

**DRAFT**

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 26 MARCH 2014 at 9.30 A.M.**

**COUNCILLORS:**

Baillie William Buchanan (Convener)  
Steven Carleschi  
Colin Chalmers  
Adrian Mahoney  
Cecil Meiklejohn  
John McLuckie  
John McNally  
Malcolm Nicol  
Alan Nimmo  
Baillie Joan Paterson  
Sandy Turner

**OFFICERS:**

John Angell, Head of Planning and Transportation  
Katherine Chorley, Assistant Planning Officer  
Ian Dryden, Development Manager  
Rose Mary Glackin, Chief Governance Officer  
Iain Henderson, Legal Services Manager  
Stuart Henderson, Environmental Health Officer  
Kirsty Hope, Assistant Planning Officer  
David Paterson, Planning Officer  
Antonia Sobieraj, Committee Officer  
Russell Steedman, Network Co-ordinator  
Richard Teed, Senior Forward Planning Officer

**P144. APOLOGIES**

Apologies for absence were intimated on behalf of Councillor C Martin.

**P145. DECLARATIONS OF INTEREST**

No declarations were made.

**P146. MINUTES**

**Decision**

- (a) The minute of meeting of the Planning Committee held on 26 February 2014 was approved; and
- (b) The minute of the meeting Planning Committee held On Site on 10 March 2014 was approved.

**P147. DEMOLITION OF GARAGE PREMISES AND ERECTION OF CLASS 1 SHOP UNIT WITH ANCILLARY DELICATESSEN (CLASS 1) AND FORMATION OF CAR PARK AT 50 DALDERSE AVENUE, FALKIRK FK2 7EG FOR DAVID'S KITCHEN LTD - P/13/0760/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 26 February 2014 (Paragraph P136 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for full planning permission for the demolition of garage premises, the erection of a class 1 shop unit with ancillary delicatessen (class 1) and the formation of a car park at 50 Dalderse Avenue, Falkirk.

**Decision**

**The Committee agreed to continue consideration of this item of business to enable a traffic flow assessment to be undertaken.**

**P148. DISPLAY OF NON-ILLUMINATED ADVERTISEMENTS (RETROSPECTIVE) AT 84 HIGH STATION ROAD, FALKIRK FK1 5QX FOR REGENCY RACING – P/14/0009/ADV (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 26 February 2014 (Paragraph P134 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for advertisement consent (in retrospect) for the display of non-illuminated advertisements at 84 High Station Road, Falkirk.

Councillor Chalmers, seconded by Councillor Turner, moved that the application be approved on the grounds that there had been no accidents since the erection of the signs, the nearby traffic lights assist in mitigating risk, there is sufficient flexibility in the policy and the consistency of these signs with other signs in the area.

By way of an amendment, Councillor Nicol, seconded by Councillor Mahoney, moved that the application be refused in accordance with the recommendations in the Report.

On a division, 6 Members voted for the motion and 5 for the amendment.

**Decision**

**The Committee agreed to grant planning permission subject to appropriate conditions as determined by the Director of Development Services.**

**P149. PROPOSAL FOR 307 NEW HOMES (INCLUDING 46 AFFORDABLE HOMES) AND DENNY EASTERN ACCESS ROAD (DEAR), INCLUDING PROVISION OF GREENSPACE, SUSTAINABLE URBAN DRAINAGE AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE SOUTH OF MYDUB FARM, GLASGOW ROAD, DENNY FOR BETT HOMES & CALLENDAR ESTATES - P/12/0546/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 26 February 2014 (Paragraph P137 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for full planning permission for the proposal of 307 new homes (including 46 affordable homes) and Denny Eastern Access Road (DEAR) including provision of greenspace, sustainable urban drainage and associated infrastructure on land to the south of Mydub Farm, Glasgow Road, Denny.

Councillor McLuckie, seconded by Councillor Carleschi, moved that the application be continued (i) pending clarification of the decision currently with the Reporter in connection with the proposed new roundabout at Glasgow Road, Denny, and (ii) for further dialogue to take place with NHS Forth Valley in relation to NHS facilities in the vicinity of the development.

By way of an amendment, Baillie Paterson, seconded by Councillor Nimmo, moved that Committee be minded to grant the application in accordance with the recommendations in the Report.

On a division, 8 Members voted for the motion and 3 for the amendment.

**Decision**

**The Committee agreed to continue consideration of this item of business (i) pending clarification of the decision currently with the Reporter in connection with the development of the proposed new roundabout at Glasgow Road, Denny, and (ii) for further dialogue to take place with NHS Forth Valley in relation to NHS facilities in the vicinity of the development.**

The Convener agreed an adjournment at 11.15 a.m. prior to full consideration of the following item of business. The meeting reconvened at 11.25 a.m. with all Members present as per the sederunt.

**P150. SUB DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT 92 BANKHEAD CRESCENT, DENNYLOANHEAD, BONNYBRIDGE FK4 1RX FOR MR BARRY SAVILLE - P/13/0754/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 26 February 2014 (Paragraph P133 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for full planning permission for the sub division of garden ground and the erection of a dwellinghouse at 92 Bankhead Crescent, Dennyloanhead, Bonnybridge.

Baillie Buchanan, seconded by Councillor McLuckie, moved that the application be granted on the grounds that the development would enhance the visual amenity of the area and parking issues would be mitigated by the off street parking provision. The grant would be subject to a specific condition to ensure that the building line of the extension would be in line with the existing terraced block of dwellinghouses.

By way of an amendment, Councillor Turner, seconded by Councillor Carleschi, moved that the application be refused in accordance with the recommendations in the Report.

On a division, 7 Members voted for the motion and 4 for the amendment.

**Decision**

**The Committee agreed to grant planning permission subject appropriate conditions as determined by the Director of Development Services including a condition to ensure that the building line of the extension would be in line with the existing terraced block of dwellinghouses.**

**P151. ERECTION OF REPLACEMENT FARMHOUSE AND OUTBUILDING ANNEXE, INCORPORATING GARAGE AND ESTATE OFFICE ON LAND TO THE WEST OF NETHERVIEW COTTAGE, BONNYBRIDGE FOR BLACK BULL ESTATES LTD - P/13/0741/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 26 February 2014 (Paragraph P132 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for full planning permission for the erection of a replacement farmhouse and an outbuilding annexe, incorporating a garage and an estate office on land to the west of Netherview Cottage, Bonnybridge.

## Decision

The Committee agreed to 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 the 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 and specification of the proposed external finishes shall be submitted to and approved in writing by the 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 height, location and construction of all proposed fences, walls and other means of enclosure shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order), no fence, wall, gate, or other means of enclosure exceeding one metre in height shall be erected without the prior express consent of the Planning Authority.
- (5) For the avoidance of doubt, the defined curtilage of the proposed dwellinghouse shall be as defined on approved plan 04A (Drawing Number RMDL/254/001 Revision E).
- (6) Before the development commences, a scheme of soft landscaping works (including the proposed plant bund) shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
  - (i) Existing and finished ground levels/profiles in relation to a fixed datum, preferably ordnance;
  - (ii) An indication of existing landscape and planting features to be removed, those features to be retained and, in the case of damage, proposals for their restoration;
  - (iii) The location of new trees, shrubs, hedges and grassed areas;
  - (iv) A schedule of plants to comprise species, plant sizes and proposed numbers/density; and
  - (v) A programme of completion and subsequent maintenance.

No existing vegetation shall be removed prior to approval of the scheme of soft landscaping works, and, following approval of the scheme, the development shall be carried out in accordance with the approved details.

- (7) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by the Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by the Planning Authority.
- (8) Before the development commences, a proposed strategy to deal with surface water run-off shall be submitted to and approved in writing by the Planning Authority. Thereafter, the approved strategy shall be fully implemented prior to the development being brought into use.
- (9) The dwellinghouse hereby approved shall be used and occupied in all-time coming for no other purpose than exclusively for a person employed, or last employed, in the farm business associated with the proposed development, or widow or widower of such persons, and any resident dependants of such a person.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2-4,6) To safeguard the visual amenity of the area.
- (5) In order to confirm the defined curtilage for the proposed dwellinghouse.
- (7) To ensure the ground is suitable for the proposed development.
- (8) To ensure that adequate drainage is provided.
- (9) The proposed development is at a countryside location and is considered to be inappropriate unless tied to the agricultural use of the land.

**Informative(s):-**

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03, 04A, 05, 06, 08 and 09.
- (3) Scottish Water have advised that any planning approval granted by the local authority does not guarantee a connection to their infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

- (4) The Coal Authority have advised that the proposed development lies with a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

**P152. CHANGE OF USE FROM CLASS 1 (SHOP) TO HOT FOOD TAKE-AWAY (SUI-GENERIS) AT 52 HIGH STATION ROAD, FALKIRK FK1 5QX FOR MR & MRS IJAZ SARDAR -P/13/0689/FUL (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 29 January and 26 February 2014 (Paragraphs P118 and P129 refer), Committee gave (a) further consideration to reports by the Director of Development Services, and (b) considered an additional report by the said Director on an application for full planning permission for the change of use from a class 1 (shop) to a hot food take-away (sui-generis) at 52 High Station Road, Falkirk.

**Decision**

The Committee agreed to grant planning permission subject to appropriate conditions as determined by the Director of Development Services including the determination of the operating hours.

**P153. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF AVONDALE, MOSSCASTLE ROAD, SLAMANNAN FOR MR DUNCAN BENNIE - P/13/0784/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of a dwellinghouse on land to the west of Avondale, Mosscastle Road, Slamannan.

**Decision**

The Committee agreed to continue consideration of this item of business to allow an inspection of the site by Committee.

**P154. EXTENSION TO THE OPERATIONAL AREA AND FORMATION OF  
HARDSTANDING FOR THE PURPOSES OF MATERIAL STORAGE ON  
LAND TO THE EAST OF 34 BROOMHILL ROAD, BROOMHILL ROAD,  
HIGH BONNYBRIDGE FOR CENTRAL DEMOLITION LTD -  
P/13/0620/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for an extension to the operational area and the formation of hardstanding for the purposes of material storage on land to the east of 34 Broomhill Road, Broomhill Road, High Bonnybridge.

Bailie Paterson left the meeting prior to the decision being taken on this item of business.

**Decision**

The Committee agreed that it is **MINDED** to **GRANT** planning permission subject to the following conditions:-

- (a) The satisfactory conclusion of a Legal Agreement with Sportscotland (or any alternative mechanism that may be appropriate) that outlines the compensation proposals for Loch Park and the mechanism and timescale for their delivery; and
- (b) And thereafter subject to the satisfactory conclusion of the foregoing matters, remit to the Director of Development Services to 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 the 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, a scheme of soft and hard landscaping works shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
    - (i) Existing and finished ground levels in relation to a fixed datum, preferably ordinance;
    - (ii) An indication of existing trees, shrubs, hedges and grass areas to be removed, those to be retained and in the case of damage, proposals for their restoration;
    - (iii) The location, height and specification of all proposed fences, walls and gates;
    - (iv) The location of all new trees, hedges and grass areas;
    - (v) A schedule of plants to comprise species, plant sizes and proposed numbers/density; and
    - (vi) A programme for completion and subsequent maintenance.



Thereafter the development shall be carried out and maintained in accordance with the approved details.

- (3) No development shall commence until a Woodland Management Plan to secure the retention and ongoing maintenance of the existing woodland adjoining the application site has been submitted to and approved in writing by the Planning Authority. Thereafter, the woodland shall be maintained in accordance with the approved details.
- (4) For the avoidance of doubt, the 20 metre buffer zone as shown on the approved site layout plan (Figure 3: Rev 7.3.14) shall be maintained as such for the lifetime of the development hereby approved, in accordance with the details approved within the terms of condition 2 of the permission.
- (5) For the avoidance of doubt, the application site excluding the 20 metre buffer zone shall be used solely for the purposes of storage and access, as shown on the approved site layout plan (Figure 3: Rev 7.3.14).
- (6) The height of the materials stored within the 'processed material storage' areas and the 'material for crushing' area as shown on the approved site layout plan (Figure 3: Rev 7.3.14) shall not at any time exceed 8 metres.
- (7) Unless otherwise agreed in writing by this Planning Authority, the height of the skips stored within the 'skips storage area' as shown on the approved site layout plan (Figure 3: Rev 7.3.14) shall not at any time exceed 2 metres.
- (8) For the avoidance of doubt, the proposed boundary fencing shall be located so that it accords with the approved boundary fencing plan (Figure: BF 17.01.14) and no other fencing shall be erected without the prior written approval of the Planning Authority.
- (9) Unless otherwise agreed in writing by the Planning Authority, no development shall commence until a Contaminated Land Assessment has been submitted to and approved in writing by the Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by the Planning Authority.
- (10) For the avoidance of doubt, the proposed boundary fencing as shown on the approved boundary fencing plan (Figure: BF 17.01.14) shall not include any means by which to provide access to the site.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2-4, 6-8) To safeguard the visual amenity of the area and/or the setting of the Antonine Wall World Heritage Site.
- (5,10) For the avoidance of doubt.
- (9) To ensure that the ground is suitable for the proposed development.

**Informative(s):-**

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 , 02 , 03C and 04B.
- (3) SEPA have advised that the existing Waste Management Licence will require to be modified prior to any waste being stored in the area being applied for.
- (4) SEPA have advised that the existing waste treatment area will require to be appropriately sized to accommodate the increase in site area.
- (5) SEPA have advised that details of their regulatory requirements and good practice advice can be found on their website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx). Alternatively the operations team at the local SEPA office can be contacted at:- Bremner House, the Castle Business Park, Stirling FK9 4TF on telephone: 01786 452595.
- (6) The Coal Authority have advised that the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include:- mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); and mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0845 762 6848. Further information is available on the Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).

- (7) Corporate and Neighbourhood Services have advised that the proposed compensation works at Loch Park will require suitable measures to be put in place to safeguard the existing users of the adjacent play facilities, and to protect the individual trees on the site from compaction around their bases from machinery and stored/excavated materials. In addition, the adjacent road and car parking area will require to be swept routinely during the works.

**P155. ERECTION OF CLASS 1 SHOP UNIT WITH ASSOCIATED ACCESS, CAR PARKING, SERVICE YARD AND EXTERNAL WORK ON LAND TO THE NORTH OF ALDI FOODSTORE LTD, REDBRAE ROAD, FALKIRK FOR TJ MORRIS LIMITED/ BRUCE WEIR HOLDINGS LTD - P/13/0766/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of a class 1 shop unit with associated access, car parking, a service yard and external work on land to the north of the Aldi Foodstore Ltd, Redbrae Road, Falkirk

## Decision

The Committee agreed to grant planning permission subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Before the building is occupied, the car parking shown on the approved plan shall be completed.
- (3) Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
  - (i) existing and finished ground levels in relation to a fixed datum, preferably ordnance;
  - (ii) existing landscaping features and vegetation to be retained and, in the case of damage, restored;
  - (iii) location and design, including materials, of walls, fences and gates;
  - (iv) soft and hard landscaping works; and
  - (v) existing and proposed services such as cables, pipelines, sub-stations.
- (4) Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority as to the minimisation of light pollution from the premises.
- (5) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking and access arrangements shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (6) Before the development commences, full details of the colour and specification of all proposed external finishes for all buildings, structures and hardsurfaces shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (7) Before the development commences, full details of the colour and specification of all proposed walls, fences, gates and any other means of enclosure shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (8) Notwithstanding the approved plans, before the development commences, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:-
- (i) an indication of any existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their retention;
  - (ii) the location of all new trees, shrubs, hedges and grass areas;
  - (iii) a schedule of plants to comprise species, plant sizes and proposed numbers/species; and
  - (iv) a programme for the completion and subsequent management and maintenance for all proposed landscaping and boundary treatments.

The landscaping plan shall be implemented in accordance with an approved phasing plan.

- (9) Before occupation of the retail unit, exact details of any proposed ventilation system and measures to be employed to control noise emission from all proposed plant/equipment and HGV deliveries shall be submitted to and approved in writing by the Planning Authority. Thereafter, all plant/equipment shall be installed, operated and maintained, and all HGV deliveries carried out, in accordance with the approved details.
- (10) All proposed roads, cycleways, traffic signals, roadmarkings, street lighting, footways/footpaths and road crossings to be adopted by Falkirk Council shall be constructed in accordance with the Falkirk Council Design Guidance and Construction Standards.
- (11) Cycle parking shall be provided on the site at location(s) and in accordance with details, including the number and design, submitted to and approved in writing by the Planning Authority.
- (12) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (13) For the avoidance of doubt, the proposed footway along the western side of Redbrae Road to the site access shall be constructed to adoptable standards and be at least 2 metres in width.
- (14) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the Travel Plan Framework.

- (15) Prior to the commencement of any works, full details of the finalised SUDS scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, and all works shall be carried out in accordance with the approved scheme.
- (16) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the finalised street lighting system to be employed.
- (17) No development shall take place within the development site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. This should take the form of mitigation measures in the report by Tom Davis and Thomas Rees produced for James Barr as part of the site assessment.

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,14) To ensure that adequate car parking is provided.
- (3,4,9) To safeguard the environmental amenity of the area.
- (7,22) To ensure that adequate traffic management provision is secured.
- (5-8) To safeguard the visual amenity of the area.
- (6) In the interests of residential amenity.
- (10-11, 13) To safeguard the users of the public highway.
- (12) To ensure the ground is suitable for the proposed development.
- (15) To ensure adequate protection of the water environment from surface water run-off.
- (16) The development would not be acceptable without these additional works.
- (17) To enable the Planning Authority to consider this/these aspect(s) in detail.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03, 04, 05, 06, 07, 08 and 09A.

- (2) The applicant should consult with the Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.
- (3) Your attention is drawn to the provisions of the Disability Discrimination Act 1995. The permission does not imply that your proposals satisfy the requirements of that legislation.
- (4) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning the proposal in respect of noise legislation which may affect this development.
- (5) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning the proposal, as legislation relating to the spread of dust is likely to affect the development.
- (6) The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:-

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

- (7) The applicant is advised to contact Network Rail's Asset Protection Engineer for approval prior to any works on site.





**DRAFT**

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 7 APRIL 2014 commencing at 10.20 a.m. \***

**\* The meeting commenced at a later time to attain the required member quorum.**

**COUNCILLORS:**

Craig Martin  
John McLuckie (Convener)  
John McNally  
Sandy Turner

**OFFICERS:**

Ian Dryden, Development Manager  
Stuart Henderson, Environmental Health Officer  
Stephen McClure, Planning Officer  
Antonia Sobieraj, Committee Services Officer  
Russell Steedman, Network Co-ordinator  
Karen Quin, Solicitor

**P1. APOLOGIES**

Apologies were intimated on behalf of Baillies Buchanan and Paterson; Councillors Mahoney, Nicol and Meiklejohn.

**P2. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF AVONDALE, MOSSCASTLE ROAD, SLAMANNAN FOR MR DUNCAN BENNIE – P/13/0784/FUL**

With reference to Minute of Meeting of the Planning Committee held on 26 March 2014 (Paragraph P153 refers), Committee gave (a) further consideration to a report by the Director of Development Services on an application for full planning permission for the erection of a dwellinghouse on land to the west of Avondale, Mosscastle Road, Slamannan.

The Convener introduced the parties present.

The Planning Officer (S McClure) outlined the nature of the application.

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

Mr Veitch explained that although he had submitted an objection letter he only had some concerns which he wished clarified in respect of the application. This included the position of the proposed property and the likelihood of the overshadowing of his neighbouring property. He indicated that he was satisfied with the response received at the meeting.

Questions were then asked by Members of the Committee.

Councillor Hughes, a 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 30 April 2014.

**FALKIRK COUNCIL**

**Subject:** **ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST OF AVONDALE, MOSSCASTLE ROAD, SLAMANNAN FOR MR DUNCAN BENNIE – P/13/0784/FUL**

**Meeting:** **PLANNING COMMITTEE**

**Date:** **30 April 2014**

**Author:** **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** **Ward - Upper Braes**

**Councillor Gordon Hughes**

**Councillor John McLuckie**

**Councillor Rosie Murray**

**Community Council:** **No Community Council**

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

**UPDATE REPORT FOLLOWING SITE VISIT**

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 26 March 2014 (copy of previous report appended), when it was agreed to continue the application for a site visit. This visit took place on 7 April 2014.
2. The case officer introduced the proposed development to the Planning Committee and referred to the salient points of assessment as set out in the Committee report.
3. The applicant's architect spoke in support of the proposal. It was noted that during the application process, discussions had taken place with Development Management and the architect in regards to the position of the property. This was subsequently altered, with the property being brought forward within the plot to ensure that the neighbouring dwellings rear garden ground was not overshadowed to an unacceptable level. It was also noted by the architect that the dwelling had been designed specifically for the plot, and it had been ensured that there was no overlooking to the neighbouring dwelling through careful placement of the windows. In doing so the main planning related concerns have been addressed.

4. The resident of the neighbouring property of Avondale spoke neither in support nor against the proposal, but wished to highlight that originally he had been concerned with the overshadowing due to the position of the proposed dwelling. Having now noted that the proposed dwelling had been altered and brought forward, he considered that this would appear to have resolved his initial concern. However, the neighbour did ask how the property would appear on the street line adjacent to his own property, as he wished to avoid it appearing like an urban residential estate with the properties grouped together in close proximity. The applicant's architect responded, advising that the design had taken this into consideration, and given the "L" shape design of the property, only a very small section will front onto the street, with the majority of the dwelling's mass remaining at the rear of the site. The neighbouring resident appeared to be satisfied with the response and had no further questions.
5. Members of the Planning Committee, as well as local Members, were given the opportunity to raise any questions or comments regarding the proposal. No Members of the Planning Committee wished to raise any issues or clarify any matters in relation to the proposal.
6. Councillor Hughes as Local Member sought clarification in respect of flooding in the immediate area, as well as the impact the proposed dwelling would have on this matter. It was noted that although there was a flooding issue within the immediate vicinity, the plot of land for the proposed dwelling was not included within the identified flooding zone. A condition to ensure that all drainage (both foul and rainwater) would enter the Scottish Water Network is included as part of the recommendation. This would ensure that the proposed development would not exacerbate local drainage issues.
7. Councillor Hughes also sought clarification on wider flood related issues within the current Falkirk Council Local Plan. However, this is not a relevant consideration as part of the assessment of this particular planning application.
8. No matters were raised which would amend the original recommendation to grant planning permission subject to conditions.

## **9. RECOMMENDATION**

### **9.1 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) i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**

- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
  - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
  - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) A new vehicular access to the site shall be formed in accordance with Falkirk Council's Design Guidelines and Construction Standards.
  - (4) The new driveway shall be constructed in a manner which will ensure that no surface water will be discharged or loose material carried out from it onto the public road.
  - (5) There shall be no obstruction to visibility over 0.6 metres in height above carriageway level within 2.5 metres of the carriageway edge along the frontage of the application site.
  - (6) Before works commence on-site, it shall be confirmed in writing that all drainage, both foul and rainwater, will enter the Scottish Water Network.
  - (7) Before works commence on-site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
  - (8) Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
    - i. existing and finished ground levels in relation to a fixed datum, preferably ordnance
    - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
    - iii. location and design, including materials, of walls, fences and gates

- iv. soft and hard landscaping works

**Reason(s):**

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3-5) To safeguard the interests of the users of the highway.
- (6) To ensure that adequate drainage is provided.
- (7-8) To safeguard the environmental amenity of the area.

**Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A and 02A.
- (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.

**Pp**

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

**Date: 17 April 2014**

**LIST OF BACKGROUND PAPERS**

- 1. Falkirk Council Local Plan.
- 2. Falkirk Council Local Development Plan - Proposed Plan
- 3. Falkirk Council Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note
- 4. Letter of objection received from Mr Joe Veitch, Avondale, Mosscastle Road Slamannan FK13EL on 20 December 2013.

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

**FALKIRK COUNCIL**

**Subject:** **ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST OF AVONDALE, MOSSCASTLE ROAD, SLAMANNAN FOR MR DUNCAN BENNIE – P/13/0784/FUL**

**Meeting:** **PLANNING COMMITTEE**

**Date:** **26 March 2014**

**Author:** **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** **Ward - Upper Braes**

**Councillor Gordon Hughes**

**Councillor John McLuckie**

**Councillor Rosie Murray**

**Community Council:** **No Community Council**

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

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

- 1.1 The site consists of a small plot formed from the sub-division of the garden ground of the now adjacent property. The plot is located within the village of Slamannan, on a road containing a mix of property types and sizes, and was previously granted planning permission in principle for erection of a dwelling (P/10/0279/PPP). The current proposal is a detailed application for the erection of a single dwelling within the plot.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it was called in by called in by Councillor Hughes.

**3. SITE HISTORY**

- 3.1 P/07/0360/FUL - detail granted - 24 May 2007 - extension to dwellinghouse.
- 3.2 P/07/0596/OUT - outline granted - 11 September 2007 - erection of dwellinghouse.
- 3.3 P/10/0279/PPP - planning permission in principle granted - 16 August 2010 - erection of dwellinghouse (renewal of P/07/0596/OUT).
- 3.4 P/13/0416/FUL - detail refused - 16 August 2013 - erection of dwellinghouse.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have no objection to the proposal.
- 4.2 Scottish Water have no objection to the proposal
- 4.3 The Environmental Protection Unit have no objection to the proposal. However, due to the location, a Contaminated Land Assessment would require to be submitted and approved in writing by the Planning Authority before works commenced on-site.

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

- 5.1 There is no Community Council for this area.

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

- 6.1 In the course of the application, 1 objector submitted a letter to the Council. The salient issues are summarised below.
- Concerned that the position of the proposed property would severely overshadow the existing neighbouring property of Avondale.

#### **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 proposal raises no strategic issues and was therefore assessed against the Falkirk Council Local Plan.

##### ***Falkirk Council Local Plan.***

- 7a.2 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

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

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*



- (4) *Existing physical infrastructure, such as roads and drainage, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) *In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) *There is no conflict with any other Local Plan policy or proposal.”*

7a.3 The proposed housing use is compatible with neighbouring uses, the immediate site area being surrounded by residential properties. It is considered that a satisfactory level of residential amenity can be achieved, and the site is accessible by public transport, walking and cycling to shopping, recreational and community facilities. Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity and community facilities, have the capacity to accommodate the increase in use associated with the proposed dwellinghouse. The proposal is also seen to comply with Policy SC8 (below) and there is no conflict with any other Local Plan policy or proposal. It is therefore considered the proposal accords with Policy SC2.

7a.4 Policy SC8 ‘Infill Development and Subdivision of Plots’ states:

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

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

7a.5 The scale, disposition and design of the proposed dwelling is considered to respect the architectural and townscape character of the area, which is mixed in dwelling type and size. The plot would provide adequate garden ground to serve the proposed dwelling, and would not be seen to have an unacceptable impact on existing neighbouring gardens. Adequate privacy would be afforded to both the proposed dwelling and neighbouring properties, and the proposal would not result in the loss of features such as trees, vegetation etc, such that the character or the amenity of the area would be adversely affected. The proposed vehicular access and other infrastructure are of an adequate standard, and the proposal complies with other relevant Local Plan policies. It is therefore considered that the proposal accords with Policy SC8.

7a.6 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material consideration to be assessed are Falkirk Local Development Plan (Proposed Plan), Falkirk Council Supplementary Planning Guidance and the assessment of public representations.

## ***Falkirk Council Local Development Plan - Proposed Plan***

### **7b.2 Policy HSG03 – ‘Windfall Housing’ states:**

*“Housing development within the Urban and Village Limits, in addition to proposals identified within the LDP, will be supported where:*

- 1. The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;*
- 2. The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- 3. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- 4. Existing physical infrastructure, such as roads and drainage, sewage capacity, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy INF02;*
- 5. The site is not at significant risk of flooding in the terms of Policy RW06;*
- 6. In the case of small gap sites and sub-divided plots, Policy HSG05 is satisfied; and*
- 7. It complies with other LDP policies.”*

### **7b.3 Policy HSG05 – ‘Infill Development and Subdivision of Plots’ states:**

*“Proposals for the erection of additional houses within the curtilage of existing properties or on small gap sites will be permitted where:*

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

**7b.4** The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, and submitted to the Scottish Ministers for examination in February 2014. 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.5** The relevant policies contained within the Falkirk Local Development Plan (Proposed Plan April 2013) are considered to highlight the same issues as those within the current adopted plan. There are no material considerations within the policies which would require the proposal to be assessed in a different manner and/or justify a refusal of planning permission. It is therefore considered that the proposal accords with Policies HSG03 and HSG05 of the Falkirk Local Development Plan (Proposed Plan April 2013).

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

- 7b.6 Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note - The proposed plot was formed from original garden ground of the neighbouring dwelling, however it has been fenced off for an extended period of time from this host dwelling. The proposed property would be seen to have adequate garden ground and would have direct frontage onto the street. The proposed dwelling styles on the street as a whole are varied, and therefore the proposed property, although slightly larger than the neighbouring host dwelling, would be a suitable fit within the overall street. It is considered that the proposed dwelling would create suitable residential amenity and would not adversely affect the neighbouring properties. The erection on the plot of the dwelling would be seen to finalise the redevelopment of the original host dwelling site, which also included land on the opposite side of the property to the current plot, and would see an inappropriate gap finally redeveloped. It is therefore considered that the proposal accords where relevant with the Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note.

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

- 7b.7 The property position within the plot has been altered, being pulled forward to sit on the same street line as the neighbouring dwelling. This has resulted in the proposed property now not affecting the neighbouring dwelling to an unacceptable level in terms of overshadowing.

## **7c Conclusion**

- 7c.1 It is considered that the proposal is acceptable development, is in accordance with Policies SC2 and SC8 of the Falkirk Council Local Plan and Policies HSG03 and HSG05 of the Falkirk Local Development Plan (Proposed Plan April 2013). There are no material planning considerations which would justify a refusal of planning permission.

## **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) i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.

- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
  - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
  - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) A new vehicular access to the site shall be formed in accordance with Falkirk Council's Design Guidelines and Construction Standards.
  - (4) The new driveway shall be constructed in a manner which will ensure that no surface water will be discharged or loose material carried out from it onto the public road.
  - (5) There shall be no obstruction to visibility over 0.6 metres in height above carriageway level within 2.5 metres of the carriageway edge along the frontage of the application site.
  - (6) Before works commence on-site, it shall be confirmed in writing that all drainage, both foul and rainwater, will enter the Scottish Water Network.
  - (7) Before works commence on-site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
  - (8) Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
    - i. existing and finished ground levels in relation to a fixed datum, preferably ordnance
    - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
    - iii. location and design, including materials, of walls, fences and gates
    - iv. soft and hard landscaping works

**Reason(s):**

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3-5) To safeguard the interests of the users of the highway.
- (6) To ensure that adequate drainage is provided.
- (7-8) To safeguard the environmental amenity of the area.

**Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A and 02A.
- (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.

**Pp**

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

**Date: 14 March 2014**

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Local Plan.
2. Falkirk Council Local Development Plan - Proposed Plan
3. Falkirk Council Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note
4. Letter of objection received from Mr Joe Veitch, Avondale, Mosscastle Road Slamannan FK13EL on 20 December 2013.

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

# Planning Committee

## Planning Application Location Plan

**P/13/0784/FUL**

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.  
© Crown copyright and database right 2014. All rights reserved.  
Ordnance Survey Licence number 100023384

**FALKIRK COUNCIL**

**Subject:** DEMOLITION OF GARAGE PREMISES AND ERECTION OF CLASS 1 SHOP UNIT WITH ANCILLARY DELICATESSEN (CLASS 1) AND FORMATION OF CAR PARK AT 50 DALDERSE AVENUE, FALKIRK FK2 7EG FOR DAVID'S KITCHEN LTD - P/13/0760/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 30 April 2014

**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:** Grahamston, Middlefield and Westfield

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

**UPDATE REPORT FOLLOWING SITE VISIT**

1. Members will recall that this application was last considered at the meeting of the Planning Committee on 26 March 2014 (copy of previous report appended) when it was agreed to continue the application in order that further information could be provided in relation to traffic flow assessment.
2. The Transport Planning Unit conducted a traffic survey at the site during the week commencing 31 March 2014. The Transport Planning Unit has advised that the proposal is to replace what was the former McConechy's Tyre premise (circa 1000sq.m floor area) on Dalderse Avenue with a smaller unit (circa 450sq.m floor area) with dedicated parking which will operate as a retail unit with associated delicatessen. In accordance with Scottish Government guidelines, this redevelopment of the site would not warrant the submission of either a Transport Assessment or Statement due to its limited size.

3. The Transport Planning Unit estimates that when the site operated as a tyre garage it would have generated up to around 25 trips in and out of the site during the peak hour; the majority of which would probably be dedicated trips made specifically to the premises. The Transport Planning Unit estimates the proposed use of the site would generate in the order of about 50 or 60 trips during the peak hour. However, given the type of development and the fact that there are other similar stores nearby it is possible that up to 50% of these trips could be classed as "pass by" trips and therefore will not be new trips to the network. If this were the case, this would mean that between 25 and 30 trips would be added to the network as a result of customers specifically going to the proposed store, however, as mentioned above, possibly up to 25 trips during the peak hour have been removed from the network by the closure of the tyre garage.
4. At present there are up to around 683 vehicles (383 westbound and 300 eastbound) using this section of Dalderse Avenue during its peak period. The Transport Planning Unit therefore considers that the addition of possibly about 25 vehicles, even without deducting the vehicles which have been removed due to McConechy's closure, would not have an adverse effect on the existing road network.
5. The Roads Development Unit has again confirmed that the proposed development is considered to meet established roads standards. The Roads Development Unit has confirmed that potential impacts on the roads network for a development of this size have been fully considered in terms of road safety, congestion, parking and infrastructure.
6. The applicant's agent has submitted further information in support of the proposal with respect to employment, community, neighbours and traffic.
7. The applicant has advised that a similar store recently opened by them in Glenrothes employs 23 staff, many of whom were previously unemployed.
8. The applicant has advanced the view that the store will be community focused. To demonstrate commitment to this, it has offered to establish a community liaison group to address any issues of community concern should planning permission be granted.
9. Amendments to the original proposal to address concerns of objectors have been re-stated by the applicant. The applicant has re-stated measures to increase boundary walls to address privacy and introduce a generous landscaping strip along the western boundary to address noise, overlooking and headlight glare. In addition, the proposed footpath link to outwith the site has been amended to address concerns of anti-social behaviour by means of re-routing, reduction of high boundary walls and the introduction of lighting and CCTV.
10. In response to concerns of traffic flow on Dalderse Avenue, the applicant has submitted details of customer profiling for trip generation. The applicant estimates that 62% of customers will walk to the store and that 56% will live within a quarter of a mile from the proposed store. The applicant therefore anticipates that minimal impact on existing traffic flow will occur and that an over-provision of car parking is proposed to adequately provide for visiting traffic.
11. The applicant's supporting statement in relation to traffic and parking has been substantiated by the Transport Planning and Roads Development Units in detailed assessment of potential traffic impacts.



12. No matters were raised which would amend the original recommendation to grant planning permission.

### **13. RECOMMENDATION**

- 13.1 It is recommended that 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) Prior to the commencement of development a landscape plan including detailed specification for all hard and soft landscaped areas and species type shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.
- (3) Prior to the commencement of development samples of all construction materials relating to masonry, fenestration and roof construction shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.
- (4) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.

Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.

Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

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

- (5) Pedestrian railings, of a type to be agreed in writing with Falkirk Council, shall be installed on the south end of the footpath on the east side of the new premises, on Dalderse Avenue prior to the opening of the approved building to the public.
- (6) A barrier of a type to be agreed in writing with Falkirk Council, shall be provided along the frontage of Dalderse Avenue to prevent vehicles entering or egressing the pedestrian/cycle area to the west side of the proposed premises prior to the opening of the approved building to the public.
- (7) The existing drop kerb accesses shall be removed and full footpath construction with 100mm high kerbs will be installed along the site frontage on Dalderse Avenue prior to the opening of the approved building to the public.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2-3) In the interests of amenity
- (4) To ensure that the site is made suitable for the development approved.
- (5-7) In the interests of road safety

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03C, 04D, 05D, 06E 07B, 08A, 09, 10, 11, 12A, 13A.
- (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.
- (3) 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.

.....  
pp Director of Development Services

Date: 17 April 2014

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Local Development Plan (Proposed Plan)
4. Letter of Objection from Mrs Susie Skinner, 19 Middlemass Court, Falkirk FK2 7ER on 20 December 2013.
5. Letter of Objection from Mr Alan Rowberry, 7 Goosedubs Place, Falkirk FK2 7GW on 21 December 2013.
6. Letter of Objection from A & G Graham, 81 Dalderse Avenue, Falkirk FK2 7EP on 24 December 2013.
7. Letter of Objection from Alex Laird, 71 Dalderse Avenue, Falkirk FK2 7EP on 24 December 2013.
8. Letter of Objection from Owner/Occupier, 65 Dalderse Avenue, Falkirk FK2 7EP on 24 December 2013.
9. Letter of Objection from Sharyn Kemp, 44A Dalderse Avenue. Falkirk FK2 7EG on 7 January 2014.
10. Letter of Objection from Mr Iain Cooper, 2 Middlemass Court, Falkirk FK2 7ER on 22 December 2013.
11. Letter of Objection from Mrs C Scott, 16 Middlemass Court, Falkirk FK2 7ER on 10 January 2014.
12. Letter of Objection from Kathryn M Grant, 56 Slamannan Road, Falkirk FK1 5LE on 17 December 2013.
13. Letter of Objection from Sandra Halley, 15 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.
14. Letter of Objection from Mrs Barrie Archibald, South Lodge, Etna Road, Falkirk FK2 9EL on 11 December 2013.
15. Letter of Objection from Owner/Occupier, 12 Middlemass Court, Falkirk FK2 7ER on
16. Letter of Objection from Gordon Kerr, 3 Middlemass Court, Falkirk FK2 7ER on 19 December 2013.
17. Letter of Objection from R Vallance, 1 Middlemass Court, Falkirk FK2 7ER on
18. Letter of Objection from Mrs Fiona Calceary, 46 Dalderse Avenue, Falkirk FK2 7EG on 22 December 2013.
19. Letter of Objection from D Low, 18 Middlemass Court, Falkirk FK2 7ER on
20. Letter of Objection from Mr Steven Rosie, 4 Cochrane Street, FK1 1QB on 23 December 2013.
21. Letter of Objection from Mr Kenneth Grant, 48 St. Johns Avenue, Falkirk FK2 7DP on 23 December 2013.
22. Letter of Objection from C Gibson, 40 St. Johns Avenue, Falkirk FK2 7DP on 23 December 2013.
23. Letter of Objection from Owner/Occupier, 50 St. Johns Avenue, FK2 7DP on 23 December 2013.
24. Letter of Objection from Mr & Mrs B McCue, 83 Dalderse Avenue, Falkirk FK2 7EF on 23 December 2013.
25. Letter of Objection from Mrs J Newlands, 75 Dalderse Avenue, Falkirk FK2 7EF on 23 December 2013.
26. Letter of Objection from Mrs Susie Skinner, 19 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.
27. Letter of Objection from Owner/Occupier, 20 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.

28. Letter of Objection from Mr and Mrs Robertson, 17 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.

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

**FALKIRK COUNCIL**

**Subject:** DEMOLITION OF GARAGE PREMISES AND ERECTION OF CLASS 1 SHOP UNIT WITH ANCILLARY DELICATESSEN (CLASS 1) AND FORMATION OF CAR PARK AT 50 DALDERSE AVENUE, FALKIRK FK2 7EG FOR DAVID'S KITCHEN LTD - P/13/0760/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 26 March 2014

**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:** Grahamston, Middlefield and Westfield

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

**UPDATE REPORT FOLLOWING SITE VISIT**

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 26 February 2014 (copy of previous report appended) when it was agreed to continue the application for a site visit. This took place on 10 March 2014.
2. The case officer summarised the proposed development to the Planning Committee and referred to the salient points of assessment as set out in the Committee report.
3. The applicant's architect spoke in support of the proposal stating that the proposed use was considered to be an opportunity to redevelop a contaminated site and provide a valuable use to serve surrounding residential areas. Opportunities to amend the proposed development to address concerns of residents were identified in relation to boundary treatment, car parking and landscaping.
4. Comments of concern were heard from a number of residents of the surrounding area and a representative of the Community Council. These included concerns relating to road safety, parking provision, access position, opening hours, vibration from cars, path position and demolition works.

5. A representative of the Roads Development Unit spoke to provide confirmation that the proposed development was considered acceptable in respect of all road considerations. The proposed access position was as far from the busy Dalderse Road/Thornhill Road as possible, junction visibility was acceptable and an over provision of car parking spaces was proposed.
6. A representative of the Environmental Protection Unit advised that vibration from cars was unlikely to result from the use of the proposed car park in proximity to residential properties. The boundary wall proposed in the application was considered to afford protection against noise and headlight glare emanating from cars using the car park.
7. The applicant and his architect advised that the proposed number of parking spaces were provided to ensure no off-site parking would occur. The business operation was described as were delivery arrangements to the site. Alternative options for boundary walls, landscaping and footpath access to the site were presented to address concerns raised regarding these matters.
8. Members of the Planning Committee sought clarification of the methods of traffic impact assessment and retail impact assessment undertaken during assessment of the proposed development. Anti-social behaviour in the Castings area was discussed. Members agreed to conduct an inspection of all site boundaries.
9. Councillor Alexander, attending as a Local Member, raised questions of proposed access position, the criteria used in assessing potential transport impacts, car park capacity assessment, impacts on residents from early deliveries to the store and impact assessment on surrounding retail business.
10. The case officer confirmed that the floorspace of the proposed development (below 500m<sup>2</sup>) did not allow for either retail impact or transport impact assessment. The proposed retail use was considered to be an acceptable use in terms of Local Plan policies and surrounding residential and commercial uses.
11. The representative from the Roads Development Unit again confirmed that the proposed development was considered to meet established roads standards. Subsequent to the meeting on site the Roads Development Unit has confirmed that potential impacts on the roads network for a development of this size were fully considered in terms of road safety, congestion, parking and infrastructure.
12. The case officer agreed to circulate amended plans to Councillor Meiklejohn and Councilor Alexander to further address concerns of residents. These plans would be made available for the Planning Committee to consider at their next meeting as agreed with residents.
13. Subsequent to the Committee site visit the applicant's architect has submitted amended plans. These plans are considered to resolve concerns made by objectors and Councillor Alexander and address questions raised by the Planning Committee. The amended plans:-
  - Confirm increased boundary wall heights from 2 metres to 2.4 metres;
  - More parking spaces further from residential boundaries;
  - Provide increased landscaping on residential boundaries;
  - Reduce the originally proposed eastern footpath;

- Provide a revised centrally located footpath.

The amended plans are considered to address concerns made in respect of anti-social behaviour, privacy, noise and general amenity. The amended plans have been circulated to Local Members, residents and the Community Council for comment. Plans will be made available to the Planning Committee for consideration and a verbal update will be provided on comments received.

14. No matters were raised which would amend the original recommendation to approve planning permission.

## **15. RECOMMENDATION**

- 15.1 It is recommended that 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) Prior to the commencement of development a landscape plan including detailed specification for all hard and soft landscaped areas and species type shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.
- (3) Prior to the commencement of development samples of all construction materials relating to masonry, fenestration and roof construction shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.
- (4) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.

Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.

Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

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

- (5) Pedestrian railings, of a type to be agreed in writing with Falkirk Council, shall be installed on the south end of the footpath on the east side of the new premises, on Dalderse Avenue prior to the opening of the approved building to the public.
- (6) A barrier of a type to be agreed in writing with Falkirk Council, shall be provided along the frontage of Dalderse Avenue to prevent vehicles entering or egressing the pedestrian/cycle area to the west side of the proposed premises prior to the opening of the approved building to the public.
- (7) The existing drop kerb accesses shall be removed and full footpath construction with 100mm high kerbs will be installed along the site frontage on Dalderse Avenue prior to the opening of the approved building to the public.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2-3) In the interests of amenity
- (4) To ensure that the site is made suitable for the development approved.
- (5-7) In the interests of road safety

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03B, 04C, 05C, 06C, 07B, 08, 09, 10, 11, 12A, 13A.
- (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.



- (3) 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.

Pp

.....  
Director of Development Services

Date: 17 March 2014

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Local Development Plan (Proposed Plan)
4. Letter of Objection from Mrs Susie Skinner, 19 Middlemass Court, Falkirk FK2 7ER on 20 December 2013.
5. Letter of Objection from Mr Alan Rowberry, 7 Goosedubs Place, Falkirk FK2 7GW on 21 December 2013.
6. Letter of Objection from A & G Graham, 81 Dalderse Avenue, Falkirk FK2 7EP on 24 December 2013.
7. Letter of Objection from Alex Laird, 71 Dalderse Avenue, Falkirk FK2 7EP on 24 December 2013.
8. Letter of Objection from Owner/Occupier, 65 Dalderse Avenue, Falkirk FK2 7EP on 24 December 2013.
9. Letter of Objection from Sharyn Kemp, 44A Dalderse Avenue. Falkirk FK2 7EG on 7 January 2014.
10. Letter of Objection from Mr Iain Cooper, 2 Middlemass Court, Falkirk FK2 7ER on 22 December 2013.
11. Letter of Objection from Mrs C Scott, 16 Middlemass Court, Falkirk FK2 7ER on 10 January 2014.
12. Letter of Objection from Kathryn M Grant, 56 Slamannan Road, Falkirk FK1 5LE on 17 December 2013.
13. Letter of Objection from Sandra Halley, 15 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.
14. Letter of Objection from Mrs Barrie Archibald, South Lodge, Etna Road, Falkirk FK2 9EL on 11 December 2013.
15. Letter of Objection from Owner/Occupier, 12 Middlemass Court, Falkirk FK2 7ER on
16. Letter of Objection from Gordon Kerr, 3 Middlemass Court, Falkirk FK2 7ER on 19 December 2013.
17. Letter of Objection from R Vallance, 1 Middlemass Court, Falkirk FK2 7ER on
18. Letter of Objection from Mrs Fiona Caleary, 46 Dalderse Avenue, Falkirk FK2 7EG on 22 December 2013.
19. Letter of Objection from D Low, 18 Middlemass Court, Falkirk FK2 7ER on

20. Letter of Objection from Mr Steven Rosie, 4 Cochrane Street, FK1 1QB on 23 December 2013.
21. Letter of Objection from Mr Kenneth Grant, 48 St. Johns Avenue, Falkirk FK2 7DP on 23 December 2013.
22. Letter of Objection from C Gibson, 40 St. Johns Avenue, Falkirk FK2 7DP on 23 December 2013.
23. Letter of Objection from Owner/Occupier, 50 St. Johns Avenue, FK2 7DP on 23 December 2013.
24. Letter of Objection from Mr & Mrs B McCue, 83 Dalderse Avenue, Falkirk FK2 7EF on 23 December 2013.
25. Letter of Objection from Mrs J Newlands, 75 Dalderse Avenue, Falkirk FK2 7EF on 23 December 2013.
26. Letter of Objection from Mrs Susie Skinner, 19 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.
27. Letter of Objection from Owner/Occupier, 20 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.
28. Letter of Objection from Mr and Mrs Robertson, 17 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.

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

**FALKIRK COUNCIL**

**Subject:** DEMOLITION OF GARAGE PREMISES AND ERECTION OF CLASS 1 SHOP UNIT WITH ANCILLARY DELICATESSEN (CLASS 1) AND FORMATION OF CAR PARK AT 50 DALDERSE AVENUE, FALKIRK FK2 7EG FOR DAVID'S KITCHEN LTD - P/13/0760/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 26 February 2014

**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:** Grahamston, Middlefield and Westfield

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

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

- 1.1 The application site lies within a predominantly residential area at 50 Dalderse Avenue, Falkirk.
- 1.2 The former use of the application site was for a Class 5 (General Industrial) vehicle repair and tyre replacement Class 5 (General Industrial) Use. Other commercial sites exist in close proximity to the application site in Grahams Road to the west and Dalderse Avenue to the east.
- 1.3 The application site is close to the busy Dalderse Avenue/Thornhill Road roundabout. Poor access to the site and very limited car parking opportunities currently exist.
- 1.4 The proposed development is for the demolition of the existing building and replacement with a smaller building with improved site access and parking opportunities. The replacement building is proposed to provide for a Class 1 (Retail) supermarket use of 450 square metres in floorspace. Incorporated within this space is a delicatessen franchise proposing to sell take-away food such as filled rolls, macaroni, stovies and soup.

- 1.5 It should be noted that on submission of the application it was considered that the proposed food take-away facility was intended to provide for a hot food take-away. Consideration of further information from the applicant has confirmed that the type of food to be sold is similar to a take-away bakery and therefore considered to be consistent with a Class 1 Retail use. In this respect the application description has been amended accordingly.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called to Committee by Councillor Alexander.

## **3. SITE HISTORY**

- 3.1 The building at 50 Dalderse Avenue has been used for Class 5 General Industrial Use for in excess of 15 years. No recent planning applications have been submitted for consideration.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has no objections to the proposed development subject to improvements to the existing road network. These improvements relate to new access formation and footpath reconstruction across the site frontage. The proposed site access is considered to be significantly improved over the existing access and positioned further west from the busy Dalderse Avenue/Thornhill Road roundabout.
- 4.2 Forty car parking spaces are now proposed above an existing provision of approximately five spaces. Parking provision is considered to be generous for the retail floor space proposed.
- 4.3 The Environmental Protection Unit has no objections subject to the imposition of a contaminated land condition. The applicant has confirmed that the existing site is contaminated and that full remediation will be required before any development can commence.

## **5. COMMUNITY COUNCIL**

- 5.1 No representation as been received.

## **6. PUBLIC REPRESENTATION**

- 6.1 25 objections have been received from residents in the surrounding area. The grounds of objection relate to:-
- Inadequate parking provision.
  - Road safety.
  - Adverse impact on amenity by means of noise, odour, litter and anti-social behaviour.
  - Noise and headlight glare of vehicles using the proposed car park.

- Adverse impact on privacy.
- Demolition disturbance.
- Over provision of retail and food uses in the surrounding area.
- Over development of the site.
- Proposed path links will exacerbate anti-social behaviour.

## 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 in the Structure Plan.

#### *Falkirk Council Local Plan*

7a.2 Policy EP7 – ‘New Retail Development’ states:

- (1) *New retail development in excess of 500 m<sup>2</sup> gross will be permitted where it is consistent with Policies ECON.5 and ECON.6 of the Structure Plan, and specific policies for individual centres in the Settlement Statements.*
- (2) *Retail developments smaller than 500 m<sup>2</sup> serving neighbourhood needs will be permitted within the urban area, subject to other Local Plan policies.*
- (3) *Retail development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate functionally and visually with any centre of which it is to form part.*

7a.3 The proposed development is smaller than 500 square metres and considered to further improve access to neighbourhood shops, particularly for housing areas to the north of the site which have limited supermarket provision within walking distance. The proposal exhibits a high level of design quality and compatibility with surrounding areas.

7a.4 Policy EQ3 ‘Townscape Design’ states:

*“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:*

- (1) *The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*

- (2) *Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) *The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) *Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) *Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) *The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7a.5 The application proposes a smaller building on the existing site providing the opportunity for a greater design contribution to the surrounding area. The proposed design is considered to be modest but imaginative and to reflect surrounding townscape character. Landscape improvements are proposed to soften the proposed car parking area and provide a less dense section of streetscape on Dalderse Avenue.

7a.6 Policy SC7 - ‘Established Residential Areas’ states:

*“Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate community services (e.g surgeries, day nurseries and neighbourhood shops), homeworking or other compatible business uses (e.g. guest houses) will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided.”*

7a.7 The proposed retail use with ancillary delicatessen is considered to be compatible with the residential character and amenity of the surrounding area. The change of use from existing Class 5 General Industrial Use is considered appropriate and to result in a positive land use change more consistent with surrounding uses.

7a.8 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), objections received and consultation responses.

### ***Falkirk Local Development Plan (Proposed Plan)***

7b.2 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in 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 HSG06 - 'Non-Residential Uses in Residential Areas' states:

*"Within established residential areas, the introduction of uses which would be incompatible with the residential character and amenity of the area will generally not be permitted. Proposals for appropriate community services (e.g. surgeries, day nurseries and neighbourhood shops), homeworking or other compatible business uses (e.g. guest houses) will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided."*

7b.4 Policy HSG06 reinforces policy EP7 of the extant Falkirk Council Local Plan. The proposed use is considered to be compatible with the established residential character and amenity of the area.

7b.5 In respect of the above policy considerations the proposal is considered to comply with the emerging Development Plan.

### **Objections**

7b.6 As referred to in paragraph 1.5 of this report the proposed development is not considered to incorporate a hot food take-away (Sui Generis) use as was originally thought. The proposed food take-away element is considered to be consistent with Class 1 Retail Food sales and similar to a take-away bakers shop. The application description has been amended accordingly. Any future change to a hot food take-away (Sui Generis) use would require further planning permission.

7b.7 The Roads Development Unit is satisfied with the proposed development. Improved access is to be provided further from the busy Dalderse Avenue / Thornhill Road roundabout. A surplus of parking is available for the uses and floor space proposed. Upgraded footpaths will be provided on the site frontage with Dalderse Avenue. The applicant's agent has provided detailed information that demonstrates delivery vehicles can turn within the site. The conclusion of consultation with the Roads Development Unit is that the proposal would provide acceptable infrastructure to support the development and no road safety concerns exist.

7b.8 The deletion of reference to a hot food take-away addresses concerns of residents in respect of potential impact on amenity.

7b.9 Noise and headlight glare within the proposed car park are addressed by the proposed erection of a two metre high boundary wall on all development boundaries shared with existing housing. This is an increase over existing one metre walls adjacent to housing on the western side boundary (Towers Court).

7b.10 The demolition of the existing buildings would result in the proposed building being in excess of 20 metres further from housing to the west. The existing building is of a significant height (8metres) located within two metres of the gables of existing housing to the west. The increase of space between buildings is considered to represent an opportunity for an improved environment with additional planting areas being provided in the proposed car park. The replacement building has a maximum height of 5.75 metres.

7b.11 Demolition disturbance is a temporary inconvenience only and inevitable with any development proposed.

- 7b.12 The level of provision of retail is only a material consideration in respect of the type of retail proposed and its location. It is considered that the proposed retail use complies with relevant Development Plan policies and is suitable for the proposed site in terms of being a compatible land use.
- 7b.13 The proposed development would represent a significantly smaller building on the site than the existing general industrial building. A surplus of car parking is proposed for the use. In these respects it is considered that the proposal does not represent over development.
- 7b.14 The proposed improvements to path linkages surrounding the site will open existing footpaths to provide greater circulation space, lighting and connections for path users and will result in more direct footpath access through the surrounding areas. It is considered that these improvements are likely to decrease the potential for anti-social behaviour in existing locations.

## **7c Conclusion**

- 7c.1 The proposed development is considered to comply with all relevant Development Plan policies. Deletion of the reference to a proposed hot food take-away and amendments to address the concerns of residents are considered to result in an opportunity to enhance the site and provide improved services to the community with associated environmental improvements.
- 7c.2 No material considerations are considered to exist that would justify the setting aside of Development Plan policy and refusing the proposed development.

## **8. RECOMMENDATION**

- 8.1 It is recommended that 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) Prior to the commencement of development a landscape plan including detailed specification for all hard and soft landscaped areas and species type shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.
  - (3) Prior to the commencement of development samples of all construction materials relating to masonry, fenestration and roof construction shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.



- (4) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.

Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.

Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report / validation certificate has been submitted to and approved in writing by the Planning Authority.

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

- (5) Pedestrian railings, of a type to be agreed in writing with Falkirk Council, shall be installed on the south end of the footpath on the east side of the new premises, on Dalderse Avenue prior to the opening of the approved building to the public.
- (6) A barrier of a type to be agreed in writing with Falkirk Council, shall be provided along the frontage of Dalderse Avenue to prevent vehicles entering or egressing the pedestrian / cycle area to the west side of the proposed premises prior to the opening of the approved building to the public.
- (7) The existing drop kerb accesses shall be removed and full footpath construction with 100mm high kerbs will be installed along the site frontage on Dalderse Avenue prior to the opening of the approved building to the public.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2-3) In the interests of amenity
- (4) To ensure that the site is made suitable for the development approved.
- (5-7) In the interests of road safety.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03B, 04C, 05C, 06C, 07B, 08, 09, 10, 11, 12A, 13A.
- (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.
- (3) 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.

**Pp**

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

**Date: 14 February 2014**

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Local Development Plan (Proposed Plan)
4. Letter of Objection from Mrs Susie Skinner, 19 Middlemass Court, Falkirk FK2 7ER on 20 December 2013.
5. Letter of Objection from Mr Alan Rowberry, 7 Goosedubs Place, Falkirk FK2 7GW on 21 December 2013.
6. Letter of Objection from A & G Graham, 81 Dalderse Avenue, Falkirk FK2 7EP on 24 December 2013.
7. Letter of Objection from Alex Laird, 71 Dalderse Avenue, Falkirk FK2 7EP on 24 December 2013.
8. Letter of Objection from Owner/Occupier, 65 Dalderse Avenue, Falkirk FK2 7EP on 24 December 2013.
9. Letter of Objection from Sharyn Kemp, 44A Dalderse Avenue. Falkirk FK2 7EG on 7 January 2014.
10. Letter of Objection from Mr Iain Cooper, 2 Middlemass Court, Falkirk FK2 7ER on 22 December 2013.

11. Letter of Objection from Mrs C Scott, 16 Middlemass Court, Falkirk FK2 7ER on 10 January 2014.
12. Letter of Objection from Kathryn M Grant, 56 Slamannan Road, Falkirk FK1 5LE on 17 December 2013.
13. Letter of Objection from Sandra Halley, 15 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.
14. Letter of Objection from Mrs Barrie Archibald, South Lodge, Etna Road, Falkirk FK2 9EL on 11 December 2013.
15. Letter of Objection from Owner/Occupier, 12 Middlemass Court, Falkirk FK2 7ER on
16. Letter of Objection from Gordon Kerr, 3 Middlemass Court, Falkirk FK2 7ER on 19 December 2013.
17. Letter of Objection from R Vallance, 1 Middlemass Court, Falkirk FK2 7ER on
18. Letter of Objection from Mrs Fiona Calceary, 46 Dalderse Avenue, Falkirk FK2 7EG on 22 December 2013.
19. Letter of Objection from D Low, 18 Middlemass Court, Falkirk FK2 7ER on
20. Letter of Objection from Mr Steven Rosie, 4 Cochrane Street, FK1 1QB on 23 December 2013.
21. Letter of Objection from Mr Kenneth Grant, 48 St. Johns Avenue, Falkirk FK2 7DP on 23 December 2013.
22. Letter of Objection from C Gibson, 40 St. Johns Avenue, Falkirk FK2 7DP on 23 December 2013.
23. Letter of Objection from Owner/Occupier, 50 St. Johns Avenue, FK2 7DP on 23 December 2013.
24. Letter of Objection from Mr & Mrs B McCue, 83 Dalderse Avenue, Falkirk FK2 7EF on 23 December 2013.
25. Letter of Objection from Mrs J Newlands, 75 Dalderse Avenue, Falkirk FK2 7EF on 23 December 2013.
26. Letter of Objection from Mrs Susie Skinner, 19 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.
27. Letter of Objection from Owner/Occupier, 20 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.
28. Letter of Objection from Mr and Mrs Robertson, 17 Middlemass Court, Falkirk FK2 7ER on 22 January 2014.

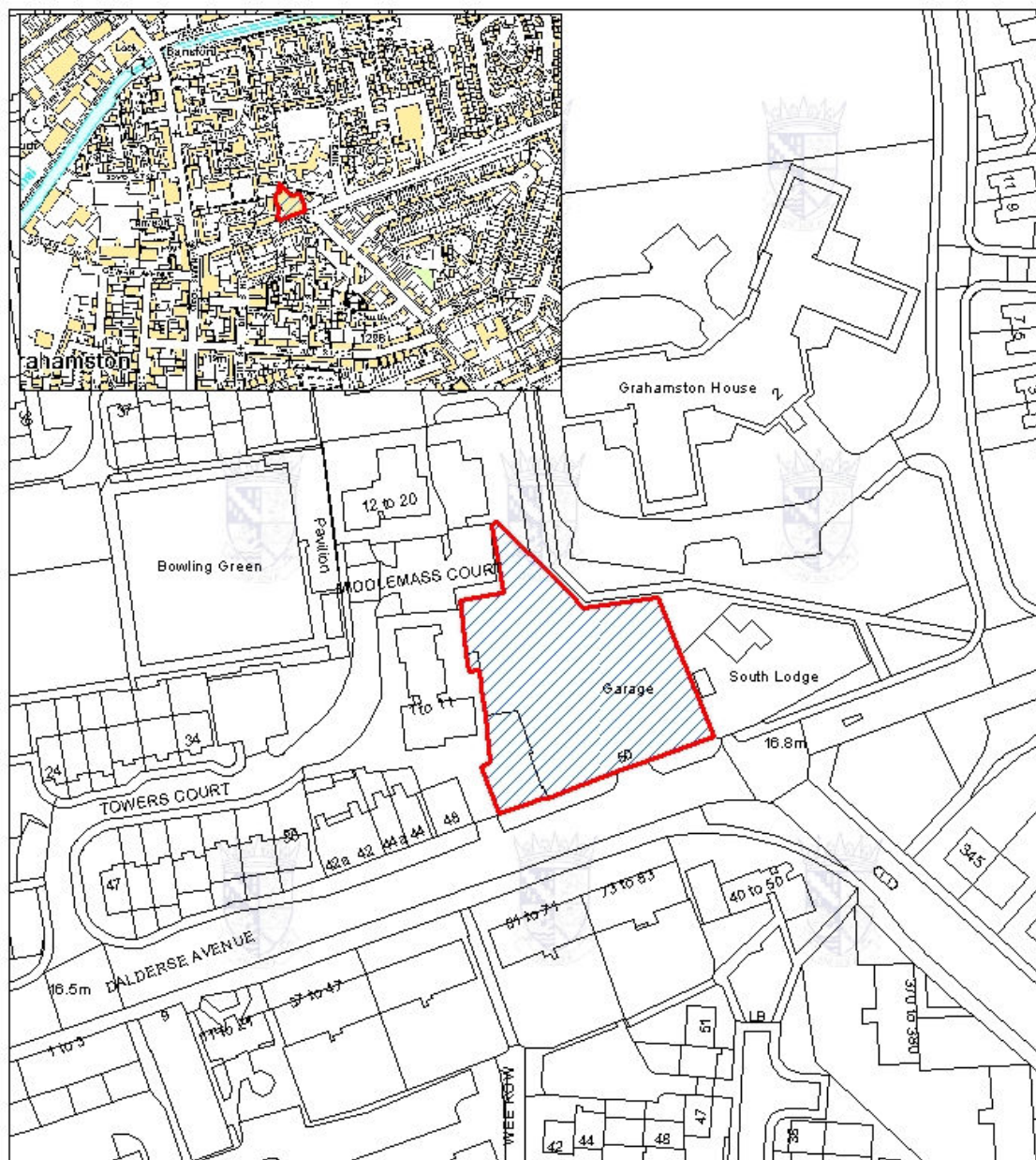
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/13/0760/FUL**

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



Reproduced by permission of Ordnance Survey on behalf of HM SO.  
© Crown copyright and database right 2014. All rights reserved.  
Ordnance Survey Licence number 100023384

**FALKIRK COUNCIL**

**Subject:** LANDSCAPE WORKS, ERECTION OF 3 NO. STORAGE HUTS, REFUSE STORAGE AREA, PATHWAYS AND LEISURE AREAS AT SITE TO THE NORTH OF 1 CAUSEWAYEND, LINLITHGOW, FOR SCOTTISH CANALS - P/14/0076/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 30 April 2014

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor John McLuckie  
Councillor Rosie Murray

**Community Council:** No Community Council

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

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

- 1.1 The application site is located at Causewayend canal basin on the Union Canal. Planning permission has previously been granted for the use of the Causewayend Basin for a maximum of six residential moorings. The current application seeks full planning permission for environmental improvements and service facilities to provide for the approved moorings. The site is surrounded to the north and west by countryside, to the east by the Union Canal and to the south by a recently opened restaurant.
- 1.2 The proposed development is to provide storage facilities for the previously approved residential moorings and provide landscape and leisure proposals to improve the amenity of the site and encourage the wider use as a tourism / recreational area.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called to Committee by Councillor Hughes.

**3. SITE HISTORY**

- 3.1 P/12/0731/FUL - Change of Use from Leisure Moorings to Residential Moorings, approved 8 February 2013.
- 3.2 P/09/0313/FUL - Erection of restaurant and dwellinghouse, granted 4 November 2010.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has no objection subject to parking and turning facilities being provided.
- 4.2 Scottish Natural Heritage has no objection to the proposed development.
- 4.3 Historic Scotland has no objection to the proposed development following the submission of further information from the applicant confirming no adverse impact on the Union Canal as a Scheduled Monument.
- 4.4 Falkirk Community Trust (Museum Services) has no objections subject to the imposition of an archeological monitoring condition.

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

- 5.1 No Community Council currently in operation.

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

- 6.1 In the course of the application, 3 letters of objections were received. The grounds of objection are:
  - No neighbour notification received;
  - Commencement of development prior to grant of permission;
  - Lack of information relating to details of vehicular access, power supply, refuse disposal and management of the proposed residential moorings;
  - Traffic generation;
  - Road safety.

#### **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 There are no relevant policies within the Falkirk Council Structure Plan.

### ***Falkirk Council Local Plan***

7a.2 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.3 A planning condition requiring archaeological investigation prior to development will ensure that impact on the Union Canal as a Scheduled Monument can be fully considered in relation to EQ16.

7a.4 Policy EP17 - 'Canals' states:

*“The Council, in conjunction with British Waterways and other key partners, will seek to promote the sustainable development of the Forth & Clyde and Union Canals as a major recreational, tourism and heritage asset. Accordingly, the Council will support:*

- (1) The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the Local Plan;*
- (2) The protection and enhancement of the operational capacity of the canals for recreational use, including the maintenance and improvement of navigation and the provision of infrastructure and amenities for a wide range of canal users; for freight use, including the development of any necessary freight transfer facilities;*
- (3) The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) for nature conservation reasons; and*
- (4) Appropriate canal-side development which*
  - is compatible with the broad objectives, policies and key development opportunities set out in the Council's 'Canal Corridor Development Framework';*
  - is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, moorings and slipways, together with any appropriate commuted sums for maintenance;*

- *achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping;*
- *incorporates measures to ensure that there is no detriment to the canal water environment;*
- *ensures there is no detriment to the structural stability of the canal; and*
- *accords with other Local Plan policies, including Policy ST12 (Flooding)."*

7a.5 The development of residential mooring opportunities is considered to be an appropriate diversification of water use that will assist in the continued regeneration of the canal network and is considered to accord with the aims of Policy EP17 - Canals. The proposed development is required to service the previously approved residential moorings and contribute to the development of the moorings as a tourist destination.

7a.6 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.7 The proposed development is not considered to have any impact on the countryside setting which is covered by Policy EQ23 - Area of Great Landscape Value.

7a.8 Policy EQ24 - 'Ecological Sites and Features' states:

- (1) *Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers)..*
- (2) *Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) *Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) *Development likely to have an adverse effect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*



- (5) *Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest."*

7a.9 The applicant has previously submitted an ecological statement demonstrating that the proposed residential use would not adversely impact on Causewayend Basin identified as an ecological site by proposal ED.RUR02. The development currently proposed does not necessitate the need for further ecological assessment.

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), objections received and consultation responses.

### ***Falkirk Local Development Plan (Proposed Plan)***

7b.2 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. This plan has now been submitted to the Department of Planning and Environmental Appeals for examination. 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 Policies BUS01 - Business and Tourism Locations, GN05 - Outdoor Access and D14 - Canals are considered to support and develop relevant policies of the extant Falkirk Local Plan.

7b.4 The proposed development is considered to comply with all relevant policies of the emerging Development Plan.

### ***Objections Received and Consultation Responses***

7b.5 Neighbour notification requirements were carried out by officers in accordance with the requirements of Scottish Government. The relevant legislation (The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013) stipulates that all neighbouring land which is conterminous with or within 20m of the application site requires to be notified. In addition the proposed development was advertised in the Falkirk Herald on 20 February 2014, published in the weekly list of planning applications sent to Councillors, Community Councils and other interested parties and details made available on the Council's Website.

- 7b.6 The applicant has confirmed that works associated with the previous grant of planning permission for residential moorings (P/12/0731/FUL), which was granted on 8 February 2013, have commenced. No works have been commenced that relate to the application currently under consideration. Works undertaken include basin edge works to service mooring pontoons, path improvements around the basin and the installation of power supply to mooring pontoons. These works are associated with the previous grant of planning permission for residential moorings and could, in fact, have been carried out in respect of Permitted Development rights available to Scottish Canals.
- 7b.7 The Roads Development Unit is satisfied with the proposed development. Acceptable access is provided from the B825 to serve the existing Causewayend Bistro. Parking, vehicle turning and refuse collection are proposed to be served from the car park of the Bistro. This arrangement has been agreed between the applicant (Scottish Canals) who has retained access rights over the site and the Bistro owners and is considered to be a satisfactory arrangement.
- 7b.8 In further assessment of the submitted objections the Roads Development Unit has compared historic records of traffic flow in the vicinity of the site with recent surveys. No recognizable change in traffic flow has been noted over the past seven years.
- 7b.9 The Roads Development Unit has pointed out that a footpath connection from the Bistro site to the B825 has been approved under the terms of planning permission P/09/0313/FUL. The implementation date for this footpath is currently under discussion with the Bistro owner.
- 7b.10 The Roads Development Unit has confirmed that the last recorded personal injury accident in proximity to the site occurred 24 years ago and have no concerns with regard to this application in respect of road safety.
- 7b.11 The applicant has provided further information relating to sewerage arrangements. No sewerage connection or refuse connection is either proposed or required. Residential boats using Causewayend Basin will have on-board foul tanks which are required to be discharged at Scottish Canal's pump-out facilities on the canal network. In response to concerns regarding refuse collection, Scottish Canals has confirmed that refuse collection is provided for at the adjacent Bistro site. No refuse storage or collection is proposed at the Basin.
- 7b.12 Scottish Canals has confirmed that the site will be formally managed as part of obligations to manage the wider Canal estate. The proposed boaters' huts will be leased and their maintenance controlled through the lease arrangements.
- 7b.13 The applicant has confirmed that the only proposed lighting will be small external lights on each boating hut. In addition, low level safety lighting is to be provided on the previously approved pontoons.
- 7b.14 The views of remaining consultees can be addressed by appropriately worded planning conditions in respect of archaeological monitoring and environmental protection plan.

## **7c Conclusion**

- 7c.1 The proposed development accords with all relevant policies of the Falkirk Local Plan and emerging Development Plan. The proposal would contribute to the diversification of the canal corridor and its continued regeneration.

- 7c.2 There is no evidence of impact on the Union Canal as a Scheduled Monument.
- 7c.3 The objections received have been assessed and it is not considered that the proposed development would result in any significant impact on the amenity of surrounding residents or the area in general.

## **8. RECOMMENDATION**

- 8.1 It is recommended that the 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. No development shall take place within the application site until a programme of archaeological work and written scheme of investigation has been submitted to and approved by Falkirk Council as Planning Authority including any amendment as required.
  3. Prior to the permanent residential mooring of any vessels on the site, an environmental protection plan shall be submitted for the written approval of Falkirk Council as Planning Authority. The plan shall include definition of areas to be cordoned off to protect orchids in the vicinity of the site, communication measures to identify ecological constraints to site staff and future residents, timing of any implementation works and proposed signage identifying ecological features.

### **Reason(s):-**

1. As these drawings and details constitute the approved development.
2. To ensure that no adverse impact on archaeological features occurs.
3. To ensure no impact results on identified ecological features.

### **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) 01-04.

PP

.....

Director of Development Services

Date: 17 April 2014

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Local Plan.
2. Falkirk Local Development Plan (Proposed Plan)
3. Letter of objection received from Brian Kerr, Crownerland Farm, Linlithgow, EH49 6LN on 4 April 2014.
4. Letter of objection received from Chris Sherry, 1 Causewayend, Linlithgow, EH49 6LW on 2 April 2014.
5. Letter of objection received from George M Paterson, Firdale, Causewayend, Linlithgow, EH49 6LW on 1 April 2014.

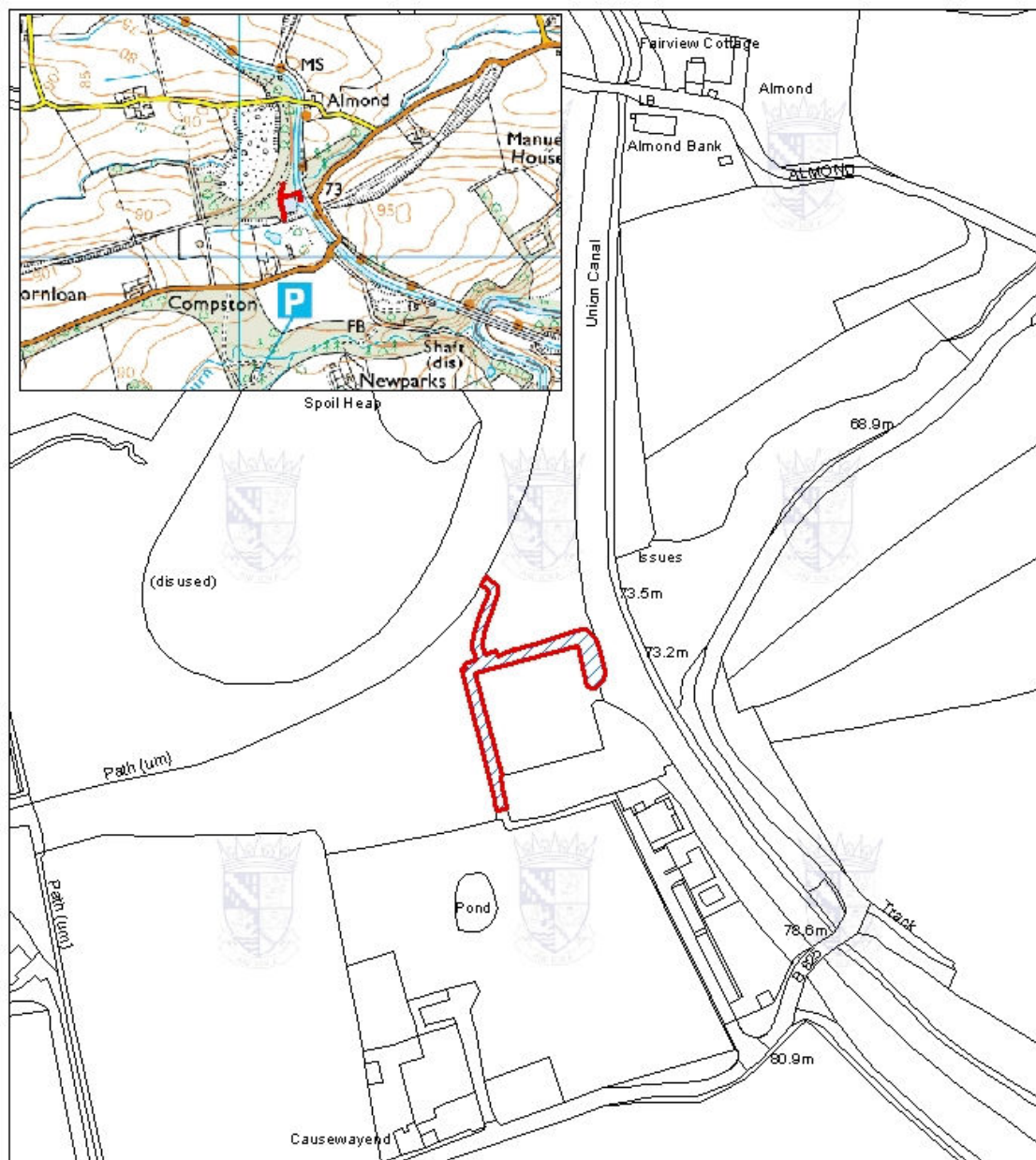
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/14/0076/FUL**

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



Reproduced by permission of Ordnance Survey on behalf of HM SO.  
© Crown copyright and database right 2014. All rights reserved.  
Ordnance Survey Licence number 100023384