

FALKIRK COUNCIL

Subject: **ERECTION OF 9 DWELLINGHOUSES, LAND TO THE EAST OF 81
BURNHEAD ROAD, LARBERT FOR FALKIRK TRYST GOLF CLUB –
P/07/0254/FUL**
Meeting: **PLANNING COMMITTEE**
Date: **19 September 2012**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward – Carse, Kinnaird and Tryst**
 Councillor Stephen Bird
 Councillor Steven Carleschi
 Councillor Charles MacDonald
 Councillor Craig Martin

Community Council: **Larbert, Stenhousemuir and Torwood**

Case Officer: David Paterson (Planning Officer), ext 4757

UPDATE REPORT

1. This application was originally considered at the meeting of the former Regulatory Committee on 28 January 2009 (copy of previous reports appended), when it was agreed to be minded to grant planning permission subject to the conclusion of an agreement under Section 69 of the Local Government (Scotland) Act 1973 to secure a contribution towards education provision at Larbert High School as a result of the impact of the proposed development. The contribution being £1000 per dwellinghouse, with the total amount being £9,000.
2. It was later agreed under powers delegated to the Director of Development Services that the contribution towards education provision be secured by means of an agreement, under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, now a Section 75 Planning Obligation, the 1997 Act having subsequently been as amended by the Planning etc. (Scotland) Act 2006. The revised provision would allow planning permission to be issued on the conclusion of the agreement, thus allowing the applicant the opportunity to seek funding for the development. The contribution towards education provision at Larbert High School would have to be made to the Council prior to the commencement of development on site.
3. There have been difficulties reaching a successful conclusion to the Section 75 agreement since the consideration of the application by the Regulatory Committee. It is noted that the applicant encountered difficulties ascertaining the identity of parties required to be signatories to the Section 75 agreement.

4. The identities of all appropriate parties is now known and the applicant wishes to conclude the Section 75 Planning Obligation. However, as a result of the significant passage of time since the earlier consideration of the application, it is deemed appropriate to revisit the issue of the impact of the proposed development on education services in order to ensure that any contribution addresses current requirements in respect of the provision of education services at Larbert High School. An assessment has been carried out taking into account Policy SC14 'Education and New Housing Development' of the Falkirk Council Local Plan and the Supplementary Planning Guidance Note 'Education and New Housing Development'.
5. In consultation with Education Services, it is now considered that a contribution of £2,100 per house, £18,900 total, rather than the £1000 per dwelling, £9000 total previously agreed by Committee is appropriate to address the likely impact of the proposed development on the provision of education services at Larbert High School.
6. The applicant has agreed to the amended level of contribution required.

7. RECOMMENDATION

7.1 It is therefore recommended that Committee indicates that it is minded to grant planning permission and that Members remit to the Director of Development Services to grant planning permission subject to:

- (a) the satisfactory completion of a Planning Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 relating to a financial contribution of £18,900 towards education provision at Larbert High School.**
- (b) and thereafter on conclusion of the Section 75 Planning Obligation to grant planning permission subject to the following conditions:-**
 - (1) The development to which this permission relates must be begun within three years from the date of this permission.**
 - (2) All boundary treatments shall be completed prior to the occupation of any of the dwellinghouses.**
 - (3) All accesses, footways and the three parallel parking bays on Burnhead Road shall be designed and constructed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000."**
 - (4) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the carriageway edge along the entire site frontage with Burnhead Road.**
 - (5) All driveways shall be constructed to ensure that no surface water or loose material is discharged onto the public road.**
 - (6) Any access gates shall only open inwards.**

- (7) Prior to the occupation of any of the dwellinghouses drop kerbs shall be provided opposite each other on both the east and west footpaths on Burnhead Road from a point 2 metres north of plot 9. The drop kerbs shall be designed and constructed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000."
- (8) Prior to any works commencing on site, a site investigation to establish if contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site shall be approved in writing by the Planning Authority. Where contamination is identified, the site investigation shall include a scheme of remediation measures which shall include:-
- a Nature, extent and type(s) of contamination on the site.
 - b. Measures to treat/remove contamination to ensure the site is fit for the proposed use.
 - c. Measures to deal with contamination during construction works.
 - d. Condition of the site on completion of decontamination measures.
 - e. Details of a monitoring programme following site redemption.
- (9) No work shall commence on site until any contamination remediation measures approved in writing by the Planning Authority and required to be carried out prior to development are completed and the completion of which has been confirmed in writing by the Planning Authority.
- (10) There shall be no work on site until such time as a drainage strategy has been submitted to and approved in writing by the Planning Authority.
- (11) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3-6) To safeguard the interests of users of the highway.
- (7) To ensure the safety of pedestrians.
- (8, 9) To safeguard the environmental amenity of the area.
- (10) To ensure that adequate drainage is provided.

- (11) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

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Director of Development Services

Date: 12 September 2012

UPDATED LIST OF BACKGROUND PAPERS

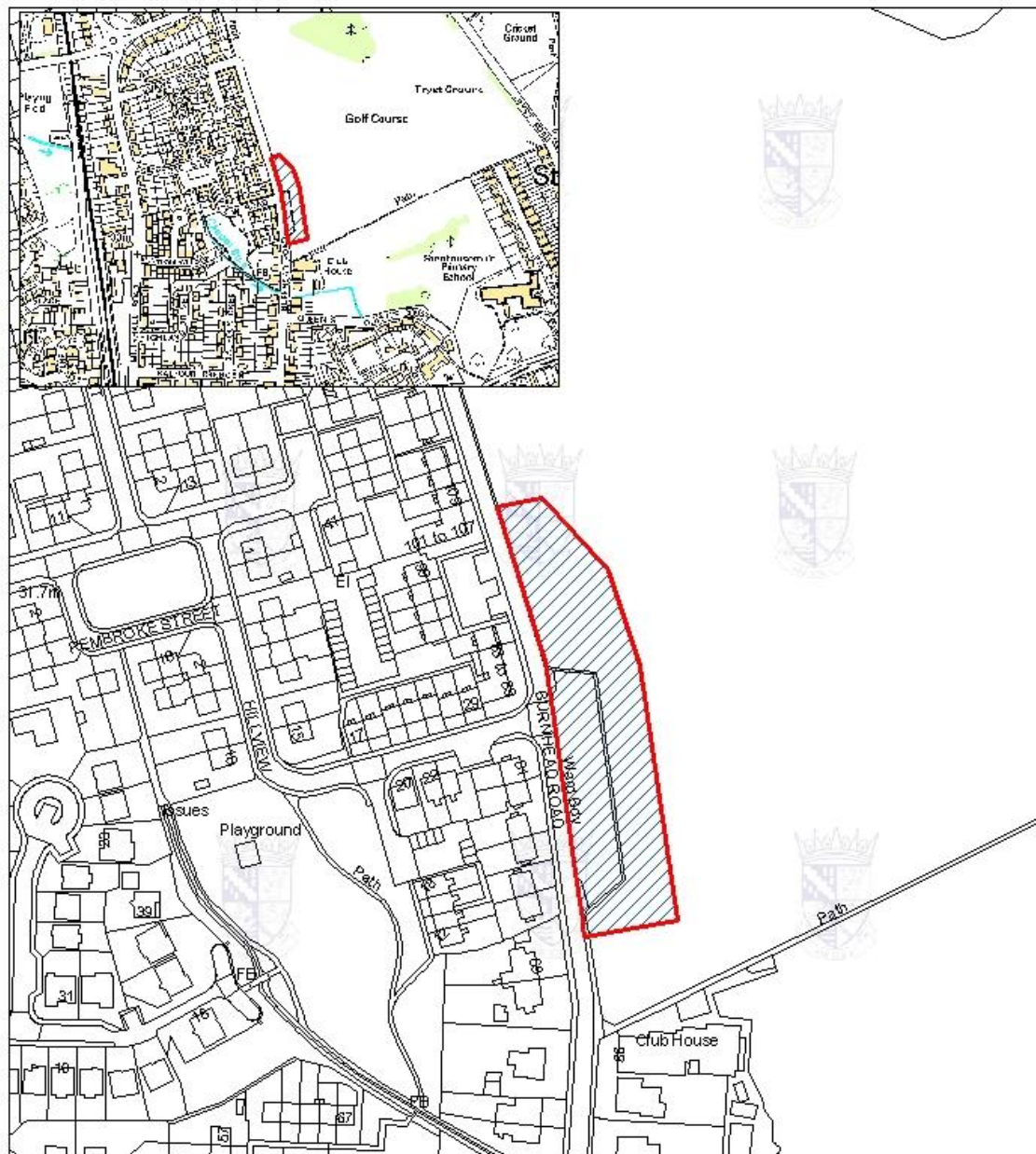
1. Planning application P/07/0254/FUL.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer)

Planning Committee

Planning Application Location Plan P/07/0254/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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FALKIRK COUNCIL

Subject: ERECTION OF 9 DWELLINGHOUSES, LAND TO THE EAST OF 81
BURNHEAD ROAD, LARBERT FOR FALKIRK TRYST GOLF CLUB –
P/07/0254/FUL
Meeting: REGULATORY COMMITTEE
Date: 28 January 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Carleschi
Councillor Lynda Kenna
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: David Paterson (Planning Officer), Ext 4757

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Regulatory Committee on 3 December 2008 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit.
2. At the site meeting a summary of the petition (11 names) expressing concerns at this development were raised by Mr Lynch. Comments in response to these concerns are as follows:
3. The matter in respect of the Golf Club's future not being dependent on the house building or a new clubhouse is not a material planning consideration. Falkirk Council as planning authority is obliged to determine any valid planning application submitted to it for consideration.
4. No account was taken of the objections in a previous petition relating to the Public Inquiry in 2006 for residential building on the Tryst as this relates to a separate planning application which has since been determined. No such petition was lodged with this planning application other than the recent petition of 11 names which was lodged on the morning of the meeting of the Regulatory Committee on 3 December 2008.
5. The impact upon the environment, amenity and wildlife as raised by Mr Lynch would be minimal in this particular case as the majority of the site is the existing golf car park, scrubland and the practice area. The applicant has stated that it is its intention to relocate the practice area to an area within the golf course to ensure that a practice / associated teaching area remains.

6. The Roads Development Unit has raised no objection to this proposal in respect of road safety.
7. Education Services has confirmed that a financial contribution associated with this particular proposal (9 dwellings) only requires to meet the capacity related needs of Larbert High School. This amounts to £9000 (£1000 per dwelling).
8. Mr Lynch raised concern at the lack of community consultation by the Club Committee on the proposals is not a material consideration. All statutory requirements in respect of neighbour notification of the proposal have been undertaken.
9. In conclusion, the proposed development would not have a significant detrimental impact upon the recreation and amenity value of the golf course, albeit the loss of the practice area is acknowledged. This, however, is to be relocated elsewhere within the golf course. The applicant states that the proposal, in conjunction with other related planning applications, would assist in safeguarding the future of the Tryst Golf Club.
10. The proposed development is not considered to represent a significant departure to the Development Plan. Should Members be minded to grant planning permission, and be of this view, the proposed development would not require to be referred to Scottish Ministers.
11. **It is recommended that Members indicate that they are minded to grant planning permission subject to an appropriate Legal Agreement requiring the payment of a financial contribution of £9000 towards education provision at Larbert High School as a result of the impact of the development.**
12. **On completion of the Legal Agreement referred to in paragraph 11 above, the Members remit to the Director of Development Services, to grant planning permission subject to the following conditions:**
 - (1) The development to which this permission relates must be begun within five years from the date of this permission.
 - (2) All boundary treatments shall be completed prior to the occupation of any of the dwellinghouses.
 - (3) All accesses, footways and the three parallel parking bays on Burnhead Road shall be designed and constructed in accordance with the “Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.”
 - (4) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the carriageway edge along the entire site frontage with Burnhead Road.
 - (5) All driveways shall be constructed to ensure that no surface water or loose material is discharged onto the public road.
 - (6) Any access gates shall only open inwards.

- (7) Prior to the occupation of any of the dwellinghouses drop kerbs shall be provided opposite each other on both the east and west footpaths on Burnhead Road from a point 2 metres north of plot 9. The drop kerbs shall be designed and constructed in accordance with the “Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.”
- (8) Prior to any works commencing on site, a site investigation to establish if contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site shall be approved in writing by the Planning Authority. Where contamination is identified, the site investigation shall include a scheme of remediation measures which shall include:-
- a. Nature, extent and type(s) of contamination on the site.
 - b. Measures to treat/remove contamination to ensure the site is fit for the proposed use.
 - c. Measures to deal with contamination during construction works.
 - d. Condition of the site on completion of decontamination measures.
 - e. Details of a monitoring programme following site redemption.
- (9) No work shall commence on site until any contamination remediation measures approved in writing by the Planning Authority and required to be carried out prior to development are completed and the completion of which has been confirmed in writing by the Planning Authority.
- (10) There shall be no work on site until such time as a drainage strategy has been submitted to and approved in writing by the Planning Authority.
- (11) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3-6) To safeguard the interests of users of the highway.
- (7) To ensure the safety of pedestrians.
- (8, 9) To safeguard the environmental amenity of the area.
- (10) To ensure that adequate drainage is provided.

- (11) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

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Director of Development Services

Date: 20 January 2009

UPDATED LIST OF BACKGROUND PAPERS

1. Larbert and Stenhousemuir Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Scottish Planning Policy (SPP) 3 "Planning and Housing".
4. Planning Advice Note (PAN) 43 "Golf Courses and Associated Developments".
5. File F/90/0993.
6. File F/94/0441.
7. File F/96/0094.
8. File F/97/0019.
9. File F/97/0908.
10. File F/2002/0500.
11. File F/2004/0606.
12. File 06/0968/FUL.
13. File 06/0969/FUL.
14. File P/07/0222.
15. Letter dated 12 March 2007 from Mr Maurice Wilson, 91 Burnhead Road, Larbert.
16. Letter dated 11 March 2007 from Mr and Mrs Smith, 77 Burnhead Road, Larbert FK5 4BD.
17. Letter dated 6 March 2007 from Mr and Mrs Lynch, 69 Burnhead Road, Larbert FK5 4BD.
18. Letter received 1 March 2007 from Mr and Mrs Hugh Lynch, 69 Burnhead Road, Larbert FK5 4BD.
19. Signed Petition dated 1 December 2008 from Hugh J Lynch, 69 Burnhead Road, Larbert FK5 4BD.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer)

FALKIRK COUNCIL

Subject: ERECTION OF 9 DWELLINGHOUSES, LAND TO THE EAST OF 81
BURNHEAD ROAD, LARBERT FOR FALKIRK TRYST GOLF CLUB –
P/07/0254/FUL
Meeting: REGULATORY COMMITTEE
Date: 03 December 2008
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Carleschi
Councillor Lynda Kenna
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: David Paterson (Planning Officer), Ext 4757

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site measures approximately 0.56 hectares in area and comprises the existing golf club car park, an area of scrubland and part of the golf course practice area on the east side of Burnhead Road, Larbert.
- 1.2 There are some established trees and a 2 metre high wire mesh fence running across the site which form a boundary between the car park and practice area.
- 1.3 The site is bounded by the 4th tee to the south and by the remainder of the practice area to the north and east.
- 1.4 It is proposed to erect 9 detached dwellinghouses, each with an integral garage, wet dash roughcast walls and a slated roof.
- 1.5 The dwellinghouses would be a mixture of 1½ and 2 storeys in height and would be served by individual or shared accesses from Burnhead Road.
- 1.6 Each dwellinghouse would be set back a minimum of 10 metres from the site frontage with Burnhead Road and would include provision for two off-street parking spaces.
- 1.7 A 2 metre wide footpath would be provided along the entire site frontage with Burnhead Road.
- 1.8 It should be noted that the loss of the car park for the golf club is to be compensated by the planning application to relocate the new clubhouse and professional shop on Tryst Road (ref: P/06/0968/FUL).

2. REASON FOR CONSIDERATION BY COMMITTEE

- 2.1 The proposal would result in a departure from the approved Development Plan.

3. SITE HISTORY

- 3.1 The following applications relate to development associated with Falkirk Tryst Golf Club:
- 3.2 F/90/0993 - alterations and extension to golf clubhouse - approved 27 November 1990.
- 3.3 F/94/0441 - extension to clubhouse - approved 25 June 1994.
- 3.4 F/96/0094 - installation of temporary building for use as green-keeping staff office and store - approved 18 April 1996.
- 3.5 F/97/0019 - erection of safety fence - approved 24 February 1997.
- 3.6 F/97/0908 - extension and alterations to clubhouse - approved 9 February 1998.
- 3.7 F/2002/0500 - development of land for residential purposes (outline) - refused 26 February 2003.
- 3.8 F/2004/0606 - erection of new fence - approved 9 July 2004.
- 3.9 06/0968/FUL - erection of golf clubhouse and professional shop - currently being determined.
- 3.10 06/0969/FUL - erection of green-keepers facilities and ancillary works - approved 9 January 2008.
- 3.11 P/07/0222 - erection of 12 flats and removal of clubhouse - currently being determined.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit has advised that, prior to commencement of work on site, a drainage strategy in respect of the proposal should be approved in writing by the Planning Authority.
- 4.2 The Environmental Protection Unit has advised that the applicant should undertake a site investigation to establish if contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site.
- 4.3 Scottish Water has raised no objections.
- 4.4 The Scottish Environmental Protection Agency has raised no objections.
- 4.5 SportsScotland have confirmed that at the time of the submission of this Planning Application, they were not a statutory consultee. Notwithstanding the fact that this planning application remained undermined after the revised consultation procedures requiring a formal consultation came into force (1 January 2008), there is no statutory requirement to formally consult SportsScotland.

5. COMMUNITY COUNCIL

5.1 The Larbert, Stenhousemuir and Torwood Community Council has raised no objections.

6. PUBLIC REPRESENTATION

6.1 Four letters of objection have been received. Concerns are:-

- The proposed development would lead to road safety and parking problems.
- The proposed development would have an overbearing effect on neighbouring properties.
- The proposed development would potentially lead to increased traffic, sewerage and drainage problems.
- The proposed development would result in the loss of green space and this would have an adverse environmental impact.
- The proposed development would lead to increased noise and disturbance during the construction period.
- The proposed development would increase pressure on existing schools and other facilities in the area.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Falkirk Structure Plan

7a.1 It is not considered that the proposal raises any strategic issues.

Larbert and Stenhousemuir Local Plan

7a.2 Policy LAR 5 - 'New Residential Development' states:

"New residential development is directed towards sites H1 to H20 identified on the Policies, Proposals and Opportunities Map and other appropriate brownfield sites which become available within the Urban Limit."

7a.3 The site is within the urban limit. It is noted that the area to the west of the golf club is mainly residential use.

7a.4 The proposed development accords with Policy LAR 5.

7a.5 Policy LAR 33 - 'Public Transport Users, Cyclists and Pedestrians' states:

"The Council will generally support projects which would:

- (i) enhance the range and quality of facilities for public transport users; and
- (ii) promote the interests of cyclists and pedestrians.

There will be a general presumption against development proposals which are not accessible by public transport and do not make adequate provision for cyclists and pedestrians."

7a.6 It is noted that a 2 metre wide footpath is to be provided along the entire length of the frontage of the site and that the nearest bus stops are considered to be within a reasonable walking distance.

7a.7 The Transport Planning Unit has raised no objections.

7a.8 The proposed development accords with Policy LAR 33.

7a.9 Policy LAR 48 - 'Provision of Leisure and Recreation Facilities' states:

"The Council will exercise a presumption against the loss of existing leisure and recreation facilities which would adversely affect the range and quality of provision. In general, the Council welcomes the development of new leisure and recreation facilities to meet the needs of existing and new residents and visitors."

7a.10 The existing practice area can only be used by club members. The loss of part of this area would not, in any event, compromise the golf course as a whole.

7a.11 Planning application 06/0968/FUL detailed in section 3.8 of this report is noted. The golf club have applied for planning permission to erect a new golf clubhouse at Tryst Road, Stenhousemuir as a means to secure the future of the golf club. The proposal to which this report refers is proposed as enabling development. It is also noted that the proposed development is supported by a financial statement which has been assessed by Community Services and has been found to be reliable in its conclusions.

7a.12 The proposed development accords with Policy LAR 48.

7a.13 Policy LAR 49 - 'Protection of Open Space' states:

"The Council will generally protect parks, playing fields and other areas of public open space from unrelated development which would diminish their recreational or amenity value. Proposals involving the loss of any area of public open space, whether through built development or incorporation as private garden ground, will normally be resisted where the proposal would:-

- (i) adversely affect the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the surrounding area;*
- (ii) result in the loss of amenity open space such that the character or appearance of the area or its setting will be adversely affected; and*
- (iii) set an undesirable precedent for further incremental loss of public open space such that the provision of amenity or recreation open space in the area would be eroded."*

7a.14 The proposed development would result in the loss of 0.6 hectares of open space forming part of the western section of the Tryst Golf Club.

7a.15 There would be an impact on the character of the western boundary of the golf club grounds as a result of the proposed development. The proposed development differs in character from the existing open space nature of the application site.

7a.16 The proposed development does not accord with Policy LAR 49.

7a.17 Accordingly, the proposal does not accord with the Development Plan. (Policy LAR 49)

7b Material Considerations

7b.1 The material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Scottish Planning Policy (SPP) 3 "Planning for Housing", consultation responses, representations from the public and Planning Advice Note 43 "Golf Courses and Associated Development".

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy SC6 - 'Housing Density And Amenity' states:

- "(1) Overall density in new residential developments should conform to the indicative capacity shown for allocated sites or, in the case of windfall sites, be dictated by the character of the surrounding area and the design objectives for the site, as established in the Design Concept Statement. Higher densities may be allowed where this helps to achieve design excellence.*
- (2) On large sites, housing density should be varied to create areas of different character, reflecting the structure of streets and spaces in the development. A mix of housing types will be required.*
- (3) Adequate properly screened private amenity space should be provided for dwellinghouses. In flatted developments, communal space for clothes drying and private amenity should be provided.*
- (4) Housing layouts should be designed to ensure adequate privacy and to avoid excessive overshadowing of houses or garden ground. A minimum distance between overlooking windows of 18 metres will generally be required."*

- 7b.3 The density of the proposed development is approximately 7 units per acre. It is considered that each dwellinghouse is afforded a satisfactory amount of private garden ground and that the level of amenity provided is in-keeping with that provided in the surrounding area.
- 7b.4 The proposed development would result in the availability of a more varied mix of housing types in the area.
- 7b.5 The proposed dwellinghouses are sufficiently set back from the site frontage with Burnhead Road to ensure that the amenity and privacy of adjacent properties is safeguarded.
- 7b.6 The proposed development accords with Policy SC6.
- 7b.7 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 the Council’s open space audit, or a site-specific local audit of provision in the interim, that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) The area is not of significant ecological value having regard to Policies EQ24 and EQ25; and*
- (4) Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded.*

- 7b.8 The proposed development would have an impact on the character of the western boundary of the Tryst Golf Club grounds.
- 7b.9 The application site is not identified in an open space audit or an interim site specific audit as being surplus to recreational open space provision.
- 7b.10 The proposed development does not accord with Policy SC12.
- 7b.11 Accordingly, the proposed development does not accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

SPP3 "Planning For Housing"

- 7b.12 In terms of residential environments and creating communities SPP3 states that "Local Authorities, developers and other housing providers should consider the need to provide a choice of house types".

- 7b.13 Furthermore Scottish Government policy encourages more diverse, attractive, mixed residential communities both in terms of tenure and land use. "To create mixed communities, a range of housing types is needed, providing for the needs of all in the community, and all segments of the market from affordable housing and starter homes to executive housing and including homes for families, older people, and people with special housing needs".
- 7b.14 It is considered that the proposed development would assist by providing a more varied mix of housing types and opportunities helping to create a more mixed and balanced community.
- 7b.15 The proposed development accords with SPP3.

Consultation Responses

- 7b.16 It is noted that there were no objections to the proposed development as a result of the consultation process. However, it is noted that there should be no obstruction to visibility greater than 1 metre in height along the site frontage, and the provision of dropped kerbs at the proposed access points. A site contamination report and drainage strategy are also required.
- 7b.17 These issues can be addressed by conditions.

Public Representations

- 7b.18 In terms of the potential increase in traffic and associated road safety and parking concerns, it is noted that the Roads and Development Unit has raised no objections.
- 7b.19 The proposed dwellinghouses would be located a minimum of 22 metres from the neighbouring properties on the west side of Burnhead Road thus minimising any overshadowing or overlooking of adjacent properties.
- 7b.20 There is no evidence to support the view that the proposed development would cause sewerage and water problems in the area.
- 7b.21 It is not considered that the loss of part of the practice area, which can only be used by club members, would have an adverse impact on open space provision or on the environment.
- 7b.22 Noise and disturbance during the construction period can be addressed by an informative governing noisy work which is audible at the site boundary.
- 7b.23 The proposed development falls below the threshold for consulting the Education Services Unit on the planning application. However it is noted that planning application P/07/0254/FUL for the erection of 12 flats on an adjoining site to the south is recommended for granting of planning permission subject to a Section 69 Agreement requiring the payment of a pro-rata sum of £650 per flat (£7,800 total) as a contribution to education provision at St. Francis RC Primary School and St. Mungo's RC High School. There is no evidence to support the view that the proposed development would increase pressure on other facilities in the area.

Planning Advice Note 43 "Golf Courses and Associated Development"

- 7b.24 Planning advice note 43 states that in cases where a golf course proposal includes enabling development, the key issues in determining the way in which the proposal is evaluated will be whether the golf course is of primary or secondary significance to the development and the comparative scale of the schemes components.
- 7b.25 It is noted that in this case the golf course is existing. However the issues remain the same.
- 7b.26 It is also noted that planning application F/2002/0500, development of land for residential purposes was refused planning permission on 26 February 2003. There was considerable opposition to the application on the basis that the loss of the golf course would be significantly detrimental to the environment and amenity of the area and to wildlife.
- 7b.27 It is noted that the proposed development is proposed as enabling development to finance the erection of a new golf clubhouse at Tryst Road, Stenhousemuir, the aim of which is to secure the future of the golf club. It is considered that this is beneficial to the environment of the area. The proposed development is modest in scale utilising only a small area of the golf course property.
- 7b.28 The environmental benefits outweigh the minimal loss of golf club land in this instance.
- 7b.29 The proposed development accords with PAN 43.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version). However, the proposal is not considered to be a significant departure to the Development Plan and therefore it is considered that should Members be minded to grant planning permission, the proposal would not require to be referred to Scottish Ministers.
- 7c.2 The golf course as a whole would not be compromised by the loss of part of the practice area. It is therefore considered that the recreational and amenity value of the golf course would not be diminished by the proposed development.
- 7c.3 The development of a small area of the golf course for housing would facilitate the provision of a new clubhouse adjacent to the 17th green. This would enable the golf club to remain in-situ and safeguard against the possible loss of open space in the future.
- 7c.4 The provision of a 2 metre wide footpath along the entire site frontage with Burnhead Road, which would connect with the re-routed footpath across the golf course approved as part of planning application P/07/0254/FUL, would improve connectivity with the overall open space network.
- 7c.5 The proposed development would help to safeguard the future of the Tryst Golf Club. In this instance the environmental benefits outweigh the minimal loss of golf club land. The proposal accords with the terms of Planning Advice Note 43 "Golf Clubs and Associated Development".
- 7c.6 It is considered that the proposed development respects the character of the area.

- 7c.7 The proposed development includes a satisfactory amount of private garden ground for each dwellinghouse and a level of amenity in-keeping with the surrounding area.
- 7c.8 It is considered that the dwellinghouses are sufficiently set back from the site frontage with Burnhead Road to ensure that the amenity and privacy of adjacent properties is safeguarded.
- 7c.9 Issues raised by consultees can be addressed by condition.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within five years from the date of this permission.**
- (2) All boundary treatments shall be completed prior to the occupation of any of the dwellinghouses.**
- (3) All accesses, footways and the three parallel parking bays on Burnhead Road shall be designed and constructed in accordance with the “Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.”**
- (4) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the carriageway edge along the entire site frontage with Burnhead Road.**
- (5) All driveways shall be constructed to ensure that no surface water or loose material is discharged onto the public road.**
- (6) Any access gates shall only open inwards.**
- (7) Prior to the occupation of any of the dwellinghouses drop kerbs shall be provided opposite each other on both the east and west footpaths on Burnhead Road from a point 2 metres north of plot 9. The drop kerbs shall be designed and constructed in accordance with the “Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.”**
- (8) Prior to any works commencing on site a site investigation to establish of contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site shall be approved in writing by the Planning Authority. Where contamination is identified, the site investigation shall include a scheme of remediation measures which shall include:-**
 - a Nature, extent and type(s) of contamination on the site.**
 - b. Measures to treat/remove contamination to ensure the site is fit for the proposed use.**

- c. Measures to deal with contamination during construction works.
 - d. Condition of the site on completion of decontamination measures.
 - e. Details of a monitoring programme following site redemption.
- (9) No work shall commence on site until any contamination remediation measures approved in writing by the Planning Authority and required to be carried out prior to development are completed and the completion of which has been confirmed in writing by the Planning Authority.
- (10) There shall be no work on site until such time as a drainage strategy has been submitted to and approved in writing by the Planning Authority.
- (11) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3-6) To safeguard the interests of users of the highway.
- (7) To ensure the safety of pedestrians.
- (8, 9) To safeguard the environmental amenity of the area.
- (10) To ensure that adequate drainage is provided.
- (11) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

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 Director of Development Services

Date: 27th November 2008

LIST OF BACKGROUND PAPERS

1. Larbert and Stenhousemuir Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Scottish Planning Policy (SPP) 3 “Planning and Housing”.
4. Planning Advice Note (PAN) 43 “Golf Courses and Associated Developments”.
5. File F/90/0993.
6. File F/94/0441.
7. File F/96/0094.
8. File F/97/0019.
9. File F/97/0908.
10. File F/2002/0500.
11. File F/2004/0606.
12. File 06/0968/FUL.
13. File 06/0969/FUL.
14. File P/07/0222.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer)

**Subject: ERECTION OF 9 DWELLINGHOUSES, LAND TO THE EAST OF 81
BURNHEAD ROAD, LARBERT FOR FALKIRK TRYST GOLF CLUB –
P/07/0254/FUL**

UPDATED LIST OF BACKGROUND PAPERS

1. Larbert and Stenhousemuir Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Scottish Planning Policy (SPP) 3 “Planning and Housing”.
4. Planning Advice Note (PAN) 43 “Golf Courses and Associated Developments”.
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10. File F/2002/0500.
11. File F/2004/0606.
12. File 06/0968/FUL.
13. File 06/0969/FUL.
14. File P/07/0222.
15. Letter dated 12 March 2007 from Mr Maurice Wilson, 91 Burnhead Road, Larbert.
16. Letter dated 11 March 2007 from Mr and Mrs Smith, 77 Burnhead Road, Larbert FK5 4BD.
17. Letter dated 6 March 2007 from Mr and Mrs Lynch, 69 Burnhead Road, Larbert FK5 4BD.
18. Letter received 1 March 2007 from Mr and Mrs Hugh Lynch, 69 Burnhead Road, Larbert FK5 4BD.