.
Falkirk Greenspace	EQ21	Network of urban fringe and open space where landscape, access, recreational and habitat improvement is particularly promoted. Shown diagrammatically in Structure Plan. Constituent proposals shown on Proposals Map.
Open Space	SC12	Areas of open space, mostly within the urban area, protected for their amenity, recreational or ecological value. Identified on Proposals Map.
Areas of Great Landscape Value	EQ23	Areas of special landscape character where landscape impact will be particularly important in assessing proposals.
Ecological Sites	EQ24 EQ25	Sites which are protected because of their ecological value. Includes hierarchy of international, national and local designations which are identified on the Proposals Map, but also habitat types and species identified through the LBAP process and other features and corridors which may not be formally designated.
Trees and Woodland	EQ26	Sites containing trees, woodland and hedgerows which are of amenity, landscape, recreational, economic or ecological value. Sites within the Inventory of Ancient Woodlands are accorded particular status. Only TPOs are identified on the Proposals Map although some areas are formally designated as Ecological Sites.
Watercourses	EQ27	All rivers, streams and canals which serve a landscape, recreational, ecological or land drainage function. Not formally identified on the Proposals Map, although some areas are formally identified as Ecological Sites.
Coastal Zone	EQ28	Coastal strip along the Forth Estuary identified according to criteria set out in PAN53 and within which special criteria are applied to ensure integrated management of coastal defence, ecological, development, recreational and water quality interests.

Windfall Housing Development within the Urban and Village Limits

- 4.10 In addition to the housing proposals identified specifically in the Local Plan, other housing development within the Urban or Village Limits will be supported where it meets the criteria set out in Policy SC2. Such windfall development will generally be on brownfield sites and will assist in meeting the general objective of recycling redundant land and minimising take up of greenfield sites. However, sites must meet requirements in terms of accessibility, amenity and infrastructure availability. An estimate of the output from windfall sites has been built into the housing land requirement calculation, and monitoring will take place to check the actual output against the estimate.

4.11

SC2 WINDFALL HOUSING DEVELOPMENT WITHIN THE URBAN/VILLAGE LIMIT

Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;
- (4) Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and
- (6) There is no conflict with any other Local Plan policy or proposal.

Housing in the Countryside

- 4.12 There is continuing pressure for the development of individual houses or groups of houses in the countryside. Structure Plan Policy ENV.1 and Local Plan Policy EQ19 set out the broad approach of restricting new development in the countryside unless a countryside location is required. Policy SC3 contains detailed criteria for assessing the acceptability of proposals. In general, housing will be permitted where it is required to support a genuine rural economic activity. Further opportunities will arise from the rehabilitation of redundant properties and from appropriate infill sites.

4.13

SC3 HOUSING DEVELOPMENT IN THE COUNTRYSIDE

Housing development in the countryside will only be permitted in the following circumstances:

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate all of the following:
 - The operational need for the additional house in association with the business;
 - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding;
 - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse; and
 - That the business as a whole is capable of providing the main source of income for the occupant;
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where all of the following criteria are met:
 - The building, by virtue of its existing character, makes a positive contribution to the rural landscape;
 - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer;
 - The restored or converted building is of comparable scale and character to the original building; and
 - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or
- (3) Appropriate infill opportunities within the envelope of an existing group of residential buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.

Sustaining Communities

Special Needs and Affordable Housing

- 4.14 It is recognised that the majority of the new housing to be provided under Policy SC1 above will be for owner occupation. Falkirk Council has an existing stock of 16,852 houses for rent (24.2% of the housing stock in 2007) and there is a small stock of units rented by housing associations (3,049 or 4.4% of stock). In addition, there is a large stock of former local authority housing which provides a pool of good quality, affordable housing.
- 4.15 Research, published by Communities Scotland in November 2006, showed that Falkirk Council area had moved into the category of net need for affordable housing. This is a significant change from the historic position which was that housing in the Falkirk Council area was relatively affordable. The Council's own research on affordable housing need (2006) found that the picture of relative affordability had diminished, and while there was still a supply of affordable housing quantitatively across the Council area, some localities were now experiencing particular shortages. Further work carried out by independent researchers in 2007 confirmed the scale of differential need between the various settlement areas of the council. Therefore, there is now a more urgent need to create a supply of affordable housing. A fundamental requirement is land for affordable housing, and the Council's first preference is for on site provision. If this is deemed to be not achievable, the Council will consider off site provision, or as a last resort, the payment of a commuted sum to contribute to the provision of affordable housing elsewhere in the area. The Council intends to secure provision through partnership working with Scottish Government Housing and Regeneration Directorate, local Registered Social Landlords and private developers.
- 4.16 A key role for the private sector, in accordance with the SPP, will be to contribute to the provision of choice across the housing market area. Policy SC4 sets out specific requirements which seek to achieve this through ensuring, in larger housing developments, there is a diversity of house types and tenures in order to create mixed and socially inclusive communities, as advised by PAN2/2010. The Council's priority will be to deliver social rented housing, but consideration will be given to shared ownership or shared equity housing where considered appropriate. Further guidance is provided in the Council's SPG Note on Affordable Housing.

4.17

SC4 SPECIAL NEEDS AND AFFORDABLE HOUSING

For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:

- (1) Provision of general needs social rented houses;
- (2) Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or
- (3) Provision of shared equity or shared ownership housing

Developers will be expected to work in partnership with the Council, the Scottish Government Housing and Regeneration Directorate and Registered Social Landlords to comply with this policy. The Council will apply a sequential approach to the delivery of affordable housing:

- On site provision
- Off site provision
- Commuted sum payment.

Landscape

- 3.72 The Falkirk Council area has a remarkably varied landscape in terms of character and quality. An overall understanding of the landscape resource is provided by the Central Region Landscape Assessment 1996 and Stirling/Grangemouth Landscape Assessment 1998, which identify the range of landscape character units present in the area.
- 3.73 Policy EQ22 is intended to ensure that development proposals which are likely to have a significant landscape impact are properly assessed to ensure that a suitable landscape fit can be achieved. This will be important both for developments located within the countryside and proposals to extend settlements. Landscape and visual assessment should be integrated into the Design Statement for developments (see Policy EQ2), where required, and should accord with the Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment', 2nd Edition. In the case of housing, reference should also be made to PAN 44: Fitting New Housing Development into the Countryside.

3.74

EQ22 LANDSCAPE AND VISUAL ASSESSMENT

Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area.

- 3.75 Areas of Great Landscape Value (AGLVs) are designated to safeguard locally important areas of outstanding scenic character or quality from inappropriate development. The Structure Plan identifies two existing AGLVs - the Avon Valley and the Denny Hills - and one new area - Bo'ness South - for such protection. These represent the highest quality landscapes in the area, and Policy EQ23 accords them additional protection over and above that provided by normal countryside policies.

3.76

EQ23 AREAS OF GREAT LANDSCAPE VALUE

The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality.

Biodiversity and Nature Conservation

- 3.77 The maintenance and promotion of biodiversity - the variety of life that exists on earth - is a key component of sustainable development. The SPP emphasises the duty on public bodies to further the conservation of biodiversity, and the need for this to be reflected in development plans. As well as national legislation, international obligations exist in the form of the Habitats and Birds Directives, and the Ramsar Convention.
- 3.78 The Falkirk Council area supports a rich diversity of different habitats. This includes rivers and other wetlands, estuarine habitats, woodlands, farmland, grassland and meadows, quarries and tips, peat bogs and urban open space. Habitat surveys carried out over recent years have helped to define the type and nature of the existing nature conservation resource. This has been followed up by the Local Biodiversity Action Plan (LBAP) process which has identified and produced action plans for local priority habitats and species.
- 3.79 Policy EQ24 sets out the Council's policy for protecting the network of sites of ecological importance within the area. Statutory sites designated under international legislation are afforded the greatest protection. These include Special Protection Areas (SPAs), and Special Areas of Conservation (SACs), collectively known as Natura 2000 sites, and Ramsar Sites. At the national level, Sites of Special Scientific Interest (SSSIs) are designated under the Wildlife and Countryside Act 1981. At the local level, non-statutory sites which meet certain criteria are designated as Wildlife Sites, whilst further sites of local interest are identified as Sites of Importance for Nature Conservation (SINCs). The process of identifying and classifying local sites is ongoing, and other sites of value which would meet the relevant criteria, but have not yet been designated, will be afforded protection. A list of all protected sites is given in Appendix 2. Securing the management of all designated sites will be a key objective.

Environmental Quality

3.80 Policy EQ24 also extends to particular species, including those referred to in specific legislation. Of particular note is the Bean Goose, a nationally rare species which over winters on the Slamannan Plateau and has been the subject of detailed surveys in recent years. A range of threats exist to the Bean Geese, including development, afforestation, mineral extraction and wind farms. Consideration will be given to producing supplementary planning guidance on the conservation of this important species. Where development may impact on European Protected Species (e.g. bats, otters and great crested newts), the Habitats Regulations set out three tests which must be satisfied before planning permission can be granted:

- (i) the development is in the interests of public health and safety or for other imperative reasons of overriding public interest, including those of a social and economic nature;
- (ii) there is no satisfactory alternative; and
- (iii) the development will not be detrimental to the maintenance of the species at a favourable conservation status in their natural range.

3.81 The Habitats Directive, and related Circular 6/95, draws attention to the importance of wildlife corridors and stepping stone sites, which are not designated, but are nonetheless important for species migration and genetic exchange because of their linear or continuous nature. These include such features as rivers, canals, railway lines, semi-natural woodlands and hedgerows, wetlands and urban open space. Policy EQ24 will be applied to such areas which, although they may not be specifically identified on the Proposals Map, are nonetheless important.

3.82

EQ24 ECOLOGICAL SITES AND FEATURES

- (1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).
- (2) Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.
- (4) Development likely to have an adverse effect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.
- (6) The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.