

**FALKIRK COUNCIL**

**Subject:** DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT  
SCOUT HALL, GARTCOWS ROAD, FALKIRK FOR FALKIRK  
DISTRICT SCOUT COUNCIL - P/12/0362/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 27 February 2013

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Falkirk South

Councillor Colin Chalmers

Councillor Dennis Goldie

Councillor Gerry Goldie

Councillor John Patrick

**Community Council:** No Community Council

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

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 30 January 2013 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 11 February 2013.
2. At the site meeting it was highlighted to Members that the current Scout Hall and land has become surplus to use by the Scouts, and therefore the Falkirk District Scout Council requires to dispose of the site. It was also noted that the site currently falls under Class 11 (Assembly and Leisure) of The Town and Country Planning (Use Classes)(Scotland) Order 1997, and could therefore be used for uses within this class without the need for further planning permission.
3. In terms of the site history, it was also noted that a previous application and subsequent appeal for a dwelling (F/90/0892 & P/PPA/08/219) had been refused and the appeal dismissed. This was in the most part due to the Scout Hall being active at that time, and the proposed access to the dwelling being taken via the Scout Hall car park.

4. It was noted that no objections had been received following consultations with Falkirk Council Roads Unit, Scottish Water, Falkirk Council Environmental Protection Unit and The Coal Authority. Network Rail was not required to be consulted at this stage, but was neighbour notified, returning with no objection. It was however noted that the Roads Unit recommended the upgrading of the current access junction and access road. Scottish Water had also noted that sewerage pipes and water pipes lie adjacent to and within the site, and would require to be fully considered at the detailed planning stage.
5. Objectors to the proposal were heard in relation to the following:-
  - The current access to the Scout Hall along Well Road being insufficient, as well as the access junction with Well Road and Gartcows Road;
  - Legal rights and accesses in relation to the owners of the properties which have rear access to their properties from Well Road;
  - The adopted status of Well Road;
  - Flooding and drainage issues in relation to adjacent properties;
  - Removal of tress on and adjacent to the site;
  - The number of dwellings and type of housing on the site;
  - Impact on daylight;
  - Gas supply to the site;
  - Public access through the site;
6. The representative of the Roads Development Unit confirmed that Well Road was adopted from Gartcows Road to the Scout Hall car park. Following the site visit, investigation has confirmed that Well Road has been adopted from at least 12 May 1975. However, it is noted in the historic planning files in the 1960's as being a road with access and parking provision being a condition of the permission granted for the Scott Hall in 1968 (183/68). Issues in relation to ownership and rights of access over the road would be a legal matter. The access to Gartcows Road and Well Road would be required to be upgraded if permission were to be granted with an indicative layout being provided in Appendix 1 of the main Committee Report (appended).
7. Regarding the issue of flooding and drainage within the site and to adjacent properties, development proposals would need to comply with the requirements of Building Standards and Scottish Water, to ensure that no issues occur to existing properties and drainage networks, as well as any future properties.
8. There is no Tree Preservation Order covering the site, and trees could be felled without the need for approval. However, it has been requested that a Tree Survey be submitted with any future application, and Development Plan policy seeks retention or replacement where possible.

9. The appropriate density for this site is considered to be 3 dwellings and as such a condition is attached to reflect this. Lack of daylight at the site is not considered to be an issue. Gas supply to the site is not a material planning consideration.
10. This issue of public access through the site was discussed, as was the issue of there being a possible right of way (this had been confirmed not to be the case during the application assessment). Further to the Committee Site visit, it has again been confirmed that there is no record of a public right of way on Falkirk Council's Footpaths and Rights of Way Register, nor is there a record of a right of way on the Scottish Rights of Way and Access Society's catalogue of rights of way. Also, the route is not a core path.
11. Councillor Patrick as a Local Member reiterated the concerns of the objectors with an emphasis on the access road/junction, as well as the public access through the site.
12. No matters were raised which would amend the original recommendation to grant planning permission in principle.

### **13. RECOMMENDATION**

#### **13.1 It is therefore recommended that the Planning Committee grant planning permission in principle subject to the following conditions:-**

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
  - (a) the siting, size, height, design & external appearance of the proposed development;
  - (b) details of the access arrangements;
  - (c) details of landscaping of the site and future maintenance of landscaping.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
  - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
  - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3) i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
- iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
- iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (4) The first 50 metres of the access to the site on Well Road from Gartcows Road shall be brought up to the current adoptable standard, as detailed in the attached Falkirk Council Roads Unit plan in Appendix 1.
- (5) A Tree Survey should be carried and provided with any future application for the site, which plots the position of each tree accurately and tabulates details of species, crown spread, height, stem diameter and condition (in accordance with the Council's SPG 'Trees and Development'). From this tree survey information and specifically the tree stem diameters, a 'Tree Constraints Plan' should be provided which should show the root protection areas (RPA) required for each tree where no development or construction operations shall take place.
- (6) The site shall be limited to the development of a maximum of 3 detached dwellinghouses.

**Reason(s):-**

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

- (3) To ensure the ground is suitable for the proposed development
- (4) To safeguard the interests of the users of the highway.
- (5-6) To safeguard the environmental amenity of the area.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and the attached road layout.
- (2) Records indicate that a public sewer/water main crosses the application site. Scottish Water is the Water and Drainage Authority for the area and has a policy of not permitting building over or in close proximity to sewers/water mains. Your attention is therefore drawn to the fact that this planning permission does not constitute consent to build over or close to a public sewer/water mains.

**Pp**

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**Director of Development Services**

**Date: 19 February 2013**

**LIST OF BACKGROUND PAPERS**

- 1. Falkirk Council Structure Plan.
- 2. Falkirk Council Local Plan.
- 3. Letter of objection from Mr Alan Robertson, 82 Gartcows Road, Falkirk FK1 5EQ on 20 July 2012.
- 4. Letter of objection from Miss Moira Sommerville, 80 Gartcows Road, Falkirk FK1 5EQ on 22 July 2012.
- 5. Letter of objection from Mr Hassan Mansoor, 11 Greenhorns Well Avenue, Falkirk FK1 5HL on 20 July 2012.
- 6. Letter of objection from Doctor Andrew Crowe, 9, Greenhorns Well Avenue, Falkirk FK1 5HL on 18 July 2012.
- 7. Letter of objection from Mr Brian Aitken, Redlands, 74a Gartcows Road, Falkirk FK1 5EQ on 1 August 2012.
- 8. Letter of objection from Mr David Feist, 13 Greenhorn's Well Avenue, Falkirk FK1 5HL on 5 August 2012.
- 9. Letter of objection from Mr Justin Kirkhope, 15 Greenhorns Well Avenue, Falkirk FK1 5HL on 3 August 2012.

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

**FALKIRK COUNCIL**

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SCOUT HALL, GARTCOWS ROAD, FALKIRK FOR FALKIRK  
DISTRICT SCOUT COUNCIL - P/12/0362/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 30 January 2013

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Falkirk South

Councillor Colin Chalmers  
Councillor Dennis Goldie  
Councillor Gerry Goldie  
Councillor John Patrick

**Community Council:** No Community Council

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

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The site consists of a Scout Hall which is currently not being used by the Falkirk District Scout Council, as it has been marked as surplus to their requirements. The site is accessed by a long driveway which, at the lower end, is shared with rear accesses to several dwellings. The driveway is also currently used as a pathway by members of the public, although it is not officially recorded as such. The Scout Hall is surrounded by large grounds, which are mainly grassed and terraced due to the sloping gradient of the site. A section of the land is also wooded, which runs into the adjacent wooded area of Blinkbonny Park. The surrounding areas are residential, with the site also being bounded to the south by the Edinburgh to Glasgow railway line. Within this application it is being proposed by the current owners to remove the Scout Hall and to develop the site for residential use.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The matter has been called to Committee by Councillor Colin Chalmers.

**3. SITE HISTORY**

- 3.1 F/90/0892 - erection of dwelling and domestic garage - refused planning permission on 13 November 1990.

- 3.2 P/PPA/08/219 – erection of dwelling and domestic garage – appeal dismissed on 19 November 1991.
- 3.3 P/11/0820/PPP - development of land for residential use – withdrawn.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have no objection to the proposal. This is subject to placing a condition on the application requiring the upgrading of the junction and access leading to the Scout Hall to the level required by Falkirk Councils Road Development Unit. This would bring the initial 50 metre section which provides access to the rear of 76 to 82 Gartcows Road up to an adoptable standard, with the remainder becoming a private access.
- 4.2 Scottish Water have no objection to the proposal at this stage. However, Scottish Water have highlighted that there would be a need for further discussion at a more detailed design stage, as there are sewerage and fresh water connections within the site and immediately adjacent to the site. These would have to be protected and designed into any proposal, especially in relation to the current access points.
- 4.3 The Environmental Protection Unit have no objection to the proposal. However, a contaminated land assessment would be required to be submitted and approved before any works commenced on-site.
- 4.4 The Coal Authority have no objection to the proposal.

#### **5. COMMUNITY COUNCIL**

- 5.1 No Community Council currently exists for this area.

#### **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, 7 contributors submitted letters of objection to the Council. The salient issues are summarised below:-
- The privacy of neighbouring dwellings would be compromised by any dwellings erected on the site.
  - Any dwellings on the site would overshadow existing neighbouring dwellings.
  - Any development would reduce the value of neighbouring dwellings.
  - The narrow access to the site would not allow cars to pass and would cause noise pollution.
  - The current exit onto Gartcows Road is dangerous, with the danger being increased by extra traffic from new dwellings.

- Drainage is an issue on-site and has caused flooding to neighbouring dwellings' gardens in the past.
- Trees would have to be felled to allow the development; this is against Council policies.
- The application does not show how many dwellings would be erected on the site.
- The collection of rubbish and other household goods from any dwellings erected at the site would be difficult.
- Could be an issue with natural light getting to any properties due to the surrounding land and trees.
- The responsibility for the area of land between the bottom of the lane and Gartcows Road is the responsibility of the properties at this location.
- There are drains located under the access road to the Scout Hall which are not suitable for vehicles to access over, and therefore they could be damaged.
- Access to site for demolition of the Scout Hall or erection of dwellings would be difficult, and could damage adjacent walls.
- Construction vehicles and delivery vehicles have in the past damaged the parking area located before the lane to the Scout Hall, which could happen again.
- The lane is used as a public right of way by local people.
- Due to current market conditions, properties could be built and then not sell or be abandoned.
- Would object to any dwellings being erected which would be more than two storeys in height, as this would overshadow neighbouring dwellings.

## **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### **7a The Development Plan**

#### ***Falkirk Council Structure Plan***

7a.1 There are no relevant policies within the Falkirk Council Structure Plan



## **Falkirk Council Local Plan**

### **7a.2 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:**

*"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:*

- (1) Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

7a.3 The site is located adjacent to an area covered by a Tree Preservation Order (TPO), although the site itself is not covered by any TPO's. Development of the site would not be seen to affect any of the trees in the adjacent site, which are spread out amongst an existing residential estate. Although the site is not covered by a TPO, it does contain a wooded section which runs into the adjacent Blinkbonny Park. The current proposal is only for planning permission in principle, therefore no detail of dwelling numbers or layouts are included. It is however considered that any future proposal should include a tree survey, and from this identify trees which should be retained and therefore create a suitable site layout. This would also allow for a Tree Protection Plan to be implemented on-site during any future construction. It is therefore considered that the proposal accords with Policy EQ26.

### **7a.4 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:**

*"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, 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.”*

7a.5 The proposed site is a brownfield site, currently containing a Scout Hall which has become surplus to use by the Falkirk District Scout Council, and it is therefore being proposed to remove the hall and develop the site for residential use. The proposed housing use is seen to be compatible with neighbouring uses, which are residential, and it is considered that a satisfactory level of residential amenity could be achieved. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities. Existing physical infrastructure such as roads, drainage, water supply and sewerage capacity are considered acceptable, or could be upgraded, to accommodate residential use of the site. It is also considered that community facilities such as education and healthcare have the capacity to accommodate the site being used for residential purposes, as it is expected to be of a low density in terms of unit numbers. The proposal is seen at this stage to satisfy Policy SC2 and there is no conflict with any other Local Plan policy or proposal.

7a.6 Policy SC8 ‘Infill Development and Subdivision of Plots’ states:

*“Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:*

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (2) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (3) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (4) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (5) the proposed vehicular access and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies.”*

7a.7 The current proposals are for planning permission in principle (PPP), and therefore no designs or site layouts are provided. However, it is considered that the site could accommodate an appropriate scale, density, disposition and design of dwellings, which could respect the architectural and townscape character of the area. It is also considered that an adequate amount of garden ground could be provided to serve any dwellings on the site, and that adequate privacy could be afforded to both any future dwellings and existing neighbouring dwellings. It is also considered that any future proposal for the site could mitigate the loss of any features such as trees, vegetation, walls etc such that the character or amenity of the area would not be adversely affected. The proposed vehicular access and other infrastructure is of an adequate standard or could be upgraded as required, and the proposal is seen to comply with other Local Plan policies. It is therefore considered that the proposal accords with Policy SC8.

7a.8 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the planning history, Falkirk Council Supplementary Guidance and assessment of public representations.

## ***Planning History***

- 7b.2 Planning application F/90/0892 was originally submitted for the erection of a dwelling and domestic garage on the site. This application was subsequently refused on 13 November 1990 as at the time it was immediately adjacent to the then active Scout Hall, with the only access to the dwelling passing through the Scout Hall car park, which would not have created a satisfactory residential environment. The decision was appealed (P/PPA/08/219), with the appeal being dismissed. The reasons for the refusal are not now relevant, as the Scout Hall is no longer in use and the proposal is to redevelop the whole site for residential use, which would be within keeping of the surrounding land uses.
- 7b.3 An initial application was submitted in 2011 for the redevelopment of the site, P/11/0820/PPP. This application was subsequently withdrawn, as the applicant had not included the full length of the access to Gartcows Road within the application. It became clear during the assessment of this application, that the full length of the access road would have to be upgraded, and would therefore have to be included within the application site boundary. The application was therefore withdrawn with the current application then submitted, which now includes the full length of the access within the site boundary.

## ***Falkirk Council Supplementary Guidance***

- 7b.4 Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note - The current application is for planning permission in principle, and therefore at this stage no site layouts and/or designs have been submitted. However, it is considered that the site could be developed to follow the guidance contained within the supplementary guidance, given the size, position and access of the site. It is therefore considered at this stage that the site could accord with the Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note.
- 7b.5 Falkirk Council Trees and Development Supplementary Planning Guidance Note - As with the above guidance, the current application is for planning permission in principle, and therefore a detailed site plan and/or designs are not included at this stage. However, it is considered that the relevant information in the form of a Tree Survey could be carried out and be required to be submitted at the detailed design stage, taking into account the small wooded area within the site boundary. This could then allow a proposal to be developed which would safeguard the existing trees on-site and allow for a suitable site layout. It is therefore considered at this stage that the site could accord with the Falkirk Council Trees and Development Supplementary Planning Guidance Note.

## ***Assessment of Public Representations***

- 7b.6 It is not considered that the privacy of existing dwellings surrounding the site would be compromised by any new dwellings. The site is large and any dwellings proposed would be assessed in relation to their own privacy and that of neighbouring properties. Properties adjacent to the site already overlook each other due to the levels at this location.
- 7b.7 It is not considered that any proposal on the site would overshadow existing neighbouring dwellings to an unacceptable standard. This would be assessed at any detailed stage of the development and, if required, designs could be amended to ensure that overshadowing would not be an issue.
- 7b.8 The value of properties is not a material planning consideration.

- 7b.9 The access to the site has been assessed by the Roads Development Unit and would require to be upgraded if any development were to take place. It is not considered that there would be an unacceptable volume of traffic to the site if it were to be developed, and it is considered that this would not result in unacceptable noise levels in relation to traffic.
- 7b.10 The exit onto Gartcows Road has been assessed by the Roads Development Unit, and would require to be upgraded if the site were to be developed. This would require to be carried out and completed prior to any dwellings being occupied at the site. It is not considered that the development would produce an unacceptable amount of traffic which would use the new access.
- 7b.11 Any new development at this site would have to comply with current requirements for drainage, which should not result in water run-off to neighbouring properties.
- 7b.12 The trees currently contained on the site are not protected, and could be removed by the land owner if they wish to do so. However, a Tree Survey would be required with any future detailed application, which would hopefully allow a site layout to be submitted which would protect and keep the majority of trees on-site.
- 7b.13 The current application submitted is for Planning Permission in Principle (PPP), therefore the number, layout and design of dwellings is not required. This initial application is only to establish if the site would be suitable for residential use, and if granted, a further full application would then be submitted. This application would then show the specifics of the proposal, including the number of dwellings proposed at the site.
- 7b.14 Access to collect rubbish from dwellings and similar items are considered by the Roads Development Unit during the assessment of the application. In this instance the access to the site would have to be upgraded, which would then make the site suitable for vehicles such as the refuse trucks.
- 7b.15 It is not considered that the site has a lack of natural lighting given the overall size of the site. Any proposal for the site would generally be designed to maximise the opportunities for natural lighting.
- 7b.16 Legal issues in terms of land ownership and current maintenance are not material planning considerations.
- 7b.17 Scottish Water are aware of the proposal for the site, and are not objecting. However, it would be the responsibility of the land owner and/or developer to take any necessary actions and discuss the pipe network with Scottish Water to ensure that there is no damage caused through any future construction work.
- 7b.18 Access to the site to remove the existing Scout Hall and for any future construction work would be the responsibility of the land owner/s and the developer. Any damage to neighbouring properties would be a legal matter between the land owner/s and the developer and is not a material planning consideration.
- 7b.19 If any damage occurred to the parking area between the access lane to the Scout Hall and Gartcows Road, this would be a legal matter between the land owners. This would not be a material planning consideration.

- 7b.20 The lane to the Scout Hall may currently be accessed and used by the public, but it is not registered as a right of way or as a pathway by the Council. Due to its location, it is also not considered that it would be allocated as such, given that current footpaths are available to access Blinkbonny Park.
- 7b.21 Current market conditions and the likelihood of properties selling, are not a material planning considerations.
- 7b.22 The current proposal is for planning permission in principle (PPP), therefore dwelling designs are not included and would be considered at the detailed stage. It is not necessarily considered that dwellings of more than two storeys would adversely affect neighbouring properties due to overshadowing. This would be dependent on location within the site and the dwellings design and could not be considered at this stage.

## **7c Conclusion**

- 7c.1 It is considered that the proposal is acceptable development and is in accordance with Policies EQ26, SC2 and SC8 of the Falkirk Council Local Plan. There are no other material planning considerations which would justify a refusal of planning permission in principle.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that the Planning Committee grant planning permission in principle subject to the following conditions:-

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
  - (a) the siting, size, height, design & external appearance of the proposed development;
  - (b) details of the access arrangements;
  - (c) details of landscaping of the site and future maintenance of landscaping.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
  - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
  - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3)
    - i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
    - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
    - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
    - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
  - (4) The first 50 metres of the access to the site on Well Road from Gartcows Road shall be brought up to an adoptable standard, as detailed in the attached Falkirk Council Roads Unit plan in Appendix 1.
  - (5) A Tree Survey should be carried and provided with any future application for the site, which plots the position of each tree accurately and tabulates details of species, crown spread, height, stem diameter and condition (in accordance with the Council's SPG 'Trees and Development'). From this tree survey information and specifically the tree stem diameters, a 'Tree Constraints Plan' should be provided which should show the root protection areas (RPA) required for each tree where no development or construction operations shall take place.
  - (6) The site shall be limited to the development of a maximum of 3 detached dwellinghouses.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.

- (2) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (3) To ensure the ground is suitable for the proposed development
- (4) To safeguard the interests of the users of the highway.
- (5-6) To safeguard the environmental amenity of the area.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and the attached road layout.
- (2) Records indicate that a public sewer/water main crosses the application site. Scottish Water is the Water and Drainage Authority for the area and has a policy of not permitting building over or in close proximity to sewers/water mains. Your attention is therefore drawn to the fact that this planning permission does not constitute consent to build over or close to a public sewer/water mains.

**Pp**

.....  
**Director of Development Services**

**Date: 22 January 2013**

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of objection from Mr Alan Robertson, 82 Gartcows Road, Falkirk FK1 5EQ on 20 July 2012.
4. Letter of objection from Miss Moira Sommerville, 80 Gartcows Road, Falkirk FK1 5EQ on 22 July 2012.
5. Letter of objection from Mr Hassan Mansoor, 11 Greenhorns Well Avenue, Falkirk FK1 5HL on 20 July 2012.
6. Letter of objection from Doctor Andrew Crowe, 9, Greenhorns Well Avenue, Falkirk FK1 5HL on 18 July 2012.
7. Letter of objection from Mr Brian Aitken, Redlands, 74a Gartcows Road, Falkirk FK1 5EQ on 1 August 2012.
8. Letter of objection from Mr David Feist, 13 Greenhorn's Well Avenue, Falkirk FK1 5HL on 5 August 2012.
9. Letter of objection from Mr Justin Kirkhope, 15 Greenhorns Well Avenue, Falkirk FK1 5HL on 3 August 2012.

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

# Planning Committee

## Planning Application Location Plan

**P/12/0362/PPP**

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



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# Appendix 1

