

AGENDA ITEM 3(b)

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on TUESDAY 14 MAY 2013 commencing at 9.30 a.m.

PRESENT: Baillie Buchanan; Councillors Carleschi (for agenda item 3 (minute P13)); McLuckie, Mahoney, and Turner.

CONVENER: Baillie Buchanan.

ATTENDING: Development Management Co-ordinator (B Whittle); Network Officer (D Gardner) (for agenda item 3 (minute P13)); Roads Development Officer (C Russell) (for application P/12/0208/FUL); Environmental Health Officer (S Henderson) (for application P/12/0208/FUL); Solicitor (K Quin); and Committee Officer (A Sobieraj).

P11. APOLOGIES

Apologies for absence were intimated on behalf of Baillie Paterson and Councillors Chalmers, Meiklejohn and Nicol.

P12. DECLARATIONS OF INTEREST

No declarations were made.

P13. THE FALKIRK COUNCIL (LIDO LANE, STENHOUSEMUIR) (PROHIBITION OF LEFT TURN) ORDER 2012

With reference to Minute of Meeting of the Planning Committee held on 1 May 2013 (Paragraph P5 refers), Committee gave further consideration to Report (circulated) dated 26 March 2013 by the Director of Development Services seeking a decision on the Falkirk Council (Lido Lane, Stenhousemuir) (Prohibition of Left Turn) Order 2012 to prohibit a left turn manoeuvre from Lido Lane into James Street, Stenhousemuir to safeguard residential amenity from through traffic.

Objector(s) were not invited to attend the site visit. Equally, while local members may attend the site visit, they should not make any representations to the Committee. The reason for this is that the governing legislation for roads procedures of this nature, the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, sets out strict procedural requirements and timescales for objections to Orders to be made and in relation to hearings. The Regulations require that, where a hearing is called for, it be conducted by an independent reporter appointed by the authority from a list of persons compiled by the Scottish Ministers and in accordance with procedures determined by the reporter. Accordingly, to hear objectors or interested parties at a site visit of this nature

would not be in compliance with the procedures set down in the Regulations. Members of the Planning Committee were, however, fully appraised of the written objections received during the statutory objection period ending on 27 December 2012.

The Network Officer (D Gardner) outlined the nature of the application.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 29 May 2013.

P14. ERECTION OF A SINGLE WIND TURBINE (225KW, 45.9 METRES IN HEIGHT TO TIP) WITH TEMPORARY ACCESS TRACK AT SITE TO THE SOUTH WEST OF THE LEYS, DENNY FOR INTELLIGENT LAND INVESTMENTS LTD – P/12/0208/FUL

With reference to Minute of Meeting of the Planning Committee held on 1 May 2013 (Paragraph P10 refers), Committee gave further consideration to Report (circulated) dated 23 April 2013 by the Director of Development Services on an application for full planning permission for the erection of a single wind turbine (225kW, 45.9 metres in height to tip) with a temporary access track at a site to the south west of the Leys, Denny.

The Convener introduced the parties present.

The Development Management Co-ordinator (B Whittle) outlined the nature of the application.

Mr Gippert, the applicant's agent, was heard in relation to the application.

Mr Cormack, on behalf of Cumbernauld Airport, an objecting consultee, was heard in relation to the application.

The objection included the following issues:-

- an unacceptable hazard to aviation within the 0.5 kilometre Safeguarding Boundary of Cumbernauld Aerodrome;
- the 6 nautical mile Wind Vortex radius of Cumbernauld Aerodrome, the Air Traffic Zone Boundary of Cumbernauld Aerodrome and the Circuit Pattern Boundary of Cumbernauld Aerodrome;
- that the Civil Aviation Authority (CAA) Policy and Guidance document CAP 764 supported the objection;
- that the CAA was conducting a survey on the effects of wind turbine wakes on light aircraft; and
- that there were no mitigating factors included in the application.

Questions were then asked by Members of the Committee.

Councillor McCabe, as local Member for the area, was heard in relation to the application.

Councillor Oliver, as local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 29 May 2013.

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (LIDO LANE, STENHOUSEMUIR)
(PROHIBITION OF LEFT TURN) ORDER 2012**
Meeting: PLANNING COMMITTEE
Date: 29 MAY 2013
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Carse, Kinnaird and Tryst

**Local Members: Councillor Stephen Bird
Councillor Steven Carleschi
Councillor Charles MacDonald
Councillor Craig Martin**

Community Council: Larbert, Stenhousemuir and Torwood Community Council

Council Officers: Russell Steedman – Network Co-ordinator

1. UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

- 1.1 Members will recall that this proposed Traffic Regulation Order was originally prepared for the Planning Committee on 1 May 2013 (copy of previous report appended), when it was agreed to continue consideration of the proposed Order and undertake a site visit. This visit took place on 14 May 2013.
- 1.2 Members viewed the site of the proposed Traffic Regulation Order and both routes along which buses, taxis and cycles can currently travel ie a) Lido Lane, James Street, McLachlan Street and b) Lido Lane, Park Drive, Main Street.
- 1.3 A plan (numbered 20130508/JA/JA) was issued to Members indicating the difference in distance between the two possible routes that vehicles may take to travel to the junction of Main Street and McLachlan Street. The difference in distance of 34m was calculated following measurements taken on site.
- 1.4 Members asked questions relating to the proposed Order and officers explained the reasons for promoting the proposed Order and possible implications should the Order be abandoned.

2 RECOMMENDATION

- 2.1 Members are asked to consider the terms of the report including the objections and determine whether the Traffic Regulation Order should be made.**

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Director of Development Services
Date: 17 May 2013

Contact Officer: Russell Steedman, Network Co-ordinator Tel: Ext 4830

LIST OF BACKGROUND PAPERS

1. The Falkirk Council (Lido Lane, Stenhousemuir)(Prohibition of Left Turn) Order 2013
2. Consultation responses
3. Letters of objection and correspondence

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (LIDO LANE,
STENHOUSEMUIR)(PROHIBITION OF LEFT TURN) ORDER 2012**
Meeting: PLANNING COMMITTEE
Date: 1 MAY 2013
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Carse, Kinnaird and Tryst

**Local Members: Councillor Stephen Bird
Councillor Steven Carleschi
Councillor Charles MacDonald
Councillor Craig Martin**

Community Council: Larbert, Stenhousemuir and Torwood Community Council

Council Officer: Russell Steedman - Network Co-ordinator

1. INTRODUCTION

- 1.1 This report seeks a decision on The Falkirk Council (Lido Lane, Stenhousemuir)(Prohibition of Left Turn) Order 2012, the purpose of which is to prohibit the left turn manoeuvre from Lido Lane into James Street, Stenhousemuir to safeguard residential amenity from through traffic. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as unresolved objections have been received to the making of the Order. In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.
- 1.2 Members should be aware that it is available to them to call for a hearing on the Order should they find themselves unable to determine whether the Order should be made or not at this stage. Such a hearing would be conducted by an independent party appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider the report and recommendation of the Reporter before making a determination.

2. BACKGROUND

- 2.1 Following implementation of the Falkirk Council (Lido Lane, Stenhousemuir)(One-Way Traffic and Restricted Access) Order 2012, complaints have been received regarding taxis using the residential area of James Street, Stenhousemuir as a through route to avoid traffic signals on Main Street, Stenhousemuir. The proposed Traffic Regulation Order (TRO) prohibits the left turning manoeuvre from Lido Lane, Stenhousemuir into James Street, Stenhousemuir to address these concerns.

- 2.2 The location of the proposed prohibition is shown on the drawing numbered TRO/12/038 attached.
- 2.3 Planning consent was granted by Members of the Planning Committee on 27 July 2006 for the redevelopment of Stenhousemuir town centre. Lido Lane was constructed as a “one way bus link” to facilitate the introduction of a local bus service whilst safeguarding the adjacent residential communities as part of this redevelopment.
- 2.4 The decision to make The Falkirk Council (Lido Lane, Stenhousemuir)(One-Way Traffic and Restricted Access) Order 2012 and to permit taxi’s to use Lido Lane was made by Planning Committee at its meeting of 19 September 2012.

3. CONSULTATION

- 3.1 Forty five objections, dated 24 December 2012, were received to the proposed order by way of signatures on a pre-prepared objection letter.
- 3.2 The 45 signature objection, prepared by a local taxi company, bases its objection on two points. These are:
- a) Increased congestion along Park Drive towards the traffic signalised junction between Main Street, Stenhousemuir and King Street, Stenhousemuir.
 - b) Increased cost.
- 3.3 Development Services responded to objectors on 5 February 2012 explaining:-
- a) The volume of permitted vehicles (buses, taxis and cycles) using Lido Lane is low. As such, prohibiting the left turn manoeuvre at the junction between Lido Lane and James Street, would not cause significant congestion issues on Park Drive, Main Street, or at the junction between Main Street and King Street.
 - b) For destinations west of the junction between Main Street and McLachlan Street (McLachlan Street being the next street to access Main Street), prohibiting left turning vehicles adds approximately 40 metres (43 yards) to the total distance travelled which is unlikely to add significant cost to fares.
 - c) Development Services’ proposals to implement such restrictions are considered necessary to safeguard the local residential community from rat running vehicles. An increase in vehicle numbers within residential areas can pose safety concerns.
- 3.4 Objectors were asked, should they be minded to do so, to formally withdraw their objections.
- 3.5 To date, one objection has been withdrawn.
- 3.6 Central Scotland Police have advised that they have no additional comments to make in relation to the proposals.

4.0 CONCLUSION

- 4.1 The purpose of The Falkirk Council (Lido Lane, Stenhousemuir)(Prohibition of Left Turn) Order 2012 is to safeguard the adjacent residential streets from an increase in vehicular traffic caused by taxis using residential streets. An increase in vehicle numbers within residential areas can pose road safety concerns. Prohibiting left turning manoeuvres from Lido Lane to would minimise the potential of road safety issues caused by taxis in the James Street area.

5.0 RECOMMENDATIONS

- 5.1 **Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.**

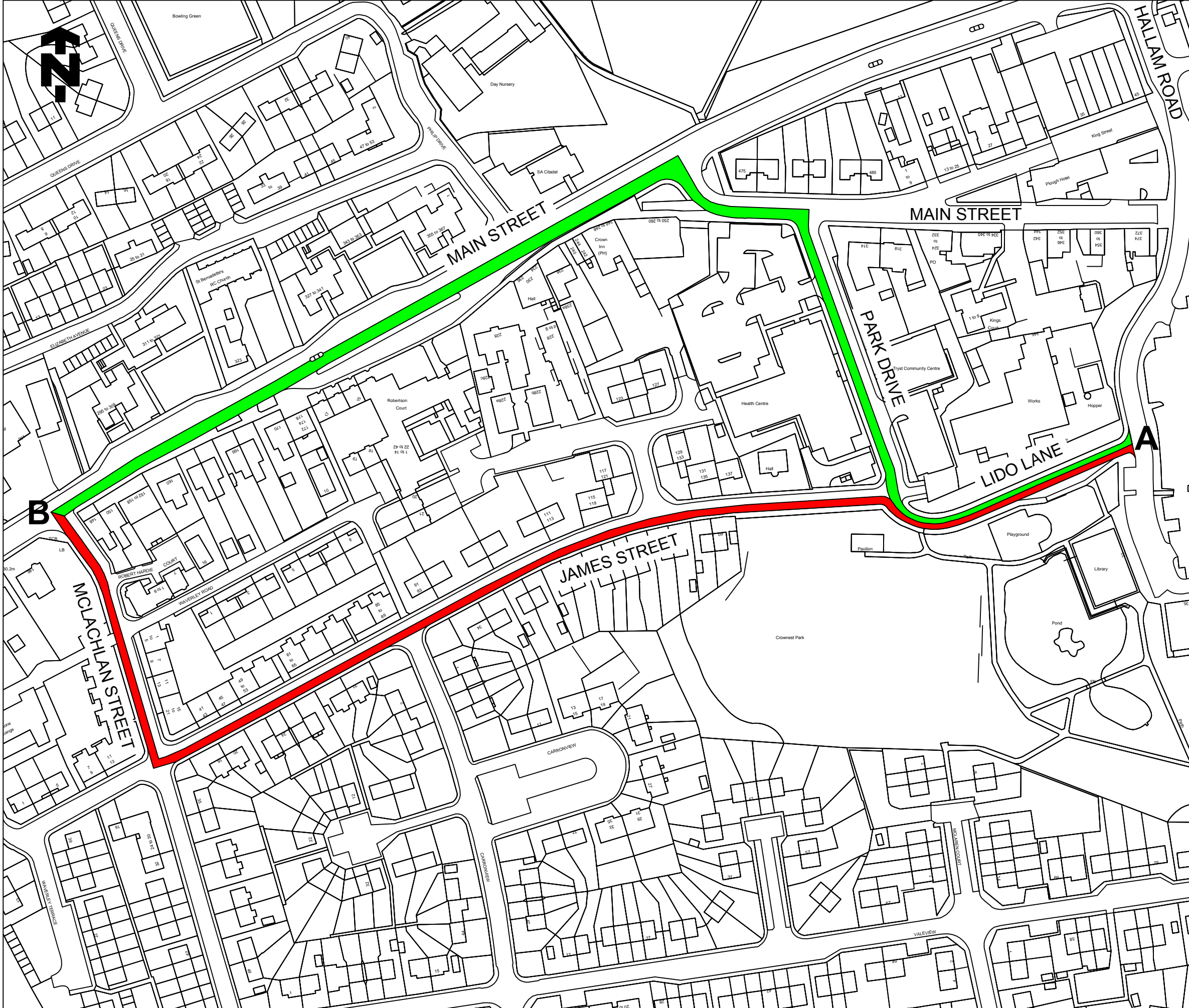
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Director of Development Services

Date: 26 March 2013

Contact Officer: Russell Steedman, Network Co-ordinator Tel: Ext 4830

LIST OF BACKGROUND PAPERS

1. The Falkirk Council (Lido Lane, Stenhousemuir)(Prohibition of Left Turn) Order 2012
2. The Falkirk Council (Lido Lane, Stenhousemuir)(One-Way Traffic and Restricted Access) Order 2012
3. Consultation responses
4. Letters of objection and correspondence.



NOTES

A TO B VIA LIDO LANE, JAMES STREET, MCLACHLAN STREET TERMINATING AT JUNCTION WITH MAIN STREET

MEASURED DISTANCE:

 542m

A TO B VIA LIDO LANE, PARK DRIVE, MAIN STREET, TERMINATING AT JUNCTION WITH MCLACHLAN STREET

MEASURED DISTANCE:

 576m

MEASURED DIFFERENCE - GREEN ROUTE IS **34m** LONGER THAN RED ROUTE BETWEEN POINTS A AND B.

NOTE:
1. NO DIMENSIONS TO BE SCALED FROM THIS DRAWING
2. CONTRACTOR TO CHECK ALL SIZES ON SITE



Falkirk Council
Development Services (Roads)
Engineering Design
Abbotsford House, David's Loan
Falkirk FK2 7YZ
Tel: 01324 504950 Fax: 01324 504850
Director: Rhona Geisler

PROJECT

LIDO LANE
PROHIBITION OF LEFT TURN

DRAWING

ROUTE INVESTIGATIONS

| | | |
|----------|------------|-----------|
| DRAWN | DATE | SCALE |
| JA | 08/05/2013 | 1:1500@A3 |
| CHECKED | DATE | |
| DG | 08/05/2013 | |
| APPROVED | DATE | |
| RS | 08/05/2013 | |

DRAWING NO.

20130508/JA/JA

FALKIRK COUNCIL

Subject: **ERECTION OF A SINGLE WIND TURBINE (225KW, 45.9 METRES IN HEIGHT TO TIP) WITH TEMPORARY ACCESS TRACK AT SITE TO THE SOUTH WEST OF THE LEYS, DENNY FOR INTELLIGENT LAND INVESTMENTS LTD – P/12/0208/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **29 May 2013**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Denny and Banknock**

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin David Oliver

Community Council: **Denny and District**

Case Officer: **Brent Vivian (Senior Planning Officer), Ext. 4935**

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee at the meeting on 1 May 2013 (copy of previous report appended), when it was decided to continue the application for a site visit. This visit took place on 14 May 2013.
2. At the site visit the Development Management Co-ordinator summarised the case officer's report, the applicant's agent spoke in support of the application and the Planning Committee asked questions and Local Members, Councillors McCabe and Oliver were heard and asked questions. Two representatives from Cumbernauld Airport were present at the meeting and spoke to their objections to the proposed development.
3. Members raised concerns in relation to neighbour notification procedures, access to the site, cumulative impact and effect on aviation safety.
4. Neighbouring properties within 20 metres of an application site are notified where there are premises to which a notification notice can be sent; otherwise an advertisement is placed in the Falkirk Herald. Community Councils receive notice of planning applications received and can request to be consulted. These procedures were carried out.

5. The Roads Development Officer confirmed that if the Committee is minded to grant planning permission, an informative is recommended requesting the developer to undertake a pre and post construction road survey and a culvert condition survey. The developer would be responsible for the cost of any repairs required as a result of damage caused by construction traffic. The applicant's agent did not anticipate difficulties in accessing the site.
6. Members questioned what other wind turbines have been granted planning permission in the surrounding area. The Development Management Co-ordinator advised that this information would be provided for Members. A map identifying sites with planning permission within a 10km radius of the application in the Falkirk Council area is appended. Additional information has been sought from North Lanarkshire Council and a further update will be provided at the meeting.
7. Members noted that the Civil Aviation Authority (CAA) are in the process of conducting a survey on the effects of wind turbine wake on light aircraft and sought an update from the CAA on this work. A response from the CAA has been sought and an update will be provided at the meeting of the Planning Committee.
8. Members questioned the height of the proposed turbine and the height that aircraft fly within this area. The Development Management Co-ordinator drew Members attention to paragraph 7b.9 through to paragraph 7b.14 of the appended Committee report. The tip height of the turbine would be 789 feet above mean sea level. Aircraft flying in the circuit pattern at Cumbernauld are currently instructed to fly at 1350 feet above mean sea level.
9. Councillor McCabe sought clarification in respect of the comments in paragraph 1.3 of the appended report concerning the applicant's proposal to make payments to a local community organisation. The Development Management Co-ordinator advised that the principle of making such payments and the process for disbursing monies is not a planning matter. It is a matter outwith the planning process for the developer to make arrangements with a relevant community organisation such as, for example, the Community Council.
10. Councillor Oliver questioned the meaning of draft condition 6 of the appended report. The Development Management Co-ordinator advised that the condition would allow minor relocation of the turbine within a 10 metre radius of the proposed location. This would provide some flexibility in siting at the point of construction to accommodate any site constraints, such as ground conditions, that are currently unknown.
11. It is considered that no matters were raised at the site visit that alter the recommendation to grant planning permission. The previous recommendation is therefore reiterated as follows:-

12. RECOMMENDATION

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

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**

- (2) Before the development commences the exact details of the colour(s) of the proposed turbine and substation shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3) Before the development commences, the exact details of the surface finish of the proposed access track and any hardstanding areas shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (4) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by this Planning Authority), the proposed access track and any hardstanding areas/disturbed land shall be soiled and grassed over, unless a minimum construction is required solely for the purposes of maintenance/turning as approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (5) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by this Planning Authority), any existing landscape features (e.g. hedges, tracks, fences, trees) required to be removed/altered to enable access by construction vehicles, shall be reinstated in accordance with details approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (6) A micro-siting allowance of 10 metres shall be permissible for the proposed turbine to the satisfaction of the Planning Authority.
- (7) Before the development commences, a Construction Method Statement for the proposed new bridge shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) At any time upon the direction of this Planning Authority, the wind turbine operator shall, at their own expense, employ an independent consultant, approved by this Planning Authority, to assess the level of noise emission from the wind turbine, in accordance with a scoping to be agreed in writing by this Planning Authority. The report shall be submitted for the written approval of this Planning Authority within one month of the direction of this Planning Authority and shall include details of any required measures to mitigate noise disturbance. Thereafter the development shall be operated in accordance with any approved mitigation measures.
- (9) Before the development commences, a Radar Mitigation Scheme to prevent the impairment of the performance of aerodrome navigation aids and/or the efficiency of the air traffic control services shall be submitted to and approved in writing by this Planning Authority in consultation with Glasgow Airport.

- (10) The proposed wind turbine shall not be erected until the Radar Mitigation Scheme approved as part of Condition 9 above has been implemented and the development shall thereafter be operated fully in accordance with the approved scheme.
- (11) In the event that the development hereby approved ceases to be used for the purpose for which it was designed, the operator shall inform the Planning Authority, and the wind turbine and related apparatus, access road and hardstanding shall be removed from the site. Within 2 months of the date on which the use ceases (unless otherwise agreed in writing by this Planning Authority), the site shall be reinstated in accordance with a scheme approved in writing by this Planning Authority.

Reason(s):

- (1) As these drawings and details constitute the approved development.
- (2-5) To safeguard the visual amenity of the area.
- (6) To provide some flexibility in siting to accommodate any site constraints that are currently unknown.
- (7) To safeguard the water environment and nature conservation interests.
- (8) To safeguard the residential amenity of the area.
- (9-10) In the interests of aviation safety.
- (11) To ensure the satisfactory removal of redundant wind turbine installations.

Informative(s):

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02, 03, 04, 09A, 12, 13 and 14
- (3) The applicant is advised to contact Falkirk Council Roads Services and Development Services Structures Section before the development commences to arrange pre and post construction road surveys and a culvert survey (if necessary). The Falkirk Council contact officers are Gavin Davie, Area Roads Officer, Roads Services, Earls Road, Grangemouth, Tel. 01324 501133 and Ralph Ridley, Bridges and Structure Design Co-ordinator, Abbotsford House, David's Loan, Falkirk, Tel. 01324 504825.
- (4) The applicant is advised to notify Falkirk Council of any abnormal load details, through email address: abnormalloads@falkirk.gov.uk

- (5) The applicant is advised to cease all work on the affected part of the site in the event of any made ground, suspect material or odours being encountered during site works/operations following commencement of the development. In such an event, the applicant is advised to contact the Planning Authority immediately, carry out a contaminated land risk assessment in accordance with current guidance and legislation, undertake any necessary remediation works and only recommence works with the prior written approval of the Planning Authority.
- (6) Defence Infrastructure Organisation Safeguarding wishes to be notified of the progress of this proposal to verify that it will not adversely affect defence interests. The Organisation should be advised of the following:
1. the date construction starts and ends;
 2. the maximum height of construction equipment;
 3. the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area. If the application is altered in any way Defence Infrastructure Organisation Safeguarding must be consulted again as even the slightest change might be unacceptable. The above information should be submitted to Falkirk Council and:

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

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Director of Development Services
Date: 21 May 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Scottish Planning Policy
4. Planning Circular 2/2003 (Safeguarding of Aerodromes, Technical Sites and Military Explosive Areas Storage.
5. CAP 393 (Air Navigation: The Order and the Regulations)
6. CAP 738 (Safeguarding of Aerodromes)
7. CAP 764 (Policy and Guidance for Wind Turbines)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

FALKIRK COUNCIL

Subject: ERECTION OF A SINGLE WIND TURBINE (225KW, 45.9 METRES IN HEIGHT TO TIP) WITH TEMPORARY ACCESS TRACK AT SITE TO THE SOUTH WEST OF THE LEYS, DENNY FOR INTELLIGENT LAND INVESTMENTS LTD – P/12/0208/FUL

Meeting: PLANNING COMMITTEE

Date: 1 May 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin David Oliver

Community Council: Denny and District

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks full planning permission to erect a 45.9 metre high (to blade tip) mono pole wind turbine. The ground level at the site of the proposed turbine is 195 metres above Ordnance Datum (AOD). Proposed ancillary works include a temporary access track and substation. The proposed turbine and construction access would be positioned along existing field boundaries to minimise the loss of productive land. Existing tracks to access the site would be used where possible. The proposed turbine would be connected to the national grid.
- 1.2 The application site lies to the north of Banknock, ranging in height from 155 metres AOD to a high point of 215 metres AOD. The site sits lower than the hills to the north, which rise to 350 metres AOD. The land uses of the area are mainly arable/grazing land with large forested areas to the immediate north and west.
- 1.3 The applicant proposes to make a payment of £5000 per megawatt of installed capacity to a local community organisation i.e. £1125 per year for each year the turbine operates. The process for disbursing the payments would be arranged with a relevant community organisation.
- 1.4 The following information has been submitted in support of the application:-
 - A Supporting Turbine Statement;

- Noise Emission Information;
- A Landscape and Visual Assessment; and
- An assessment by DKM Aviation Partners Limited in response to an objection by Cumbernauld Airport.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor McCabe.

3. SITE HISTORY

- 3.1 There is no relevant planning history for the application site.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit have advised that an informative should be attached to any grant of planning permission requesting the undertaking of pre and post construction road surveys and a culvert condition survey (if necessary). This is due to the possibility of damage to Myothill Road during the infrastructure delivery stage due to the restricted horizontal and vertical alignment of this road.
- 4.2 The Council's Environmental Protection Unit have noted that the noise information accompanying the application indicated that the resultant noise levels at the closest sensitive receptor should be well below the guidance limits and should not cause any nuisance. They advise that a competent assessment of noise emissions would be required if noise complaints are received. They note that a Contaminated Land Assessment would be required if made ground, suspect substances or odours are encountered during construction works.
- 4.3 Scottish Water have no objection in relation to the application.
- 4.4 The Civil Aviation Authority (CAA), National Air Traffic Services (NATS) Safeguarding and the Ministry of Defence (MOD) have not raised any aviation related concerns. The MOD have requested that they be notified if planning permission is granted.
- 4.5 The British Airports Authority (BAA) have no objection to the application subject to conditions requiring the submission of a Radar Navigation Scheme to prevent the impairment of the performance of aerodrome navigation aids and/or the efficiency of air traffic control services, and implementation of the approved Radar Navigation Scheme prior to the turbine being erected.

- 4.6 Cumbernauld Airport have objected to the application as they consider the proposed development to represent an unacceptable hazard to aviation within the 0.5 kilometre Safeguarding Boundary of Cumbernauld Aerodrome, the 6 nautical mile Wind Vortex radius of Cumbernauld Aerodrome, the Air Traffic Zone Boundary of Cumbernauld Aerodrome and the Circuit Pattern Boundary of Cumbernauld Aerodrome. They refer to CAA Policy and Guidance document CAP 764 in support of their objection. They indicate that the CAA are in the process of conducting a survey on the effects of wind turbine wakes on light aircraft. They consider that there are no mitigating factors included in the application.
- 4.7 Wind Farms Support (Atkins) have advised that the application has been examined in relation to communications used by the Telecommunications Association of the UK Water Industry (TAUWI) and they have no objections. The Joint Radio Company (JRC) does not foresee any problems with interference to any radio systems operated by the UK Fuel and Power Industry.
- 4.8 Stirling Council have no issue with the proposed development in terms of visual impact or other environmental interests within the Stirling Council area. Given the location of the proposed turbine and its comparatively modest height, they agree with the comments of the Supporting Planning Statement that it would be obscured from view to the north and west by local topography.
- 4.9 Falkirk Community Trust (Museum Services) have no objection to the application as the nearest known historic/archaeological site is approximately 200 metres to the south.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council have not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 No public representations were received in relation to the application.

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

- 7a.1 The proposed development does not raise any strategic issues and has therefore been assessed against the Falkirk Council Local Plan alone.

7a.2 Policy EQ19 - ‘Countryside’ states:

“(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.”*

7a.3 This policy provides for development proposals in the countryside where there is an essential need for a countryside location. Due to the nature of the proposal, and the need for generous buffer distances to protect residential amenity, the essential need for a countryside location is accepted. In addition, the scale and siting of the proposed wind turbine are considered to be acceptable within the countryside setting (see paragraphs 7a.5 and 7a.9), and the proposed design is typical of wind turbines found within the countryside. The application is therefore considered to accord with this policy.

7a.4 Policy EQ23 - ‘Areas Of Great Landscape Value’ states:

“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.”

7a.5 This policy protects Areas of Great Landscape Value from development that would be detrimental to their amenity and distinctive landscape quality. The proposed turbine is generally within an area of medium landscape sensitivity to wind energy development and the extent of the overall Area of Great Landscape Value within which the turbine would be visible is confined predominantly to the south. The landscape impact of the proposal is considered to be acceptable and the application is therefore considered to accord with this policy.

7a.6 Policy ST20 - 'Renewable Energy Development' states:

"The Council will support development required for the generation of energy from renewable sources, and the utilisation of renewable energy sources as part of new development, subject to assessment of proposals against other Local Plan policies. Renewable energy development will be viewed as an appropriate use in the countryside where there is an operational requirement for a countryside location."

7a.7 This policy supports development required for the generation of energy from renewable sources. Renewable energy development will be viewed as appropriate in the countryside where there is an operational need for a countryside location. The application is considered to accord with this policy.

7a.8 Policy ST21 - 'Wind Energy' states:

"Wind energy developments will be assessed in relation to the following factors:

- (1) The visual impact of the development, having regard to the scale and number of turbines, existing landscape character, and views from settlements, main transport corridors and other key vantage points. Development will not necessarily be excluded from Green Belts or Areas of Great Landscape Value, but must demonstrate particular sensitivity in terms of scale and design where these designated areas are affected;*
- (2) The ecological impact of the development, having regard to Policies EQ24 and EQ25, including impacts on both designated sites and protected species. In particular, developers will be required to demonstrate that there will be no adverse impact on migratory birds;*
- (3) The impact on the cultural heritage and the landscape setting of cultural features, having regard to Policies EQ12, EQ14, EQ16, EQ17 and EQ 18;*
- (4) The impact on aviation and telecommunications, with particular regard to the safeguarding zones and operational needs associated with Edinburgh, Glasgow and Cumbernauld airports;*
- (5) The impact on settlements and residential properties by virtue of noise and 'shadow flicker'; and*
- (6) Cumulative impacts in relation to the above factors, where there are existing developments in the area, or the development is one of a number of proposals for an area."*

7a.9 This policy outlines the considerations that wind energy developments will be assessed against. These considerations relate to visual and landscape impacts, ecology, cultural heritage, aviation, telecommunication, noise, shadow flicker and cumulative impacts. The matters have been assessed in the supporting information accompanying the application and the findings are generally accepted. The visual and landscape impacts are considered to be acceptable as the proposed turbine would not, overall, be a dominant feature in the setting. Contributing factors in that regard are the existence of blocks of woodland and topographical features which would limit visibility. The proposal includes a bridge crossing of a burn but no significant ecological impacts are anticipated subject to compliance with an approved Construction Method Statement. No loss of amenity to the nearest receptors is anticipated in relation to noise and shadow flicker. No objections have been made by telecommunication interests or the majority of aviation interests. Impacts on Cumbernauld Airport are considered to be acceptable for the reasons detailed in paragraphs 7b.10 to 7b.14 of this report. No significant cumulative impacts are anticipated.

7a.10 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are National Planning Policy and Guidance and the consultation responses.

National Planning Policies and Guidance

- 7b.2 The Scottish Government has set ambitious targets to meet Scottish energy needs from renewable energy sources.
- 7b.3 Scottish Planning Policy states that planning authorities should support the development of a diverse range of renewable energy technologies. Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.
- 7b.4 Planning Circular 2/2003 (Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas) provides details of the system of official safeguarding of aerodromes and technical sites. The Circular contains a list of the current officially safeguarded civil aerodromes.
- 7b.5 CAP 393 (Air Navigation: The Order and the Regulations), CAP 738 (Safeguarding of Aerodromes) and CAP 764 (Policy and Guidelines for Wind Turbines) are guidance documents prepared by the Civil Aviation Authority (CAA).
- 7b.6 CAP 393 specifies the minimum height at which aircraft are normally flown. It specifies that an aircraft shall not be flown closer than 500 feet to any person, vessel, vehicle or structure.
- 7b.7 CAP 738 describes the regulatory framework for safeguarding aerodromes. It outlines a safeguarding assessment procedure which includes a requirement to calculate if an obstruction infringes the Obstacle Limitation Surface (OLS). If a proposed development does not infringe the OLS and there are no associated issues, a response should be sent to the planning authority indicating that there is no safeguarding objection. Associated issues detailed in the guidance include birdstrike hazard, lighting and impacts on aeronautical systems and radar.
- 7b.8 CAP 764 provides CAA policy and guidance on a range of issues associated with wind turbines and their effect on aviation. The document considers the effects of turbulence caused by the wake of a turbine which extends stream wise behind the blades and the tower. The dissipation of the wake intensity depends on the convection, the turbulence diffusion and the topology (obstacles, terrain etc). The document recognises that aircraft wake vortices can be hazardous to other aircraft, and that wind turbines produce wakes of similar but not identical characteristics to aircraft. The CAA have received anecdotal reports of aircraft encounters with wind turbine wakes but there are a wide variety of views as to the significance of the turbulence and the CAA is currently investigating the effects of wind turbine wakes on aircraft. The document advises that, until the results of further research are known, analysis of turbulence can only be undertaken on a case by case basis, taking into account the proximity of the development and the type of aviation activity conducted. Turbulence is of particular concern to those involved in very light sport aviation such as gliding, parachuting, hang-gliding, paragliding or microlight operations.

Responses to Consultation

- 7b.9 The consultation responses are summarised in section 4 of this report. Cumbernauld Airport have objected to the application, whilst the matters raised in other consultation responses could be the subject of conditions or informatives of any grant of planning permission. The BAA have stipulated conditions in relation to the preparation of a Radar Navigation Scheme.
- 7b.10 The applicant requested DKM Aviation Partners Ltd to review the Cumbernauld Airport objection. DKM have queried some of the terms used by the Airport, in particular they consider that there is no particular significance to a 5km radius of the aerodrome for the purposes of obstacle limitation. They note the requirement (in CAP 738) to calculate if an obstruction infringes the Obstacle Limitation Surface (OLS). They cannot find any CAA or international reference to a Wind Turbine Vortex for an airport. They consider that the (legally defined) Aerodrome Traffic Zone (ATZ) is relevant, and that the circuit pattern of aircraft would normally be expected to remain within the Cumbernauld ATZ.
- 7b.11 DKM Aviation Partners Ltd note that the Cumbernauld ATZ extends to 2 nautical miles (3.704km) from the aerodrome. They advise that the application site is 3.72km from the aerodrome therefore it is reasonable to assume that it is on the boundary of the ATZ. They advise that aircraft flying in the circuit pattern at Cumbernauld are instructed by local flying procedures to fly at 1000 feet above the aerodrome elevation (1350 feet above mean sea level [amsl]). The proposed turbine to tip height would be 789 feet amsl, therefore the 1000 foot rule would be able to be satisfied for aircraft overflying the turbine, whilst also satisfying the requirement under CAP 393 for aircraft to be flown no closer than 500 feet to a structure. In addition, they note that Cumbernauld Airport have not suggested that the OLS is penetrated by the proposed turbine. In such circumstances, in accordance with CAP 738, there is no safeguarding objection on the grounds of physical obstruction unless there is an associated issue.
- 7b.12 DKM Aviation also note the existence of higher aerodrome obstacles in the area and higher ground rising to 1506 feet amsl. Taking account all of the above matters, they have difficulty in reconciling the Cumbernauld Airport objection that the proposed turbine, at 789 feet amsl and 3.72km from the aerodrome, would represent any significant hazard to aviation.

- 7b.13 DKM Aviation have considered the issue of wind turbine wakes and accept that turbine wakes can generate vortices and the amount of vortex is not clearly understood and is a matter of research. They note that Cumbernauld Airport quote extensively from CAA Safety Sense Leaflet 15C which relates to aircraft wake vortex. Whilst turbines produce wakes of similar but not identical characteristics to aircraft, some relevant facts can be read or deduced from the leaflet. These facts include: that wake vortex can be very significant in near still conditions; decay of turbulence is usually sudden and occurs more quickly in windy conditions; and vortices will always descend and dissipate. In considering the proposed development, DKM Aviation advise that the prevailing wind is from the west and south-west, therefore in the majority of days any short range turbulence would be blowing away from Cumbernauld Airport. They consider that a pilot would have to be flying below 167 feet (the height of the proposed turbine) and very close to the downwind side of the turbine to even come into contact with turbulence from the turbine. They consider that such a low flight would be almost impossible to conduct legally or safely given the high ground in the vicinity of the application site and the distance from Cumbernauld Airport. CAP 393 specifies that aircraft shall not be flown closer than 500 feet to any structure. DLM Aviation conclude that there is no evidence to support the suggestion by Cumbernauld Airport that there would be an unacceptable erosion of the current safety margin with a 6 nautical mile radius of Cumbernauld Airport, and on the periphery of the ATZ.
- 7b.14 Cumbernauld Airport have reviewed the DKM Aviation response but have not provided an opinion on the DKM submission as a means to support and substantiate their objection to the application. However, in their further comments they do quote from CAP 764 which considers the effects of turbulence caused by the wake of turbines. Whilst the responsibility of Cumbernauld Airport to safeguard the flying operation of their aerodrome is understood, CAP 764 advises that there is a wide variety of views on the significance of turbulence and that, until the results of further research are known, analysis of turbulence can only be undertaken on a case by case basis. In this case, the applicant's consultant would appear to have provided a site-specific assessment of the aviation risks taking into account the distance of the proposed turbine to the aerodrome, the height of the turbine above ground level, the surrounding topography and legal and safe flying height at the location. In contrast, Cumbernauld Airport appear to rely on general guidance and in effect promote a moratorium on most sites of wind turbine development within 6 nautical miles of the aerodrome until the results of further research is known. This appears to be contrary to the advice in CAP 764 which supports a case by case assessment. In addition, Cumbernauld Airport have not advised of any encroachment of the OSL. The conclusions of DKM Aviation, that there is no safeguarding issue to consider, and there are no valid reasons for considering turbulence from the proposed turbine as a safety concern to operations at Cumbernauld Airport, are therefore accepted.

7c Conclusion

- 7c.1 The application is considered to comply with the Development Plan for the reasons detailed in this report. The application is therefore recommended for approval subject to appropriate conditions. There are not considered to be any material considerations to justify a contrary recommendation.
- 7c.2 The report considers the objection to the application by Cumbernauld Airport. A decision to grant the application despite the objection by Cumbernauld Airport would not require notification of the application to the CAA as Cumbernauld Aerodrome is not an officially safeguarded aerodrome (the procedures are set out in Planning Circular 2/2003). The application is therefore not potentially subject to Scottish Ministers call in procedures.

8. RECOMMENDATION

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

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2) Before the development commences the exact details of the colour(s) of the proposed turbine and substation shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- (3) Before the development commences, the exact details of the surface finish of the proposed access track and any hardstanding areas shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- (4) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by this Planning Authority), the proposed access track and any hardstanding areas/disturbed land shall be soiled and grassed over, unless a minimum construction is required solely for the purposes of maintenance/turning as approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- (5) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by this Planning Authority), any existing landscape features (e.g. hedges, tracks, fences, trees) required to be removed/altered to enable access by construction vehicles, shall be reinstated in accordance with details approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- (6) A micro-siting allowance of 10 metres shall be permissible for the proposed turbine.**
- (7) Before the development commences, a Construction Method Statement for the proposed new bridge shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**

- (8) At any time upon the direction of this Planning Authority, the wind turbine operator shall, at their own expense, employ an independent consultant, approved by this Planning Authority, to assess the level of noise emission from the wind turbine, in accordance with a scoping to be agreed in writing by this Planning Authority. The report shall be submitted for the written approval of this Planning Authority within one month of the direction of this Planning Authority and shall include details of any required measures to mitigate noise disturbance. Thereafter the development shall be operated in accordance with any approved mitigation measures.
- (9) Before the development commences, a Radar Mitigation Scheme to prevent the impairment of the performance of aerodrome navigation aids and/or the efficiency of the air traffic control services shall be submitted to and approved in writing by this Planning Authority in consultation with Glasgow Airport.
- (10) The proposed wind turbine shall not be erected until the Radar Mitigation Scheme approved as part of Condition 9 above has been implemented and the development shall thereafter be operated fully in accordance with the approved scheme.
- (11) In the event that the development hereby approved ceases to be used for the purpose for which it was designed, the operator shall inform the Planning Authority, and the wind turbine and related apparatus, access road and hardstanding shall be removed from the site. Within 2 months of the date on which the use ceases (unless otherwise agreed in writing by this Planning Authority), the site shall be reinstated in accordance with a scheme approved in writing by this Planning Authority.

Reason(s):

- (1) As these drawings and details constitute the approved development.
- (2-5) To safeguard the visual amenity of the area.
- (6) To provide some flexibility in siting to accommodate any site constraints that are currently unknown.
- (7) To safeguard the water environment and nature conservation interests.
- (8) To safeguard the residential amenity of the area.
- (9-10) In the interests of aviation safety.
- (11) To ensure the satisfactory removal of redundant wind turbine installations.

Informative(s):

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02, 03, 04, 09A, 12, 13 and 14
- (3) The applicant is advised to contact Falkirk Council Roads Services and Development Services Structures Section before the development commences to arrange pre and post construction road surveys and a culvert survey (if necessary). The Falkirk Council contact officers are Gavin Davie, Area Roads Officer, Roads Services, Earls Road, Grangemouth, Tel. 01324 501133 and Ralph Ridley, Bridges and Structure Design Co-ordinator, Abbotsford House, David's Loan, Falkirk, Tel. 01324 504825.
- (4) The applicant is advised to notify Falkirk Council of any abnormal load details, through email address: abnormalloads@falkirk.gov.uk
- (5) The applicant is advised to cease all work on the affected part of the site in the event of any made ground, suspect material or odours being encountered during site works/operations following commencement of the development. In such an event, the applicant is advised to contact the Planning Authority immediately, carry out a contaminated land risk assessment in accordance with current guidance and legislation, undertake any necessary remediation works and only recommence works with the prior written approval of the Planning Authority.
- (6) Defence Infrastructure Organisation Safeguarding wishes to be notified of the progress of this proposal to verify that it will not adversely affect defence interests. The Organisation should be advised of the following:
 1. the date construction starts and ends;
 2. the maximum height of construction equipment;
 3. the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area. If the application is altered in any way Defence Infrastructure Organisation Safeguarding must be consulted again as even the slightest change might be unacceptable. The above information should be submitted to Falkirk Council and:

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

pp

.....
Director of Development Services

Date: 23 April 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan

2. Falkirk Council Local Plan
3. Scottish Planning Policy
4. Planning Circular 2/2003 (Safeguarding of Aerodromes, Technical Sites and Military Explosive Areas Storage.
5. CAP 393 (Air Navigation: The Order and the Regulations)
6. CAP 738 (Safeguarding of Aerodromes)
7. CAP 764 (Policy and Guidance for Wind Turbines)

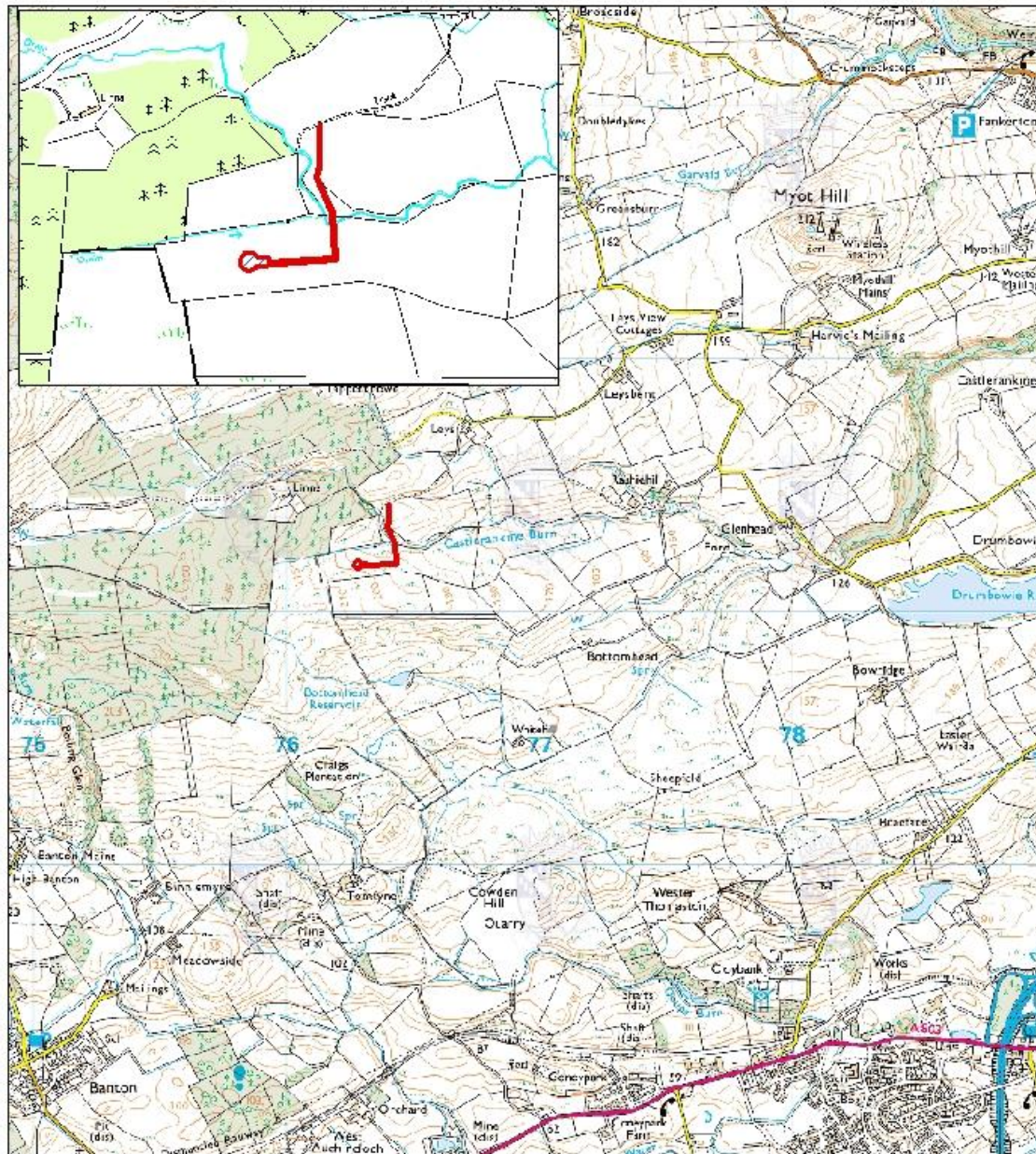
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

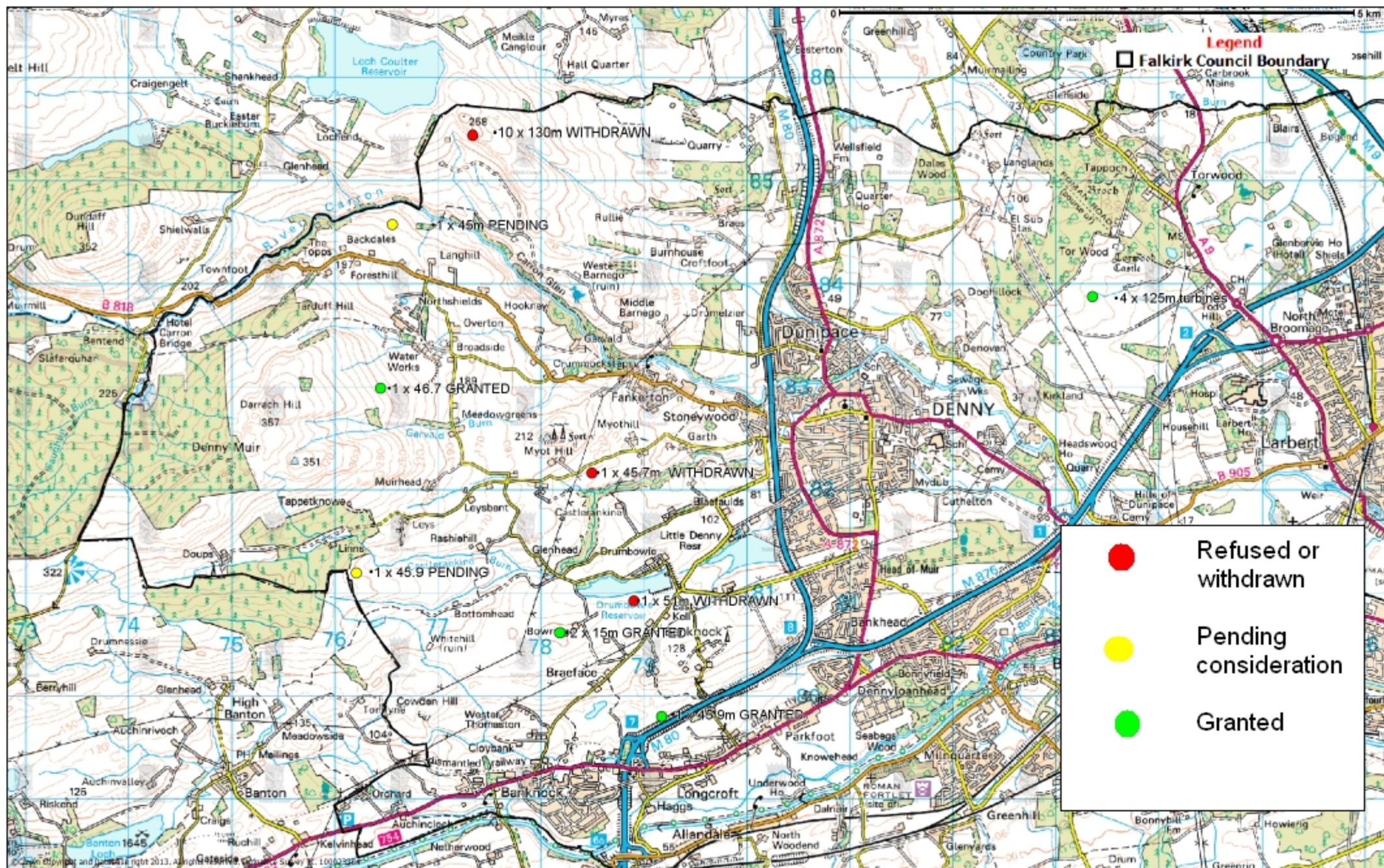
Planning Application Location Plan

P/12/0208/FUL

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Scale 1:60000



Wind Energy Developments in Denny Area



Falkirk Council

FALKIRK COUNCIL

Subject: CONSULTATION IN RESPECT OF APPLICATION
12/00729/FUL (NORTH LANARKSHIRE REFERENCE
NUMBER) - EXTRACTION OF 350,000 TONNES PER ANNUM
OF HARD ROCK OVER A 21 YEAR PERIOD AND ASSOCIATED
LANDSCAPE, EARTHWORKS AND ACCESS ROAD UPGRADE
AT TOMFYNE FARM, BANTON, NORTH LANARKSHIRE G65
0RJ FOR AGGREGATE INDUSTRIES UK LTD

Meeting: PLANNING COMMITTEE

Date: 29 May 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. INTRODUCTION

- 1.1 The above application is part of a cross-boundary development between North Lanarkshire Council and Falkirk Council, submitted by Aggregate Industries UK Ltd. The application referred to above is referred to as Part 1 of the overall proposal submitted by Aggregate Industries UK Ltd and is being assessed by North Lanarkshire Council. Part 2 of this proposal relates to the Landscape Restoration of Quarry Void, Comprising Planting and Earthworks Restoration and Upgrading of Southern Section of Site Access Road Leading to A803 at Cowdenhill Quarry, Banknock, Bonnybridge, FK4 1TX. The application has been split in two in this manner along the boundary between the two authorities. Part 2 of this application falls wholly within the Falkirk Council area and is currently being assessed by Development Management (P/12/0380/FUL). A report on this application will be presented separately.
- 1.2 With reference to Part 1 of this proposal, North Lanarkshire Council has written to Falkirk Council, seeking comments on the proposed development. The purpose of this report is to inform members of the assessment of the application and to recommend a response to North Lanarkshire Council.

2. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 2.1 Part 1 of this proposal, currently being assessed by North Lanarkshire Council, proposes the creation of a new hard rock quarry on existing farmland to the north of Tomfyne Farm, 1km to the north-west of Banknock. The proposal includes the upgrading of the existing access road out onto the A803, the southern section of which falls within the Falkirk Council area.

- 2.2 The new quarry is proposed with an extraction limit of 350,000 tonnes per annum and with a lifetime of 21 years. The application has been accompanied by an Environmental Impact Assessment and includes restoration proposals for the proposed Tomfyne Quarry.

3. REASON FOR COMMITTEE CONSIDERATION

- 3.1 In terms of the Council's Scheme of Delegation, the Director of Development Services has decided to refer this to the Planning Committee because of the extensive public interest in this proposal and history of quarry operations at Cowdenhill.

4. SITE HISTORY

- 4.1 A quarry has operated from Cowdenhill since 1926, and was operated by Stirlingshire County Council in the 1940's. The site has since been used intermittently for quarrying, with the Skene Group operating the quarry under modern working conditions approval F/99/0026 from 2000 until July 2011. F/99/0026 remains a live consent, allowing for extraction of hard rock until 2024. Cowdenhill is now seen as being devoid of high quality dolerite material suitable for Aggregate Industries UK Ltd requirements but does still have valid consent for further extraction below the existing quarry floor level. Aggregate Industries UK Ltd have undertaken a mineral resource survey, which also indicates that Cowdenhill Quarry has in the past been worked beyond the consented boundaries. This overworking does not however invalidate the above consent.
- 4.2 Aggregate Industries UK Ltd have identified the Tomfyne site as a proven resource for high quality quartz dolerite, a key component in concrete and asphalt, and propose a quarry in this location to replace Croy Quarry, which is due to close in 2016. The Tomfyne Quarry proposal is seen by the applicants as key to meeting demand for dolerite in Central Scotland.
- 4.3 An integral part of the Tomfyne Quarry proposal is the restoration of Cowdenhill Quarry, which is not in operation and is unrestored since the Skene Group left the site in 2011. Aggregate Industries UK Ltd have confirmed that restoration of Cowdenhill would occur during the first phase of works at Tomfyne, with overburden material from Tomfyne being used to assist in restoration of Cowdenhill. The applicant's have also confirmed that they are prepared to enter into a legal agreement preventing any further extraction being carried out at Cowdenhill despite the current live planning permission on the site. An agreement of this nature would ensure that Cowdenhill Quarry could not be opened back up for extraction during any operations at Tomfyne.

5. KEY ISSUES

Environmental Impacts

- 5.1 Detailed consideration has been given to the effects of the development, particularly in relation to quartz dolerite road dust, on the Denny Muir Major Site of Special Scientific Interest (SSSI) which is located approximately 800m to the north of the proposed Tomfyne quarry. Scottish Natural Heritage (SNH) have confirmed that sufficient detail has been submitted in relation to dust particles, mitigation and monitoring to confirm that the proposals would not impact adversely upon the SSSI.

- 5.2 The applicant's have provided a Species Protection Plan (SPP) for Great Crested Newts, which may be present in the vicinity of the application site. This SPP has been prepared in consultation with Scottish Natural Heritage (SNH), who have confirmed that they have no concerns in regard to Great Crested Newts at this stage. A separate SPP to cover all other protected species, such as badgers, is also required, however SNH have confirmed that the production of such a plan can be covered by a condition attached to any planning permission granted.
- 5.3 Air quality issues have also been looked at in detail, as the proposal has the potential to affect the following Air Quality Management Areas (AQMA's):
- | | |
|---------------|--|
| Haggs NO2 | - declared due to a breach of the annual nitrogen dioxide objective around the nearby motorway junction. |
| Banknock PM10 | - declared in relation to a breach of the particulate matter (PM10) objectives in the vicinity of the A803 and the Coneypark area of Banknock. |
- 5.4 As the Cowdenhill Quarry site still has a valid planning permission for extraction until 2024, this should be considered as “committed development” for the terms setting a baseline for assessing the impact of the Tomfyne proposal. The applicants have identified that extraction operations at Tomfyne Farm would generate 130 HGV movements and 10 car movements per day. This is a similar level to the recently suspended operations at Cowdenhill.
- 5.5 Traffic movements associated with Tomfyne are therefore considered to amount to a substitution of vehicle movements associated with Cowdenhill Quarry, and not additional movements. This consideration is, however, dependent on the cessation of extraction at Cowdenhill being ended by way of a legal agreement attached to any permission given.
- 5.6 As mentioned in paragraph 4.1 of this report, on the basis of survey work provided to North Lanarkshire Council, the previous operators of Cowdenhill Quarry (Skene Group), operated outwith consented extraction boundaries, and some unproven survey information suggests that significantly more than 130 HGV movements were occurring at the site during operations, as a result of the high volumes of material being extracted. This, coupled with the unsurfaced road to the quarry from the A805, appears to have put pressure on air quality and dust levels in the area. The current proposal includes the surfacing of the access road to Tomfyne, and offers an opportunity to tighten up on planning conditions with regard to monitoring and enforcement, and represents an opportunity for net benefit in air quality and dust issues in the area.

Road Safety

- 5.7 Road Safety – The proposed development includes the upgrading of the existing access road to the Tomfyne site. The southern section of this access road is being assessed as part of application P/12/0380/FUL as it falls within the boundaries of Falkirk Council. This section of road is proposed to be fully surfaced and widened. It is considered that these upgrades would help to reduce dust and noise levels which were considered to be problematic during the previous quarrying of Cowdenhill. The proposals include wheel washing facilities, and sustainable urban drainage as well as two pedestrian crossings and 560 metres of separate pedestrian footpath provision. Appropriate visibility splays are achievable at the access out onto the A803 and existing core paths and rights of ways will be protected. The proposed development is considered to be acceptable in terms of road safety.

Transport Levels

- 5.8 The Tomfyne proposal has been assessed by the Council's Transport Planning Unit who have indicated that the predicted trips for the development are generally low in comparison to other development sites in the area and that the operation of the quarry would mean trips generated by this development would be throughout the day and not just concentrated at peak times. As was the case with Air Quality baseline data, transportation levels have been assessed based on the 'committed development' levels associated with the extant planning permission for Cowdenhill Quarry. On this basis, the transport impacts associated with the proposed Tomfyne Quarry are not considered to increase the number of trips on the base network and, as a result, no capacity issues have been identified. Once again, this assessment is dependent on the permanent closure of Cowdenhill Quarry and as such an appropriate legal agreement should be prepared with any permission given to achieve this.

Landscape and Visual Impacts

- 5.9 The Tomfyne Quarry proposal does represent a significant proposal with potentially significant visual impacts (for the application site and surrounding areas), however these will be mitigated at an early stage of the development. The nature and location of the proposed Tomfyne Quarry is such that visual impacts on the Falkirk Council area will be limited. The extraction void is deliberately designed in a sinuous manner so as to minimise visual impacts. The proposal also includes planting and restoration of the site throughout the extraction process so as to mitigate potential adverse visual impacts. The access road is also proposed to be screened by bunding so as to further reduce visual impacts on the landscape. A Landscape and Visual Impact Assessment (LVIA) has been undertaken by the applicant as part of the wider Environmental Impact Assessment (EIA). The LVIA follows standard guidance based on a Zone of Theoretical Visibility (ZTV), and assesses landscape, character, on landscape designations and the visual impact of the proposal from 46 viewpoints, 4 roads and 6 other receptors (core path, canal, Scheduled Ancient Monuments, including the Antonine Wall and public recreation sites). The assessment is considered to be very thorough and covers all landscape and visual issues to a sufficient level.

Outdoor Access

- 5.10 The proposals include extensions and improvements to the existing core path network and would provide a new link between existing core paths on either side of the Falkirk Council boundary. The applicant has advised that these core path upgrades are all within land owned or controlled by the applicant and as such the provision of these upgrades can be secured by way of a condition attached to any planning permission granted. The Tomfyne Quarry proposal is considered to have an overall beneficial impact on public access in the surrounding area.

6. COMMUNITY INTEREST

- 6.1 Both the North Lanarkshire application for Tomfyne Quarry and the Falkirk Council application for Cowdenhill Quarry have generated a large amount of community interest. Letters and petitions in support and in objection have been submitted to both authorities, as has an objection from the Banknock, Hags and Longcroft Community Council. These representations will be assessed in detail by Falkirk Council as part of planning application P/12/0380/FUL. A report outlining an assessment for these representations in conjunction with application P/12/0380/FUL will be presented to the Planning Committee separately.

- 6.2 Notwithstanding the procedural matters relating to the representations submitted, the context of the submissions relate primarily to the issues outlined in section 5 of this report.

7. CONCLUSION

- 7.1 The application for a new hard rock quarry at Tomfyne Farm represents a major proposal on the boundary with the Falkirk Council area. Whilst the effect of such a major development should not be underestimated, these impacts must be weighed against the fact that Cowdenhill Quarry still has valid planning permission and, whilst it is closed at present, it could be operated again without requiring any further planning permission.
- 7.2 The proposed Tomfyne Farm development therefore offers an opportunity to secure the timely restoration of Cowdenhill and obtain a net benefit in terms of the environmental effects of committed development in the locale.

8. RECOMMENDATION

- 8.1 That, in its response to North Lanarkshire Council on the application for a new hard rock quarry at Tomfyne Farm, the Council :
- (i) Supports the proposal in its current form
 - (ii) Requests that Falkirk Council be involved in the drafting of appropriately worded planning conditions to be applied to any planning permission granted
 - (iii) Requests that Falkirk Council be included in a liaison group set up to monitor conditions and ongoing site operations.

.....
Director of Development Services

Date: 21 May 2013

LIST OF BACKGROUND PAPERS

None.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

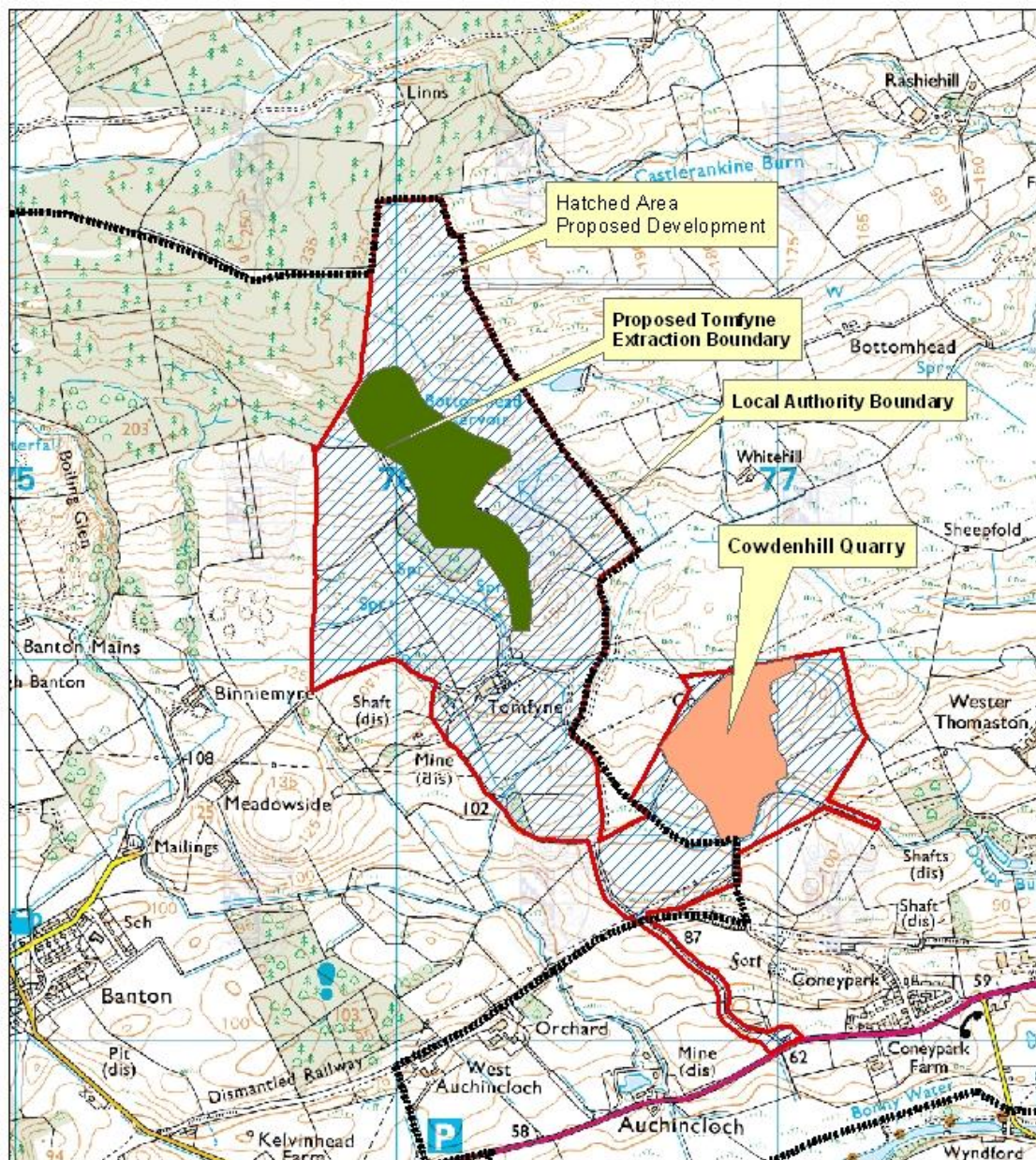
Planning Committee

Planning Application Consultation Location Plan

12/00729/FUL

(North Lanarkshire Reference)

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: CHANGE OF USE OF OPEN SPACE TO PRIVATE GARDEN
GROUND AND ERECTION OF 2 METRE HIGH FENCE AT 58
BRIDGE CRESCENT, DENNY FK6 6PD FOR MR AND MRS
MUHAMMAD ASHRAF – P/13/0174/FUL

Meeting: PLANNING COMMITTEE

Date: 29 May 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin David Oliver

Community Council: Denny and District

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the change of use of an area of public open space to garden ground. The applicant owns the adjacent 'four in a block' style ground floor flat. The proposed development would extend an existing area of private garden ground to the rear of the property and enclose with a 2 metre high fence matching the existing fence.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Falkirk Council own the application site. Under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 There is no relevant planning history for this site.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit do not object to the application.

5. COMMUNITY COUNCIL

- 5.1 Denny and District Community Council has not made representation in relation to the proposed development.

6. PUBLIC REPRESENTATION

- 6.1 Following neighbour notification and advertisement in the local press, no letters of representation have been received to date. However, the period for representation specified in the press advertisement does not expire until 30 May 2013.

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 The proposed development is not considered to be of a strategic nature. The policies of the Falkirk Council Structure Plan are not therefore relevant to the proposed development.

Falkirk Council Local Plan

- 7a.2 Policy SC12 - 'Urban Open Space' states:

"The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) In the case of recreational open space, it can be clearly demonstrated from a settlement and neighbourhood audit that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded."*

- 7a.3 The application site forms an area of flat grass to the side of the applicant's garden. The area is adjacent to a public footpath giving access to the communal parking area accessed from Castle Terrace. There is an area of open space and play area to the rear of properties on Bridge Crescent, also accessed via the footpath. There is another larger area of open space adjacent to the application site, the application site being clearly bounded by garden ground and footpaths.
- 7a.4 It is considered that the application site has limited recreational benefit as a result of its size and relationship with surrounding footpaths and gardens. The site has no ecological value and granting of the proposed development would not threaten connectivity within the overall open space network. The shape and relationship of the application site gives the site the appearance of being a side garden for the adjacent flatted dwellings. The proposed development would make a logical extension to the existing garden area and it is considered that the proposed development would not significantly affect the visual amenity of the established residential area. The proposed development does not offend the terms of policy SC12 'Urban Open Space'.
- 7a.5 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the policies of the Falkirk Local Development Plan.

Falkirk Local Development Plan

- 7b.2 The Proposed Falkirk Local Development Plan was approved by the Council for consultation March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan Policy and constitutes a material consideration in the determination of planning applications.
- 7b.3 Policy INF03 'Protection of Open Space' reinforces the terms of policy SC12 'Urban Open Space' of the Falkirk Council Local Plan. It is considered that the application site has no significant landscape, amenity, recreational or ecological value and as such the proposed development does not offend the terms of policy INF03.

7c Conclusion

- 7c.1 The proposal is an acceptable form of development and has been assessed as being in accordance with the Development Plan and the Proposed Falkirk Local Development Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Planning Committee grant planning permission subject to:-
- (a) No representations being received in relation to the advertisement in the local press, expiring on 30 May 2013; and

(b) The following conditions:

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) Before use of the area of private garden ground commences, the area shall be enclosed by a 2 metre high fence to match the existing 2 metre high boundary fence shown on the approved plan (our online reference number 03).

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) In the interests of visual amenity, to ensure the proposed fence matches the existing fence.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02B and 03.
- (2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

.....
Director of Development Services

Date: 21 May 2013

LIST OF BACKGROUND PAPERS

- .
1. Falkirk Council Local Plan
 2. Proposed Falkirk Local Development Plan

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/13/0174/FUL

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FALKIRK COUNCIL

Subject: CHANGE OF USE FROM OPEN SPACE/LANDSCAPE AREA TO FORM VEHICULAR ACCESS AND PARKING AREA IN ASSOCIATION WITH COMMERCIAL GARAGE/TAXI BUSINESS INCLUDING DROPPED KERB AT LAND TO THE WEST OF 6 MILLER CRESCENT, LITTLE CARRIDEN, BO'NESS FOR MR & MRS G MCBAIN – P/13/0163/FUL

Meeting: PLANNING COMMITTEE

Date: 29 May 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor Adrian Mahoney
Councillor Ann Ritchie
Councillor Sandy Turner

Community Council: Bo'ness

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the change of use from an open space/landscaped area to form a vehicular access and parking area (in association with a commercial garage/taxi business). The proposed vehicular access would be cut through an area of open space to allow access to and the parking of vehicles on an overgrown disused road, the historic eastern entrance road into Bo'ness.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Ann Ritchie.

3. SITE HISTORY

- 3.1 There is no planning history that relates directly to the application site. The planning history for the applicant's dwellinghouse, Tranmore Villa, is of relevance as follows:
- F/90/0606 - change of use of shop to domestic garage and erection of boundary wall - granted on 23 July 1990.
 - F/98/0319 - extension to dwellinghouse (detailed) - granted on 12 June 1998.

- P/09/0082/FUL - alterations and extension to garage/workshop - granted on 2 April 2009.
- P/09/0306/FUL - extension to dwellinghouse (sun room on south elevation) - granted on 4 June 2009.
- P/11/0338/FUL - alterations and extension to commercial garage to replace existing mono pitch roof with dual pitch roof - granted on 11 July 2011.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit do not object to the proposed development. The Unit advise that the proposal should accord with the relevant design guidelines and the white lining at the location of the proposed access must be amended.
- 4.2 The Council's Environmental Protection Unit do not object to the proposed development.

5. COMMUNITY COUNCIL

- 5.1 Bo'ness Community Council has not made representation in relation to the proposed development.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 3 contributors submitted letters of objection to the Council. The salient issues are summarised below.
- The proposed access would lead to a road safety hazard as a result of the busy road and junction and large trucks accessing Carriden Industrial Area;
 - The proposed development would result in noise and pollution for adjacent residents. The applicant runs a taxi business and there would be noise late at night with cars coming and going;
 - The view from adjacent residential properties would be obstructed;
 - The applicant has a taxi business and M.O.T station increasing noise in the quiet area;
 - The proposed development could lower the value of houses in the local area;
 - The appearance of the area would be unacceptably affected as mini buses could be seen from the main road;
 - The residents of the Muirhouses paid for a monument and plants on land adjacent to the application site, the monument and flora enhances the entrance to Bo'ness;
 - The applicant is already using the application site to park buses;

- The applicant should use industrial premises, more appropriate to their business;
- The proposed development would be an eyesore at the attractive eastern entrance to Bo'ness; and
- Garage overspill is not acceptable within beautiful countryside.

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 The proposal would be located within a wide expansive area of open space / landscaped area at the eastern entrance to Bo'ness and the Muirhouses Conservation Area. The application site is located in the countryside as identified in the Falkirk Council Local Plan. The proposed parking area would be on the 'old road' into Bo'ness, still partially visible to the northern part of the application site. To the south the road is completely overgrown by vegetation and impassable. The proposal would involve cutting a new vehicular access across the grassed / landscaped area and the formation of a dropped kerb. The vehicular access would join the A904 within a 40MPH zone. The applicant is using the northern part of the application site to park mini-buses at present and is accessing the site by 'bumping up' onto the pavement adjacent to the junction with Gledhill Avenue and the A904.

7a.3 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.4 The area of woodland to the immediate east of the application site is covered by a Tree Preservation Order (TPO). The proposed development should not result in the removal of any overhanging branches or trees within this area. It is recommended that no other trees within the area of open space are removed or no work impacting on the root protection area of trees should be permitted within this area. It is acknowledged that the proposed development would not impact on the adjacent TPO and as such it is considered that the proposed development does not offend the terms of policy EQ26 'Trees, Woodland and Hedgerows'.

7a.5 Policy SC12 - 'Urban Open Space' states:

"The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:

- (1) *There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) *In the case of recreational open space, it can be clearly demonstrated from a settlement and neighbourhood audit that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) *The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) *Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded."*

7a.6 The application site is located within a larger area of landscaped open space forming the main eastern entrance into Bo'ness. It is considered that the wider area of open space has landscape and amenity value, as the area is read in conjunction with the adjacent woodland and fields on the other side of the A904. The application site forms part of an attractive green entrance and buffer between the residential properties of the Muirhouses and Bo'ness and adjacent countryside. It is considered that the cutting of a road through the area of open space, clearing of the overgrown and disused 'old road' and the parking of commercial vehicles would have an unacceptable impact on the character and appearance of the area, contrary to policy SC12 'Urban Open Space'.

7a.7 Policy EQ12 "Conservation Areas" states:

The Council will protect the historic character and visual amenity of each Conservation Area. Accordingly:

- (1) *The Council will prepare Character Appraisals of individual Conservation Areas and, on the basis of these, will review existing boundaries and Article 4 Directions, prepare detailed design guidance as appropriate, and draw up enhancement schemes as resources permit;*

- (2) *New development in Conservation Areas, or affecting their setting, including extensions and alterations to existing buildings, will only be +particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features;*
- (3) *Demolition of buildings within Conservation Areas will not be permitted unless they make no material contribution to the character and appearance of the area. Where demolition is proposed, the considerations set out in the relevant Historic Scotland guidance note should be adhered to; and*
- (4) *Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features on unlisted buildings in Conservation Areas should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials.*

7a.8 The application site is adjacent to the southern entrance to the Muirhouses Conservation Area. Policy EQ12 'Conservation Areas' seeks to protect the historic character and visual amenity of each conservation area. It is considered that the area of open space, including the application site, provides an attractive landscaped entrance into the conservation area and adds to its setting. The proposed development would result in a road being cut through the area of open space and a commercial use, including the parking of vehicles visible from the conservation area and main road. It is considered that the proposed development would have an unacceptable impact on the setting of the conservation area. The open space/landscaped area provides a natural green defensible buffer between the built development of Little Carriden and in particular the commercial activity taking place at Tranmore Villa. The application is considered contrary to the terms of policy EQ12.

7a.9 Policy EQ19 "Countryside" states:

- (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 Councils 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.*

7a.10 The application site is located in the countryside. It is considered that the proposed development does not require a countryside location and the parking of vehicles would be more appropriate within an industrial area or similar. There is no justification for the proposed development to be located within a countryside location and this application has arisen through an opportunity for the applicant to purchase the neighbouring disused road. It is noted that the applicant is already using part of the application site to park mini buses and other vehicles, where a section of the disused road has already been cleared by the applicant. Policy EP5 'Business and Industrial Development in the Countryside' is also of relevance. It is considered that the application is contrary to policy EQ19 'Countryside'.

7a.11 Policy EP5 "Business And Industrial Development In The Countryside" states: -

New business and industrial development in the countryside will only be permitted in the following circumstances:

- (1) Areas specifically identified for business and industrial development on the Proposals Map;*
- (2) Business/industrial development where the need for a countryside location is demonstrated and the proposal could not more appropriately be accommodated within the Urban or Village Limits;*
- (3) Proposals involving the reuse of vacant industrial, commercial or institutional land or premises, or the conversion of farm or other buildings for business use where the scale and nature of the activity is compatible with the location;*
- (4) Limited extensions to existing established businesses in the countryside which can be accommodated without any additional adverse impact on the rural environment;*
- (5) Proposals for the processing of secondary materials including construction and demolition wastes at existing mineral sites in addition to industrial sites; or*
- (6) Appropriate leisure and tourism development that accords with Policy EP16.*

Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ18).

7a.12 The proposed development would result in a change of use from open space to a commercial use. Policy EP5 'Business and Industrial Development in the Countryside' is considered relevant. The application site has not been identified for business or industrial use on the policy and proposals map. It is considered that the proposed development does not require a countryside location and could more suitably be located within an existing industrial area or similar. The proposal does not relate to the re-use of vacant commercial land, or constitute an extension to an existing use. The proposal does not relate to a leisure use and is considered contrary to policy EP5.

7a.13 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are the consultation responses, the public representations received and the Falkirk Local Development Plan, Proposed Plan (April 2013).

Consultation Responses

- 7b.2 The Roads Development Unit have not raised any road safety concerns in relation to the proposed development. It should be noted that Roads Maintenance have raised concerns in relation to the applicant accessing a section of the application site by 'bumping up' at the junction with Gledhill Avenue and the A904. Should Members be minded to grant planning permission the Roads Development Unit request conditions in relation to the vehicular access, footway crossing according with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000". The white line in front of the proposed vehicular access would also require to be amended to meet road standards.
- 7b.3 Should Members be minded to grant planning permission, it is recommended that the existing hedgerow at the outer edge of the proposed parking area is 'gapped up', to achieve a dense tall native shrub planting along the full length of the parking area, to screen vehicles within the parking area. Details of the proposed road levels would also be required.

Assessment of Public Representations

- 7b.4 It is accepted that the use of the application site for the parking of commercial vehicles in an area that was previously landscaped amenity space, could lead to a certain degree of noise and disturbance for adjacent residents. It is however considered unlikely that the proposal would result in pollution from car fumes reaching adjacent residential properties.
- 7b.5 The right to a view is not a material planning consideration, however it is considered that vehicles would be generally obscured from the view of residential properties at Little Carriden by the intervening woodland and wall. It should be noted that vehicles would be visible from the surrounding road network and residential properties at Hope Cottages.
- 7b.6 The applicant runs a commercial business from his house, a garage and taxi business and both uses are established at the site. The garage business is authorised as is evident from the planning history for the applicant's property, Tranmore Villa. There is no record of the taxi business within the recent planning history.
- 7b.7 House prices within the area is not a material planning consideration.
- 7b.8 It is accepted that mini-buses could be seen from the main road as a result of the proposed development. Further it is a concern that the proposed development could lead to cars parking on the proposed access road in addition to the parking area.
- 7b.9 It is noted that the residents of the Muirhouses paid for a monument and plants on land adjacent to the application site. It is considered that the proposed development would not result in the removal of the monument, however its setting may be affected by the proposals.
- 7b.10 It is noted that the applicant is already using the application site to park commercial vehicles.
- 7b.11 Comments made in relation to the visual impact of the proposed development are noted.

Falkirk Local Development Plan, Proposed Plan (April 2013)

- 7b.12 The policies in the Falkirk Local Development Plan, Proposed Plan (April 2013) reinforce the policies of the Development Plan, namely policies CG01 'Countryside', CG04 'Business Development in the Countryside', GN04 'Trees, Woodland and Hedgerows' and D10 'Conservation Areas'. The application site is identified on the policies and proposals map as being within an area of protected open space, policy INF03, and the Falkirk Green Network, policy GN01, in the Falkirk Local Development Plan, Proposed Plan (April 2013). The application site is identified as being within a principal area of open space in the Emerging Local Plan and should be protected as such, adding weight to concerns raised in relation to the proposed development's unacceptable impact on the amenity and landscape value of the site.
- 7b.13 Accordingly the application fails to accord with the Falkirk Local Development Plan, Proposed Plan (April 2013).

7c Conclusion

- 7c.1 The application has been assessed as being contrary to the terms of the Development Plan and the Falkirk Local Development Plan, Proposed Plan (April 2013). The comments received through consultation and third party representation are noted. The application is recommended for refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is therefore recommended that planning permission be refused for the following reason(s):-
1. The proposed development would result in an unacceptable visual impact on the character and appearance of an area of established open space considered to have landscape and amenity value, as a result of the cutting of a road through the area and the parking of commercial vehicles, contrary to policy SC12 'Urban Open Space of the Falkirk Council Local Plan and policy INF03 'Protected Open Space' and policy GN01 'Falkirk Green Network' of the Falkirk Local Development Plan, Proposed Plan (April 2013).
 2. The proposed development would fail to preserve or enhance the character of the adjacent Muirhouses Conservation Area, as the proposed development would result in an unacceptable impact on the visual amenity and landscape quality of an area of open space that forms an important entrance feature to the conservation area and the main eastern entrance into Bo'ness. It is considered that the proposed development would erode the setting and special character of the conservation area, contrary to policy EQ12 'Conservation Areas' of the Falkirk Council Local Plan and D10 'Conservation Areas' of the Falkirk Local Development Plan, Proposed Plan (April 2013).

3. The proposed development does not demonstrate the need for a countryside location and would be more appropriately located within the urban limit. The proposal does not relate to the re-use of vacant commercial land or constitute an extension to an existing use, contrary to policy EQ19 'Countryside' and policy EP5 'Business and Industrial Development in the Countryside' of the Falkirk Council Local Plan and policy CG01 'Countryside' and policy CG04 'Business Development in the Countryside' of the Falkirk Local Development Plan, Proposed Plan (April 2013).

Informative(s):

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 03.

.....
Director of Development Services

Date: 21 May 2013

LIST OF BACKGROUND PAPERS

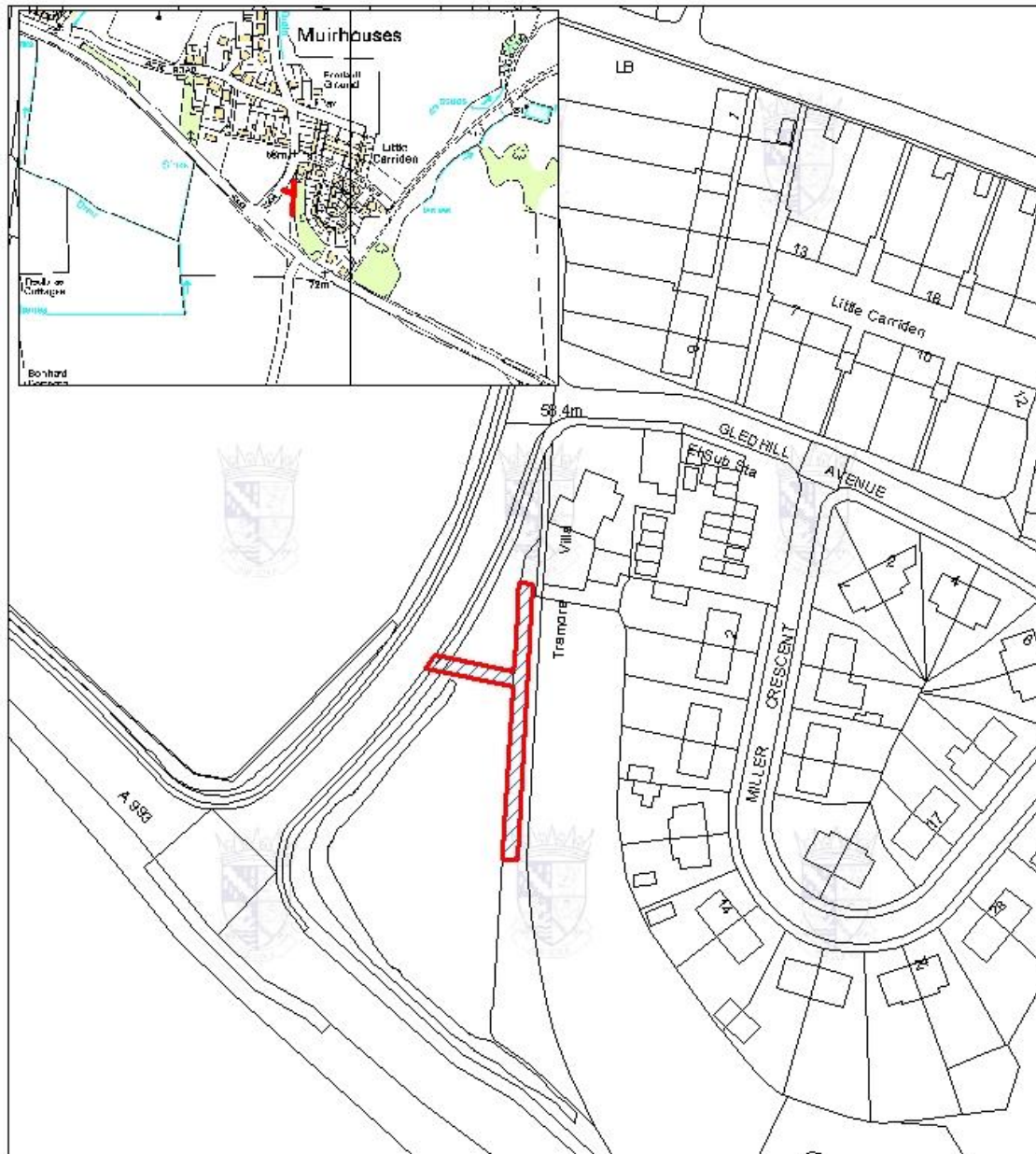
1. Falkirk Council Local Plan.
2. Falkirk Local Development Plan (Proposed Plan, April 2013).
3. Letter of objection received from Mary Niven, 6 Miller Crescent, Boness EH51 9SR on 6 April 2013.
4. Letter of objection received from Mary A Hendry, 10 Miller Crescent, Bo'ness, EH51 9SR on 15 March 2013.
5. Letter of objection received from Mrs Elizabeth Paterson, 8 Miller Crescent, Bo'ness, EH51 9SR on 18 March 2013.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan **P/13/0163/FUL**

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FALKIRK COUNCIL

Subject: ERECTION OF VISITOR CENTRE, INSTALLATION OF PHOTOVOLTAIC PANELS AND EXTRACT FLUE, CAR PARKING AND ASSOCIATED LANDSCAPE WORKS AT LAND TO THE NORTH OF WEST MAINS INDUSTRIAL ESTATE, THE HELIX, FALKIRK FOR FALKIRK COUNCIL – P/13/0158/FUL

Meeting: PLANNING COMMITTEE

Date: 29 May 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: Grangemouth

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application under assessment is for full planning permission for the erection of a visitor centre for the Helix project, installation of photovoltaic panels and extract flue, car parking and landscape works. The application site is located north of West Mains Industrial Estate on the site of the new Helix mooring basin which is currently under construction.
- 1.2 The site lies adjacent to the Forth and Clyde Canal (to the west) and the M9 motorway (to the east). The site access is proposed from the existing Etna Road roundabout on the A9 northern distributor road.
- 1.3 The Helix is an urban fringe environmental improvement project funded, in part, by Big Lottery Living Landmarks. Fundamental to the Helix project is the aim to improve connections between existing settlements and facilities and allow for improved access to future Helix initiatives and the countryside.
- 1.4 The proposed development seeks to provide facilities for those visiting the Helix and to enable a worthwhile visitor experience to be enjoyed. The proposed visitor centre includes a café/restaurant, retail space, interpretive spaces, kitchen and toilet facilities.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development involves land under the ownership of Falkirk Council. Falkirk Council is also the applicant.

3. SITE HISTORY

- 3.1 Planning permission ref: P/10/0293/FUL was granted on 16 June 2010 for the formation of an access road for Helix related Forth and Clyde Canal improvements. This access road has been constructed and is installed to serve the development proposed as part of this application.
- 3.2 Planning permission ref: P/11/0154/FUL was granted on 30 March 2012 for the erection of two 30 metres high 'Kelpie' Sculptures, formation of boat turning pool, landscaped hub area including visitor facilities, parking and ancillary development. The current proposal seeks to complement these previously approved facilities.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objections to the proposed development subject to the construction of an additional parking extension identified following approval of planning permission P/11/0154/FUL and clarification of the location of visitor centre parking within the car parking extension area.
- 4.2 The Transport Planning Unit has made comments in relation to pedestrian links, cycle parking, bus access and potential traffic impacts. The applicant has addressed comments made in relation to pedestrian links and cycle parking. In relation to bus access and traffic impacts the Transport Planning Unit requests that the applicant initially provides a bus service to the site in the hope that this would be continued at a later date on a commercial basis and a financial contribution to assist with the future upgrading of Junction 6 of the M9 in mitigation of likely traffic impacts resulting from the proposed development.
- 4.3 Museum Services has confirmed that the proposed development will not impact on the Forth and Clyde Canal. No archaeological sites are known to be in the vicinity of the application site.
- 4.4 The Environmental Protection Unit has no objections subject to a contaminated land condition and construction noise informative.
- 4.5 A 'Do Not Advise Against' response has been received from the Health and Safety Executive following online consultation using the PADHI+ process.
- 4.6 Historic Scotland has no objections to the proposal in relation to proximity to the Forth and Clyde Canal as a Scheduled Ancient Monument.
- 4.7 Scottish Natural Heritage has no objections to the proposed development.
- 4.8 SEPA has no objections in relation to flood risk and surface water drainage. Regulatory advice has been provided for the benefit of the applicant in relation to possible SEPA approval.
- 4.9 Scottish Water has no objections to the proposed development.

4.10 The Scottish Rights of Way Society (Scotways) has no objections.

4.11 Transport Scotland has no objections to the proposed development.

5. COMMUNITY COUNCIL

5.1 Grangemouth Community Council has not made comment on the application.

5.2 Bainsford, Langlees and New Carron Community Council has not made comment on the application.

6. PUBLIC REPRESENTATION

6.1 No objections or representations have been made.

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 Policy ECON.7 'Tourism' states:

"The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:

- (1) the key locations for development will be the Millennium Canals, Falkirk Town Centre/Callendar Park and Bo'ness;*
- (2) development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential."*

7a.2 Policy ENV.2 'Green Belt' states:

"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.”

7a.3 Policy ENV.5 ‘Built Environment and Heritage’ states:

“Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*
- (3) Promoting sensitive interpretation of heritage assets.*
- (4) Protection of the assets and their setting from inappropriate development.*
- (5) Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset.”*
- (6) Reviewing the boundaries of areas to ensure their continuing relevance.”*

7a.4 Policy ENV.7 ‘Quality of Development’ states:

- “(1) Priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.*
- (2) Local Plans and Supplementary Planning Guidance will provide detailed guidance on how significant impact will be assessed and the details to be included in such design concept statements.”*

7a.5 Policy TRANS.1 ‘Core Path Networks’ states:

“The Council through consultation will identify a network of strategic paths and core path networks based on the main communities of the area. In particular the Council will make provision for the identification, safeguarding and development of the following:

- (1) National Cycle Network route between Edinburgh and Stirling through the Falkirk Council area;*
- (2) Strategic walking and cycling routes utilising the Union and Forth and Clyde Canal towpaths; and*
- (3) Local Core Path networks in line with the Council’s Countryside Access Strategy.*

The Council in its Local Plans will contain policies that protect identified paths from development and ensure that wherever possible new development proposals create linkages and strategic routes to the identified core path network.”

- 7a.6 The proposed development seeks to promote use of the site for tourism, outdoor recreation, improved use of the Forth and Clyde Canal by re-developing existing infrastructure to provide a focus for development of the Helix. A high design standard is exhibited and core paths are respected. The fixed site location given the Forth and Clyde Canal position and the proposed uses justify and accord with Green Belt policy. The proposal is therefore considered to comply with all relevant Structure Plan policies.

Falkirk Council Local Plan

- 7a.7 Policy EQ1 ‘Sustainable Design Principles’ states:

“New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site’s surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.”*

- 7a.8 The applicant has exhibited a sensitive approach to designing drainage infrastructure, a focus on providing pedestrian and vehicular access in a sustainable approach to the scheme. The proposed building will have a grass (sedum) roof with rainwater collection, photovoltaic solar panels and has been designed incorporating sustainable design principles.

- 7a.9 Policy EQ21 - ‘Falkirk Greenspace ‘ states:

“Through the Falkirk Greenspace Initiative, the Council will work with its partners to improve the landscape, habitat quality and recreational potential of the network of urban fringe and urban open space around and within settlements. Priority will be given to:

- (1) Appropriate woodland creation and management, where landscape quality, access, biodiversity, and connectivity across the Greenspace can be promoted;*
- (2) The creation of an interlinked network of paths within the Greenspace, with particular emphasis on a principal circular route, as a key part of the core path network, complemented by secondary routes where appropriate; and*
- (3) Requiring developers in urban fringe locations to contribute to landscape and/or access improvements in association with new development.”*

- 7a.10 The application is considered to accord with this policy, reflecting on the proposal’s importance in relation to the wider Helix project, public access, biodiversity protection and connection to adjoining areas of land.

7a.11 Policy EQ29 – ‘Outdoor Access’ states:

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network.*
- (2) In promoting new routes particular emphasis will be placed on*
- opportunities specified on the Proposals Map*
 - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
 - other areas of proven demand as identified through community consultation; and*
 - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25;*
 - the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) When considering planning applications, the Council will*
- Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*
 - Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
 - Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7a.12 The proposal is considered to actively promote outdoor access and links to paths, walkways and facilities which will encourage visitor participation within the site and wider Helix project.

7a.13 Policy EP18 – ‘Major Hazards’ states:

“Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:

- (1) The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings;*
- (2) The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means. and*
- (3) The potential impact that the proposals may have upon chemical and petrochemical establishments.”*

7a.14 The application site lies within the consultation area of hazardous installations at the Grangemouth petrochemical area. The Health and Safety Executive through use of PADHI+ consultation has provided a ‘Do Not Advise Against’ response in relation to the proposal on the basis of acceptable risk to visitors to the site. The application will, on this basis, not require to be referred to Scottish Ministers if the Committee grants planning permission. It is therefore considered that the proposal accords with this policy.

7a.15 Policy ST10 - 'Parking' states:

"The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

- (1) There will be a presumption against significant additional public parking in Falkirk Town Centre.*
- (2) There will be a presumption against the removal of existing parking provision in Falkirk Town Centre where this would adversely affect the vitality and viability of the centre.*
- (3) Park and ride facilities will be promoted at Westfield, Falkirk. The feasibility of providing facilities on the B902 Stenhousemuir-Falkirk corridor will be investigated.*
- (4) Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- (5) The maximum parking standards set out in SPP 17 will be applied where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, then enhanced travel plan resources may be required in compensation."*

7a.16 The parking provision proposed is a concern of the Roads Development Unit in respect of the anticipated visitor numbers. Parking areas have been approved by planning permission P/11/0154/FUL and are under construction. The Roads Development Unit seeks the provision of an expansion of the previously approved car parks to provide additional parking. This issue is addressed in detail in paragraphs 7b.6 and 7b.7 of this report.

7a.17 Policy ST11 - 'Sustainable Urban Drainage' states:

"Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."

7a.18 The Sustainable Urban Drainage System to be employed for the wider Helix site has previously been considered acceptable.

7a.19 Policy ST3 - 'Bus Travel And New Development' states:

"New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops, services or stations, as identified within travel plans. This provision will be delivered through direct funding of infrastructure and / or the provision of sums to support the delivery of bus services serving the development.

- (1) Bus infrastructure should be provided at locations and to phasing agreed with Falkirk Council, and designed in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.*
- (2) Bus facilities within new developments should offer appropriate links to existing pedestrian or cycle networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian or cycle links as described in Policy ST2.*
- (3) New development should incorporate routes suitable for the provision of bus services. Where bus services already exist, new developments should not be designed or constructed in ways that impede the routing of these services.*

- (4) *New developments may require bus links to rail stations or other public transport infrastructure.”*

7a.20 Public access to the site has previously been considered by the Transport Planning Unit to require upgrading through the implementation of a bus service to the site. The applicant has previously (in the assessment of previous planning application P/11/0154/FUL) provided acceptable justification to obviate the requirement for an initial subsidy to bus services to the site. The proposed arrangements are considered acceptable and not to be contrary to Policy ST3.

7a.21 Policy EQ16 ‘Sites of Archaeological Interest’ states:

- “(1) Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances;*
- (2) all Other archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
- (3) Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.”*

7a.22 The proposed development does not directly affect the Forth and Clyde Canal’s status as a Scheduled Ancient Monument. No adverse impact on the Forth and Clyde Canal, as a Scheduled Ancient Monument, is considered likely to occur. This has been confirmed through consultation with Historic Scotland and Falkirk Community Trust Museum Services who have no objections to the proposed development.

7a.23 Policy EQ27 - ‘Watercourses’ states:

“The Council recognises the importance of watercourses within the Council area in terms of their landscape, ecological, recreational and land drainage functions. Accordingly:

- (1) There will be a general presumption against development which would have a detrimental effect on the landscape integrity, water quality, aquatic and riparian ecosystems, or recreational amenity of watercourses. Development proposals adjacent to a watercourse should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
- (2) Watercourses will be promoted as recreational corridors, with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives; and*
- (3) There will be a general presumption against the culverting of watercourses.”*

7a.24 The proposed development as stated above has been shown not to adversely impact on the Forth and Clyde Canal. The positive opportunities for tourism and outdoor access that the proposal provides have previously been noted in this report.

7a.25 Policy ST11 - 'Sustainable Urban Drainage' states:

"Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."

7a.26 Policy ST12 - 'Flooding' states:

"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."

7a.27 The Helix is supported by an overarching Flood Risk Assessment for all project land. The proposed development has been appropriately designed in the context of this study. The site has been assessed as capable of accommodating the proposed development.

7a.28 Accordingly, the proposal accords with the Development Plan

7b Material Considerations

7b.1 The material consideration to be addressed are the policies of the emerging Falkirk Local Development Plan and points raised through consultation and in the submission of representations made with respect to the application.

7b.2 The proposed Falkirk Local Development Plan was approved by the Council for consultation on 6 March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the extant Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan Policy and constitutes a material consideration in the determination of planning applications.

7b.3 The following policies of the Emerging Falkirk Local Development Plan are relevant to the assessment of the application under consideration:

| | |
|-------|-----------------------------------|
| INF07 | Walking and Cycling |
| INF08 | Bus Travel and New Developments |
| INF11 | Parking |
| INF12 | Water and Drainage Infrastructure |
| BUS05 | Major Hazards and Pipelines |
| TC04 | Food and Drink |
| EN05 | Outdoor Access |
| D02 | Sustainable Design Principles |
| D04 | Low and Zero Carbon Development |
| D08 | Sites of Archaeological Interest |
| D14 | Canals |

- 7b.4 The above policies reinforce and develop relevant policies in the extant Falkirk Structure Plan and Falkirk Council Local Plan. The proposed development has been assessed as being in accordance with all relevant policies in the Emerging Falkirk Local Development Plan.
- 7b.5 The comments of the Transport Planning Unit have been satisfactorily addressed in relation to pedestrian links and cycle parking. The provision of a bus service to the site and a financial contribution to contribute to the future upgrade of Junction 6 of the M9 has not been requested. The applicant has previously (in the assessment of planning application P/11/0154/FUL) provided acceptable justification that the total of £4.5 million expenditure that the Helix project will contribute towards sustainable access to the site and wider Helix area.
- 7b.6 The Roads Development Unit has identified that the proposed visitor centre will require 97 car parking spaces over and above the car parking areas previously approved by previous planning permission P/11/0154/FUL. Condition 2 of planning permission P/11/0154/FUL required the submission of plans to identify compliance with car park requirements. Subsequent to the approval of P/11/0154/FUL the Roads Development Unit has discussed the potential for a car park extension area should the Helix prove to be more popular than originally considered. The Roads Development Unit has requested, on the basis that a visitor centre is now proposed, that this area of future car park extension is now provided.
- 7b.7 It is considered that the provision of a visitor centre would not necessarily increase the number of visitors to the Helix project but would provide improved facilities for those wishing to visit and increase the time that visitors would spend at the site. On this basis it is not considered necessary, at this stage, to insist on the construction of an extension to the approved car park areas. Rather it is considered appropriate for the car park extension area to be constructed at a later stage should it be required. A planning condition is therefore proposed to require additional parking if deemed necessary.
- 7b.7 The Environmental Protection Unit has requested the attachment of a planning condition requiring the submission of a Contaminated Land Assessment. A Contaminated Land Assessment for the wider Helix site has previously been submitted to Falkirk Council and approved. The request for an informative in relation to construction noise can be attached to any grant of planning permission.

7c Conclusion

- 7c.1 The proposed development has demonstrated compliance with all relevant Development Plan policies.
- 7c.2 The views of consultees have been accommodated or can be achieved by planning conditions.
- 7c.3 The 'Do Not Advise Against' consultation response using HSE PADHI+ would not require referral of the application to Scottish Ministers if the Committee grants planning permission.
- 7c.4 No objections or adverse comments have been made in relation to the proposed development.
- 7c.5 There are no material considerations which would justify setting aside policies of the Development Plan and refusing planning permission.

8. RECOMMENDATION

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

- (1) Prior to the commencement of development, samples of construction materials relating to fenestration (window and curtain walling frames) cladding (aluminum and larch) and gabion baskets (including stone type) shall be submitted for the written approval of Falkirk Council as Planning Authority.**
- (2) Prior to the commencement of development details and specification of all hard and soft landscaping, including samples of materials and species specification shall be submitted for the written approval of Falkirk Council as Planning Authority.**
- (3) Unless otherwise agreed in writing with Falkirk Council as Planning Authority, if shown to be necessary, additional car parking shall be provided by means of an extension to the northern car parking area approved by planning permission P/11/0154/FUL, within an agreed timescale.**

Reason(s):

- (1-2) In the interest of visual amenity.**
- (3) To ensure that adequate car parking is provided.**

Informative(s):

- (1) This application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06A, 07A, 08A.**
- (2) The applicant should have regard to controlling any noise produced by the construction and future use of the development to ensure that no noise nuisance is caused. If noise complaints were received about the development, the Environmental Health Unit would be obliged to investigate and take any necessary action if the complaints were found to be justified under Statutory Nuisance Legislation.**

.....
Director of Development Services

Date: 21 May 2013

LIST OF BACKGROUND PAPERS

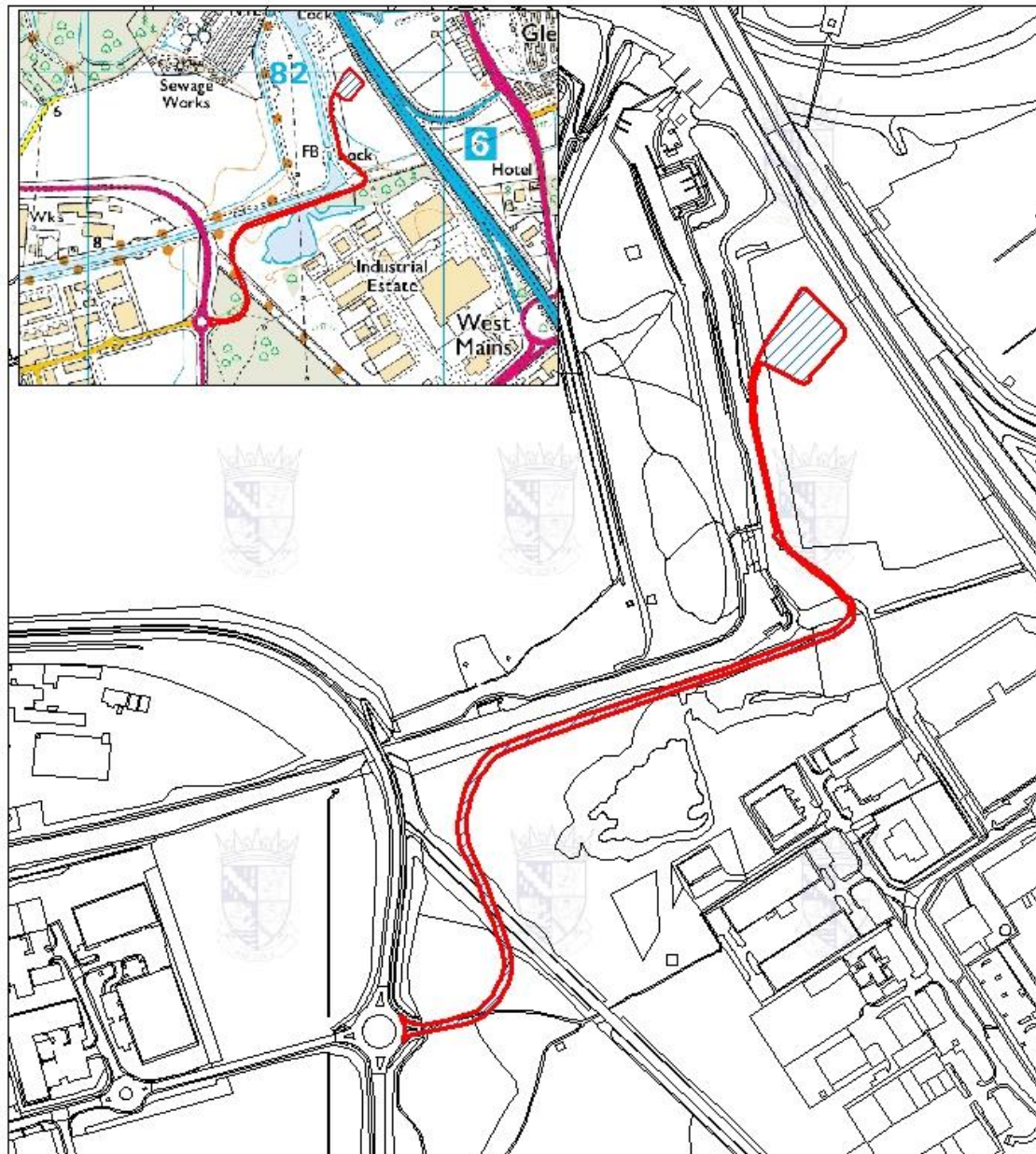
1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Local Development Plan (Proposed Plan) April 2013

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/13/0158/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: CONSTRUCTION OF NEW CARRIAGEWAY 7.3 METRES WIDE, APPROXIMATELY 210 METRES LONG WITH ASSOCIATED 3 METRE WIDE CYCLEWAY/FOOTWAY AT LAND TO THE SOUTH EAST OF WESTER NEWLANDS, LAURIESTON ROAD, GRANGEMOUTH FOR FALKIRK COUNCIL - P/13/0304/VRC

Meeting: PLANNING COMMITTEE

Date: 29 May 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes
Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Grangemouth

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 Application Ref: P/07/1158/FUL for the construction of a new carriageway and cycleway/footway, was granted planning permission on 8 May 2008. This application proposes to vary the planning permission by amending the position of the proposed cycleway/footway. It should be noted that this application for a variation to planning permission, is considered retrospective as the cycleway/footway has already been constructed in the amended position.
- 1.2 The amended position of the cyclepath is closer to the north east boundary of the application site and allows for a landscaped area between the proposed new road and cyclepath. Construction of the road and other aspects of the project have not yet commenced.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Falkirk Council own the application site. Under the Council's Amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 Application Ref: P/07/1158/FUL for the construction of a new carriageway 7.3 metres wide, approximately 210 metres long with associated 3 metre wide cycleway/footway was granted on 8 May 2008.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit advise that the proposals are acceptable and there are no roads conditions to be attached to any granting of planning permission.
- 4.2 The Coal Authority have not responded to the consultation.
- 4.3 Falkirk Community Trust have not responded to consultation.

5. COMMUNITY COUNCIL

- 5.1 The Grangemouth Community Council made no comments in relation to the application.

6. PUBLIC REPRESENTATION

- 6.1 One letter of representation to the application was received. The objection can be summarised as follows:-
- The proposed road would be closer to an adjacent residential property and existing traffic has caused damage to the property (stress cracks); and
 - Residential properties should be screened from the noise and lights on the new section of road.
- 6.2 The application was advertised in the Falkirk Herald on 9 May 2013. The advert expires on 30 May 2013. To date no further representations have been received.

7. DETAILED APPRAISAL

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

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no policies relevant to the proposal contained in the Structure Plan.

Falkirk Council Local Plan

- 7a.2 Policy EQ17 "Antonine Wall" states

The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- (1) *There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*

- (2) *There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other Local Plan policies; and*
- (3) *The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map.*

7a.3 The application site is located within the Antonine Wall World Heritage Site Buffer Zone. This application relates to a variation of the original planning consent to amend the position of the cyclepath. It is considered that the amendment would not have an adverse impact on the heritage site or its setting and does not offend the terms of policy EQ17 'Antonine Wall'.

7a.4 Policy EQ19 "Countryside" states

- (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 Councils 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.*

7a.5 Policy EQ20 "Green Belt" states

There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:

- (1) *The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3; and*
- (2) *The proposal will not undermine the role of the Green Belt by detracting from its existing landscape character;
reducing the visual separation between settlements; or
compromising its existing or potential future use for countryside recreation.*

Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21.

7a.6 The application site is located within the countryside and green belt as identified on the policy and proposals map. It is considered that the amendment would not detract from the existing landscape character of the area, reduce the visual separation between settlements or compromise the area's existing or future use for countryside recreation. It is considered that the proposed development would not offend the terms of policy EQ19 'Countryside' or policy EQ20 'Green Belt'.

7a.7 Policy EP18 "Major Hazards" states

Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:

- (1) The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings;*
- (2) The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means. and*
- (3) The potential impact that the proposals may have upon chemical and petrochemical establishments*

7a.8 The application site is within the middle hazard consultation zone for Calachem. It is considered that the proposed development would not increase the number of people exposed to risk in the area. It is considered that the proposed cyclepath would achieve regeneration benefits for the area and the proposal is not likely to have an impact on chemical or petrochemical establishments, in accordance with Policy EP18 'Major Hazards'.

7a.9 Policy ST6 "Improving the Road Network"

Falkirk Council will work with other authorities, Transport Scotland and developers in delivering necessary improvements to the road network. Any improvements identified will be taken forward as part of packages of measures that support sustainable transport.

7a.10 It is considered that the proposed development is supported by policy ST6 'Improving the Road Network'.

7a.11 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Local Development Plan, Proposed Plan (April 2013), response to consultation and assessment of public representation.

Falkirk Local Development Plan

7b.2 The policies in the Falkirk Local Development Plan, Proposed Plan (April 2013) reinforce the policies of the Development Plan, namely policies CG01 'Countryside', CG02 'Green Belt', GN01 'Falkirk Green Network' and BUS05 'Major Hazards and Pipelines'.

7b.3 The application site is identified on the policies and proposals map as forming part of a transport project for Falkirk A904 corridor transport improvements (INF12). Policy INF07 'Walking and Cycling' and Policy GN05 'Outdoor Access' of the Falkirk Local Development Plan, Proposed Plan (April 2013) promotes the development of the core path network, pedestrian and cycle infrastructure.

- 7b.4 Accordingly the application accords with and is supported by the Falkirk Local Development Plan, Proposed Plan (April 2013).

Responses to Consultation

- 7b.5 No issues have been raised through consultation that require any further action, but a response is awaited from the Coal Authority. An update will be provided at the meeting of the Committee.

Public Representation

- 7b.6 The letter of representation, comments on road construction matters only. The author of the representation contacted the Development Management Unit to discuss the application and is now aware that this application relates to the re-positioning of the cyclepath only. The individual verbally advised that he has no objection to the location of the cyclepath. Development Management has written to the individual, giving him an opportunity to withdraw his representation.

7c Conclusion

- 7c.1 The proposal has been assessed as being in accordance with the Development Plan and the Falkirk Local Development Plan, Proposed Plan (April 2013). There are no material planning considerations raised to date which would warrant refusal of the application contrary to the Development Plan. The issues raised through third party representation are discussed and addressed in the body of this report. The advertisement expires on 30 May 2013 and a consultation response is awaited from the Coal Authority, as such the application should not be progressed to a decision until after this date and after a response is received from the Coal Authority.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Planning Committee grant planning permission subject to:-
- (a) Expiration of the Falkirk Herald Advertisement dated 9 May 2013 and no further objections being received before the advert period expires; and
 - (b) The receipt of a satisfactory consultation response from the Coal Authority.

And thereafter, on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions and other conditions as may be required to address issues raised through consultation with the Coal Authority.

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) The development hereby approved shall be implemented in accordance with condition 2 and the informative contained within planning permission Ref: P/07/1158/FUL.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) As this application relates to a variation of planning permission Ref: P/07/1158/FUL.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02 and Supporting Documents.
- (2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

.....
Director of Development Services

Date: 21 May 2013

LIST OF BACKGROUND PAPERS

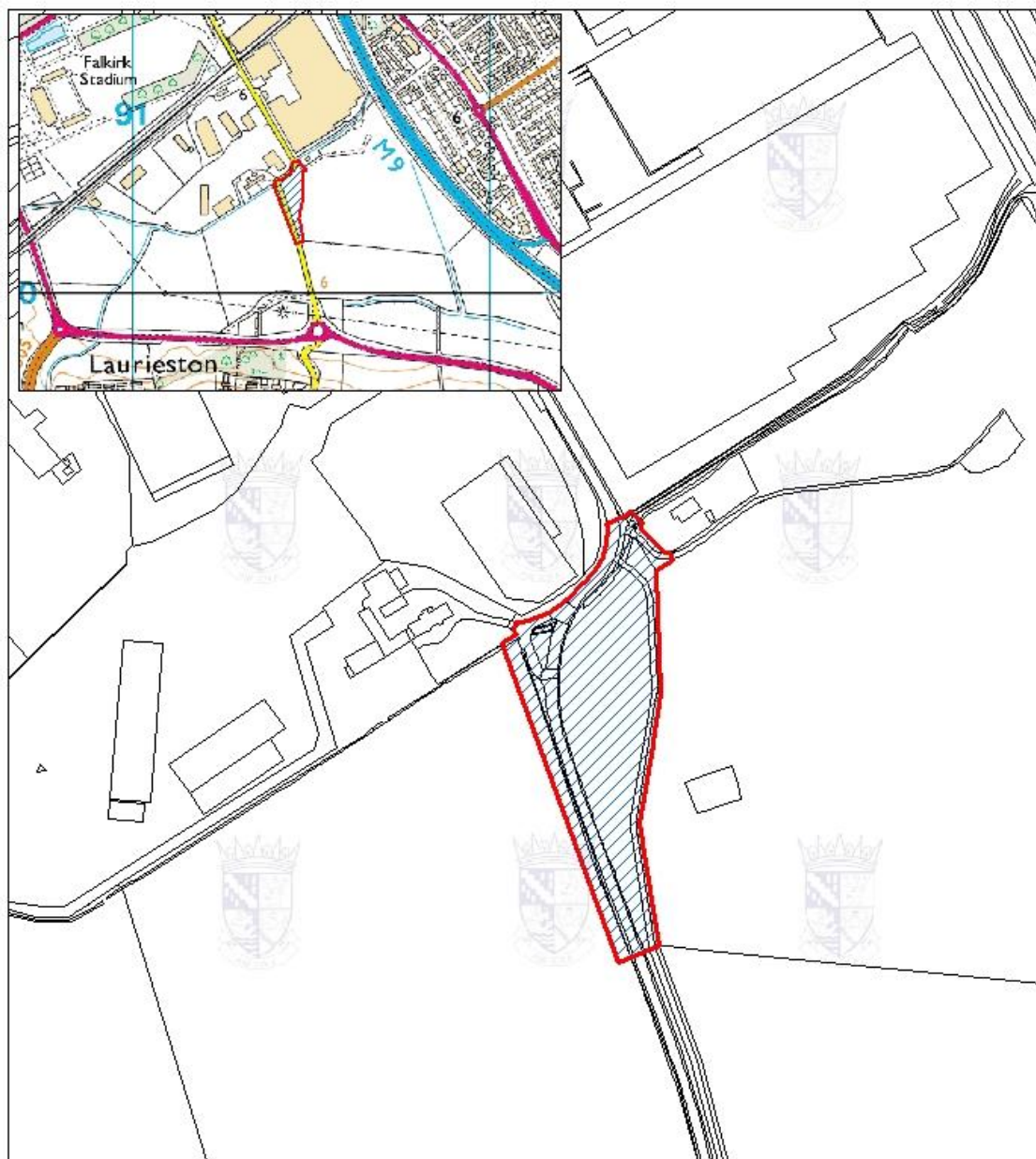
1. Falkirk Council Local Plan.
2. Falkirk Local Development Plan, Proposed Plan (April 2013)
3. Letter of representation from Mr Stuart Conway, Newlands Cottage, Laurieston Road, Grangemouth received on 7 May 2013.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan **P/13/0304/VRC**

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



Falkirk Council



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