

FALKIRK COUNCIL

Subject: DISCHARGE OF PLANNING OBLIGATION ATTACHED TO PLANNING PERMISSION F/91/0060 WHICH REQUIRED THAT A STRIP OF LAND 4 METRES WIDE WITHIN THE GARDEN GROUND OF OLD WOODLANDS, GLEN ROAD TORWOOD AS INDICATED ON THE APPLICATION PLAN BE LEFT OPEN AND UNBUILT UPON IN ALL TIME COMING. AT OLD WOODLANDS, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR NEIL CLARK AND SUSAN SHAW OR CLARK - P/12/0243/75D

Meeting: PLANNING COMMITTEE

Date: 22 August 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert
Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir and Torwood

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

1. INTRODUCTION

- 1.1 A request has been submitted to discharge an Agreement made under the terms of Section 50 of the Town and Country Planning (Scotland) Act 1972 (now Section 75 of the Town and Country Planning (Scotland) Act 1997) restricting building on a particular area of the curtilage of the detached dwellinghouse, Old Woodlands, Glen Road, Torwood, Larbert FK5 4SN.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The original planning permission for the erection of a dwellinghouse at Old Woodlands was considered at a meeting of the former Development Control Sub Committee of Falkirk District Council on 14 May 1991. The current Scheme of Delegation requires applications of this nature which were previously determined by Committee to be determined by the Planning Committee when amendments or discharges of Legal Agreements are proposed.

3. BACKGROUND TO SECTION 50 AGREEMENT/SITE HISTORY

- 3.1 Planning permission F/91/0060 for the erection of a dwellinghouse subject to the conclusion of an Agreement under what was then Section 50 of the Town and Country Planning (Scotland) Act 1972. This required that a strip of land within the curtilage of the donor property and adjacent to the boundary of the new dwellinghouse would not be built on. The intention being to avoid a “terraced” effect which could be created by, for example, a full height extension to Old Woodlands.

4. REQUEST TO DISCHARGE SECTION 50 AGREEMENT

- 4.1 The applicant has advised that the house is currently being sold and that the Section 50 Agreement has been identified during a search of title documents.
- 4.2 The applicants, who purchased the property from previous owners, were unaware of the title restriction and constructed a garage on the restricted land following the grant of planning permission (ref F/2003/1063). This garage is single storey, sits considerably lower than, and is set back from the front building line of the immediately adjacent dwellinghouses.

5. CONSIDERATION OF REQUEST

- 5.1 The garage was built nearly 10 years ago, is single storey, set back from the adjoining dwellinghouses, sits comfortably within the streetscape and has an arrangement on site that does not create the “terraced” effect that the Agreement sought to avoid. For this reason it is considered that the legal agreement in place therefore no longer serves the original purpose and should be discharged.
- 5.2 Discharge of the S50 Agreement would not prejudice any future application being considered on merit.

6. RECOMMENDATION

- 6.1 It is recommended that Committee agree to the discharge of the Section 50 Agreement on the grounds that it no longer serves a purpose.

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Director of Development Services

Date: 14 August 2012

LIST OF BACKGROUND PAPERS

There are no relevant background papers.

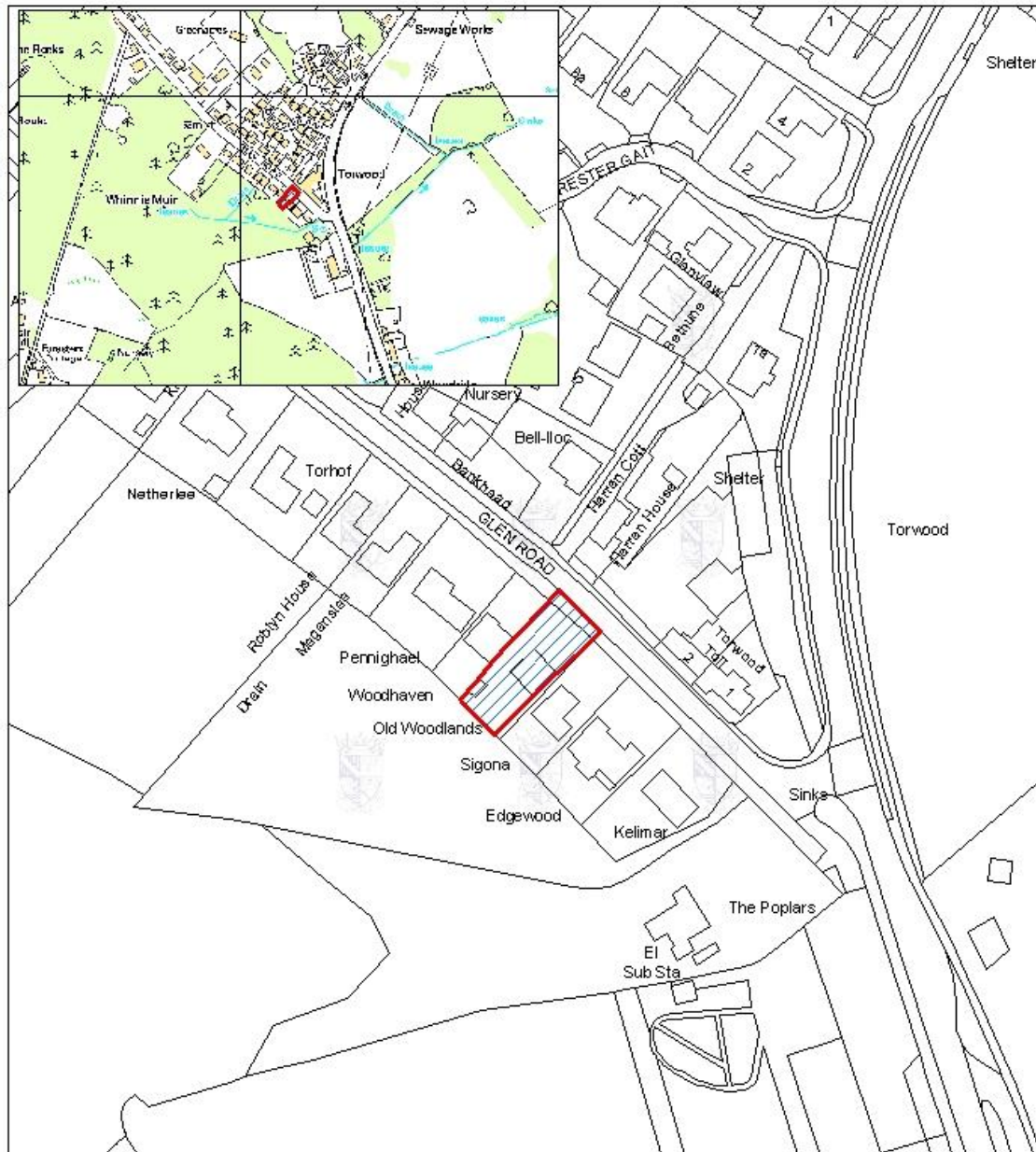
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/12/0243/75D

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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