

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 2 DECEMBER 2009 at 9.30 A.M.

PRESENT: Councillors Buchanan, Carleschi, Constable, Lemetti, A MacDonald, McLuckie, Mahoney, Nicol and Oliver.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors McNeill and C Martin.

ATTENDING: Acting Director of Law and Administration; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (D Campbell); Transport Planning Officer (K Short); Roads Development Officer (B Raeburn); Senior Forward Planning Officer (R Teed); Team Leader, Legal Services (D Blyth); and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST: Councillor MacDonald declared a non-financial interest in agenda item 12 (minute P141 relating to application P/09/0354/FUL) as an objector to an application for the grant of a new House in Multiple Occupation Licence at this location. Councillor MacDonald took no part in the consideration of this item of business.

Prior to consideration of business, the Members below made the following statements:-

- Councillor Oliver informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0395/FUL and P/09/0139/OUT (minute P133 and P134) but that he would take part in consideration of planning applications P/09/0373/FUL, P/09/0468/FUL, P/09/0384/FUL and P/09/0128/FUL (minute P131, P132, P135 and P137) as he was sufficiently familiar with the sites.
- Councillor Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0139/OUT and P/09/0128/FUL (minute P134 and P137) but that he would take part in consideration of planning applications P/09/0384/FUL and P/08/0804/FUL (minute P135 and P136) as he was sufficiently familiar with the sites.
- Councillor Carleschi informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0139/OUT, P/08/0804/FUL and P/09/0128/FUL (minute P134, P136 and P137) but that he would take part in consideration of planning applications P/09/0373/FUL, P/09/0468/FUL, P/09/0395/FUL and P/09/0384/FUL (minute P131, P132, P133 and P135) as he was sufficiently familiar with the sites.
- Councillor Lemetti informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0804/FUL and P/09/0128/FUL (minute P136 and P137).

- Councillor MacDonald informed the Committee that he had not attended the site visits but that he would take part in consideration of planning applications P/08/0804/FUL and P/09/0128/FUL (minute P136 and P137) as he was sufficiently familiar with the sites.
- Councillor Nicol informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0468/FUL, P/09/0395/FUL and P/09/0139/OUT (minute P132, P133 and P134) but that he would take part in consideration of planning applications P/09/0373/FUL and P/09/0384/FUL (minute P131 and P135) as he was sufficiently familiar with the sites.
- Councillor McLuckie informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0804/FUL and P/09/0128/FUL (minute P136 and P137).

P129. OPENING REMARKS

Prior to the commencement of business the Convener informed Members that planning application P/09/0561/FUL (agenda item 13) - Change of Use from a Public Open Space to Private Garden Ground at 5 Rannoch Place, Stenhousemuir, Larbert had been withdrawn by the applicant.

P130. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 4 November 2009; and
- (b) Minute of Meeting of the Planning Committee On Site held on 23 November 2009.

P131. USE OF LAND FOR OUTDOOR SPORTS (AIRSOFT) AND ERECTION OF ANCILLARY SHELTERS AND FORMATION OF CAR PARK ON LAND TO THE SOUTH OF GREENRIGG FARM, FALKIRK FOR PLAYERS OF WAR AIRSOFT- P/09/0373/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 4 November 2009 (Paragraph P116 refers), Committee gave further consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director on an application for detailed planning permission to increase the frequency of use of the application site for war gaming to a maximum of once a week and a minimum of twice a month, and for the erection of ancillary shelters and the formation of a car park on land to the south of Greenrigg Farm, Falkirk.

Councillor Buchanan, seconded by Councillor Nicol, moved that the application be approved, subject to the following additional conditions:-

- (1) That that area detailed on the map (circulated at meeting) and marked in yellow, is retained as an exclusion zone to allow users of the Core Path to enjoy the area safely and that the area marked in pink and orange can be used to relocate the site; and
- (2) That a three-month period be given for the relocation of the activity and that a report detailing completion of the relocation be submitted to the Committee within six months.

Following discussion, and in accordance with Standing Order 19.8, and with the unanimous consent of the meeting, Councillors Buchanan and Nicol agreed to withdraw their motion.

Accordingly, **AGREED** to **CONTINUE** consideration of this item of business to allow discussions to take place with the applicant on what had been proposed in the motion.

P132. CHANGE OF USE FROM DWELLINGHOUSE TO TEENAGE CHILDREN'S CARE HOME AT 11 DUKE STREET, DENNY FK6 6NR FOR FTS CARE LIMITED - P/09/0468/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 4 November 2009 (Paragraph P121 refers), Committee gave further consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director on an application for detailed planning permission for the change of use of a dwellinghouse to a teenage children's care home catering for up to four children, at 11 Duke Street, Denny. The Convener notified Committee of an email he had received from one of the local members, Councillor Waddell, and read the content of the email in full.

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) The four car parking spaces and the turning area indicated on approved plan 02A shall be provided for the lifetime of the development and the turning area shall be maintained, at all times, free of obstruction.
- (3) Notwithstanding the provisions of Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, no other use within this class shall be undertaken without the express prior consent of the Planning Authority.

Reason(s):-

- (1) To accord with the provision of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) In the interests of the users of the public highway.
- (3) In order to retain proper control over the use of the property.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the reference numbers 01, 02A, 03, 04, 05 and 06.
- (2) Should any made ground or suspect material be encountered during any site works, the applicant should inform the Planning Authority as there will be a requirement to undertake an appropriate environmental risk assessment in relation to contaminated land issues. An environmental risk assessment would require to be undertaken in accordance with current legislation and guidance and would be subject to review and approval by the Planning Authority.
- (3) Registration of the Care Home with the Care Commission will be required.
- (4) The Council's Social Work Service should be contacted regarding the establishment of a future relationship with the Service.

P133. INSTALLATION OF REPLACEMENT WINDOWS (RETROSPECTIVE) AT MARKET HOUSE, 84 NORTH STREET, BO'NESS EH51 9NF FOR CIVIL AND STRUCTURAL PARTNERSHIP - P/09/0395/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 4 November 2009 (Paragraph P118 refers), Committee gave further consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director on an application for detailed planning permission for the installation of replacement timber sash and case windows with UPVC windows (retrospective) at Market House, 84 North Street, Bo'ness, which building, albeit unlisted, is situated within the Bo'ness Town Centre Outstanding Conservation area.

AGREED to **GRANT** planning permission, subject to appropriate conditions, as determined by the Director of Development Services.

P134. ERECTION OF DWELLINGHOUSE AT DYKEHEAD FARM, AVONBRIDGE, FALKIRK FK1 2JW FOR MR AND MRS WILLIAMSON - P/09/0139/OUT (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 4 November 2009 (Paragraph P122 refers), Committee gave further consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director on an application for outline planning permission for the erection of a dwellinghouse to be used as full time accommodation for the manager of the existing riding school and ancillary accommodation for persons who wish to stable horses overnight while travelling to country wide equestrian events, at Dykehead Farm, Avonbridge, Falkirk.

AGREED to **GRANT** planning permission, subject to appropriate conditions, and to the satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, restricting the occupation of the house, both matters to be determined to the satisfaction of the Director of Development Services.

P135. ERECTION OF 10 NO. FLATS AND DEMOLITION OF EXISTING BUILDING AT 1 GARTCOWS ROAD, FALKIRK FK1 5QU FOR MARGARET MACAULEY - P/09/0384/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 4 November 2009 (Paragraph P123 refers), Committee gave further consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director on an application for detailed planning permission for the demolition of the existing detached cottage at 1 Gartcows Road, Falkirk and the erection of ten flatted dwellings to a maximum height of three and a half storeys.

AGREED to **REFUSE** planning permission on the basis that:-

- (1) the proposed development would have an adverse impact on road safety; and
- (2) the height of the development would detract from the visual amenity of the area.

Councillors Lemetti and McLuckie left the meeting prior to consideration of the following item of business and Councillor Carleschi left the meeting during consideration of the item.

P136. CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE), ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AND FORMATION OF NEW VEHICULAR ACCESS AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR AND MRS S RAE - P/08/0804/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 17 June 2009 (Paragraph P44 refers), Committee gave further consideration to Report (circulated) dated 10 June 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director on an application for detailed planning permission for the change of use, in retrospect, of former agricultural land and buildings to a stables, livery and riding school, siting of a temporary staff office and toilet accommodation and for the erection of temporary manager's living accommodation at Riverside Farm, Denny.

The initial proposals now incorporated the formation of a new vehicular access to the Farm.

AGREED to **CONTINUE** consideration of this item of business to allow a further inspection of the site by Committee.

P137. CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT SCHOOLING AREA (RETROSPECTIVE) AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR AND MRS RAE - P/09/0128/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 17 June 2009 (Paragraph P45 refers), Committee gave further consideration to Report (circulated) dated 10 June 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director on an application for detailed planning permission for the change of use, in retrospect, of agricultural land to form a floodlit outdoor schooling arena at Riverside Farm, Denny.

AGREED to **CONTINUE** consideration of this item of business to allow a further inspection of the site by Committee.

Councillors Carleschi and Lemetti re-entered the meeting following consideration of the foregoing item of business.

The Convener agreed a 5 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt.

P138. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON LAND TO THE EAST OF AGRICULTURAL HOLDINGS NO 9, KILSYTH ROAD, HAGGS FOR MR DUNCAN - P/09/0522/OUT

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for outline planning permission for the development of land to the east of agricultural holdings at 9 Kilsyth Road, Haggs, located between the settlements of Haggs and Longcroft, for residential purposes.

Councillor Oliver, seconded by Councillor MacDonald, moved that the application be refused on the grounds that it was contrary to the Local, Development and Rural Plans and, in particular, that it was contrary to Policy BON 5 in not securing a visual separation between settlements and to Policy RURAL 1 in not establishing the necessity for a development of this nature in this location.

By way of an Amendment, Councillor Buchanan, seconded by Councillor Mahoney, moved that the application be granted as detailed in the Report.

On a division, 5 Members voted for the Motion and 4 Members voted for the Amendment.

Accordingly, **AGREED** to **REFUSE** planning permission on the basis that the application was contrary to the Local, Development and Rural Plans and, in particular, that it was contrary to Policy BON 5 in not securing a visual separation between settlements and to Policy RURAL 1 in not establishing the necessity for a development of this nature in this location.

Councillor Lemetti left the meeting prior to consideration of the following item of business.

P139. ERECTION OF 9 SHOP UNITS AND ANCILLARY CAR PARKING ON LAND SOUTH WEST OF 2 BRIDGE STREET, BONNYBRIDGE FOR MANOR FOREST LIMITED - P/08/0828/FUL

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for the erection of 9 single storey retail units with ancillary internal car parking to the rear of the former Cooperative building, adjoining Bridge Street to the east and an unnamed tributary of the Bonny Water to the south, being on land south west of 2 Bridge Street, Bonnybridge.

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 development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
- (3) Before the development commences, a scheme of hard and soft landscaping 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 identified datum, preferably ordnance;
 - (ii) an indication of existing trees, shrubs and hedges to be removed, those 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;
 - (v) the location, height, colour and specification of all proposed walls, fences gates and any other means of enclosure;
 - (vi) existing and proposed services such as cables, pipe lines, sub-stations etc;
 - (vii) the location and specification of all hardsurface finishes;
 - (viii) other artefacts and structures such as street furniture i.e. seats, bins and external lighting; and
 - (ix) a programme for completion and subsequent maintenance.

Thereafter the development shall be completed in accordance with the approved details.

- (4) All approved soft landscaping works shall be completed in accordance with the approved details by the end of the first planting and seeding season following occupation of the first unit.
- (5) A 4.5 metre x 70 metres visibility splay shall be provided to the north and south of the proposed vehicular access, within which there shall be no restriction to visibility above carriageway level.
- (6) A 2 metre wide footway, constructed in accordance with Falkirk Council's Design Guidelines, shall be provided along the frontage of the site to Bridge Street before the first unit is occupied.

- (7) Three cycle spaces shall be provided on the site before the first unit is occupied, in accordance with a location and specification approved in writing by the Planning Authority.
- (8) The proposed pedestrian link for High Street shall (a) be completed before the occupation of the first unit; (b) accord with a specification approved in writing by the Planning Authority; and (c) provide unobstructed access at all times for the lifetime of the development.
- (9) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by the Planning Authority. Before the development is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and any necessary remediation reports/validation certificates shall be submitted to and approved in writing by the Planning Authority.
- (10) Before the development commences, a Travel Plan shall be submitted to and approved in writing by the Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard the visual amenity of the area.
- (5) To safeguard the interests of the users of the highway.
- (6-8, 10) To ensure that adequate provision is made to promote sustainable modes of transport e.g. walking and cycling.
- (9) To ensure the ground is suitable for the proposed development.

Informative(s):-

- (1) The proposed vehicular access (via a footway crossing) will require a Minor Roadworks Consent, issued and approved by Road Services, Earls Road, Grangemouth.
- (2) The developer will be required to ensure that noisy work which is audible at the site boundary is conducted within the following hours:-

Monday to Friday	0800 – 1800 Hours
Saturday	0900 – 1700 Hours
Sunday	1000 – 1600 Hours

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

- (1) The disposal of surface water from the site is required to comply with General Binding Rules (GBRs) 10 and 11 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). The GBR's specify that

Sustainable Urban Drainage Systems (SUDs) will be required at the majority of sites, to dispose of surface water.

- (2) There may be waste management licensing implications arising from the importation of waste material such as soil for landscaping or any other purposes. SEPA as the licensing authority should be contacted.

Councillor Constable left and re-entered the meeting during consideration of the following item of business.

P140. ERECTION OF COMMUNITY SPORTS HALL AT BANKIER PRIMARY SCHOOL, BANKIER ROAD, BANKNOCK, BONNYBRIDGE FK4 1TF FOR FALKIRK COUNCIL - P/09/0706/FUL

There was submitted Report (circulated) dated 30 November 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a multi use sports hall for community use, incorporating 3 indoor sports pitches and changing rooms, external finishes (including masonry stone, render and metal cladding), vehicular access and car parking at Bankier Primary School, Bankier Road, Banknock, Bonnybridge.

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)
 - (i) 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;
 - (ii) 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; and
 - (iii) 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.
- (3) Prior to the commencement of work on site, full drainage layouts and calculations shall be submitted to and approved in writing by the Planning Authority.

- (4) Development shall not begin until details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (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;
 - (v) existing and proposed services such as cables, pipelines, sub-stations; and
 - (vi) other artefacts and structures such as street furniture, play equipment programme for completion and subsequent maintenance.
- (6) Before any work is commenced on the site a notice stating “PRESERVED” shall be placed on the trunk of all trees to be retained and this notice shall not be removed until all construction work on the site is completed.
- (7) Before any work is commenced on the site a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of the trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To ensure that adequate drainage is provided.
- (4-5) To safeguard the visual amenity of the area.
- (6-7) To ensure that the existing trees are retained and protected during construction work.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the reference numbers 01, 02, 03A - 015A inclusive, 16 and 17.

In accordance with his declaration of interest, Councillor MacDonald left the meeting prior to consideration of the following item of business.

P141. TWO STOREY EXTENSION AND ALTERATIONS TO HOTEL TO PROVIDE ADDITIONAL BEDROOMS, LOUNGE AND KITCHEN AREA AT 35 KERSE ROAD, GRANGEMOUTH FK3 8HY FOR MR DHILLON - P/09/0354/FUL

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for a two-storey extension at first floor level and alterations to the existing 48 bedroom hotel to provide 20 additional bedrooms, lounge and kitchen areas at 35 Kerse Road, Grangemouth.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

Councillor MacDonald re-entered the meeting following consideration of the foregoing item of business.

P142. MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF SHOP/STORE TO HOT FOOD TAKEAWAY, AND EXTENSION TO REAR OVER TWO FLOORS TO PROVIDE TWO MAISONETTE FLATS AT 234 GRAHAMS ROAD, FALKIRK FK2 7BH FOR MR J AKTHAR - P/09/0214/FUL

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for a mixed-use development comprising a change of use of a shop/store to a hot food takeaway, and an extension to the rear, over two floors, to provide two maisonette flats at 234 Grahams Road, Falkirk.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

P143. FORMATION OF MIXED USE DEVELOPMENT INCLUDING RESIDENTIAL AND LEISURE/COMMERCIAL USES, REINSTATEMENT OF HARBOUR TO CREATE MARINA AND ASSOCIATED ROADS AND INFRASTRUCTURE ON LAND AT BO'NESS HARBOUR, UNION STREET, BO'NESS FOR ING RED UK (BO'NESS) LIMITED - 05/0571/OUT

and

FORMATION OF MIXED USE DEVELOPMENT INCLUDING 123 APARTMENTS, 75 TOWNHOUSES, 90 BEDROOM HOTEL, YACHT CLUB, RESTAURANTS/BARS, RETAIL, REINSTATEMENT OF HARBOUR TO CREATE MARINA AND ASSOCIATED ROADS AND INFRASTRUCTURE ON LAND AT BO'NESS HARBOUR, UNION STREET, BO'NESS FOR ING RED UK (BO'NESS) LIMITED - 05/0573/FUL

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services, and attached as appendices Reports by the said Director, and extract Minute of the meeting of the Regulatory Committee held on 19 April 2007 (Paragraphs R38 and R39 refer) on an application for detailed planning permission for (a) the formation of a mixed use development including residential and leisure/commercial uses, the reinstatement of a harbour to create a marina and associated

roads and infrastructure; and (b) the formation of a mixed use development including 123 apartments, 75 townhouses, a 90 bedroom hotel, a yacht club, restaurants/bars, retail, the reinstatement of a harbour to create a marina and associated roads and infrastructure, all relating to land at Bo'ness Harbour, Union Street, Bo'ness.

The applicant having intimated a change in development strategy for the site, an amendment to the terms of the Section 75 agreement previously agreed was sought.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

P144. EXTENSION TO HOT FOOD TAKEAWAY AT THE WILLOW, GLEBE STREET, DENNY FK6 6AA FOR MRS S M LI – P/09/0356/FUL

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for an extension to the front and rear of the existing property, operating as a hot food takeaway, and the replacement of the flat roof with a pitched roof at the Willow, Glebe Street, Denny.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

P145. EXTENSION TO DWELLINGHOUSE (CONSERVATORY TO REAR) AT 8 COLONSAY AVENUE, POLMONT, FALKIRK FK2 0UZ FOR MRS DUNNING - P/09/0687/FUL

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for a single storey extension by way of a conservatory to the rear of the existing extension operating as a dining room on the one and a half storey dwellinghouse at 8 Colonsay Avenue, Polmont, Falkirk.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

P146. EXTENSION OF EXISTING UNDERGROUND HOT WATER MAINS AT CALLENDAR HOUSE, CALLENDAR BOULEVARD, FALKIRK FK1 1YR FOR FALKIRK COUNCIL - P/09/0551/FUL

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for an extension to the existing underground hot water mains pipe serving Callendar House, an 'A' Listed Building, at Callendar Park, Callendar Boulevard, Falkirk.

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) Written notification of the date of the commencement of site works shall be provided at least 5 working days before initiation. The notification shall be provided to Falkirk Council, Abbotsford House, David's Loan, Falkirk, FK2 7YZ.
- (3) 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.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the development can be monitored in the context of the protected areas of the Antonine Wall and Callendar Park and Callendar House, as a Listed Building.
- (3) To ensure that the archaeological remains are safeguarded.

Informative(s):-

- (1) 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.
- (2) The Water Regulation Advisory Scheme (WRAS) guideline should be followed when undertaking water service related groundworks.
- (3) Please note the presence of Scotland Gas Networks low/medium/intermediate gas mains exist in proximity to the site. No mechanical extractions should take place above or within 0.5 metres of the low pressure system, 2 metres of the medium pressure system and 3 metres of the intermediate pressure system. The applicant should where required confirm the position of gas mains using land dug trial holes.

P147. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON LAND TO THE NORTH EAST OF BURNSIDE, VELLORE ROAD, MADDISTON FOR MANOR FORREST LIMITED - P/09/0457/OUT

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for outline planning permission for the development of farmland (approximately 1.2 hectares) for residential purposes on land to the north east of Burnside, Vellore Road, Maddiston.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 11 JANUARY 2010 commencing at 9.00a.m.

PRESENT: Councillors Buchanan, Lemetti, A MacDonald (for applications P/09/0354/FUL and P/09/0457/OUT); McLuckie, McNeill, Mahoney, Nicol and Thomson.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Constable and Oliver.

ATTENDING: Development Manager; Planning Officer (J Seidel) (for application P/09/0354/FUL); Planning Officer (K Brown) (for application P/09/0457/OUT); Assistant Planning Officer (K Hope) (for application P/09/0687/FUL); Roads Development Officer (C Russell); Transport Planning Officer (K Short) (for application P/09/0457/OUT); Solicitor (K Quin), and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: Councillor MacDonald declared a non-financial interest in agenda item 3 (minute P149 relating to planning application P/09/0354/FUL) as an objector to an application for the grant of a new House in Multiple Occupation Licence at this location.

P148. EXTENSION TO DWELLINGHOUSE (CONSERVATORY TO REAR) AT 8 COLONSAY AVENUE, POLMONT, FALKIRK FK2 0UZ FOR MRS DUNNING – P/09/0687/FUL

With reference to Minute of Meeting of the Planning Committee held on 2 December 2009 (Paragraph P145 refers), there was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for a single storey extension by way of a conservatory to the rear of the existing extension operating as a dining room on the one and a half storey dwellinghouse at 8 Colonsay Avenue, Polmont, Falkirk.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

Mrs Dunning, the applicant, was heard in support of the application.

Mr Graham, the applicant's agent, was heard in support of the application.

Mrs Drummond, an objector, was heard in relation to the application.

The objector highlighted the following issues:-

- The effect on the value of the adjoining property;
- The blocking out of the sun and light over the neighbour's patio and sun lounge and the overshadowing of the garden area;
- That the proposal would be visibly intrusive; and
- That there would be no objection if the proposal would move to the south facing wall.

Questions were then asked by Members of the Committee.

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

The Committee thereafter made a brief visual inspection of the view from the neighbouring garden.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 27 January 2010.

P149. TWO STOREY EXTENSION AND ALTERATIONS TO HOTEL TO PROVIDE ADDITIONAL BEDROOMS, LOUNGE AND KITCHEN AREA AT 35 KERSE ROAD, GRANGEMOUTH FK3 8HY FOR MR DHILLON - P/09/0354/FUL

With reference to Minute of Meeting of the Planning Committee held on 2 December 2009 (Paragraph P141 refers), there was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for a two-storey extension at first floor level and alterations to the existing 48 bedroom hotel to provide 20 additional bedrooms, lounge and kitchen areas at 35 Kerse Road, Grangemouth.

The Convener introduced the parties present.

The Planning Officer (J Seidel) outlined the nature of the application.

Mr Thomson, the applicant's agent, was heard in support of the application.

Mr Dhillon, the applicant, was heard in support of the application.

Depute Provost Black, an objector and local Member for the area, was heard in relation to the application.

Ms Gilbert, an objector, was heard in relation to the application.

Ms Mitchell, an objector and on behalf of a petition, was heard in relation to the application.

The objectors highlighted the following issues:-

- The residential nature and the high level of elderly residents of the surrounding area;
- The anti social behaviour and associated shouting, swearing and drinking in the street by hotel residents;

- The on street parking taken up by hotel residents and congestion on Kerse Road;
- The bad behaviour and disturbance to elderly residents in the street by hotel residents;
- That the showers and toilet areas were unsuitable for both sexes; and
- That rooms were formed from partitioning off the function hall and disruption to the local community.

Questions were then asked by Members of the Committee.

Notwithstanding his declaration of interest in this application, Councillor MacDonald, as a local Member for the area, was heard in relation to the application.

Councillor McNeill, as 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 27 January 2010.

P150. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON LAND TO THE NORTH EAST OF BURNSIDE, VELLORE ROAD, MADDISTON FOR MANOR FORREST LIMITED - P/09/0457/OUT

With reference to Minute of Meeting of the Planning Committee held on 2 December 2009 (Paragraph P147 refers), there was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for outline planning permission for the development of farmland (approximately 1.2 hectares) for residential purposes on land to the north east of Burnside, Vellore Road, Maddiston.

The Convener introduced the parties present.

The Planning Officer (K Brown) outlined the nature of the application.

Mr Bell, the applicant's agent, was heard in support of the application.

Mr McMillan, an objector, was heard in relation to the application.

The objector indicated concerns related to a possible land ownership dispute and that the proposal was contrary to the Development Plan.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 27 January 2010.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on TUESDAY 12 JANUARY 2010 commencing at 9.30 a.m.

PRESENT: Councillors Buchanan, Lemetti, A MacDonald, McLuckie, Nicol and Thomson.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Constable, Mahoney, McNeill and Oliver.

ATTENDING: Development Manager; Senior Planning Officer (B Vivian) (for applications P/08/0804/FUL and P/09/0128/FUL); Planning Officer (S McClure) (for application P/09/0214/FUL); Assistant Planning Officer (K Hope) (for application P/09/0356/FUL); Roads Development Officer (B Raeburn); Solicitor (K Quin); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: None.

P151. CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE), ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AND FORMATION OF NEW VEHICULAR ACCESS AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR AND MRS S RAE - P/08/0804/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 17 June and 2 December 2009 (Paragraphs P44 and P136 refer), Committee gave further consideration to Report (circulated) dated 10 June 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director on an application for detailed planning permission for the change of use, in retrospect, of former agricultural land and buildings to a stables, livery and riding school, siting of a temporary staff office and toilet accommodation and for the erection of temporary manager's living accommodation at Riverside Farm, Denny. The initial proposals now incorporated the formation of a new vehicular access to the Farm.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

Mr Smith, the applicants' agent, was heard in support of the application.

Mrs Kirkwood, an objector, was heard in relation to the application.

Mr Buchanan, an objector, was heard in relation to the application.

Ms Mitchell, an objector, was heard in relation to the application.

Ms Steele, an objector, was heard in relation to the application.

Ms Stephenson, an objector, and on behalf of Mr and Mrs Stephenson, was heard in relation to the application.

The objectors highlighted the following issues:-

- The retrospective nature of the application and the disregard of Planning rules;
- The development not being in keeping with the area, tourism potential or the Council's tourism activity;
- The noise, increased traffic and activity, the problem of parking and the effect on cyclists, walkers and other road users;
- The manager's accommodation as a 24 hour daily presence and small operation;
- The setting of a precedent for further log style cabins and obstruction of views of the River Carron;
- The impact on flora, fauna, wildlife, landscape, natural amenity and character of the area as an area free from urban development in the Carron area;
- That the development was within the Carron Glen SSSI;
- The obscuring of the Pictish settlement visible from the road;
- The effect on site hydrology and ground water drainage;
- The noise, dust, dirt, lights (including being on overnight), fumes and vibration nuisance; and pollution;
- The early morning and late night vehicular and other activity;
- The privacy, security and amenity of the neighbouring property and garden and associated noise;
- The unsightly portacabins close to the roadside;
- The road safety issues including passing place narrowness, poor visibility and unsuitability for increased traffic on the B818, narrow width and poor visibility;
- The issues relating to the site boundary drawings and land use;
- The widening of the access to the site and the extension of the site in all direction;
- The number of businesses operating from the site;
- The existing provision for stabling, livery, equestrianism facilities in the Denny area;
- The aggregate from near the River Carron and industrial dumping on the site;
- The increase in activity and disturbance from events;
- The use of the property for motorcross and quad biking at late night;
- The wellbeing of the horses;
- The location of the Plant Hire business;
- The removal of the dry stone dyke;
- The size of the site for equestrian business;
- The development of the business since lodged objections;
- The contaminated land assessment and its parameters;
- The consultation on the overflow car park;

- The safety and related issues associated with the proposed new access; and
- The fuel dependency and lack of sustainability.

Questions were then asked by Members of the Committee.

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

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 27 January 2010.

P152. CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT SCHOOLING AREA (RETROSPECTIVE), AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR AND MRS RAE - P/09/0128/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 17 June and 2 December 2009 (Paragraphs P45 and P137 refer), Committee gave further consideration to Report (circulated) dated 10 June 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director on an application for detailed planning permission for the change of use, in retrospect, of agricultural land to form a floodlit outdoor schooling arena at Riverside Farm, Denny.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

Mr Smith, the applicants' agent, was heard in support of the application.

Mr Kirkwood, an objector, was heard in relation to the application.

Mr Belbin, on behalf of Denny and District Community Council, an objector, was heard in relation to the application.

Mr Buchanan, an objector, was heard in relation to the application.

Ms Mitchell, an objector, was heard in relation to the application.

Ms Stephenson, an objector and on behalf of Mr and Mrs Stephenson, was heard in relation to the application.

The objectors highlighted the following issues:-

- The impact on the amenity, character and wildlife including bats and owls;
- That Planning rules were disregarded as the outdoor riding arena was constructed prior to application;
- The impact on the amenity, character and wildlife including bats and owls;
- The loss of agricultural land;
- The noise, increased traffic and activity associated with the riding school;

- The showcase events and announcement system increasing activity and disturbance;
- The light pollution and noise from the light generator (for floodlighting);
- The narrowness of the B818 and passing places, poor visibility and unsuitability for increased traffic;
- The increase in cars, trailers and horse transporting vehicles using the B818;
- The close proximity of the neighbouring farm's fields to the schooling area and the effect on the field's use;
- The safety risk from noise for the neighbouring farm's cattle from shouting, equipment and lorries, and the effect on cattle handling, calf birthing and the field/land use by the neighbouring farm;
- The loss of enjoyment, views, peace and amenity by elderly residents of the neighbouring property from noise, light pollution and reduced privacy;
- The light pollution across the Valley, homes and the neighbouring property; and
- The impact on the River Carron and neighbouring SSSI.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 27 January 2010.

P153. EXTENSION TO HOT FOOD TAKEAWAY AT THE WILLOW, GLEBE STREET, DENNY FK6 6AA FOR MR S M LI – P/09/0356/FUL

With reference to Minute of Meeting of the Planning Committee held on 2 December 2009 (Paragraph P144 refers), there was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for an extension to the front and rear of the existing property, operating as a hot food takeaway, and the replacement of a flat roof with a pitched roof at the Willow, Glebe Street, Denny.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

Mr White, the applicant's agent, was heard in support of the application.

The applicant was heard in support of the application.

Questions were then asked by Members of the Committee.

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

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 27 January 2010.

P154. MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF SHOP/STORE TO HOT FOOD TAKEAWAY, AND EXTENSION TO REAR OVER TWO FLOORS TO PROVIDE TWO MAISONETTE FLATS AT 234 GRAHAMS ROAD, FALKIRK FK2 7BH FOR MR J AKTHAR - P/09/0214/FUL

With reference to Minute of Meeting of the Planning Committee held on 2 December 2009 (Paragraph P142 refers), there was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for a mixed use development comprising a change of use of a shop/store to a hot food takeaway, and an extension to the rear, over two floors, to provide two maisonette flats at 234 Grahams Road, Falkirk.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

Mr McGill, the applicant's agent was heard in support of the application.

Councillor Meiklejohn, on behalf of local objectors, was heard in relation to the application.

The objectors highlighted the following issues:-

- The effect on neighbouring hot food takeaway businesses by taking away customers;
- That too many hot food takeaways already existed on Grahams Road;
- The additional smells, noise, litter on the streets and intoxicated persons particularly at night;
- That the street was not suitable for parking;
- That the building should be used for another business not related to food; and
- That the use of parking spaces in the elderly residents parking areas adjacent to the hotel would be increased and would affect residents, carers and home helps.

Questions were then asked by Members of the Committee.

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

Provost Reid, as local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 27 January 2010.

FALKIRK COUNCIL

Subject: CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES, LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE) AND ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AND FORMATION OF NEW VEHICULAR ACCESS AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR & MRS S RAE – P/08/0804/FUL

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at a meeting of the Planning Committee on 17 June 2009 (copy of previous report attached as Appendix 1), when it was agreed to continue consideration to allow a site visit to be carried out. This site visit took place on 5 August 2009.
2. At the 5 August 2009 site visit, Members requested additional information in respect of vehicular access. The applicant subsequently proposed to form a new vehicular access to the site, due to visibility constraints at the existing access. The planning application was subsequently amended to include this new proposal and all neighbours and parties making representations to the application were notified of the proposed change.
3. The application was considered further at a meeting of the Planning Committee on 2 December 2009 (copy of previous report attached as Appendix 2), when it was agreed to further continue consideration to allow a further site visit to be carried out. This site visit took place on 12 January 2010.
4. At the site meeting, the Development Manager summarised the amendment to the application to form a new vehicular access, the agent for the application spoke in support of the application and representations were made by objectors to the application and a representation of the Denny and Dunipace Community Council. Significant concerns were also raised by a local Member, Councillor Waddell.

5. Objectors to the application spoke to a range of matters. In particular, concerns were raised in relation to inaccuracies in the drawings; the precise location and details of the proposed new vehicular access; the impact of the proposed vehicular access on adjoining properties and mature trees; the impact of earthworks on the stability of the public road; road safety issues arising from vehicles (e.g. horseboxes) queuing to enter the site; light spill from security lighting fixes to the building; the current hours of operation; the proximity of the portacabins to the public road; use of the site for industrial purposes; insufficient neighbour notification; and views to the archaeological site (a Pictish settlement).
6. The Roads Development Unit is satisfied with the proposed new vehicular access as it would improve visibility which is currently restricted at the existing access by an existing fence line to the east. Following the site meeting, an amended drawing has been submitted for the proposed new vehicular access. It indicates a bellmouth access of 6 metres width, with a 6 metre radius to the west and a 10.5 metre radius to the east. The larger radius to the east would assist to protect the carriageway through the provision of retaining structures. The dimensions of the bellmouth have been agreed with the Roads Development Unit following the site meeting. The detailed design of the proposed new access would be the subject of a condition of any grant of permission, and a Minor Roadworks Consent.
7. The provision of bellmouth access with a 6 metre radius to the west would keep work away from the western boundary. A recommended condition of any grant of permission (condition 15) would ensure that planting in the vicinity would be protected by appropriate fencing.
8. Conditions of any grant of permission are proposed in order to control the scale, nature and impact of the activity to an acceptable level. Proposed condition 5 restricts the hours of operation to 1000 to 2000 hours, proposed condition 6 restricts the number of show jumping events per annum to no more than 9 and proposed condition 7 requires the details of the use of any PA/amplification system to be submitted for approval. The restriction to 9 horse jumping events imposes greater control than would normally be the case for the type of activity. Under Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the use of land (other than a building or land within the curtilage of a building) for any purpose, except as a caravan site or an open air market, and the erection or placing of moveable structures on the land for the purposes of that use, are permitted for up to 28 days in total in any calendar year.
9. Following the site visit, the agent for the applicant has confirmed that, as far as the applicant is concerned, the submitted plans are accurate. The ownership of land subject to planning application is a private matter.
10. Following the site meeting, the agent for the applicant has confirmed that the new Manager's accommodation would provide the required level of supervision. Following occupation of the Manager's accommodation, there would be no need for the office portacabin or toilet unit. The applicant would therefore be content for these buildings to be removed from the site at this time.
11. All neighbours within a notifiable distance to the application site were notified of the application and the amendment to form a new vehicular access. The application site in this instance does not correspond to the ownership boundaries but are confined the buildings and associated yard.

12. Planning officers advised at the site visit that the security lights fixed to the building do not require planning permission and that the protection of views to the area (in this case of the Pictish settlement) is not a material planning consideration in this instance. The Council's archaeologist has advised that the proposal would not have an adverse impact upon the setting as the settlement is a considerable distance to the north. The issue of light pollution in respect of the security lights can be addressed by Environmental Protection Unit who can investigate complaints in respect of light spillage.
13. The previous recommendation to grant detailed planning permission subject to conditions is reiterated. Amendments are proposed to: Condition 1 to require details of the relocation of the portacabins away from the road frontage; and to condition 8 to require the submissions of the detached design, including cross-sections, gradient and the retaining structure details, and to reflect the revised requirements for the bellmouth radii.
14. The applicant has also confirmed that their business Micro Plant Hire Ltd does not operate from the premises, and has not done so since May 2009. There is a vehicle at present owned by Micro Plant Hire which has been used by the applicant's 3 businesses which are Micro Plant Hire, S & G Rae Agricultural & Forestry Contractors and West Riverside Farm. The applicant is in the process of the transferring the vehicle to the agricultural business. A recent application has also been made for a Goods Operators Licence to the Traffic Commissioners Office to reflect this. This planning application makes no reference to the use of the site for plant hire operations.
15. The impact, if any, upon existing trees as a result of the proposed development can be covered by an appropriate planning condition.

16. RECOMMENDATION

16.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1) The manager's living accommodation shall be granted for a limited period until 31 December 2011 and at that time, unless further permission is granted, the site should be reinstated in accordance with an approved reinstatement plan. Within 1 month of occupation of the Manager's living accommodation, the site office and toilet accommodation shall be removed from the site and the site shall be reinstated in accordance with as approved reinstatement plan.
- (2) Within 3 months of the date of this permission, a scheme of soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate) :
 - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (ii) The location of new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - (iv) A programme for completion and subsequent maintenance.

- (3) All approved landscaping works shall be implemented in accordance with the approved scheme of landscaping by the end of the first planting and seeding session following the date of this decision.
- (4) Within 3 months of the date of this permission, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Within 6 months of the date of this decision, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (5) The hours of opening of the stables, livery and riding school shall be restricted to 1000 to 2000 hours.
- (6) The number of show jumping events per annum shall be restricted to no more than 9 unless otherwise agreed in writing by this Planning Authority by grant of an application to amend the condition.
- (7) The use of any PA system or any other amplification system shall require the written approval of this Planning Authority.
- (8) Prior to the operation hereby approved being brought into use, the new vehicular access shall be formed from the B818 and shall be a minimum of 6m wide, with 10.5m radius to the east and 6m radius to the west to form a bellmouth access, constructed at right angles to the public carriageway and at a gradient no greater than 1:10 in accordance with details approved in writing by this Planning Authority. The details shall include cross section, gradient and retaining structure details; the existing access to the site shall be closed to all vehicles simultaneously to the new access being brought into use.
- (9) The vehicular access shall be constructed in a manner to ensure that no surface water or loose material is discharged on to the public carriageway.
- (10) Within 3 months of the date of this permission, the applicant shall install a kerb line on the opposite side of the B818 to the vehicular access and a delineation kerb for the B818 across the vehicular access, in accordance with details to be approved in writing by this Planning Authority.
- (11) Within 3 months of the date of this permission, a 2.4 metre by 125 metre visibility splay shall be provided of either side of the new vehicular access, to the extent practicable within the confines of the site, within which there shall be no obstruction in visibility greater than 1 metre in height above existing carriageway level.
- (12) The 9 car-parking spaces indicated on approved plan 03A shall be maintained free of obstruction at all times.

- (13) Two car-park spaces shall be provided for the manager's accommodation in accordance with details approved in writing by the Planning Authority within 3 months of the date of this permission. Thereafter the approved spaces shall be maintained free of obstruction at all times.
- (14) The overflow car-park indicated on approved plan 10 shall be made available for use on such occasions as necessary in order to avoid parking on the verge of the B818 and obstruction of access to the car-parking spaces detailed in conditions 12 and 13 of this permission.
- (15) Before any work is commenced on the site a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of any trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.

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For Director of Development Services

Date: 20 January 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection from Violet Kirkwood, Forresthill, Denny FK6 5JF on 23 October 2008.
5. Letter of objection from McLean and Stewart, 51/53 High Street, Dunblane FK15 0EG on 28 October 2008.
6. Letter of objection from Dr Josephine McGettigan, Topps Park, Fintry Road, Denny FK6 5JF on 13 October 2008.
7. Letter of objection from Hellen Stephenson, Riverside Farm, Denny FK6 5JF on 16 October 2008.
8. Letter of objection from Mr & Mrs Steel, The Topps Farm, Denny FK6 5JF on 09 October 2008.
9. Letter of objection from Denny and District Community Council, 76 Glasgow Road, Denny FK6 5DN on 09 October 2008.
10. Letter of objection from McLean & Stewart, 51/53 High Street, Dunblane, Perthshire FK15 0EG on 27 February 2009.
11. Letter of objection from Wm Buchanan, 29 Godfrey Avenue, Denny FK6 5BU on 09 March 2009.
12. Letter of objection from Denny & District Community Council, FAO: Roy Robertson, Secretary 76 Glasgow Road, Denny FK6 5DN on 11 March 2009.
13. Letter of objection from Mr & Mrs Kirkwood, Forresthill, Denny FK6 5JF on 11 March 2009.

14. Letter of objection from Dr Josephine T McGettigan, Topps Park The Topps, Farm Denny FK6 5JF on 07 April 2009.
15. Letter of objection from Mr & Mrs A Kirkwood, Forresthill, Denny FK6 5JF on 21 April 2009.
16. Letter of objection from Mrs Lillian Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
17. Letter of objection from Mr G Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
18. Letter of support from Mr David Reed, 53 Grahams Road, Falkirk FK2 7DJ on 16 April 2009.
19. Letter of support from Tim Green t_g@btconnect.com on 22 April 2009
20. Letter of support from Emma Hyslop, E_hyslop@hotmail.com on 17 April 2009.
21. Letter of support from Mr and Mrs David McLeary, 27 Cultrig Drive, Whitburn EH47 8HN on 1 May 2009.
22. Letter of support from Elaine Anderson and 8 others, 34 Garvald Road, Head of Muir, Denny FK6 5NR on 8 May 2009.

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

FALKIRK COUNCIL

Subject: CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES, LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE) AND ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AND FORMATION OF NEW VEHICULAR ACCESS AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR & MRS S RAE – P/08/0804/FUL

Meeting: PLANNING COMMITTEE

Date: 2 December 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at a meeting of the Planning Committee on 17 June (copy of previous report appended), when it was agreed to continue consideration to allow a site visit to be carried out. This site visit took place on 5 August 2009.
2. At the site meeting the Development Manager summarised the proposal, the agent for the applicant spoke in support of the application and Members of the Planning Committee and Local Members were heard. Members spoke to a range of matters and in particular requested additional information in respect of vehicular access and impact on an archaeological site (a Pictish settlement) in the area.
3. Following the site meeting, the applicant now proposes to form a new vehicular access to the site, due to visibility constraints at the existing vehicular access. The planning application has subsequently been amended to include this new proposal and all neighbours and parties making representations to the application have been notified of this proposed change.
4. As a consequence of re-notification, seven additional representations have been received consisting of one letter of representation, five letters of objection and one letter of support.

The concerns raised in the representations can be summarised as follows:

- The existing vehicular access should be closed off at the applicant's property boundary.
 - Deficient drawings e.g. the existing access opposite the proposed new vehicular access it not shown.
 - Danger in relation to herding of livestock due to proximity of the proposed new vehicular access to the existing access on the opposite side of the road.
 - Removal of the temporary buildings and car park spaces would give space for a new vehicular access well away from the existing access on the opposite side of the road.
 - Disputes over the use of the existing vehicular access should be resolved first.
 - Earthworks would be required for the proposed new vehicular access which would damage or make unstable a dry stone boundary wall.
 - Several large mature trees on an adjoining property would be affected.
 - Increased noise levels and disturbance for an adjoining property due to the vehicular access being moved to the west.
 - There is Scottish Water pipework within the nearby vicinity which may be affected by the proposed access works.
5. The proposed access would to be located approximately 50m to the west of the existing site access. The existing access would be closed off. The Roads unit have confirmed that this is acceptable subject to conditions being attached which cover the issues of forward visibility, construction of the new access to Roads Authority guidelines and closure of the existing access. These matters are covered by condition. The position of the new proposed access and its relationship with other existing accesses has been assessed and considered acceptable. The applicant has also now indicated the location of overflow parking provision. This matter can be addressed by an appropriate condition. In respect of the potential conflict that the proposed access may have in relation to the existing water pipes, an informative advising the applicant to contact Scottish Water has been included.
6. The Council's Archaeologist has advised that the Pictish settlement in question is a series of terraces on the north side of the River Carron thought to be of Bronze Age. The Archaeologist has advised that the terraces are some distance to the north of the application site and the proposed development would not be considered to affect the setting of the ancient monument.

7. The applicant has also confirmed that their business Micro Plant Hire Ltd does not operate from the premises, and has not done so since May 2009. There is a vehicle at present owned by Micro Plant Hire which has been used by the applicant's 3 businesses which are Micro Plant Hire, S & G Rae Agricultural & Forestry Contractors and West Riverside Farm. The applicant is in the process of transferring the vehicle to the agricultural business. A recent application has also been made for a Goods Operators Licence to the Traffic Commissioners Office to reflect this. This planning application makes no reference to the use of the site for plant hire operations.
8. The impact, if any, upon existing trees as a result of the proposed development can be covered by an appropriate planning condition.

9. RECOMMENDATION

9.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1) The manager's living accommodation and the site office and toilet accommodation shall be granted for a limited period until 31 December 2011 and at that time, unless further permission is granted, the site should be reinstated in accordance with an approved reinstatement plan.**
- (2) Within 3 months of the date of this permission, a scheme of soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate) :**
 - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;**
 - (ii) The location of new trees, shrubs, hedges and grassed areas;**
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density;**
 - (iv) A programme for completion and subsequent maintenance.**
- (3) All approved landscaping works shall be implemented in accordance with the approved scheme of landscaping by the end of the first planting and seeding session following the date of this decision.**
- (4) Within 3 months of the date of this permission, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Within 6 months of the date of this decision, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.**
- (5) The hours of opening of the stables, livery and riding school shall be restricted to 1000 to 2000 hours.**

- (6) The number of show jumping events per annum shall be restricted to no more than 9 unless otherwise agreed in writing by this Planning Authority by grant of an application to amend the condition.
- (7) The use of any PA system or any other amplification system shall require the written approval of this Planning Authority.
- (8) Prior to the operation hereby approved being brought into use, the new vehicular access shall be formed from the B818 and shall be a minimum of 6m wide, with 10.5m radii on either side to form a bellmouth access, constructed at right angles to the public carriageway and at a gradient no greater than 1:10 all to the satisfaction of the Planning Authority; the existing access to the site shall be closed to all vehicles simultaneously to the new access being brought into use.
- (9) The vehicular access shall be constructed in a manner to ensure that no surface water or loose material is discharged on to the public carriageway.
- (10) Within 3 months of the date of this permission, the applicant shall install a kerb line on the opposite side of the B818 to the vehicular access and a delineation kerb for the B818 across the vehicular access, in accordance with details to be approved in writing by this Planning Authority.
- (11) Within 3 months of the date of this permission, a 2.4 metre by 125 metre visibility splay shall be provided of either side of the new vehicular access, to the extent practicable within the confines of the site, within which there shall be no obstruction in visibility greater than 1 metre in height above existing carriageway level.
- (12) The 9 car-parking spaces indicated on approved plan 03A shall be maintained free of obstruction at all times.
- (13) Two car-park spaces shall be provided for the manager's accommodation in accordance with details approved in writing by the Planning Authority within 3 months of the date of this permission. Thereafter the approved spaces shall be maintained free of obstruction at all times.
- (14) The overflow car-park indicated on approved plan 10 shall be made available for use on such occasions as necessary in order to avoid parking on the verge of the B818 and obstruction of access to the car-parking spaces detailed in conditions 12 and 13 of this permission.
- (15) Before any work is commenced on the site a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of any trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.

Reason(s):

- (1) The proposal is not considered to be a suitable form of permanent development.

- (2-3) To safeguard the visual amenity of the area.
- (4) To ensure the ground is suitable for the development.
- (5-7) To safeguard the amenity of the area.
- (8-11) To safeguard the users of the public highway.
- (12-13) To ensure that adequate car-parking is provided.
- (14) To safeguard the users of the public highway and to ensure that adequate car-parking is provided.
- (15) To safeguard existing trees on the site.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which this decision refers bears our reference 01A, 02A, 03A, 04, 05, 06, 07, 08, 09, 10 and 11.
- (2) The applicant is directed to contact SEPA's Borders Environmental Protection and Improvement Team (tel: 01896 754797) to confirm acceptable surface water drainage and sewage effluent disposal arrangements.
- (3) Construction of the vehicular access will require a Minor Roadworks Consent, issued and approved by Road Services, Earls Road, Grangemouth.
- (4) All public utilities will require to be contacted to establish whether any apparatus lies in the vicinity of the proposed access location to agree any service relocation, protection, way leave arrangements required, at the applicant's expense, prior to work commencing on the new access arrangements.



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For Director of Development Services

Date: 25 November 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection from Violet Kirkwood, Forresthill, Denny FK6 5JF on 23 October 2008.
5. Letter of objection from McLean and Stewart, 51/53 High Street, Dunblane FK15 0EG on 28 October 2008.
6. Letter of objection from Dr Josephine McGettigan, Topps Park, Fintry Road, Denny FK6 5JF on 13 October 2008.
7. Letter of objection from Hellen Stephenson, Riverside Farm, Denny FK6 5JF on 16 October 2008.
8. Letter of objection from Mr & Mrs Steel, The Topps Farm, Denny FK6 5JF on 09 October 2008.
9. Letter of objection from Denny and District Community Council, 76 Glasgow Road, Denny FK6 5DN on 09 October 2008.
10. Letter of objection from McLean & Stewart, 51/53 High Street, Dunblane, Perthshire FK15 0EG on 27 February 2009.
11. Letter of objection from Wm Buchanan, 29 Godfrey Avenue, Denny FK6 5BU on 09 March 2009.
12. Letter of objection from Denny & District Community Council, FAO: Roy Robertson, Secretary 76 Glasgow Road, Denny FK6 5DN on 11 March 2009.
13. Letter of objection from Mr & Mrs Kirkwood, Forresthill, Denny FK6 5JF on 11 March 2009.
14. Letter of objection from Dr Josephine T McGettigan, Topps Park The Topps, Farm Denny FK6 5JF on 07 April 2009.
15. Letter of objection from Mr & Mrs A Kirkwood, Forresthill, Denny FK6 5JF on 21 April 2009.
16. Letter of objection from Mrs Lillian Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
17. Letter of objection from Mr G Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
18. Letter of support from Mr David Reed, 53 Grahams Road, Falkirk FK2 7DJ on 16 April 2009.
19. Letter of support from Tim Green t_g@btconnect.com on 22 April 2009
20. Letter of support from Emma Hyslop, E_hyslop@hotmail.com on 17 April 2009.
21. Letter of support from Mr and Mrs David McLeary, 27 Cultrig Drive, Whitburn EH47 8HN on 1 May 2009.
22. Letter of support from Elaine Anderson and 8 others, 34 Garvald Road, Head of Muir, Denny FK6 5NR on 8 May 2009.
23. Letter of Objection from Hellen Stephenson, Riverside Farm, Denny, FK6 5JF on 3 November 2009.
24. Letter of Support from Mrs Elaine Milne, 20 Windsor Drive, Denny, FK6 6NL on 9 November 2009.
25. Letter of Comment from Mr Gavin Kirkwood, 16 James Croft Drive, Flakirk, FK1 5UB on 11 November 2009.
26. Letter of Objection from Jennifer Steel, The Topps Farm, Denny, FK6 5JF on 12 November 2009.
27. Letter of Objection from Mr & Mrs Kirkwood, Forresthill Farm, Carronbridge, FK6 5JF on 13 November 2009.

28. Letter of Objection from Miss Anne Mitchell, Backdales, Denny, FK6 5JF on 14 November 2009.
29. Letter of Objection from Bridget Riddell, 10 Tarduff Place, Stoneywood, FK6 5HT on 16 November 2009.

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

FALKIRK COUNCIL

Subject: CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES, LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE) AND ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR & MRS S RAE – P/08/0804/FUL

Meeting: PLANNING COMMITTEE

Date: 17 June 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed retrospective planning permission to change the use of former agricultural land and buildings to a stables, livery and riding school, and the siting of two portacabins for use as an office and a toilet. The application also includes a proposal for a chalet style dwellinghouse for the purposes of manager's accommodation.
- 1.2 The application site lies on the B818 in the Carron Valley west of Denny and consists of part of a rural holding. The existing uses on the holding include the stables, livery and riding school the subject of this application, an outdoor riding arena, horse grazing and the operation of a plant hire and vehicle repair and servicing business.
- 1.3 The application site comprises former agricultural buildings and an associated yard. Two portacabins have been erected at the entrance of the yard. The existing dwellinghouse lies adjacent to the former agricultural buildings but is now in separate ownership.

- 1.4 The submitted hours of operation of the stables, livery and riding school are 10am to 8pm. The applicant has indicated that staffing levels vary with the season, however, as an indication numbers are 3 free lance riding instructors, 2 part-time weekend workers and the applicant (Mrs Rae) and two full-time employees, who work between the livery/equestrian business and, the agricultural operation. A Business Plan has been submitted with the application, which indicates a current capacity to cater for 15 stabled horses and 15 grazing horses and the undertaking of showcase show jumping events utilising the outdoor riding arena. It also indicates future plans for tourist lodges and outdoor activities including fishing trips, hill walking, mountain biking and archery.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Blackwood.

3. SITE HISTORY

- 3.1 Planning application ref. P/09/0127/FUL for the change of use of a former agricultural building to a depot for the storage of plant for hire and the servicing / repair of vehicles and plant (retrospective) has been withdrawn.
- 3.2 Planning application ref. P/09/0128/FUL for the change of use of agricultural land to form a floodlit schooling area (retrospective) is also being considered by the Planning Committee at its 17 June 2009 meeting.
- 3.3 Planning application ref. P/09/0115/FUL for the erection of fencing (retrospective) on the adjoining property to the east is pending consideration.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit has stipulated improvements at the existing vehicular access and the provision of adequate parking and separate areas on the site to cater for all existing and proposed uses. This includes sufficient parking for show jumping events in order to avoid road safety issues associated with vehicles parking on the verge of the B818.
- 4.2 The Environmental Protection Unit has requested the undertaking of a contaminated land assessment.
- 4.3 Scottish Water has no objection to the application.
- 4.4 SEPA has no objection to the application. It advises that all run-off from yards, manure heaps and stable washing must be contained and disposed of in a manner to ensure that the water environment is not polluted. It advises that arrangements for sewage effluent disposal will need to meet SEPA's requirements.
- 4.5 The Council's Rural Business Consultant recognises the merits of having someone resident on the site for security reasons and someone living relatively close by to ensure the welfare of the horses. However, he questions whether the target income set out in the Business Plan can be achieved in the initial years.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has submitted two letters objecting to the application. The main concerns raised in these letters are included in section 6 as part of the summary of the public representations received.

6. PUBLIC REPRESENTATION

- 6.1 Seven letters of objection to the application were initially received. The neighbours were re-notified of the application following amendments to regularise the application site boundaries and relocate the proposed manager's accommodation. A further six letters of objection were received following re-notification.
- 6.2 The main concerns raised in these objections and the objections from the Denny and District Community Council can be summarised as follows:

Proposed Manager's Accommodation

- The proposed manager's accommodation is not necessary as a 24 hour daily presence is not required for this small operation.
- The proposed manager's accommodation is very large.
- The applicant would have been aware that there was no dwellinghouse attached to the purchase.
- Granting the proposed manager's accommodation would set a precedent for further log style cabins.
- The site of the proposed manager's accommodation would obstruct views of the River Carron.

Impact on Amenity

- Detrimental impact on the amenities and character of the area.
- Noise, dust, dirt, light, fumes and vibration nuisance.
- Noise and increased traffic and activity associated with the stables, livery and riding school.
- Early morning and late night activity associated with the livery.
- Show case horse events would increase the level of activity and disturbance.
- Show case horse events would require some kind of announcement system.
- Future plans for tourist cabins, bikes and archery would increase disturbance.

- It is believed that there is an indoor riding arena on the site giving rise to potential noise nuisance.
- The portacabins close to the roadside are unsightly.

Traffic/Road Safety

- The B818 is a narrow road with passing places and poor visibility making it unsuitable for increasing traffic volumes.
- Increase in cars, trailers and horse transporting vehicles using the B818.
- Increased use of B818 for horse riding on a road unsuitable for this due to its narrow width, poor visibility and existing traffic.

Other Planning Considerations

- Disparities between the drawings in defining the application site boundaries.
- Planning rules have been totally disregarded as the stables and livery are already operating.
- Three businesses as well as a farming business are operating from the property.
- The development is not in keeping with the plans for the area, which is held to have tourism potential.
- Prohibit any food/retail outlet associated with the livery.
- Concern for the flora, fauna and wildlife of the area.
- The development is within the Carron Glen SSSI.
- Concerns regarding site hydrology and ground water drainage.

Non-Material Planning Considerations/Considerations not Relevant to the Application

- The property title restricts the use of the land, sheds, yard and access to agricultural and forestry uses only.
- There is adequate existing provision for stabling and livery in the Denny area.
- There are existing facilities for disabled riders in the area.
- Substantial aggregate has been removed from beside the River Carron.
- There is evidence of industrial dumping on the site.
- An area of the property is used for motorcross and quad biking, which is noisy and occurs late at night.

- The available land may be insufficient for the wellbeing of 30 horses.
- The riding school and show case horse events could increase risk of animal diseases to the area.

6.3 Six letters of support have been received to the application. One of these letters contains 8 signatories. The reasons for support can be summarised as follows:

- The facilities are well managed and of high quality.
- Care and welfare of horses of very high order.
- A livery client's Clydesdale horse has flourished at this facility.
- Neat and tidy yard.
- Majority of local opinion is not against this business.
- The facilities help promote tourism in the area.
- Fits well with the desire of local authorities of the area to promote Carron valley for walking, cycling and horse riding.
- A local bed and breakfast/self catering establishment have guests who use the facilities for riding treks.
- Applicant has helped develop bridleways in the area.
- Amenity for local community and visitors wishing to horse ride.
- Provides employment.

7. DETAILED APPRAISAL

7a The Development Plan

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

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

Accordingly,

Approved Falkirk Council Structure Plan

7a.1 Policy ECON.7 'Tourism' states:

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

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

7a.2 The development has a tourism aspect through, for example, the offering of riding treks and therefore Policy ECON 7 is of relevance. In this instance, it is considered that the development requires a countryside location, the location is convenient to a sizeable population catchment and it would contribute to the range of attractions in the area and support target markets. Whilst some concern has been raised at the adequacy of the local roads infrastructure to accommodate the development, on balance, and taking into account the relatively small scale of the existing facilities, its nature and its need for a countryside location, the development is considered to be environmentally sustainable. The development is also considered to be potentially economically sustainable for the reasons detailed in this report. The application is therefore considered to represent sustainable tourism and accord with this policy.

7a.3 Policy ENV.1 'Countryside and Protected Areas' states:

- "(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans."*

7a.4 This policy presumes against development in the countryside unless it can be demonstrated that a countryside location is essential. In this instance it is considered that the development, by virtue of its nature and character, and requirement for grazing land, requires a countryside location. The application is therefore considered to accord with this policy.

Adopted Rural Local Plan

7a.5 The application site lies within the countryside and an Area of Great Landscape Value under the adopted Rural Local Plan.

7a.6 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
- 6. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council’s “Design Guide For Buildings In The Rural Areas” and sympathetic to vernacular architectural forms will be expected.”

7a.7 This policy presumes against new development in the countryside except in limited circumstances. The relevant potential exceptions in this instance are considered to be criterion 1 and 5.

7a.8 Criterion 5 provides for development for tourism and countryside recreation requiring a rural setting. For the reasons detailed in this report, it is considered that the development requires a rural setting. In addition, the development is considered to be appropriate in terms of its type, scale and location and has the potential to enhance the image of the area by contributing to the range of attractions and supporting tourism.

7a.9 Criterion 1 provides for housing absolutely essential to the pursuance of an economic activity appropriate to a rural location. For the reasons previously stated, the development is considered to be appropriate to a rural location. With regard to the proposed manager’s accommodation, the ‘essentiality’ test requires consideration of the operational need for the proposed accommodation, whether there is an existing dwellinghouse that could meet that need or there is the opportunity for an existing building to be converted to meet that need, and whether the business as a whole is capable of providing the main source of income for the occupant.

- 7a.10 The operational need for the accommodation requires consideration of whether the person needs to be resident on the site rather than somewhere else and whether the business provides full time employment. In this instance it is recognised that there are advantages in having a staff member resident on site to provide care and supervision for the horses should any emergency arise after hours. The need for security is also an important supporting factor. Animal welfare and security needs are currently being met by Mr Rae living in a camper van in the yard whilst the rest of the family resides some distance away, at their current residence in High Bonnybridge. The current arrangements and the distance away of the existing residence are not considered to be ideal. With regard to employment, the applicant has submitted that the equestrian related uses involve 3 free-lance riding instructors, 2 part-time weekend workers and Mrs Rae and 2 full-time employees who work between the livery/equestrian business and the agricultural operation. Whilst a calculation of the existing number of labour units in accordance with recognised industry standards has not been provided, in light of the employment that would appear to be supported, it is considered that the application could not be properly opposed on these grounds.
- 7a.11 There would not appear to be an existing dwellinghouse which could serve as manager's accommodation, nor do any of the existing farm buildings lend themselves to conversion to a dwellinghouse. Whilst the original dwellinghouse is now in separate ownership and has therefore been alienated from the farm buildings, it is accepted that there is an operational need for conveniently located residential accommodation for the new livery and equestrian related uses.
- 7a.12 Cash flow statements have been submitted for the first two years of operation. If these statements are accepted, the business will be profitable and provide full-time employment for the occupant. However, the Council's Rural Business Consultant has queried whether the amount allowed for wages is sufficient, thereby questioning whether the target income could be achieved in the initial years. It is considered appropriate to require a trial period for the proposed manager's accommodation to enable review of the income generated and consideration of the justification for continued residential accommodation on the site.
- 7a.13 The policy also states that the scale, siting and design of development shall be strictly controlled. The impact of the large yard on the amenity and landscape of the area is of some concern, however provision of landscape screening would assist to address this. The visual impact of the portacabins sited at the entrance is also of concern. Whilst boundary planting could assist to mitigate this impact, it would take time to mature and would be constrained by the need to retain visibility for the vehicular access. For these reasons, it is considered that these buildings should only be permitted for a temporary period. The stables and livery utilise former large scale agricultural buildings and therefore there is no new visual impact in relation to these uses.
- 7a.14 On balance, and subject to measures to mitigate visual impact, the application is considered to be acceptable under this policy. However, compliance with this policy will be subject to consideration following a trial period for the proposed manager's accommodation.

7a.15 Policy RURAL 7 ‘Changes of Use of Buildings in the Countryside’ states:

“That within the countryside, the change of use of farm and other buildings for tourism/recreation and employment creating activities may be considered favourably provided that in the opinion of the District Council :-

- 1. It can be justified that the building is no longer required for the purpose for which it was built.*
- 2. The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial conversion.*
- 3. The location and access are suitable and appropriate services are readily available.*
- 4. The works involved are acceptable in terms of size and scale and the proposed design is compatible with the District Council’s “Design Guide for Buildings in the Rural Areas”.*
- 5. The alternative use does not have a detrimental impact on the amenity of the surrounding countryside.”*

7a.16 The development can be seen to involve the change of use of a former farm building to cater for tourism/outdoor recreation related uses, and to create employment. With regard to the 5 criteria of the policy, it is considered that, on balance, the change of use accords with these. In particular, it is recognised that the building is no longer required for agricultural purposes, the building stands intact and is in a reasonable state of repair, and the change of use would not involve any change to the size, scale or design of the existing building. The existing vehicular access would require upgrade in accordance with the requirements of the Council's Roads Service. Whilst some concerns have been raised at potential impacts on amenity, the nature and scale of the development is considered to be acceptable to the location and conditions could be imposed to address particular concerns. This could include a restriction on the hours of operation.

7a.17 Policy RURAL 13 ‘Areas of Great Landscape Value’ states:

“That within the designated Areas of Great Landscape Value, as indicated on the Policies and Proposals Map, development appropriate to a rural location will generally be acceptable provided that it is not detrimental to the amenity of the area, and accords with all other relevant District Council policies and standards. Proposals will be subject to strict control in relation to design and landscape considerations as well as timescale, traffic generation and access, amenity and environmental impact. The District Council will pursue and encourage any measures to further enhance the environmental quality and attraction of these areas.”

7a.18 The application site lies within an Area of Great Landscape Value. Within such areas, development appropriate to a rural location will generally be acceptable provided there is no detriment to the amenity of the area and subject to strict controls. In this instance the development is considered to be appropriate to a rural location for the reasons detailed in this report. The main impacts are considered to relate to visual and landscape amenity and traffic generation and increase in activity. The visual and landscape impacts of the yard and use of this yard could be mitigated to some extent by landscape planting and screening. This should include remediation of the slope at the northern edge of the yard. Due to the detrimental visual impact of the portacabins a temporary permission is considered to be appropriate for these structures. Concerns at an increase in traffic generation and activity to the area are noted, however the scale of the development (comprising facilities for 15 stabled horses and 15 grazing horses, and an outdoor riding arena) is considered to be acceptable and the type of traffic typical to a rural area. The hours of operation of the facility could be restricted by condition. Whilst the intention for show jumping events would increase traffic generation and activity at particular times, the scale of these events would be limited by the size of the facility and use of a single riding arena, and their occurrence would be intermittent. As an additional safeguard, a condition would be imposed to restrict the yearly number of show jumping events. Subject to the imposition of appropriate conditions, the application is considered to accord with this policy.

7a.19 Accordingly, the application is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses and the representations received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The application site lies within the countryside and an Area of Great Landscape Value under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 The relevant policies under this Plan include Policies EQ19 (Countryside), SC3 (Housing Development in the Countryside) and EP16 (Leisure and Tourism Development in the Countryside). These policies are similar to Policies ENV.1 and ECON.7 of the approved Falkirk Council Structure Plan and Policy Rural 1 of the adopted Rural Local Plan, and do not raise any additional issues. For the reasons detailed in relation to these policies, the application is similarly considered to accord with Policies EQ19, SC3 and EP16 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.4 Policy EQ23 - 'Areas Of Great Landscape Value' states:

"The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality."

- 7b.5 The development is considered to accord with this policy, subject to the imposition of appropriate conditions, for the reasons detailed in assessment of the application against Policy Rural 13 of the adopted Rural Local Plan. Given that the application primarily involves the change of use of an existing agricultural building and associated development within an existing yard, the submission of landscape and visual assessments was not considered to be necessary.

Consultation Responses

- 7b.6 The consultation responses have been summarised in section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions. The Roads Development Unit has accepted that the 9 car-parking spaces indicated on the submitted plans are sufficient having regard to staff numbers and including an allocation for visitors. Whilst the required visibility splay at the vehicular entrance cannot be achieved to the east due to the existence of a fence, this fence is subject to application ref: P/09/0115/FUL which is currently pending consideration as detailed in paragraph 3.3 of this report. The comments of the Council's Rural Business Consultant are noted and the concerns regarding income generation could be reviewed following a trial period to test the viability and sustainability of the development to justify a continued residential accommodation on the site.

Public Representations

- 7b.7 The public representations and representations of the Denny and District Community Council are summarised in section 6 of this report. In response to the matters raised in these representations, the following comments are considered to be relevant:
- The requirement for conveniently located residential accommodation for welfare, supervision and security reasons in relation to the equestrian business has been accepted in this report. The intention would be to review the justification for continuing residential accommodation on the site following a trial period.
 - Obstruction of views is not a material consideration. However, the proposed manager's accommodation has been re-sited to within the existing yard, which should help address this concern.
 - The provision of landscape planting and screening would help address visual and landscape impacts as detailed in this report. This could be secured by condition.
 - It is recognised that the development generates traffic and activity at this location. However, the scale of the development is considered to be acceptable and in keeping with the character of a countryside location. A restriction on hours of operation would minimise late night and early morning activity.
 - Show case horse events, whilst increasing levels of activity, would occur on an intermittent basis. A condition could be imposed to require the details of the use of a P.A. system at such events.
 - It is noted that there are future developments proposed at this location, however they do not form part of this application. Any future planning application for further development would be considered on its merits.

- There is no evidence of an indoor riding arena on the site.
- It is agreed that the portacabins at the roadside are unsightly. It is considered that they should only be allowed on a temporary basis.
- It is recognised that the B818 is narrow in places with visibility restrictions. At the same time, regular passing bays are in place and the scale and nature of traffic associated with the development is considered to be acceptable taking into account the need for a countryside location for the use.
- The disparities in the application site boundaries have been regularised and the neighbours were subsequently re-notified.
- It is a legitimate course of action to apply for retrospective planning permission where development is unauthorised.
- The development has a tourism aspect to it and would therefore support the tourism potential of the area.
- No specific concerns regarding the flora, fauna and wildlife of the area have been raised. The application site is outwith the Carron Glen SSSI.
- No specific issues in relation to hydrology and ground water drainage have been raised. The Water Environment (Controlled Activities) (Scotland) Regulations administered by SEPA would require to be complied with. SEPA has not objected to the application.
- A number of concerns raised in objections are not material planning considerations or relevant to the application. These include the need for the development, the risk of animal disease, concerns in relation to aggregate removal and use of the property for motorcross and quad biking. Property title restrictions are a private legal matter.
- Notwithstanding this, the applicant has advised that the use of quad bikes is solely by members of the applicant's family for recreation purposes or in connection with stock control and land management.
- In addition, the applicant has advised that a borrow pit exists on the property which was first opened prior to their purchase of the property. The applicant has extracted material from this existing pit to make improvements to their land and to facilitate access. This does not require planning permission.
- The reasons in support of the development are noted and require to be balanced against the impacts and the justification for the various aspects of the development at this countryside location.

7c Conclusion

- 7c.1 The application as described in this report is considered to accord with the Development Plan for the reasons detailed in this report. In particular, the need for a countryside location for the equestrian use and conveniently located residential accommodation for animal welfare and security reasons are accepted. Whilst there is local opposition to the development, letters in support have also been received, and some of the material planning concerns raised in relation to amenity and landscape could be addressed to some extent by conditions. Concerns in relation to an increase in traffic generation and activity are noted, however the development is considered to be acceptable having regard to its nature, scale and need for a countryside location. These concerns are not considered to outweigh the acceptability of the development under the Development Plan.
- 7c.2 Accordingly, the application is recommended for approval subject to the imposition of appropriate conditions. These conditions include a trial period for the proposed manager's accommodation to enable a review of the sustainability and viability of the business to justify continued residential accommodation on the site. In addition, the conditions provide for a temporary period for the existing portacabins, due to their detriment to the amenity and character of the area.

8. RECOMMENDATION

- 8.1 It is recommended that detailed planning permission be granted subject to the following conditions:-
- (1) The manager's living accommodation and the site office and toilet accommodation shall be granted for a limited period until 30 June 2011 and at that time, unless further permission is granted, the site should be reinstated in accordance with an approved reinstatement plan.
 - (2) Within 3 months of the date of this decision, a scheme of soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate) :
 - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (ii) The location of new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - (iv) A programme for completion and subsequent maintenance.
 - (3) All approved landscaping works shall be implemented in accordance with the approved scheme of landscaping by the end of the first planting and seeding session following the date of this decision.

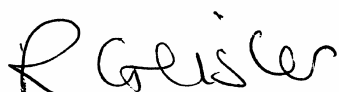
- (4) Within 3 months of the date of this decision, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Within 6 months of the date of this decision, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (5) The hours of opening of the stables, livery and riding school shall be restricted to 1000 to 2000 hours.
- (6) The number of show jumping events per annum shall be restricted to no more than 9 unless otherwise agreed in writing by this Planning Authority by grant of an application to amend the condition.
- (7) The use of any PA system or any other amplification system shall require the written approval of this Planning Authority.
- (8) Within 3 months of the date of this decision, the existing vehicular access shall be upgraded so that it has a minimum width of 6 metres, with a 10.5 metre radii on either side to form a bellmouth access, an alignment at right angles to the public road and a gradient no greater than 1:10.
- (9) The vehicular access shall be constructed in a manner to ensure that no surface water or loose material is discharged on to the public carriageway.
- (10) Within 3 months of the date of this decision, the applicant shall install a kerb line on the opposite side of the B818 to the vehicular access and a delineation kerb for the B818 across the vehicular access, in accordance with details to be approved in writing by this Planning Authority.
- (11) Within 3 months of the date of this decision, a 2.4 metre by 210 metre visibility splay shall be provided of either side of the existing vehicular access, to the extent practicable within the confines of the site, within which there shall be no obstruction in visibility greater than 1 metre in height above existing carriageway level.
- (12) The 9 car-parking spaces indicated on approved plan 03A shall be maintained free of obstruction at all times.
- (13) Two car-park spaces shall be provided for the manager's accommodation in accordance with details approved in writing by the Planning Authority within 3 months of the date of this decision. Thereafter the approved spaces shall be maintained free of obstruction at all times.
- (14) Within 3 months of the date of this decision, details of the provision of an overflow car-parking area shall be submitted to and approved in writing by this Planning Authority. Thereafter the overflow car-park shall be made available for use on such occasions as necessary in order to avoid parking on the verge of the B818 and obstruction of access to the car-parking spaces detailed in conditions 12 and 13 of this permission.

Reason(s):

- (1) The proposal is not considered to be a suitable form of permanent development.
- (2-3) To safeguard the visual amenity of the area.
- (4) To ensure the ground is suitable for the development.
- (5-7) To safeguard the amenity of the area.
- (8-11) To safeguard the users of the public highway.
- (12-13) To ensure that adequate car-parking is provided.
- (14) To safeguard the users of the public highway and to ensure that adequate car-parking is provided.

Informative:-

- (1) For the avoidance of doubt, the plans to which this decision refers bears our reference 01A, 02A, 03A, 04, 05, 06, 07, 08 and 09.
- (2) The applicant is directed to contact SEPA's Borders Environmental Protection and Improvement Team (tel: 01896 754797) to confirm acceptable surface water drainage and sewage effluent disposal arrangements.
- (3) Construction of the vehicular access will require a Minor Roadworks Consent, issued and approved by Road Services, Earls Road, Grangemouth.



.....
Director of Development Services

Date: 10th June 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection from Violet Kirkwood, Forresthill, Denny FK6 5JF on 23 October 2008.
5. Letter of objection from McLean and Stewart, 51/53 High Street, Dunblane FK15 0EG on 28 October 2008.
6. Letter of objection from Dr Josephine McGettigan, Topps Park, Fintry Road, Denny FK6 5JF on 13 October 2008.
7. Letter of objection from Hellen Stephenson, Riverside Farm, Denny FK6 5JF on 16 October 2008.
8. Letter of objection from Mr & Mrs Steel, The Topps Farm, Denny FK6 5JF on 09 October 2008.
9. Letter of objection from Denny and District Community Council, 76 Glasgow Road, Denny FK6 5DN on 09 October 2008.
10. Letter of objection from McLean & Stewart, 51/53 High Street, Dunblane, Perthshire FK15 0EG on 27 February 2009.
11. Letter of objection from Wm Buchanan, 29 Godfrey Avenue, Denny FK6 5BU on 09 March 2009.
12. Letter of objection from Denny & District Community Council, FAO: Roy Robertson, Secretary 76 Glasgow Road, Denny FK6 5DN on 11 March 2009.
13. Letter of objection from Mr & Mrs Kirkwood, Forresthill, Denny FK6 5JF on 11 March 2009.
14. Letter of objection from Dr Josephine T McGettigan, Topps Park The Topps, Farm Denny FK6 5JF on 07 April 2009.
15. Letter of objection from Mr & Mrs A Kirkwood, Forresthill, Denny FK6 5JF on 21 April 2009.
16. Letter of objection from Mrs Lillian Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
17. Letter of objection from Mr G Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
18. Letter of support from Mr David Reed, 53 Grahams Road, Falkirk FK2 7DJ on 16 April 2009.
19. Letter of support from Tim Green t_g@btconnect.com on 22 April 2009
20. Letter of support from Emma Hyslop, E_hyslop@hotmail.com on 17 April 2009.
21. Letter of support from Mr and Mrs David McLeary, 27 Cultrig Drive, Whitburn EH47 8HN on 1 May 2009.
22. Letter of support from Elaine Anderson and 8 others, 34 Garvald Road, Head of Muir, Denny FK6 5NR on 8 May 2009.

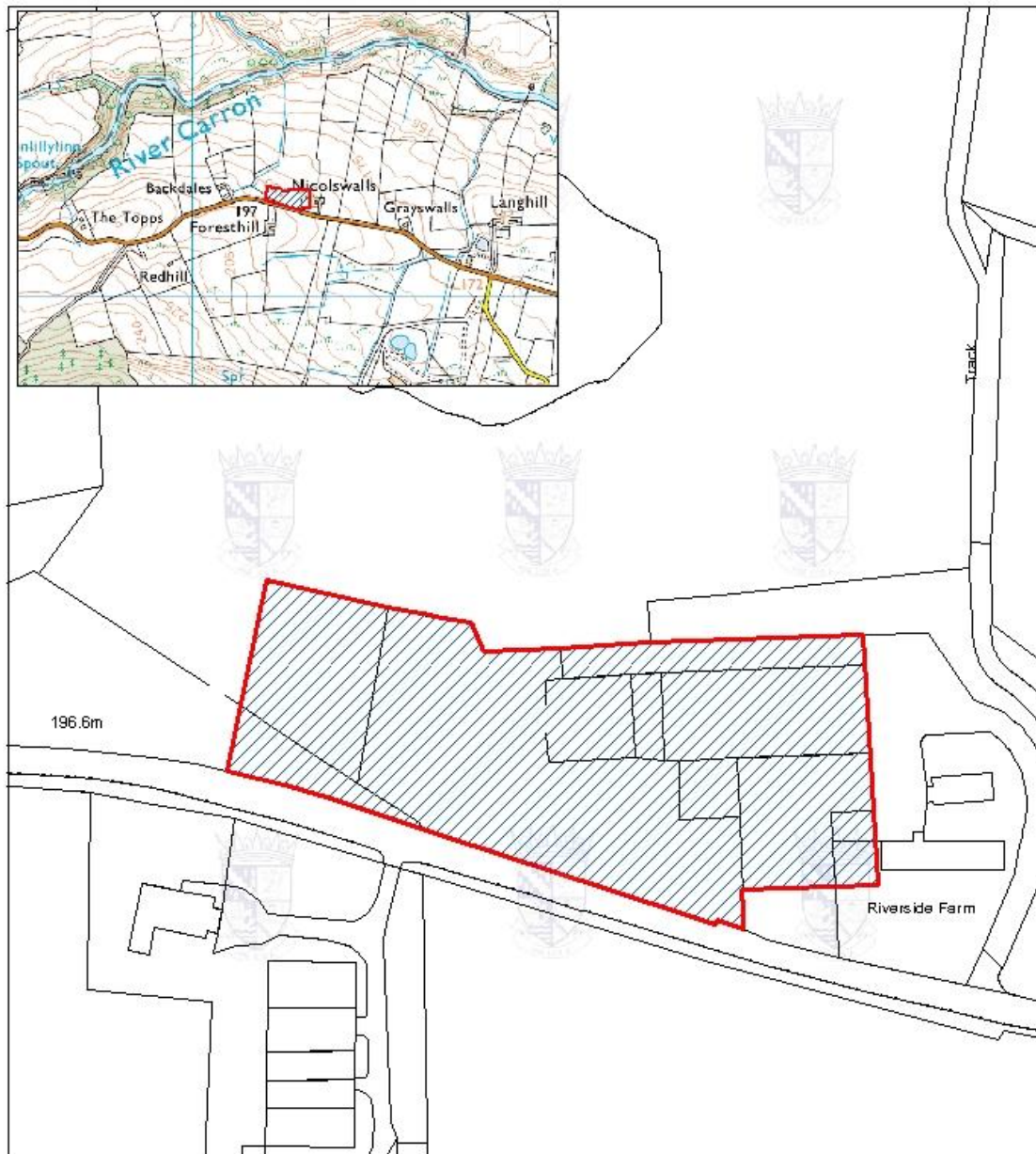
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/0804/FUL

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



Falkirk Council

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FALKIRK COUNCIL

Subject: CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT SCHOOLING AREA (RETROSPECTIVE) AT RIVERSIDE FARM, DENNY, FK6 5JF FOR MR & MRS RAE - P/09/0128/FUL
Meeting: PLANNING COMMITTEE
Date: 27 January 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at a meeting of the Planning Committee on 17 June 2009 (copy of previous report attached – Appendix 1), when it was agreed to continue consideration to allow a site visit to be carried out. This site visit took place on 05 August 2009.
2. The application was considered further at a meeting of the Planning Committee on 02 December 2009 (copy of previous report attached – Appendix 2), when it was agreed to further continue consideration to allow a further site visit to be carried out. This site visit took place on 12 January 2010.
3. At the site meeting the Development Manager summarised the amended site access associated with this particular planning application which is discussed in detail in the associated update report for the related planning application P/08/0804/FUL.
4. The issues concerning this particular proposal concern the impact of light pollution from the floodlit schooling area. A planning condition has been attached which will address this requirement.

5. RECOMMENDATION

5.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1) The hours of operation of the outdoor arena shall be restricted to 10:00 and 20:00 hours.**

- (2) Within one month of the date of this decision, details of the luminance (brightness) and light spill generated by the portable floodlighting unit shall be submitted to and approved in writing by this Planning Authority. Thereafter the floodlighting shall be operated in accordance with the approved details, including any necessary measures to mitigate light nuisance. For the avoidance of doubt, the portable floodlighting unit shall be sited in accordance with approved plan 01, unless otherwise agreed in writing by this Planning Authority.

Reason(s):

- (1) To safeguard the amenity of the area.
- (2) To safeguard the amenity of the area and the interests of the users of the public highway.

Informative:

- (1) For the avoidance of doubt, the plans for which this decision refers bears our reference 01, 02, 03 and 04.

.....
For Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection received on 27 February 2009 by McLean & Stewart 51/53 High Street Dunblane Perthshire
5. Letter of objection received on 11 March 2009 by Mr & Mrs Kirkwood Forresthill Denny FK6 5JF .
6. Letter of objection received on 21 April 2009 by Mr & Mrs A Kirkwood Forresthill Denny FK6 5JF.
7. Letter of support received on 5 April 2009 by Chrissie Paterson Bridgend Farm Falkirk FK2 8RT.
8. Letter of support received on 6 May 2009 by Mr & Mrs McLeary 27 Cultrig Drive Whitburn West Lothian EH47 8HN .
9. Letter of objection received on 2 April 2009 by Mr G Stephenson Riverside Farm Cottage Denny FK6 5JF.
10. Letter of objection received on 11 March 2009 by Denny & District Community Council FAO: Roy Robertson, Secretary 76 Glasgow Road Denny FK6 5DN
11. Letter of objection received on 02 April 2009 by Mrs L Stephenson Riverside Farm Cottage Denny FK6 5JF
12. Letter of objection received on 07 April 2009 by Dr J T McGettigan Topp Park The Topps Farm Denny FK6 5JF
13. Letter of support received on 22 April 2009 by Tim Green, Carron Bridge Hotel, t-g@btconnect.com
14. Letter of support received on 8 May 2009 by Elaine Anderson and 8 others, 34 Garvald Road, Head of Muir, Denny FK6 5NR.
15. Letter of Objection from Hellen Stephenson, Riverside Farm, Denny, FK6 5JF on 3 November 2009.
16. Letter of Support from Mrs Elaine Milne, 20 Windsor Drive, Denny, FK6 6NL on 9 November 2009.
17. Letter of Comment from Mr Gavin Kirkwood, 16 James Croft Drive, Flakirk, FK1 5UB on 11 November 2009.
18. Letter of Objection from Jennifer Steel, The Topps Farm, Denny, FK6 5JF on 12 November 2009.
19. Letter of Objection from Mr & Mrs Kirkwood, Forresthill Farm, Carronbridge, FK6 5JF on 13 November 2009.
20. Letter of Objection from Miss Anne Mitchell, Backdales, Denny, FK6 5JF on 14 November 2009.
21. Letter of Objection from Bridget Riddell, 10 Tarduff Place, Stoneywood, FK6 5HT on 16 November 2009.

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

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT
SCHOOLING AREA AT RIVERSIDE FARM, DENNY, FK6 5JF FOR MR &
MRS RAE - P/09/0128/FUL
Meeting: PLANNING COMMITTEE
Date: 2 December 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at a meeting of the Planning Committee on 17 June (copy of previous report appended), when it was agreed to continue consideration to allow a site visit to be carried out. This site visit took place on 5 August 2009.
2. At the site meeting the Development Manager summarised the proposal, the agent for the applicant spoke in support of the application and Members of the Planning Committee and Local Members were heard. Members spoke to a range of matters and in particular requested additional information in respect of vehicular access and impact on an archaeological site (a Pictish settlement) in the area.
3. Further representations have been received. These further representations are discussed in the update report for the related planning application P/08/0804/FUL.
4. The proposed site access, which now incorporates a revised site access location, has also been addressed in the update report relating to the related riding school, livery and stables, planning application ref P/08/0804/FUL.
5. The Council's Archaeologist has advised that the Pictish settlement in question is a series of terraces on the north side of the River Carron thought to be of Bronze Age. The Archaeologist has advised that the terraces are some distance to the north of the application site and this proposed development would not be considered to affect the setting of the ancient monument.

6. RECOMMENDATION

6.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1) The hours of operation of the outdoor arena shall be restricted to 10:00 and 20:00 hours.**
- (2) Within one month of the date of this decision, details of the luminance (brightness) and light spill generated by the portable floodlighting unit shall be submitted to and approved in writing by this Planning Authority. Thereafter the floodlighting shall be operated in accordance with the approved details, including any necessary measures to mitigate light nuisance. For the avoidance of doubt, the portable floodlighting unit shall be sited in accordance with approved plan 01, unless otherwise agreed in writing by this Planning Authority.**

Reason(s):

- (2) To safeguard the amenity of the area.**
- (2) To safeguard the amenity of the area and the interests of the users of the public highway.**

Informative:

- (1) For the avoidance of doubt, the plans for which this decision refers bears our reference 01, 02, 03 and 04.**

.....
For Director of Development Services

Date: 25 November 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection received on 27 February 2009 by McLean & Stewart 51/53 High Street Dunblane Perthshire
5. Letter of objection received on 11 March 2009 by Mr & Mrs Kirkwood Forresthill Denny FK6 5JF .
6. Letter of objection received on 21 April 2009 by Mr & Mrs A Kirkwood Forresthill Denny FK6 5JF.
7. Letter of support received on 5 April 2009 by Chrissie Paterson Bridgend Farm Falkirk FK2 8RT.
8. Letter of support received on 6 May 2009 by Mr & Mrs McLeary 27 Cultrig Drive Whitburn West Lothian EH47 8HN .
9. Letter of objection received on 2 April 2009 by Mr G Stephenson Riverside Farm Cottage Denny FK6 5JF.
10. Letter of objection received on 11 March 2009 by Denny & District Community Council FAO: Roy Robertson, Secretary 76 Glasgow Road Denny FK6 5DN
11. Letter of objection received on 02 April 2009 by Mrs L Stephenson Riverside Farm Cottage Denny FK6 5JF
12. Letter of objection received on 07 April 2009 by Dr J T McGettigan Topp Park The Topps Farm Denny FK6 5JF
13. Letter of support received on 22 April 2009 by Tim Green, Carron Bridge Hotel, t_g@btconnect.com
14. Letter of support received on 8 May 2009 by Elaine Anderson and 8 others, 34 Garvald Road, Head of Muir, Denny FK6 5NR.
15. Letter of Objection from Hellen Stephenson, Riverside Farm, Denny, FK6 5JF on 3 November 2009.
16. Letter of Support from Mrs Elaine Milne, 20 Windsor Drive, Denny, FK6 6NL on 9 November 2009.
17. Letter of Comment from Mr Gavin Kirkwood, 16 James Croft Drive, Flakirk, FK1 5UB on 11 November 2009.
18. Letter of Objection from Jennifer Steel, The Topps Farm, Denny, FK6 5JF on 12 November 2009.
19. Letter of Objection from Mr & Mrs Kirkwood, Forresthill Farm, Carronbridge, FK6 5JF on 13 November 2009.
20. Letter of Objection from Miss Anne Mitchell, Backdales, Denny, FK6 5JF on 14 November 2009.
21. Letter of Objection from Bridget Riddell, 10 Tarduff Place, Stoneywood, FK6 5HT on 16 November 2009.

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

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT
SCHOOLING AREA AT RIVERSIDE FARM, DENNY, FK6 5JF MR & MRS
RAE (P/09/0128/FUL)

Meeting: REGULATORY COMMITTEE

Date: 17 June 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed retrospective planning permission for the change of use of agricultural land to form a floodlit outdoor schooling arena.
- 1.2 The application site is accessed from the B818 in the Carron Valley west of Denny and is part of a rural holding. The existing uses on the holding include a stables and livery operation, a riding school, the outdoor arena (subject of this application) and grazing.
- 1.3 The application site consists of an outdoor riding arena enclosed by timber fencing. The arena lies to the north of a yard containing the stables building, at a lower level. The submitted hours of operation are 10 am to 8 pm. The proposed floodlighting consists of a single portable unit located at the south-west corner of the arena. The arena is used for riding lessons. In addition, show jumping events are intended.

2. REASON FOR CONSIDERATION BY COMMITTEE

- 2.1 The application has been called in by Councillor Blackwood.

3. SITE HISTORY

- 3.1 Planning application ref: P/08/0804/FUL for the change of use of land/buildings to a stables, livery and riding school, siting of temporary staff office and toilet accommodation (retrospective) and erection of temporary manager's living accommodation is also being considered by the Planning Committee at its 17 June 2009 meeting.

- 3.2 Planning application ref: P/09/0127/FUL for the change of use of a former agricultural building to a depot for the storage of plant for hire and the servicing/repair of vehicles and plant (retrospective) has been withdrawn.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that the portable floodlighting is required to be positioned and controlled to minimise light pollution and avoid nuisance glare to road users.
- 4.2 The Environmental Protection Unit has advised that the type of generator powering the mobile lighting unit would not cause noise nuisance. Notwithstanding this, if complaints are received regarding noise, the Environmental Protection Unit would investigate and take any action necessary under the Environmental Protection Act. It is advised that the floodlighting is required to be angled in such a manner so as not to cause light intrusion to neighbouring dwellinghouses.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has objected to the application. The main concerns raised in its objection are included in Section 6 as part of the summary of the public representations received.

6. PUBLIC REPRESENTATION

- 6.1 Seven letters of objection to the application have been received. The main concerns raised in these objections and the objection from the Denny and District Community Council can be summarised as follows:

- Planning rules have been totally disregarded as the outdoor riding arena is already constructed.
- Detrimental impact on the amenities and character of the area.
- Loss of agricultural land.
- Proximity to Carron River and SSSI.
- Noise and increased traffic and activity associated with the riding school.
- Show case horse events would increase the level of activity and disturbance.
- Show case horse events would require some kind of announcement system.
- Disruption when the outdoor arena is in use at night.
- Light pollution from floodlighting.

- The generator (for floodlighting) would create noise disturbance.
- The B818 is a narrow road with passing places and poor visibility making it unsuitable for increasing traffic volumes.
- Increase in cars, trailers and horse transporting vehicles using the B818.

6.2 Four letters supporting the application have been received. One of these letters contains 8 signatories. The reasons for support can be summarised as follows:

- Majority of local opinion is not against this business.
- The facilities help promote tourism in the area.
- Fits well with desire of local authorities in the area to promote Carron Valley for walking, cycling and horse riding.
- The equestrian business is clean, well run and of high quality.

7. DETAILED APPRAISAL

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

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

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

“(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.

(2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”

7a.2 This policy presumes against development in the countryside unless it can be demonstrated that a countryside location is essential. In this instance the development - an outdoor riding area – is linked to a stables, livery and riding school operation which, by virtue of its nature and character, requires a countryside location. The application is therefore considered to accord with this policy.

Adopted Rural Local Plan

7a.3 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
- 6. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council’s “Design Guide For Buildings In The Rural Areas” and sympathetic to vernacular architectural forms will be expected.”

7a.4 This policy presumes against new development in the countryside except in limited circumstances. The relevant potential exception in this instance is criterion 5. This criterion provides for development for tourism and countryside recreation requiring a rural setting. For the reasons detailed in this report, it is considered that the development requires a rural setting. In addition, the development is considered to be appropriate in terms of its type, scale and location and has the potential to enhance the area through the provision of outdoor recreation facilities.

7a.5 The policy states that the scale, siting and design of development shall be strictly controlled. The siting of the outdoor riding area is considered to be acceptable. Its visual impact is mitigated by its position below the level of the adjacent yard. The appearance of the arena is tidy and in keeping with the character of the rural area. The enclosure of the arena by open timber fencing is sympathetic to the rural area and characteristic of the nature of the development.

7a.6 For the reasons detailed above, the application is considered to accord with this policy.

7a.7 Policy RURAL 13 'Areas of Great Landscape Value' states:

"That within the designated Areas of Great Landscape Value, as indicated on the Policies and Proposals Map, development appropriate to a rural location will generally be acceptable provided that it is not detrimental to the amenity of the area, and accords with all other relevant District Council policies and standards. Proposals will be subject to strict control in relation to design and landscape considerations as well as timescale, traffic generation and access, amenity and environmental impact. The District Council will pursue and encourage any measures to further enhance the environmental quality and attraction of these areas."

7a.8 The application site lies within an Area of Great Landscape Value. Within such areas, development appropriate to a rural location will generally be acceptable provided there is no detriment to the amenity of the area, and subject to strict controls. In this instance the development is considered to be appropriate to a rural location for the reasons detailed in this report. The main amenity impacts are considered to relate to the potential for light pollution emanating from the floodlighting for the arena and traffic generation and increase in activity arising from the use of the outdoor arena for equestrian related activities, including the riding school and show jumping events. The issue of light pollution could be addressed by condition to control the light spill and luminance of the floodlighting and to prohibit its use outwith the submitted hours of operation (10 am to 8 pm). The potential for an increase in traffic generation and activity is noted, however it is considered that the scale of the development (a 1600m² outdoor arena) would limit use of this facility and associated impacts to an acceptable level. A restriction on hours of operation would also control these impacts. Subject to the imposition of appropriate conditions, the application is considered to accord with this policy.

7a.9 Accordingly the application is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses and the representations received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The application site lies within the Countryside and on an Area of Great Landscape Value under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 The relevant policies under this plan include Policies EQ19 (Countryside) and EP 16 (Leisure and Tourism Development in the Countryside). These policies are similar to Policy ENV1 of the approved Falkirk Council Structure Plan and Policy Rural 1 of the adopted Rural Local Plan, and do not raise any additional issues. For the reasons detailed in relation to these policies, the application is similarly considered to accord with Policies EQ19 and EP16 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.4 Policy EQ23 - 'Areas Of Great Landscape Value' states:

"The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality."

7b.5 The development is considered to accord with this policy, subject to the imposition of appropriate conditions, for the reasons detailed in assessment of the application against Policy Rural 13 of the adopted Rural Local Plan. Given the small scale and location of the outdoor arena, the submission of landscape and visual assessments was not considered to be necessary.

Consultation Responses

7b.6 The consultation responses have been summarised in Section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions of any approval of the application.

Representations Received

7b.7 The public representations and the representation of the Denny and District Community Council have been summarised in Section 6 of this report. In response to the matters raised in these representations, the following comments are considered to be relevant:

- It is a legitimate course of action to apply for retrospective planning permission where development is unauthorised.
- The loss of agricultural land is not significant.
- The development is outwith the Carron Glen SSSI.
- It is recognised that use of the outdoor riding arena generates increased activity at this location. However, the scale of the activity is considered to be acceptable and in keeping with the character of a countryside location. Conditions to control hours of operation and floodlighting would prevent late night and early morning activity and disturbance.
- Show case horse events, whilst increasing levels of activity, would occur on an intermittent basis.
- A recommended condition for application ref: P/08/0804/FUL controls the use of a P.A. system.
- The Environmental Protection Unit has advised that the type of generator powering the mobile lighting unit would not cause any noise nuisance.
- It is recognised that the B816 is narrow in places, with restricted visibility. At the same time, regular passing bays are in place and the scale and nature of traffic associated with the development is considered to be acceptable and in keeping with a countryside location.

- The reasons in support of the development are noted and require to be balanced against the impacts and justification for the various aspects of the development at this countryside location.

7c Conclusion

- 7c.1 This application, for the change of use of agricultural land to form a flood lit schooling area, is considered to accord with the Development Plan for the reasons detailed in this report. The application is therefore recommended for approval subject to appropriate conditions. The application is linked to planning application ref: P/08/0804FUL for equestrian related uses which is also recommended for approval and also to be considered at the Planning Committee meeting on 17 June. There are not considered to be any material planning considerations to justify setting aside the terms of the Development Plan in this instance.

8. RECOMMENDATION

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

- (1) The hours of operation of the outdoor arena shall be restricted to 10:00 and 20:00 hours
- (2) Within one month of the date of this decision, details of the luminance (brightness) and light spill generated by the portable floodlighting unit shall be submitted to and approved in writing by this Planning Authority. Thereafter the floodlighting shall be operated in accordance with the approved details, including any necessary measures to mitigate light nuisance. For the avoidance of doubt, the portable floodlighting unit shall be sited in accordance with approved plan 01, unless otherwise agreed in writing by this Planning Authority.

Reason(s):

- (1) To safeguard the amenity of the area.
- (2) To safeguard the amenity of the area and the interests of the users of the public highway.

Informative:

- (1) For the avoidance of doubt, the plans for which this decision refers bears our reference 01, 02, 03 and 04.

.....
Director of Development Services

Date: 10th June 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection received on 27 February 2009 by McLean & Stewart 51/53 High Street Dunblane Perthshire
5. Letter of objection received on 11 March 2009 by Mr & Mrs Kirkwood Forresthill Denny FK6 5JF .
6. Letter of objection received on 21 April 2009 by Mr & Mrs A Kirkwood Forresthill Denny FK6 5JF.
7. Letter of support received on 5 April 2009 by Chrissie Paterson Bridgend Farm Falkirk FK2 8RT.
8. Letter of support received on 6 May 2009 by Mr & Mrs McLeary 27 Cultrig Drive Whitburn West Lothian EH47 8HN .
9. Letter of objection received on 2 April 2009 by Mr G Stephenson Riverside Farm Cottage Denny FK6 5JF.
10. Letter of objection received on 11 March 2009 by Denny & District Community Council
FAO: Roy Robertson, Secretary 76 Glasgow Road Denny FK6 5DN
11. Letter of objection received on 02 April 2009 by Mrs L Stephenson Riverside Farm Cottage Denny FK6 5JF
12. Letter of objection received on 07 April 2009 by Dr J T McGettigan Topp Park The Topps Farm Denny FK6 5JF
13. Letter of support received on 22 April 2009 by Tim Green, Carron Bridge Hotel, t@g@btconnect.com
14. Letter of support received on 8 May 2009 by Elaine Anderson and 8 others, 34 Garvald Road, Head of Muir, Denny FK6 5NR.

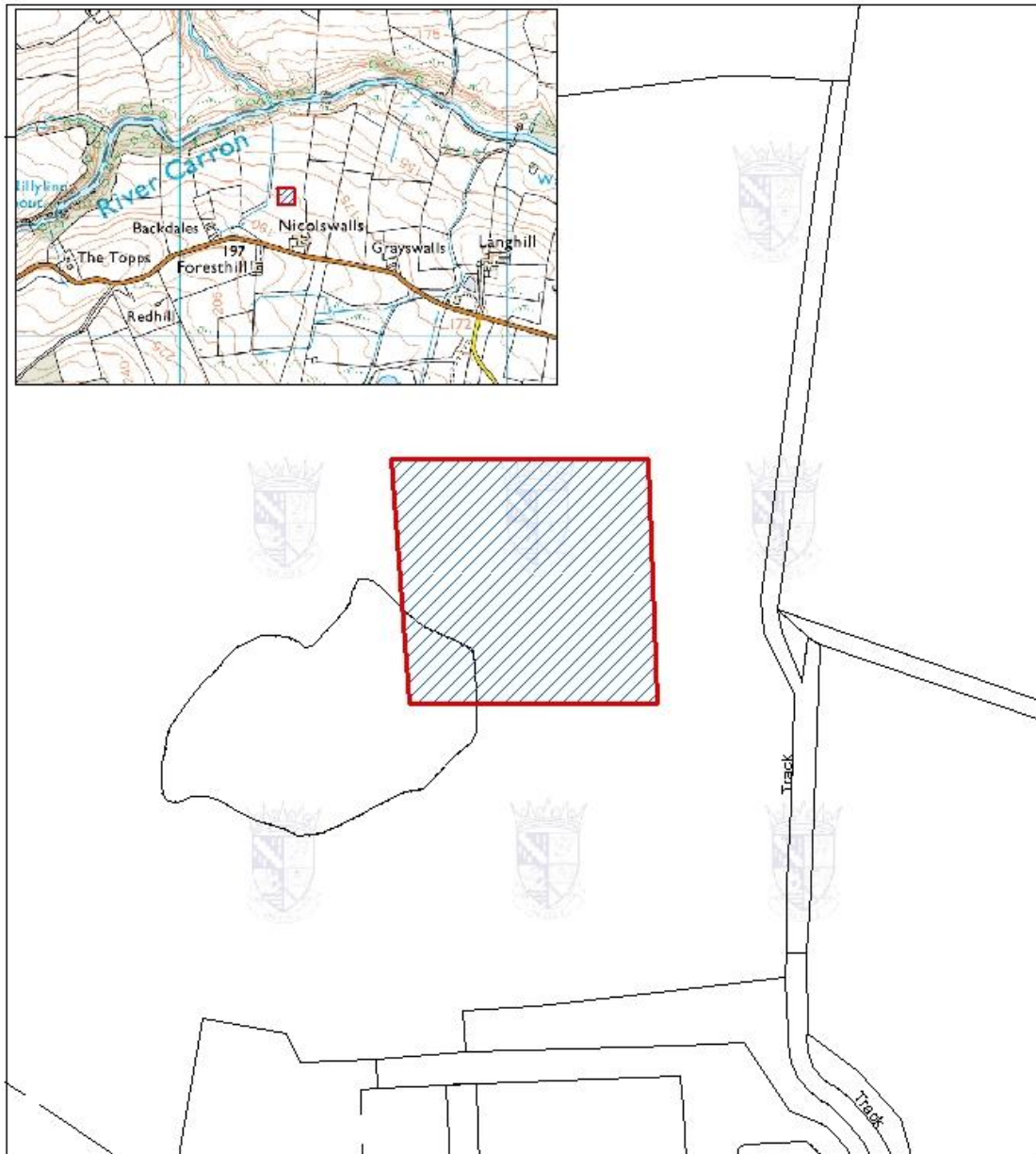
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0128/FUL

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



Falkirk Council

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FALKIRK COUNCIL

Subject: TWO STOREY EXTENSION AND ALTERATIONS TO HOTEL TO PROVIDE ADDITIONAL BEDROOMS, LOUNGE AND KITCHEN AREA AT 35 KERSE ROAD, GRANGEMOUTH, FOR MR DHILLON - P/09/0354/FUL
Meeting: PLANNING COMMITTEE
Date: 27 January 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Depute Provost Allyson Black
Councillor Angus MacDonald
Councillor Alistair McNeill
Councillor Robert Spears

Community Council: Grangemouth

Case Officer: Julie Seidel (Planning Officer), ext 4880

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this planning application was considered at the meeting of the Planning Committee on 2 December 2009 (copy of previous report appended), when it was agreed to continue consideration to allow a site visit by members. This site visit took place on 11 January 2010.
2. In support of this application, the applicant's agent circulated a location plan of the area illustrating that the Hotel is located within a primarily commercial area. The agent advised that the proposed extension is to attract travelling guests and contractors working within the area. The applicant also intimated that he wished to enhance his business on this basis.
3. Further representations were made from 2 individuals present, who reiterated their objections to the proposal. The objections raised have previously been recorded in the earlier Committee report dated 2 December 2009. In summary, the main concerns relate to anti-social behaviour from hotel guests in the surrounding area.
4. Depute Provost Allyson Black, an objector to this application, commented that the Hotel is situated within a residential area with a high percentage of elderly residents. Depute Provost Black reiterated her objections and raised additional concerns in relation to parking at the site and the proposed extension not suiting the character of the area.

5. Local Member Councillor Angus MacDonald objected to the proposed development on the basis of public concern relating to a loss of privacy and the overshadowing of adjacent residential properties, incompatibility with the surrounding residential area, a lack of parking, the proposal not relevant to tourism policies and undue public nuisance.
6. Local Member Councillor Alistair McNeill was heard in relation to the issue of the impact upon residential amenity. Councillor Nicol sought clarification that the planning application and Houses in Multiple Occupation (HMO) licensing application were not connected. This was confirmed by the applicant and officers of the Council.
7. In response to the issues raised, the applicant advised that there is an increased police presence in the Kerse Road area and that police have visited the Hotel on occasion.
8. Falkirk Council's Roads Officer advised that the Hotel has been operating for many years without any dedicated parking. The Town Centre redevelopment would result in no reduction in current parking availability. The Roads Unit are not unduly concerned about this application and would not seek a commuted payment in this instance. Planning Officers advised that the proposal was considered against the Council's tourism policies as the application related to the extension of a Hotel. Officers also commented that a Hotel and Hostel fall within the same use class.
9. Following the site visit by the Planning Committee, the applicant's agent has written a letter raising concern at the level of confusion between this current planning application and the licensing application for a HMO. The agent felt that the majority of public comment related to a perceived nuisance by current residents of the Hotel, who are referral clients from Falkirk Council's Housing Services and that this is not related to this application for 'ordinary' guests to enable the Hotel to expand this part of the business operation. The applicant has indicated that a condition could be applied to any granting of planning permission preventing the new rooms, to which this application relates, being used for HMO purposes. However, in terms of the planning legislation, the use of the premises for either a hotel or hostel is authorized as they both fall within the same use class. A planning condition would therefore not be appropriate. This concern could be addressed through the licensing regime for an HMO.

10. RECOMMENDATION

10.1 It is therefore recommended that Committee approve the planning application subject to the following condition(s): -

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.**

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02 and 03.
- (2) The builder 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.

.....
For Director of Development Services

Date: 20 January 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Grangemouth Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Letter of objection from Councillor Alyson Black, Depute Provost on 15 September 2009.
5. Letter of objection from Mrs Anne Gilbert, 52 Kerse Road, Grangemouth, FK3 8HT on 15 June 2009.
6. Petition with 469 Signatures on 28 October 2009.
7. Letter from applicant's agent on 13 January 2010.

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

FALKIRK COUNCIL

Subject: TWO STOREY EXTENSION AND ALTERATIONS TO HOTEL TO PROVIDE ADDITIONAL BEDROOMS, LOUNGE AND KITCHEN AREA AT 35 KERSE ROAD, GRANGEMOUTH, FOR MR DHILLON - P/09/0354/FUL
Meeting: PLANNING COMMITTEE
Date: 2 December 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Depute Provost Allyson Black
Councillor Angus MacDonald
Councillor Alistair McNeill
Councillor Robert Spears

Community Council: Grangemouth

Case Officer: Julie Seidel (Planning Officer), ext 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the extension of an existing 48 bedroom hotel, located in an established residential area of Grangemouth.
- 1.2 The hotel fronts Kerse Road and is surrounded by residential properties, dwellings and flats on the south, east and partial west elevation. The application site is in close proximity to the La Porte Precinct shopping centre and has pedestrian access from Kerse Road, approximately 48 metres, from the hotel entrance. The north and partial west elevations front a large public car park to serve the shopping centre and a large supermarket. The hotel does not enjoy any dedicated customer parking.
- 1.3 This application proposes a two storey extension at first floor level, to accommodate 20 additional bedrooms, lounge and kitchen areas.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Angus MacDonald and Depute Provost Allyson Black.

3. SITE HISTORY

- 3.1 F/91/0784 - Change of use of Hotel to offices - withdrawn on 2 October 1991.
- 3.2 P/09/0046/FUL - Alterations and extension to Hotel to provide additional bedrooms, lounge and kitchen area - application returned on 11 February 2009.

4. CONSULTATIONS

- 4.1 The Roads Development Unit advise of no roads conditions to be attached to any granting of planning permission.
- 4.2 Scottish Water do not object to the application.
- 4.3 The Environmental Protection Unit advise of informatives relating to noise and contamination to be applied to any granting of planning permission.
- 4.4 Central Scotland Police advise that the proposed extension should be built to 'Secured by Design' award standard.
- 4.5 The Health and Safety Executive do not advise against the development on safety grounds.

5. COMMUNITY COUNCIL

- 5.1 Grangemouth Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 Following the neighbour notification process and advertisement in local press, a petition was submitted with 469 signatures against the proposed development (no reasons stated in petition). Two letters of representation were received raising the following issues:
- Anti social behaviour, shouting, swearing and drinking in the street, by hotel residents;
 - On street parking taken up by hotel residents;
 - Behaviour of hotel residents disturbing to elderly residents in the street;
 - The showers and toilet areas are not suitable for both sexes; and
 - Rooms are formed from partitioning off the function hall, the hotel has caused disruption to the local community and should not be approved.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy ECON.7 'Tourism' states:

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

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

7a.2 Policy ECON.7 reinforces the Council's support for the development of sustainable tourism within the Council Area. As the application is considered to support tourism infrastructure, hotel accommodation, the policy offers support to the application.

Grangemouth Local Plan

7a.3 Policy Grangemouth Two 'Development within the Urban Limit' states:

"That within the Urban Area, urban uses will generally be acceptable provided they accord with all other relevant District Council policies and standards of provision."

7a.4 The application accords with all other relevant District Council policies and standards of provision and is within the urban area. The application accords with policy Grangemouth Two of the Grangemouth Local Plan.

7a.5 Policy Grangemouth Seven 'Major Hazard Consultation Zones' states:

"That within a major hazard consultation zone development will not normally be permitted unless the District Council is satisfied that future users or occupants will not significantly add to the number of people exposed to the existing risks in the area."

7a.6 Following the Health and Safety Executive Consultation, the Council can be satisfied that future users or occupants of the hotel will not significantly add to the numbers of people exposed to major hazard risks in the area. The application accords with policy Grangemouth seven of the Grangemouth Local Plan.

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

7b Material Considerations

7b.1 The material planning considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) and comments received through consultation and representation.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EP4 ‘Business and Industrial Development within the Urban and Village Limits’ states:

“(1) *New business and industrial development, or extensions to such uses, will be supported within the business areas highlighted in Policy EP2 and EP3(1), where it accords with the use specified for the area, is compatible with the established level of amenity in the business area, and protected habitats and species are safeguarded in accordance with Policy EQ24. Office development will also be supported within the Town and District Centres, providing it is also consistent with the specific policies for the relevant centre, particularly with regard to the safeguarding of the centre’s retail function.*

(2) *Outwith these areas, proposals within the Urban Limit will only be permitted where the nature and scale of the activity will be compatible with the surrounding area, there will be no adverse impact on neighbouring uses or residential amenity, and the proposal is satisfactory in terms of access, parking and traffic generation.”*

7b.3 Policy EP4 ‘Business and Industrial Development within the Urban and Village Limits’ of the above Local Plan permits extensions to existing business uses only where the nature and scale of the activity will be compatible with the surrounding area, there will be no adverse impact on neighbouring uses or residential amenity, and the proposal is acceptable in terms of access, parking and traffic generation.

7b.4 The application site fronts a predominantly residential area, however a large open air shopping centre and large supermarket is located within close proximity. The application site is adjacent to Grangemouth Town Centre and as such the nature and scale of activity is considered appropriate to the surrounding area. The application relates to an extension to an existing use and as such there would be no significant adverse impact on neighbouring uses or residential amenity. The application site is within close proximity and walking distance of two major public car parks to serve the shopping centre and supermarket. Whilst there is no direct access from the hotel to the rear car park, the close proximity of adjacent car parks and availability of on street parking is considered acceptable. The extension has been designed to reflect the architecture of the existing hotel and surrounding area. The application accords with policy EP4 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.5 Policy EP15 'Tourism Development' states:

"Proposals for tourism development will be supported where:

- (1) they will support the strategic tourism priorities set out in Policy ECON.7 of the Structure Plan, and the tourism strategies of the Council and Visit Scotland;*
- (2) they will complement the existing pattern of provision;*
- (3) the quality of development will be such as to enhance the image and tourism profile of the area; and*
- (4) they comply with other Local Plan policies."*

7b.6 Policy EP15 'Tourism Development' seeks to build up Falkirk's profile as a visitor destination by controlling the location, type and quality of new development and tourism facilities. The application relates to the extension to an existing hotel and as such policy EP15 provides general support for the application.

7b.7 Policy EP18 - 'Major Hazards' states:

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

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

7b.8 Policy EP18 'Major Hazards' seeks to protect the number of people exposed to risk in the area. The application would not significantly add to the numbers of people exposed to risk in the area and accords with the advice of the Health and Safety Executive. The application accords with policy EP18 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Consultation Response

7b.9 No issues of significance have been raised through consultation. The application relates to a first floor extension and as such the informative relating to contamination should not be applied to any granting of planning permission.

Third Party Representation

7b.10 The conduct of existing hotel residents is not considered a material planning consideration. Central Scotland Police have not made any comment in relation to police complaints or anti-social behaviour in their consultation response.

7b.11 The Roads Development Unit have not objected to the application. It is considered that there is ample parking provision within the locality to serve the existing residential properties, existing businesses and proposed hotel extension.

7b.12 The identity of hotel patrons, by reference to age, gender or other characteristic is not a material planning consideration.

7c Conclusion

- 7c.1 The application has been considered against the Development Plan and emerging Council wide Local Plan and has been found to accord with the terms of its policies. The points raised through consultation and representation are noted and addressed earlier in this report.
- 7c.2 There are no material considerations that would warrant the setting aside of the Development Plan and as such the application is recommended for approval.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee approve the planning application subject to the following condition(s): -

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.**

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02 and 03.**
- (2) The builder 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.

Pp

.....
Director of Development Services

Date: 25th November 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Grangemouth Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Letter of objection from Councillor Alyson Black, Depute Provost on 15 September 2009.
5. Letter of objection from Mrs Anne Gilbert, 52 Kerse Road, Grangemouth, FK3 8HT on 15 June 2009.
6. Petition with 469 Signatures on 28 October 2009.

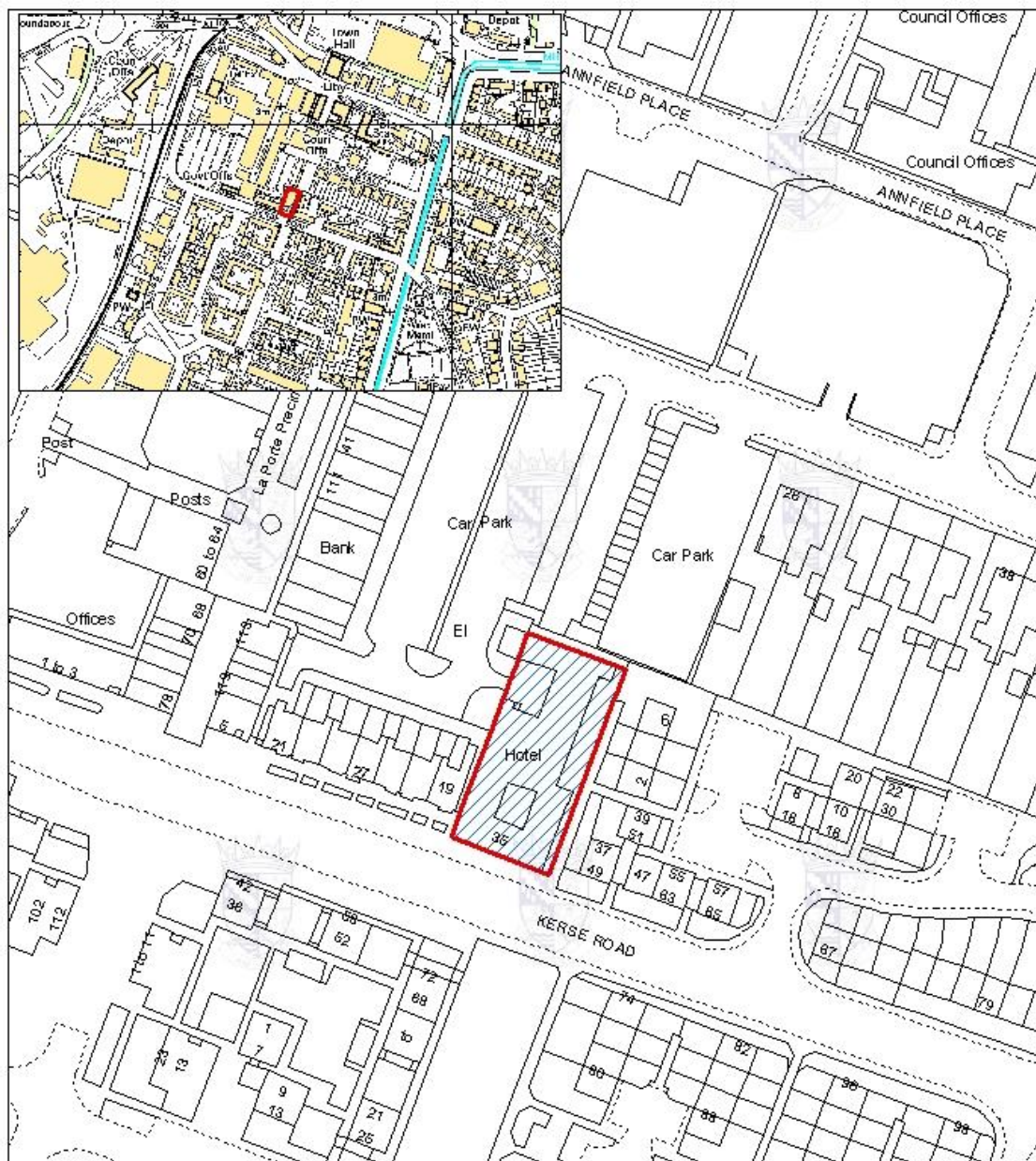
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0354/FUL

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



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FALKIRK COUNCIL

Subject: MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF SHOP / STORE TO HOT FOOD TAKEAWAY, AND EXTENSION TO REAR OVER TWO FLOORS TO PROVIDE TWO MAISONETTE FLATS AT 234 GRAHAMS ROAD, FALKIRK, FK2 7BH FOR MR J AKTHAR - P/09/0214/FUL

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Provost Pat Reid
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn

Community Council: Grahamston, Westfield and Middlefield

Case Officer: Stephen McClure (Planning Officer), ext 4702

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 2 December 2009 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 12 January 2010.
2. At the site visit it was highlighted by Provost Reid and Councillor Meiklejohn that lack of parking provision was an issue at the site and in the residential estate adjacent. It was considered that the introduction of the proposed hot food takeaway, as well as two flatted dwellings without dedicated parking, would exacerbate the present situation.
3. The Roads Development Unit has confirmed that the recommended parking spaces for the flatted dwellings could not be achieved on-site. However, given the location of the site this would be acceptable to the Roads Development Unit, as there are accessible public transport links along Grahams Road and on-street parking available to address the issue.
4. The on-street parking at this section of Grahams Road was also not considered to be a problem for the Roads Development Unit, with parking being available at all times of the day. The availability of parking at the time of the site visit was noted.
5. It was also pointed out that this site is established as a retail unit and, although currently vacant, it could re-open for certain uses without the benefit of planning consent. These uses would potentially generate as much traffic as the business proposed, which the Roads Development Unit has taken into consideration.

6. With regard to parking issues highlighted within the adjacent residential estate, it was explained that this would not be taken into consideration when assessing the current application. The adjacent residential estate is an established estate, with parking designed into the layout. The parking issues directly related to the application site were seen to be satisfactory and it was not considered by officers that this proposal would exacerbate any parking difficulties in the residential estate.
7. With regard to the proposed use of the unit as a hot food takeaway, it was advised that the applicant has co-operated with the Council during the application period and the Environmental Protection Unit is satisfied with the proposal. The control of the hours of operation is a matter which the licensing board could consider.
8. The issue raised of the potential for anti-social behaviour at the proposed hot food takeaway was also discussed. It was explained that this was not a material planning consideration, as the actions of individuals who may use the proposed hot food takeaway, or any premises on Grahams Road, cannot be controlled through planning legislation. The use as a hot food takeaway would not introduce a new use to this area of Graham's Road, as it already contains a mixture of commercial premises, including hot food takeaway premises.
9. With regard to the building itself, as an older property, it was explained that the property is not listed and the area is not a Conservation Area. The building façade has in the past had security measures installed, which are unsympathetic to the original design. However, the proposed design would retain the existing façade and is sympathetic to the original design. It would also meet the requirements of the Council's Shopfront Guidance, and bring this currently vacant section of retail frontage back into use.

RECOMMENDATION

10. **It is recommended that detailed planning permission be granted subject to the following conditions:**
 - (1) **The development to which this permission relates must be begun within three years of the date of this permission.**
 - (2)
 - (i) **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.**
 - (ii) **Where contamination (as defined by Part 11A 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.**

- (iii) 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.
- (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.
- (4) Before any work is commenced on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority.
- (5) Before any work is commenced on site, details of all materials to be used on the exterior of the building, including roof shall be submitted to and approved by the Planning Authority.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3 -5) To safeguard the visual amenity of the area.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02, 03, 04 and 06.

.....
For Director of Development Services

Date: 20 January 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Letter of objection dated 13 May 2009 from Mrs Jessie Woods, 8 Castings Avenue, Falkirk, FK2 7BJ.
4. Letter of objection dated 23 April 2009 from Mr Kenny Murray, 250 Grahams Road, Falkirk, FK2 7BH.
5. Letter of objection dated 23 April 2009 from Helen McCabe, 2 Castings Avenue, Falkirk, FK2 7BJ.
6. Letter of objection dated 06 May 2009 from William Thompson, 23 Ewing Avenue, Falkirk, FK2 7LS.
7. Letter of objection dated 15 April 2009 from J I Bian, 226 Grahams Road, Falkirk, FK2 7BH.
8. Letter of objection dated 30 April 2009 from Dhillon's, 264 - 266 Grahams Road, Falkirk, FK2 7BH.
9. Letter of objection dated 24 April 2009 from Mr Scott Murray, 19 Ewing Avenue, Falkirk, FK2 7LS.

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: MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF SHOP / STORE TO HOT FOOD TAKEAWAY, AND EXTENSION TO REAR OVER TWO FLOORS TO PROVIDE TWO MAISONETTE FLATS AT 234 GRAHAMS ROAD, FALKIRK, FK2 7BH FOR MR J AKTHAR - P/09/0214/FUL

Meeting: PLANNING COMMITTEE

Date: 2 December 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn
Councillor Pat Reid

Community Council: Grahamston, Westfield and Middlefield

Case Officer: Stephen McClure (Planning Officer), ext 4702

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises a shop unit located on Grahams Road with a large yard to the rear. The unit is currently vacant and the yard is overgrown and disused. It is proposed to renovate and extend the existing premises to accommodate a hot food takeaway at street level with two flats above.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Provost Pat Reid.

3. SITE HISTORY

- 3.1 Planning Application ref: P/08/0969/FUL comprising a Hot Food Takeaway and Flatted Dwellings, was withdrawn.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has stated that there is no scope to provide any parking. Therefore, there would be no roads conditions to be attached to any permission to be granted.
- 4.2 Scottish Water has no objection to the proposal.

- 4.3 The Environmental Protection Unit is satisfied that the applicant provided further detailed specifications in regards to odour and noise. This now satisfies the requirements. A site investigation to establish if contamination (as defined by Part 11a of the Environmental Protection Act 1990) is present on site is required.

5. COMMUNITY COUNCIL

- 5.1 Grahamston, Westfield and Middlefield Community Council did not comment.

6. PUBLIC REPRESENTATION

- 6.1 7 letters of objection have been received. The salient issues are summarised below.

- Will affect neighbouring hot food takeaway businesses by taking away customers.
- Too many hot food takeaways already exist on Grahams Road.
- Will add to the existing smells that come from Hot Food Takeaways.
- Will cause more noise.
- Will create extra litter on the streets.
- Will attract intoxicated persons.
- The street is not suitable for parking.
- Will attract more people to the area late at night.
- The unit in question would benefit from being used for another business not related to food.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Falkirk Local Plan

7a.2 The relevant policies against which assessment was made are:

7a.3 Policy FAL 3.7 'Shopfront Design' states:

"The design of new or altered shopfronts should be well-proportioned and sympathetic to the character of the building of which they are part. Where possible, the preservation or restoration of existing traditional shopfront features such as stallrisers, pilasters, cornices, friezes and mouldings will be encouraged."

7a.4 The proposed shop front is well-proportioned and sympathetic to the character of the building of which it is part. Where possible, existing features are being preserved and/or restored. It is therefore considered that the proposal accords with Policy FAL 3.7.

7a.5 Policy FAL 5.1 'New Residential Development' states:

"The Council will support residential development on sites H1 to H28 as identified in the Policies, Proposals and Opportunities Map. Other brownfield sites which become available within the Urban Limit will also be considered favourably for housing, subject to other Local Plan policies and proposals, provided that:

- (i) the proposed housing use is compatible with neighbouring uses;*
- (ii) a satisfactory level of residential amenity can be achieved;*
- (iii) access, parking, drainage and other infrastructure can be provided to a standard acceptable to the Council; and*
- (iv) essential community services such as schools, shops and public transport are available and easily accessible.*

The reuse of upper floors in Falkirk Town Centre for residential purposes will be encouraged, subject to access and amenity considerations."

7a.6 The proposed flatted dwellings are surrounded by residential dwellings, including flatted dwellings. The properties have been designed to allow a satisfactory level of residential amenity to be achieved, by both being adequately sound-proofed against exterior noise at this location, and from any odours created by the proposed ground floor use as a hot food takeaway. The proposed properties would not have dedicated parking but, due to the location near the town centre and on main bus routes, the Roads Unit has not asked for parking spaces. There are parking spaces available on the road to the front of the properties. All other infrastructure proposed is to an adequate standard. Due to the central location, the properties will have access to a range of community services and public transport options. It is therefore considered that the proposal accords with Policy FAL 5.1.

7a.7 Policy FAL 7.8 ‘Food and Drink Outlets’ states:

“Proposals for food and drink outlets (Class 3 as defined by the Town and Country Planning (Use Classes)(Scotland) Order 1997), public houses and hot food takeaways will only be permitted where:

- (i) there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (ii) the proposal meets the terms of Policy FAL 7.9 on protected shopping frontages; and*
- (iii) the proposal is satisfactory in terms of parking, access and traffic generation.”*

7a.8 The proposed hot food takeaway would not be introducing a new use to this area. Grahams Road is a main access into the Town Centre and contains a mix of commercial uses, including existing hot food takeaways. It is not considered that this further proposal would have an adverse impact on the amenity of the surrounding area or adjacent residential properties. The Environmental Protection Unit is satisfied that odour and noise attenuation has been adequately addressed nor would there be any significant additional disturbance, noise or litter, as the street is already a busy thoroughfare. The proposal would not exacerbate parking, access and traffic generation issues. It is therefore considered that the proposal accords with Policy FAL 7.8.

7a.9 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The following matters were considered to be material in the consideration of the application:

- Falkirk Council Local Plan Finalised Draft (Deposit Version).
- Public Representations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EQ11 ‘Shopfronts’ states:

- “(1) The design of new or altered shopfronts should be well-proportioned and sympathetic to the character of the building of which they are part. The retention and restoration of existing traditional shopfront features such as stallrisers, pilasters, cornices, friezes and mouldings will be required; and*
- (2) External security measures should not detract from the character of the building or the area in general. Where such measures are necessary, there will a presumption in favour of perforated shutters and grilles, as opposed to solid roller shutters.”*

7b.3 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, water supply, 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 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.”*

7b.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.”*

7b.5 Policy EP9 – 'Food And Drink' states:

“Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in other locations where they are capable of serving a tourism function. It must also be demonstrated that:

- (1) *There will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (2) *In the case of proposals within a centre, the proposal is consistent with the specific policies covering the relevant centre, particularly with regard to safeguarding the centre’s retail function; and*
- (3) *Parking, access and traffic generation requirements are satisfied.”*

7b.6 The relevant policies contained within the Falkirk Council Local Plan – Finalised Draft (Deposit Version), reinforce and affirm policies FAL 3.7, 5.1, 7.8. The proposed shop front is well - proportioned and sympathetic to the character of the building, and the housing element is compatible with neighbouring uses. It is also considered that a satisfactory level of residential amenity can be achieved and the site is well served by community facilities as well as good access to public transport. All other physical infrastructure is in-place at the site and it satisfies Policy SC8 for Infill Developments and Sub-division of Plots. The proposed hot food takeaway element would also be satisfactory, as there will be no adverse impact on the amenity of surrounding residential properties, including those proposed above or the surrounding area in general by virtue of noise, disturbance, litter and odour. The Roads Unit is satisfied with the parking, access and traffic generation at the location. It is therefore considered that the proposal accords with Policy EQ11, SC2, SC8 and EP9.

7b.7 Accordingly the proposal accords with the provisions of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Summary of Public Representations

- The increased competition to existing hot food takeaways in the vicinity is not a material planning consideration.
- Grahams Road is not a protected retail (shop frontage) location. There are several other similar businesses on Grahams Road, but due to the amount of units and variety of uses, it would not be considered that there is an accumulation of this use.
- The proposed hot food takeaway has satisfied Environmental Protection in relation to odour control, especially as there are proposed flatted dwellings above the unit.
- It is not considered that the addition of this establishment would exacerbate noise at this location. There are already similar businesses nearby in the Grahams Road area. There is no evidence to show that the addition of this establishment would increase traffic, both pedestrian and vehicular to any great degree at this location, therefore not increasing existing noise levels. The Environmental Protection Unit is satisfied that the proposed noise measures in relation to equipment are adequate.
- There is no evidence to show that litter would increase at this location due to the proposed hot food takeaway. It is already a busy street that contains existing hot food units and therefore this would not be a new use to the area. In any case, this is not a material planning consideration.
- Anti-social behaviour arising from the proposed hot food takeaway is not a material planning consideration.
- There are already existing parking opportunities to the front of the proposed hot food takeaway on Grahams Road and the Roads Unit are satisfied with this proposal.

7c Conclusion

7c.1 It is considered that the proposal is acceptable development, is in accordance with the Development Plan, and the Falkirk Council Local Plan Finalised Draft (Deposit Version). There are no other material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

8.1 It is recommended that planning permission be granted subject to the following condition(s):-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.

- (2) (i) 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.
- (ii) Where contamination (as defined by Part 11A 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.
- (iii) 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.
- (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.
- (4) Before any work is commenced on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority.
- (5) Before any work is commenced on site, details of all materials to be used on the exterior of the building, including roof shall be submitted to and approved by the Planning Authority.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3 -5) To safeguard the visual amenity of the area.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02, 03, 04 and 06.

.....
Director of Development Services

Date: 25th November 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Letter of objection dated 13 May 2009 from Mrs Jessie Woods, 8 Castings Avenue, Falkirk, FK2 7BJ.
4. Letter of objection dated 23 April 2009 from Mr Kenny Murray, 250 Grahams Road, Falkirk, FK2 7BH.
5. Letter of objection dated 23 April 2009 from Helen McCabe, 2 Castings Avenue, Falkirk, FK2 7BJ.
6. Letter of objection dated 06 May 2009 from William Thompson, 23 Ewing Avenue, Falkirk, FK2 7LS.
7. Letter of objection dated 15 April 2009 from J I Bian, 226 Grahams Road, Falkirk, FK2 7BH.
8. Letter of objection dated 30 April 2009 from Dhillon's, 264 - 266 Grahams Road, Falkirk, FK2 7BH.
9. Letter of objection dated 24 April 2009 from Mr Scott Murray, 19 Ewing Avenue, Falkirk, FK2 7LS.

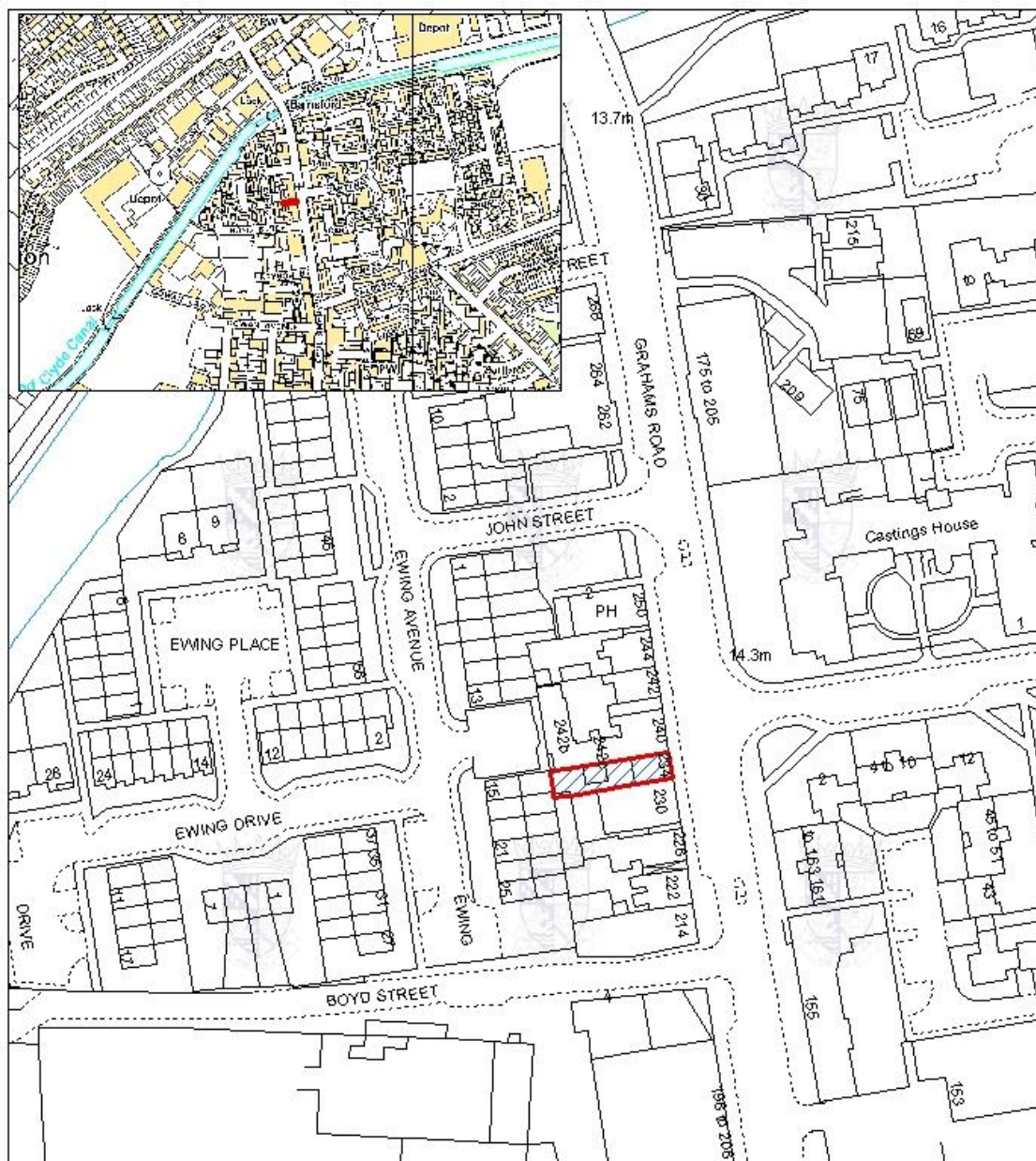
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0214/FUL

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



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FALKIRK COUNCIL

Subject: EXTENSION TO HOT FOOD TAKEAWAY AT THE WILLOW, GLEBE STREET, DENNY FOR MR S M LI – P/09/0356/FUL.
Meeting: PLANNING COMMITTEE
Date: 27 January 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Kirsty Hope (Assistant Planning Officer), ext 4705.

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was considered at the meeting of the Planning Committee on 2nd December 2009 when it was agreed to continue consideration to allow a site visit to be carried out by Members. This visit took place on Tuesday 12th January 2010.
2. At the site inspection Members viewed the property which is the subject of the planning application.
 - In support of the application, the applicant's agent explained the work that was proposed as well as stating that the unit was currently in use as a hot food takeaway and not vacant.
 - A representative from the local residents group raised no objection to the extension in principle. However, there was some concern in relation to litter within the vicinity of the property. The applicant advised that a bin would be provided.
 - Members noted the condition of the boundary fence and the safety implications that this could raise between the applicant and neighbours. This is a civil matter between the applicant and neighbour.
3. It is recommended that planning permission be granted subject to the following conditions:-
 - (1) The development to which this permission relates must be begun within three years of the date of this permission.

- (2) Details of a ventilation system capable of dispersing cooking odours shall be submitted to and approved by the Planning Authority in writing prior to the commencement of the approved use. The approved ventilation system shall be installed and operational before the hot food unit commences trading.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the environmental amenity of the area.

Informatives:

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02 and 03A.
- (2) 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.

.....
Director of Development Services

Date: 20 January 2010

LIST OF BACKGROUND PAPERS

1. The Denny and District Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Supplementary Planning Guidance Note – Shopfronts.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504748 and ask for Kirsty Hope (Assistant Planning Officer).

FALKIRK COUNCIL

Subject: EXTENSION TO HOT FOOD TAKEAWAY AT THE WILLOW, GLEBE STREET, DENNY, FK6 6AA, FOR MR S M LI (P/09/0356/FUL)
Meeting: PLANNING COMMITTEE
Date: 2 December 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Kirsty Hope (Assistant Planning Officer) ext 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises a detached vacant hot food unit within an established housing estate. The existing property is single storey and is currently in disrepair.
- 1.2 This detailed application proposes an extension to the front and rear of the property, as well as replacing the flat roof with a pitched roof. The materials proposed are wet dash and facing brick with concrete roof tiles. Information has been submitted with the application that includes details of the proposed ventilation installations and an image indicating that external extraction would be from the rear roof plane of the building. There is no indication of the likely opening hours.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Martin Oliver.

3. SITE HISTORY

- 3.1 There is no relevant history.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has advised that there should be a condition attached to control the ventilation extraction system to prevent odour nuisance arising at nearby neighbouring properties. If an odour or noise complaint was received the Environmental Protection Unit would investigate and act as necessary under statutory nuisance legislation.

5. COMMUNITY COUNCIL

- 5.1 The Denny and Dunipace Community Council has made no comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 Following the neighbour notification process, no letters of representation have been received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no specific policies within the approved Falkirk Council Structure Plan relevant to this application.

Denny and District Local Plan

- 7a.2 Policy DEN 1 'Urban Limit' states:

"The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of Denny and District for the period of the Plan. Accordingly there will be a general presumption against development proposals which would extend the urban area beyond this limit. Within the Urban Limit, proposals for development or changes of use will generally be acceptable, provided that:

- (i) they are consistent with the policies and proposals contained in The Local Plan; and*
- (ii) access, car parking, drainage, and other servicing can be provided to a standard acceptable to the District Council.*

Note: Outwith the Urban Limit, development proposals will be subject to the relevant countryside policies of the Rural Local Plan (listed by Appendix 1)."

7a.3 The application site is within the urban limits as defined by the Denny and District Local Plan and the proposal is therefore in accordance with the terms of this policy.

7a.4 Policy DEN 10 'Non Residential Uses' 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 ancillary services (e.g. surgeries, nurseries and corner shops) will be welcomed where it can be demonstrated that the quality of the residential environment would be safeguarded."

7a.5 There is an existing use (hot food takeaway) which has been established, and it is not considered that extending the property would be incompatible with the character and setting of the area. The proposed alterations would improve the visual impact of this property.

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

7b Material Considerations

7b.1 The material considerations relating to this proposal are the Falkirk Council Local Plan Finalised Draft (Deposit Version) and Supplementary Planning Guidance.

The Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EQ11 'Shopfronts' states:

- "(1) The design of new or altered shopfronts should be well-proportioned and sympathetic to the character of the building of which they are part. The retention and restoration of existing traditional shopfront features such as stallrisers, pilasters, cornices, friezes and mouldings will be required; and*
- (2) External security measures should not detract from the character of the building or the area in general. Where such measures are necessary, there will a presumption in favour of perforated shutters and grilles, as opposed to solid roller shutters."*

7b.3 The proposed frontage is well proportioned and sympathetic to the character of the area. There are no external security measures proposed.

7b.4 The proposal accords with the Policy EQ 11.

7b.5 Policy EP9 - 'Food And Drink ' states:

"Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in other locations where they are capable of serving a tourism function. It must also be demonstrated that:

- (1) There will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (2) In the case of proposals within a centre, the proposal is consistent with the specific policies covering the relevant centre, particularly with regard to safeguarding the centre's retail function; and*
- (3) Parking, access and traffic generation requirements are satisfied."*

- 7b.6 The Environmental Protection Unit has assessed the proposal and was satisfied that the proposal would not represent nuisance in terms of odour or noise. In the event that any disturbance on these grounds occur, the Environmental Protection Unit has legislative powers to investigate and rectify the issue.
- 7b.7 The application is an extension to an existing use and it is considered that the existing parking requirements are satisfactory. There is unrestricted parking provision in front of the application site and vicinity. Furthermore no letters of representation and in particular letters of objection have been received in connection with this planning application.
- 7b.8 The proposal accords with the provisions of Policy EP 9.
- 7b.9 Accordingly, the proposal accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Supplementary Planning Guidance Note – Shopfronts

- 7b.10 This general guidance note is intended to advise on developments' external appearance, design and character of the property. It sets out guidance on the proportions of the advertisements and alterations and improvements to existing shopfronts. The proposed frontage is considered to be sympathetic to the streetscape and is not considered to be detrimental to the nearby residents as the proposal would upgrade the present building.

7c Conclusion

- 7c.1 The proposed development is considered to be acceptable development as it is in accordance with the terms of the Development Plan. There are no material planning considerations that would justify a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is recommended that permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) The cooking odour extraction system must incorporate activated carbon filters the details of which shall be submitted to and approved in writing by the Planning Authority; the approved system shall be installed and operational before the hot food unit commences trading.

Reason(s)

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

- (2) To safeguard the environmental amenity of the area.

.....
For Director of Development Services

Date: 25 November 2009

LIST OF BACKGROUND PAPERS

1. The Denny and District Local Plan
2. The Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Supplementary Planning Guidance on Shopfronts

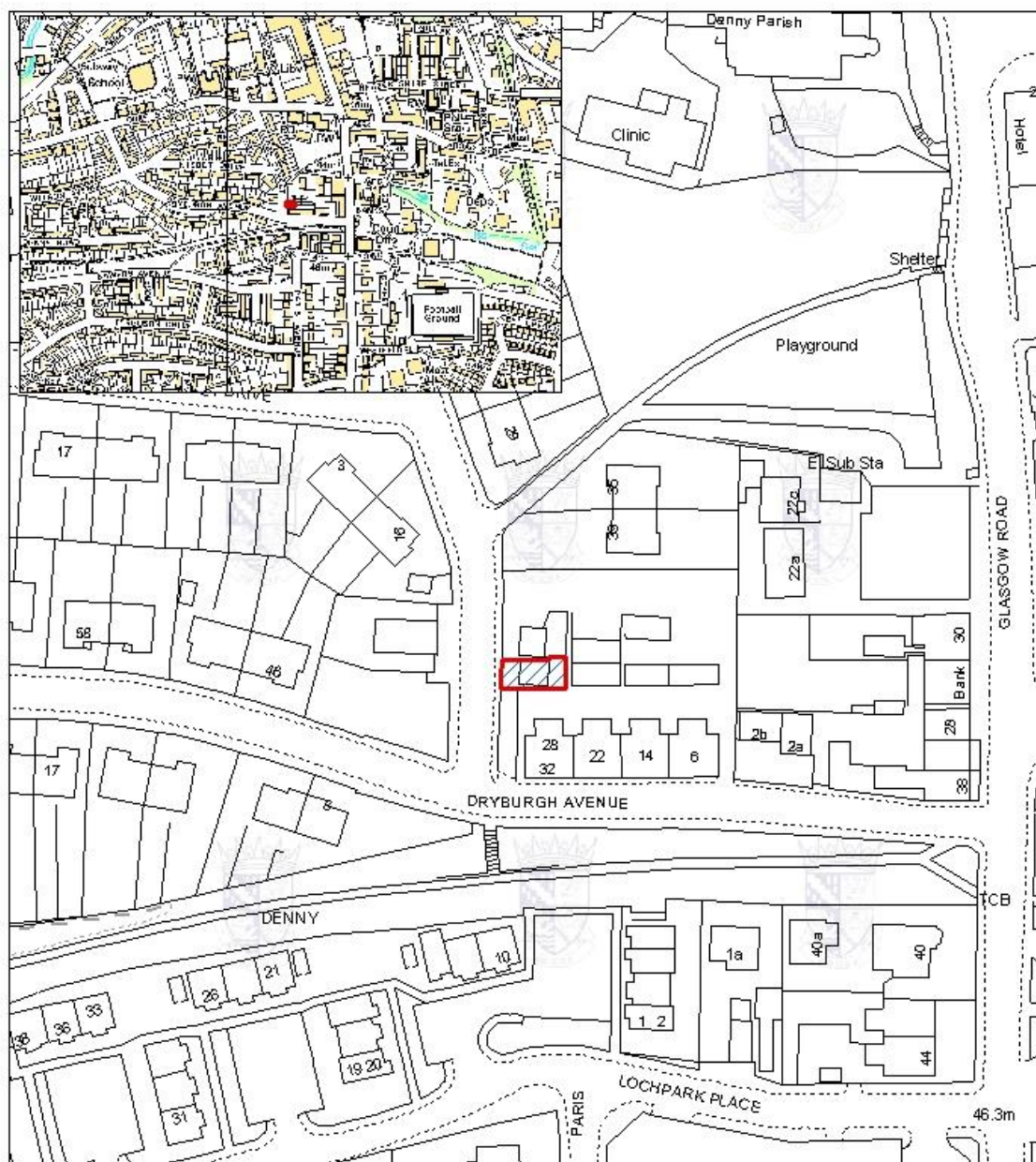
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504748 and ask for Kirsty Hope (Assistant Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0356/FUL

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FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE (CONSERVATORY TO REAR) AT 8 COLONSAY AVENUE, POLMONT, FALKIRK FK2 0UZ FOR MRS DUNNING - P/09/0687/FUL
Meeting: PLANNING COMMITTEE
Date: 27 JANUARY 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Polmont

Case Officer: Kirsty Hope (Assistant Planning Officer), ext 4705.

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was considered at the meeting of the Planning Committee on 2nd December 2009 when it was agreed to continue consideration to allow a site visit to be carried out by Members. This visit took place on Monday 11th January 2010.
2. In support of the application, the applicant explained that the reason why the conservatory was not moved to the south west wall is that there are two manholes at this location. The cost of relocating of these manholes would be prohibitive and the proposed location as submitted was more favourable.
3. The objector (next door neighbour) raised concerns in relation to the height of the wall and the overall height of the ridged roof which would overshadow the main living area within their dwellinghouse. The proposed brick wall would not be aesthetically pleasing to look at. In response, there already exists a high boundary wall in this location. The resultant increase in the wall as a result of the proposal would be approximately 45cm. In response to this matter Members sought clarification in respect of an amended design where perhaps a shallower pitch could decrease this impact. The agent clarified that to lower the ridge of the roof, the firewall would need to be increased or remain at the height proposed.
4. It was confirmed on site that the high timber fence located on the boundary was erected by the neighbour and not the applicant.

5. Members took the opportunity to visit the garden of the objector next door and to view the proposal from within their property. The agent confirmed that the floor level would be the same level as the existing dwellinghouse. It was also noted that the neighbour's patio doors were tinted glass and this would have an impact in terms of light filtration.

6. **It is recommended that planning permission be granted subject to the following conditions:-**

- (1) The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):

- (1). To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02 and 03.
- (2) 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.
- (3) The builder 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.

LIST OF BACKGROUND PAPERS

1. The Polmont and District Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Supplementary Planning Guidance Note – House Extensions and Alterations
4. Letter of objections received from Mr and Mrs J Drummond, 10 Colonsay Avenue, Polmont, Falkirk, FK2 0UZ on 19 October 2009.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope (Assistant Planning Officer).

.....
For Director of Development Services

Date: 19 January 2010

FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE (CONSERVATORY TO REAR) AT 8 COLONSAY AVENUE, POLMONT, FALKIRK, FK2 0UZ FOR MRS DUNNING - P/09/0687/FUL

Meeting: PLANNING COMMITTEE

Date: 2 December 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Polmont

Case Officer: Kirsty Hope (Assistant Planning Officer), 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The property is a semi-detached 1½ storey dwellinghouse located at 8 Colonsay Avenue, Polmont.
- 1.2 This detailed application deals with a single storey rear extension (Conservatory) to the existing dining room.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The Application has been called in by Councillor Malcolm Nicol.

3. SITE HISTORY

- 3.1 No planning history.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objection to the proposal.

5. COMMUNITY COUNCIL

- 5.1 The Polmont Community Council has not made any representations on the proposal.

6. PUBLIC REPRESENTATION

6.1 One letter of representation was received following the neighbour notification process. Issues raised include:

- Detrimental to the value of the adjoining property.
- Detrimental to the standard of living – blocking out the sun from patio and sun lounge and overshadowing to garden area.
- Proposal would be visibly intrusive.
- No objection to the proposal if the proposal would move to the south facing wall.

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 specific policies within the approved Falkirk Council Structure Plan relevant to this application.

Polmont and District Local Plan

7a.2 Policy POL 2.2 ‘Urban Limit’ states:

“The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of the urban and village areas of Polmont and District for the period of the Plan. Accordingly, there will be a general presumption against development proposals which would extend the urban area beyond this limit or which would constitute sporadic development in the countryside.”

7a.3 The application site is within the urban limits as defined by the Polmont and District Local Plan and the proposal is therefore in accordance with the terms of this policy.

7a.4 Policy POL 3.7 ‘Extensions and Alterations to Residential Properties’ states:

“The Council will require that extensions and alterations to residential properties respect the original building, neighbouring properties and the character of the area in general, in terms of scale, design and materials. Proposals for garages should generally not project beyond the front elevation of the house and should have external finishes that match those of the existing house.”

- 7a.5 The proposal is considered to respect the original building in terms of scale and design. The materials are considered to be acceptable. It is not considered that the proposal would detrimentally affect neighbouring properties. There is adequate private garden ground retained. The application accords with policy POL 3.7 of the Polmont and District Local Plan.

7b Material Considerations

- 7b.1 The material considerations relating to this proposal are the representation received, the Falkirk Council Local Plan Finalised Draft (Deposit Version) and Supplementary Planning Guidance.

Representations Received

- 7b.2 The value of properties is not a material planning consideration.
- 7b.3 Overshadowing and impact on day lighting have been assessed and it is not considered that this proposal would adversely affect the neighbouring property as the proposed extension would be single storey.
- 7b.4 The proposal is single storey in height and it is not considered to have an overbearing impact on the neighbouring property.
- 7b.5 The proposal has been assessed within the proposed location and is considered to be in accordance with the Development Plan.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.6 Policy SC9 - 'Extensions And Alterations To Residential Properties' states:

"Extensions and alterations to residential properties will be permitted where:

- (1) the scale, design and materials are sympathetic to the existing building;*
- (2) the location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and*
- (3) it will not result in overdevelopment of the plot, thereby giving rise to adverse impacts on the functioning of garden ground, or the unacceptable loss of off-street parking."*

- 7b.7 Policy SC9 affirms the position of the Polmont and District Local Plan as detailed in paragraphs 7a.4 and 7a.5 above.

Supplementary Planning Guidance Note – House Extensions and Alterations

- 7b.8 This guidance note advises that the main planning concern with rear extensions is the scale and massing from original dwelling, streetscape, garden amenity, privacy and overshadowing. The proposed development accords with the guidance as set out in the SPGN for the reasons stated above.

7c Conclusion

- 7c.1 This proposed extension is in accordance with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version). The application also accords with Falkirk Council's Supplementary Planning Guidance. There are no material considerations which would merit refusal of this application.

8. RECOMMENDATION

- 8.1 It is therefore recommended that detailed planning permission be granted subject to the following condition(s):-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02 and 03.
- (2) 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.
- (3) The builder 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.

.....
For Director of Development Services

Date: 25 November 2009

LIST OF BACKGROUND PAPERS

1. The Polmont and District Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Supplementary Planning Guidance Note – House Extensions and Alterations.
4. Letter of objection dated 19 October 2009 received from Mr & Mrs J Drummond, 10 Colonsay Avenue Polmont Falkirk FK2 0UZ.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope (Assistant Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0687/FUL

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



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FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT LAND TO THE NORTH EAST OF BURNSIDE, VELLORE ROAD, MADDISTON, FOR MANOR FORREST LTD (P/09/0457/OUT)

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Maddiston

Case Officer: Kevin Brown (Planning Officer) ext 4701

UPDATE REPORT FOLLOIWNNG COMMITTEE SITE VISIT

1. Members will recall that this planning application was originally considered at the meeting of the Planning Committee on 2 December 2009 (copy of previous report appended) when it was agreed to continue the planning application for a site visit. This took place on 11 January 2010.
2. Following a brief summary of the proposal by the case officer, the applicant's agent spoke in support of the proposal and emphasised the need for further affordable housing in the area. The agent also advised that the applicants are prepared to carry out any necessary surveys and assessments that may be required and advised that they have already started to investigate the issue of flood risk at the site. The agent, however, questioned the need for a Transport Assessment to take into account other speculative, and as yet not approved, development sites in the surrounding area.
3. A local resident raised the issue of potential land ownership issue which was referred to in paragraphs 6.1 and 7b.10 of the main committee report. It was confirmed that this issue is not a material planning consideration.
4. Members then raised a number of queries, with specific questions being put to officers in reference to site access, consultation responses and the issue of requesting information that also relates to other application sites.
5. An officer from the Roads Development Unit was able to clarify the possible location of accesses to the site, and the Unit also reiterated the importance of a Transport Assessment to take account of the surrounding development sites, in the interests of road safety.

6. Regarding consultation responses, Education Services has confirmed a need for financial contribution to be sought from the applicants, totaling £3,800 per unit. This figure is calculated from the figures set out in the Council's supplementary planning guidance note on Education and New Housing Development, and includes £2,150 towards Non-Denominational Primary School Investment, £1,000 towards Non-Denominational Secondary School Investment and £650 towards Roman Catholic Secondary School Investment, per unit. Community Services (Parks & Recreation) has confirmed the need for a financial contribution (£750 per unit) in order to upgrade nearby play facilities.

7. RECOMMENDATION

7.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):

- (1) The proposal forms an unacceptable intrusion into the countryside and does not form a logical rounding-off of the urban limit and as such the proposal is contrary to Policy ENV 1 –Countryside and Protected Areas of the Falkirk Structure Plan, Policy POL 11.1 – New Development in the Countryside of the Polmont and District Local Plan and Policy EQ19 – Countryside and SC3 – Housing Development in the Countryside of the Falkirk Council Local Plan Finalised Draft (Deposit Version).**
- (2) It has not been demonstrated that the proposed development would safeguard the ecological importance of the Maddiston SINC and other potential habitats for European Protected Species, and as such the proposal is contrary to the terms of Policy POL 8.5 – Ecological Sites of the Polmont and District Local Plan and Policy EQ 24 – Ecological Sites and Features of the Falkirk Council Local Plan Finalised Draft (Deposit Version).**
- (3) It has not been demonstrated that flood risk can be adequately managed both within and outwith the application site boundary and as such the development is contrary to the terms of Policy POL 8.8 – Flooding of the Polmont and District Local Plan and Policy ST12 – Flooding of the Falkirk Council Local Plan Finalised draft (Deposit Version).**
- (4) It has not been demonstrated that the proposed development would not have an adverse impact on the surrounding transport network. The development has not been assessed by way of a Transport Assessment as such the development is contrary to the terms of Policy POL 6.4 - Roads and New Development of the Polmont and District Local Plan and Policy ST7 - Transport Assessments of the Falkirk Council Local Plan Finalised Draft (Deposit Version).**

Informative(s)

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

.....
For Director of Development Services

Date: 20 January 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Polmont and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Supplementary Planning Guidance Note - Education and New Housing Development.
5. Letter of objection received from Russell & Aitken, 22 - 24 Stirling Street Denny FK6 6DU on 21 July 2009.

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

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT LAND TO THE NORTH EAST OF BURNSIDE, VELLORE ROAD, MADDISTON, FOR MANOR FORREST LTD (P/09/0457/OUT)

Meeting: PLANNING COMMITTEE

Date: 2 December 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Maddiston

Case Officer: Kevin Brown (Planning Officer) ext 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This outline application proposes an area of farmland (approximately 1.2 hectares) to the east of Maddiston, accessed from Vellore Road, to be developed for residential purposes.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Application called in by Councillor McLuckie.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 Transport Planning Unit have raised a number of concerns in relation to this application in conjunction with other proposed developments off Vellore Road and have requested that a Transport Assessment be carried out to assess the cumulative impacts of these developments.
- 4.2 Roads Development Unit have no objections however they have requested that a flood risk assessment and drainage impact assessment be carried out. In addition to this, the Unit has supported the request by the Transport Planning Unit for the access strategy for this site to be considered in tandem with applications P/09/0527/OUT and P/09/0483/OUT on adjacent sites.

- 4.3 Scottish Water has no objections.
- 4.4 Environmental Protection Unit has no objections however a request has been made for a contaminated land survey to be carried out to establish if contamination is present on the site. This could adequately be covered by way of a condition attached to any consent given.
- 4.5 Scottish Environment Protection Agency have objected to this proposal on the grounds of lack of information provided in relation to flood risk.
- 4.6 Scottish Natural Heritage (SNH) have reserved its position in light of the lack of information provided in relation to European Protected Species. In particular, SNH has identified that the application site includes areas that have the potential to act as habitats for Bats and Otters and has cited Water Voles and Badgers as other species of importance that need to be considered.

5. COMMUNITY COUNCIL

- 5.1 Maddiston Community Council have not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 1 contributor submitted a letter to the Council. The salient issues are summarized below:-
- Possible land ownership dispute and concerns in relation to the proposal being contrary to the terms of the Development Plan.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 Policy ENV.1 'Countryside and Protected Areas' states:

- “(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

- 7a.2 A countryside location is not considered essential for this form of development and as such the proposal is contrary to the terms of Policy ENV.1 of the Falkirk Council Structure Plan.

Polmont Local Plan

- 7a.3 Policy POL 11.1 'New Development in the Countryside' states:

"Within the countryside (i.e. outwith the urban limit), there will be a general presumption against new development except in the following circumstances:

- (i) housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 277(1) of the Town and Country Planning (Scotland) Act 1997, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons;*
- (ii) appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms;*
- (iii) industrial/ business development where there is an overriding national or local need and a rural site is the only suitable location;*
- (iv) development for tourism and countryside recreation purposes where the Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the area. Proposals which accord with the Council's Economic Development Strategy are particularly welcomed; and*
- (v) telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the Council's 'Design Guide For Buildings In The Rural Areas' and sympathetic to vernacular architectural forms will be expected."

- 7a.4 The proposed development site lies outwith the urban limit as defined in the Development Plan and there is no evidence to suggest that a countryside location is essential. The development would not be an appropriate form of agricultural diversification or be essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The site is not considered to form an appropriate infill development. With these comments in mind it is clear that the development is contrary to the terms of Policy ENV 1 of the Falkirk Structure Plan and Policy POL 11.1 of the Polmont and District Local Plan.

- 7a.5 Policy POL 8.5 'Ecological Sites' states:

"In order to protect and conserve species, habitats and other natural features of importance:

- (i) there will be an overriding presumption against development which would be likely to adversely affect Natura 2000 sites, designated or proposed under the EC Habitats and Wild Birds Directives, wetlands of international importance designated under the Ramsar convention, existing or proposed Sites of Special Scientific Interest, or sites which support species protected by specific legislation;*

- (ii) *development likely to adversely affect Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation, wildlife corridors and other sites considered to be of regional or local nature conservation value, will not be permitted unless it can be clearly demonstrated that there are reasons for the proposals which clearly outweigh the need to safeguard the intrinsic nature conservation value of the site or feature and there are no reasonable alternative means of meeting the development need;*
- (iii) *where development is to be approved which could affect any site of significant nature conservation value, appropriate measures will be required to conserve, as far as possible, the site's nature conservation interest and to provide for replacement habitats or features where damage is unavoidable;*
- (iv) *consent will not normally be given to development likely to adversely affect species which are specially protected under the Wildlife and Countryside Act 1981, as amended (Schedules 1.5 and 1.6), or the Protection of Badgers Act 1992;*
- (v) *in partnership with relevant interests, the Council will develop management proposals to conserve the nature conservation interest and enhance the biodiversity of sites of local value; and*
- (vi) *the Council will designate Local Nature Reserves as appropriate, in consultation with communities, local wildlife groups and statutory bodies."*

7a.6 The site encompasses part of the Maddiston SINC and, following the consultation response from SNH, it would appear that insufficient information has been provided to demonstrate that the proposed development would not result in an adverse impact on the ecology of the area, particularly in reference to European Protected Species. The proposal is therefore contrary to the terms of policy POL 8.5 of the Polmont and District Local Plan.

7a.7 Policy POL 8.8 'Flooding' states:

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

7a.8 The site has been identified as being at risk from flooding. However, no information has been submitted to demonstrate that the development of the surrounding area would not be adversely affected and as such, the development is contrary to the terms of policy POL 8.8 of the Polmont and District Local Plan.

7a.9 Policy POL 6.4 'Roads and New Development' states:

"Road layout, access and parking provision in new developments should generally conform with the Council's standards entitled 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area'. In the case of major development proposals likely to generate significant volumes of additional traffic, a Transport Impact Assessment will be required. (see also Policy POL 7.2 'Landscape Design')."

7a.10 The Transport Planning Unit has requested that a Transport Assessment be undertaken for this site. As this has not been carried out, the proposal is considered contrary to Policy POL 6.4 of the Polmont and District Local Plan.

7a.11 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The following matters were considered to be material in the consideration of the application:

- Falkirk Council Local Plan Finalised Draft (Deposit Version).
- Planning History
- Responses to Consultation
- Assessment of Public Representations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EQ19 - 'Countryside' states:

“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7b.3 Policy SC3 - 'Housing Development In The Countryside' states:

“Housing development in the countryside will only be permitted in the following circumstances:

(1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:

- The operational need for the additional house in association with the business*
- That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*

- *That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - *That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
- *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - *The restored or converted building is of comparable scale and character to the original building*
 - *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7b.4 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 affect 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.”*

7b.5 Policy ST11 - ‘Sustainable Urban Drainage’ states:

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

7b.6 Policy ST12 - ‘Flooding’ states:

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

7b.7 Policy ST7 - ‘Transport Assessments’ states:

- (1) *Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation. In all cases, this mitigation will be delivered to a level that achieves no net detriment to the capacity of the network.*
- (2) *Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development.*
- (3) *Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*
- (4) *The Council will only grant planning permission where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified.”*

7b.8 The emerging Falkirk Council Local Plan Finalised Draft (Deposit Version) supports the policies set out in the existing Falkirk Council Structure Plan and Polmont Local Plan covering this site and as such the proposed development is contrary to the terms of this document.

Reponses to Consultation

7b.9 The consultation responses received have raised a number of concerns with specific mention being given to ecological, transportation and flooding issues. A number of the responses have requested additional information in reference to ecological surveys, transport assessment, flood risk assessments and drainage impact assessments. These have not been requested by the planning authority in light of the weight given to the policy assessment and likely recommendation to refuse planning permission on clear policy grounds.

Assessment of Public Representations

- 7b.10 Land ownership is a civil matter and not a material planning consideration. In any case, the plan submitted by the objector appears to show the area of land being disputed to be outwith the boundaries of the application site. The comments in relation to policy issues are noted and have already been assessed in this report.

7c Conclusion

- 7c.1 The proposal is contrary to the terms of the Falkirk Council Structure Plan, Adopted Polmont Local Plan and the Finalised Draft Local Plan (Deposit Version). There are no material planning considerations that warrant an approval of planning permission in these circumstance. If, however, the Committee were minded to approved the application, it would be subject to referral to Ministers in regard to possible objections from SEPA and SNH.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):

- (1) **The proposal forms an unacceptable intrusion into the countryside and does not form a logical rounding-off of the urban limit and as such the proposal is contrary to Policy ENV 1 –Countryside and Protected Areas of the Falkirk Structure Plan, Policy POL 11.1 – New Development in the Countryside of the Polmont and District Local Plan and Policy EQ19 – Countryside and SC3 – Housing Development in the Countryside of the Falkirk Council Local Plan Finalised Draft (Deposit Version).**
- (2) It has not been demonstrated that the proposed development would safeguard the ecological importance of the Maddiston SINC and other potential habitats for European Protected Species, and as such the proposal is contrary to the terms of Policy POL 8.5 – Ecological Sites of the Polmont and District Local Plan and Policy EQ 24 – Ecological Sites and Features of the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- (3) It has not been demonstrated that flood risk can be adequately managed both within and outwith the application site boundary and as such the development is contrary to the terms of Policy POL 8.8 – Flooding of the Polmont and District Local Plan and Policy ST12 – Flooding of the Falkirk Council Local Plan Finalised draft (Deposit Version).

- (4) It has not been demonstrated that the proposed development would not have an adverse impact on the surrounding transport network. The development has not been assessed by way of a Transport Assessment as such the development is contrary to the terms of Policy POL 6.4 - Roads and New Development of the Polmont and District Local Plan and Policy ST7 - Transport Assessments of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

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For Director of Development Services

Date: 25 November 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Polmont and District Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Letter of objection received from Russell & Aitken, 22 - 24 Stirling Street Denny FK6 6DU on 21 July 2009.

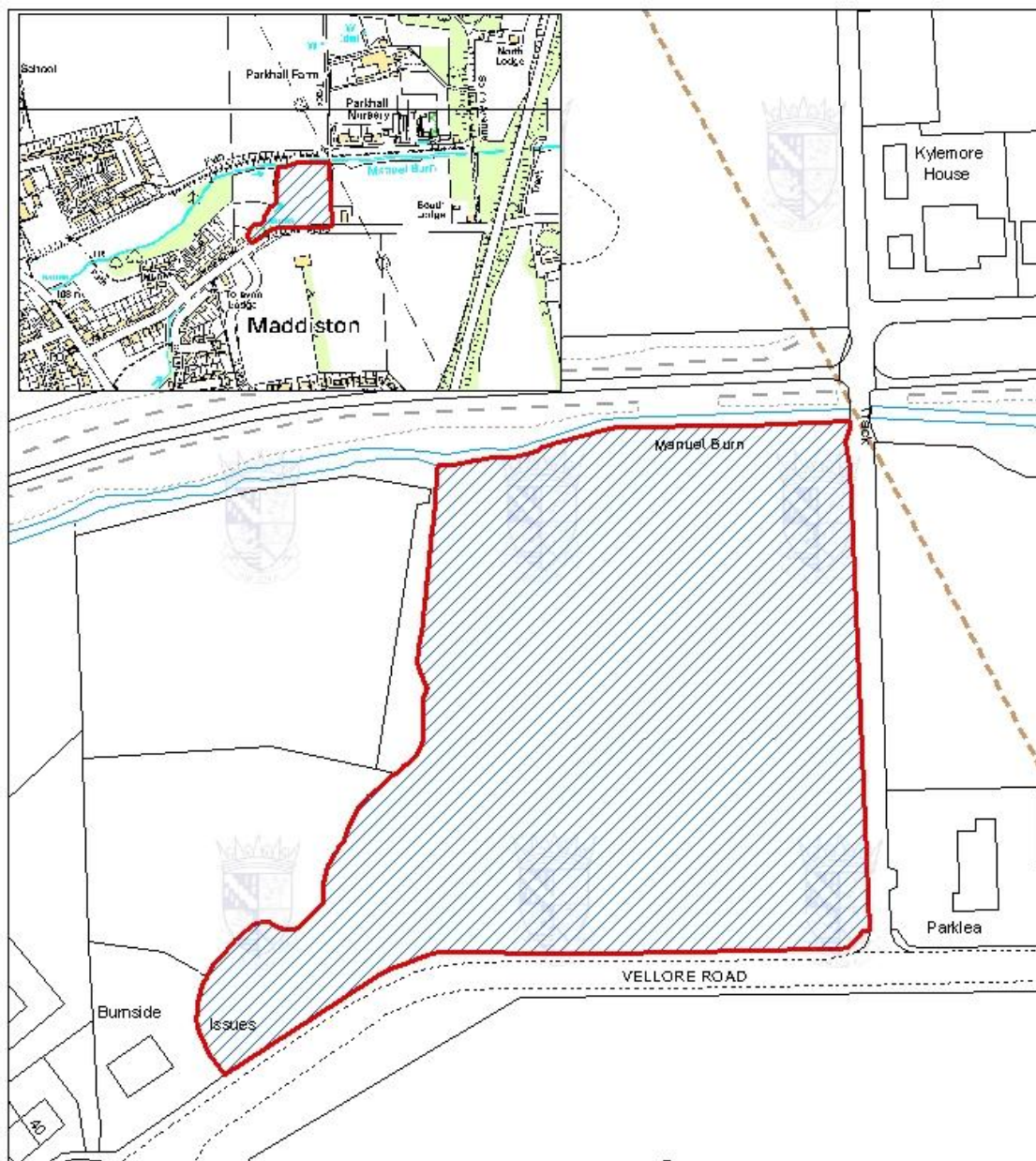
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0457/OUT

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



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FALKIRK COUNCIL

Subject: USE OF LAND FOR OUTDOOR SPORTS (AIRSOFT) AND ERECTION OF ANCILLARY SHELTERS AND FORMATION OF CAR PARK AT LAND TO THE SOUTH OF GREENRIGG FARM, FALKIRK FOR PLAYERS OF WAR AIRSOFT - P/09/0373/FUL

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: Falkirk South

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

UPDATE REPORT FOLLOWING CONSIDERATION BY PLANNING COMMITTEE

1. Members will recall that this planning application was considered at the meeting of the Planning Committee on 2 December 2009 (copy of previous report appended), when it was agreed to continue this planning application to enable further discussion of the proposal with the applicants. The main issue for further consideration related to the extension of the exclusion zone (to further protect users of the core path adjacent to the site).
2. The applicants have confirmed their willingness to accept the extended exclusion zone as put forward by the Convener at the Planning Committee meeting on 2 December 2009. A condition has been attached to address this issue.
3. The applicants have also requested that the planning permission is permanent as the “exclusion zone” has now been extended, and there will now be no conflict with users of the core path to the south of the site. This request is considered acceptable and the recommendation has now been changed to reflect this. Furthermore, this would be in line with the Rebellion Paintball operation adjacent, which has a permanent planning permission.
4. The extension of the exclusion zone requires the relocation of a number of war game structures in addition to the new car park/safe zone. The applicants have confirmed their intention to relocate the safe zone/car park immediately on receipt of planning permission. A condition requiring this is to be undertaken within 2 months of the receipt of planning permission is included in the recommendation, and the applicants have confirmed their acceptance of this timescale. This 2 month timescale also applies to the coming into force of the exclusion zone to enable the applicant in the transition of the removal of game structures from the exclusion zone to the revised playing area within the wood.

5. RECOMMENDATION

5.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) The development shall operate on not more than one day of a week and within the hours of 8.30 a.m and 6.00 p.m only.**
- (3) The locations of the structures indicated on approved plan 5A are hereby not approved. Within 2 months of the date of this decision, the new locations for the game structures and their design shall be agreed in writing by the Planning Authority.**
- (4) The No Play/exclusion zone indicated hatched on approved plan 10A shall be enforced during the operation of all war games and shall be demarcated in accordance with details approved in writing by this Planning Authority.**
- (5) Warning signs shall be posted along the adjoining core path during the operation of all war games. The exact location and details of the signs shall be subject to the written approval of this Planning Authority; the no play/exclusion zone shall come into force within 2 months of the date of this permission.**
- (6) Within 2 months of the date of this decision, the existing Safe Zone shall be reinstated in accordance with an approved restoration plan and the new Safe Zone, car park and vehicular access indicated on approved plan 5A shall be fully completed in accordance with details approved in writing by this Planning Authority. Once completed, the new car park and vehicular access shall provide the sole means of access and parking facility for the operation.**
- (7) The 30 metre exclusion zones around the two badger setts indicated on approved plan 10A shall be enforced during the operation of all war games and shall be demarcated by high-visibility tape of a height at least one metre above the ground.**
- (8) The unsurveyed area of the site indicated on approved plan 11 shall be subject to a badger survey. Any necessary mitigation measures shall be agreed in writing by this Planning Authority in consultation with Scottish Natural Heritage. This area shall not be used for war games until the approved measures have been fully implemented. Thereafter, the approved measures shall be enforced during the operation of all war games.**
- (9) The bingo area No Play Zone indicated on approved plan 5A shall be enforced during the operation of all war games and shall be demarcated in accordance with details approved in writing by this Planning Authority.**
- (10) The vehicular access to the site shall have a minimum width of 6 metres, with a 12 metre radii to form a bellmouth, and shall extend at a minimum width of 6 metres for at least 15 metres as measured from the edge of the carriageway.**

- (11) The vehicular access shall be constructed at right angles to the carriageway, at a gradient of 1 in 10, and in a manner to ensure that no surface water run-off or loose material is discharged onto the public road.
- (12) There shall be no obstruction to visibility greater than one metre in height above the carriageway for a minimum distance of 65 metres east of the vehicular access.
- (13) Notwithstanding the provisions of Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), any use of the site for war games or associated development, following the date of grant of this permission, shall be carried out in accordance with the conditions of this permission.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-6) To safeguard the environmental amenity of the area.
- (7-8) To safeguard the interests of a protected species.
- (9) To preclude an area which is not suitable for use.
- (10-12) To safeguard the interests of the users of the highway.
- (13) To ensure proper control over the use of the site.

Informative(s):

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 01, 02, 03, 04, 05A, 06, 07, 08, 09, 10A, 11 and 12.
- (2) The vehicular access will require a Minor Roadworks Consent, issued and approved by Roads Services, Earls Road, Grangemouth.
- (3) The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) regulate the disposal of sewage effluent to the water environment. The applicant should contact the SEPA local area team to ensure that any proposals for foul drainage are agreed and can be authorised under CAR.
- (4) Surface water drainage is required to comply with General Binding Rules (GBRs) 10 and 11 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR).
- (5) Any noise or odour complaints would be investigated by the Environmental Health Unit and acted upon as appropriate under Statutory Nuisance Legislation contained in the Environmental Protection Act.

- (6) Any tree thinning or felling that would disturb badgers or damage their setts would require a licence from the Scottish Government's Habitats and Species Unit.

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For Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Letter of support from Mr Mark Baillie, 107 Ash Avenue, East Kilbride G75 9EP received on 22 June 2009
2. Letter of support from Mr Christopher Neill, 20 Shawfarm Gardens, Prestwick KA9 2GZ received on 23 June 2009
3. Letter of objection from Hannah Beckman BHSAI UKCC2 Reg'd, Beam Farm Falkirk FK1 3AF received on 08 July 2009
4. Letter of objection from William & Linda Beckman, Beam Farm Falkirk FK1 3AF received on 08 July 2009
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6. Letter of support from Mr Jonathan Dickie, 87 Lounsedale Road, Paisley PA2 9DU received on 24 June 2009
7. Letter of support from Mr. Brian Smith, 39, Ochilview, Denny FK6 5NH received on 21 June 2009
8. Letter of support from Mr William Thomson, 76 Glenallan Drive, Edinburgh EH16 5RB received on 06 July 2009
9. Letter of support from Mr Ryan Kennedy, 34 Harvie Gardens, Armadale EH48 2GW received on 20 June 2009
10. Letter of support from Mr Paul MacLeod, 31 Main Street, Shieldhill, Falkirk FK1 2DZ received on 21 June 2009
11. Letter of support from Doctor Alex McKenzie, 22 Woodmill, Kilwinning KA13 7PT received on 21 June 2009
12. Letter of support from Mr Ross Elliott, 32 Rosedale Avenue, Paisley PA2 0RR received on 21 June 2009
13. Letter of support from Mr Giovanni Gentles, 8 Ochilview, Alva FK12 5EU received on 21 June 2009
14. Letter of support from Mr Paul McNamara, 100 Glenmuir Drive, Priesthill, Glasgow G53 6LR received on 21 June 2009
15. Letter of support from Mr Krzysztof Ruchomski, 81/6, Restalrig Road South, Edinburgh EH7 6JD received on 21 June 2009
16. Letter of support from Mr Gareth Fotheringham, 36 Glamis Gardens, Polmont, Falkirk FK2 0YJ received on 20 June 2009
17. Letter of support from Mrs Mary Fraser, Leyswood Cottage, High Bonnybridge, FK4 2EU received on 02 July 2009
18. Letter of support from Mr Jarrod Finn, 29 Wallaceneuk, Kelso TD5 8BR received on 20 June 2009
19. Letter of support from Mr Brian Walker, 31 Craigend Road, Cumbernauld, Glasgow G67 4JX received on 22 June 2009
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21. Letter of objection from Mr Alastair MacLeod, 19 Dunure Street Bonnybridge FK4 1EF received on 15 September 2009
22. Letter of representation from British Horse Society, Mrs Pat Somerville The Loaning Achengate Irvine received on 08 September 2009
23. Letter of representation from Rebellion Paintball, 73 Thornbridge Road Falkirk FK2 9AZ received on 08 September 2009
24. Letter of support from Mr Dean Turner, 56 Castleton Drive, Glasgow G77 5LE received on 24 June 2009

25. Letter of support from Miss Teresa Harkin, Glenholme, Castlegate, Jedburgh TD86BD received on 21 June 2009
26. Letter of support from Mr John Murphy, 2/7 Hesperus Crossway, Edinburgh EH5 1GH received on 21 June 2009
27. Letter of support from Mr James Shaw, 16 Hazel Crescent, Dunipace, Denny FK6 6IN received on 21 June 2009
28. Letter of support from Mr Steven J Graham, 5 Drumlanrig Place, Stenhousemuir, Larbert FK5 4UN received on 21 June 2009
29. Letter of support from Mr Jakub Oszczepalinski, 12/1 West Newington Place, Edinburgh EH9 1QU received on 21 June 2009
30. Letter of support from Mr Nicholas White, 38 Braeview, Stenhousemuir, Larbert FK5 3DT received on 21 June 2009
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37. Letter of support from Mr Michael Edmond, 27 Glen Crescent, Glen Village, Falkirk FK1 2AQ received 22 June 2009
38. Approved Falkirk Council Structure Plan
39. Adopted Rural Local Plan
40. Falkirk Council Local Plan Finalised Draft (Deposit Version)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504756 and ask for Ian Dryden (Assistant Development Manager).

FALKIRK COUNCIL

Subject: USE OF LAND FOR OUTDOOR SPORTS (AIRSOFT) AND ERECTION OF ANCILLARY SHELTERS AND FORMATION OF CAR PARK AT LAND TO THE SOUTH OF GREENRIGG FARM, FALKIRK FOR PLAYERS OF WAR AIRSOFT - P/09/0373/FUL

Meeting: PLANNING COMMITTEE

Date: 2 December 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: Falkirk South

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this planning application was considered at the meeting of the Planning Committee on 4 November 2009 (copy of previous report appended), when it was agreed to continue consideration to allow a site visit by members. This site visit took place on 23 November 2009.
2. In support of this application, the applicant explained the background to the planning application and in particular highlighted the changes made to the proposal, including a new site access from Lochgreen Road which would be shared by Rebellion Paintball, who operate a site adjacent to the east. The revised proposals also incorporate a relocated car parking area/safe zone, relocated temporary structures, towards the eastern end of the site. The applicant also intimated that a 50 metre wide "no play zone" had been introduced as a safety measure to reduce the issue of conflict and related safety issues with users of the core path which lies adjacent to the south-eastern corner of the site. The applicant also described the safety measures in place in the event that members of the public entered the site during a game. Two letters from members of the public were read out by the Convener on site in support of the proposal, and a number of supporters present also expressed their support for the proposal.
3. Mr Guy Wederburn, acting on behalf of the landowners, Callendar Estates, intimated that he was aware of the tensions in respect of the proposal. He outlined the aims of the estate to promote tourism/recreational activities for a variety of users including walkers, horse riders and game enthusiasts. He also acknowledged the measures undertaken by the applicant to address the concerns raised in respect of this planning application.

4. The Convener read out two e-mails from individuals unable to attend the visit who raised an objection to this proposal. Further representations were also made from individuals present, who reiterated their objections to the proposal. The objections raised have previously been raised in the earlier Committee report dated 4 November 2009. In summary, the main concerns relate to the health and safety concerns of users of the adjacent core path being hit by pellets from the site, injury/scaring of horses, and noise.
5. In response to the issue of the close proximity of the core path to the site and the adequacy of the safe zone, the applicant has now confirmed that the safe zone will be increased to 100 metres where it abuts the core path. This is considered an adequate distance in terms of addressing the use of safety for other users of the core path. This would also address the concerns of Scottish Natural Heritage in respect of the "knock-on" effect the proposal could have in respect of the Slamannan Plateau Special Protection Area if an alternative access was sought away from the core path.
6. The applicant has also confirmed that it is now their intention to use the faster degradable pellets and prospective game players using the facility will be advised to use this type of pellet. The use of a planning condition to control this would be inappropriate as it would be difficult to enforce.
7. The applicant is also in the process of making contact with the adjacent operator of the Rebellion Paintball site in respect of sharing their toilet facilities. Although there is no legal requirement to provide a toilet facility in this instance, the applicant has recognised the need to address the situation.

8. RECOMMENDATION

8.1 It is recommended that temporary permission should be granted subject to the following conditions:-

- (1) The permission shall be valid for a limited period until 31 December 2011 and at that time, unless further permission is granted, the site shall be vacated and reinstated in accordance with an approved restoration plan.**
- (2) The development shall operate on not more than one day of a week and within the hours of 8.30 a.m and 6.00 p.m only.**
- (3) The locations of the structures indicated on approved plan 5A are hereby not approved. Within 3 months of the date of this decision, the structures shall be erected in accordance with locations agreed in writing by the Planning Authority.**
- (4) The No Play Zone indicated on approved plan 5A shall be increased to a minimum of 100 metres and shall be enforced during the operation of all war games and shall be demarcated in accordance with details approved in writing by this Planning Authority.**
- (5) Warning signs shall be posted along the adjoining core path during the operation of all war games. The exact location and details of the signs shall be subject to the written approval of this Planning Authority.**

- (6) Within 3 months of the date of this decision, the existing Safe Zone shall be reinstated in accordance with an approved restoration plan and the new Safe Zone, car park and vehicular access indicated on approved plan 5A shall be fully completed in accordance with details approved in writing by this Planning Authority. Once completed, the new car park and vehicular access shall provide the sole means of access and parking facility for the operation.
- (7) The 30 metre exclusion zones around the two badger setts indicated on approved plan 10A shall be enforced during the operation of all war games and shall be demarcated by high-visibility tape of a height at least one metre above the ground.
- (8) The unsurveyed area of the site indicated on approved plan 11 shall be subject to a badger survey. Any necessary mitigation measures shall be agreed in writing by this Planning Authority in consultation with Scottish Natural Heritage. This area shall not be used for war games until the approved measures have been fully implemented. Thereafter, the approved measures shall be enforced during the operation of all war games.
- (9) The ping area No Play Zone indicated on approved plan 5A shall be enforced during the operation of all war games and shall be demarcated in accordance with details approved in writing by this Planning Authority.
- (10) The vehicular access to the site shall have a minimum width of 6 metres, with a 12 metre radii to form a bellmouth, and shall extend at a minimum width of 6 metres for at least 15 metres as measured from the edge of the carriageway.
- (11) The vehicular access shall be constructed at right angles to the carriageway, at a gradient of 1 in 10, and in a manner to ensure that no surface water run-off or loose material is discharged onto the public road.
- (12) There shall be no obstruction to visibility greater than one metre in height above the carriageway for a minimum distance of 65 metres east of the vehicular access.
- (13) Notwithstanding the provisions of Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), any use of the site for war games or associated development, following the date of grant of this permission, shall be carried out in accordance with the conditions of this permission.

Reason(s):

- (1) The proposal may not be an acceptable form of permanent development.
- (2-6) To safeguard the environmental amenity of the area.
- (7-8) To safeguard the interests of a protected species.
- (9) To preclude an area which is not suitable for use.

(10-12) To safeguard the interests of the users of the highway.

(13) To ensure proper control over the use of the site.

Informative(s):

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 01, 02, 03, 04, 05A, 06, 07, 08, 09, 10A, 11 and 12.
- (2) The vehicular access will require a Minor Roadworks Consent, issued and approved by Roads Services, Earls Road, Grangemouth.
- (3) The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) regulate the disposal of sewage effluent to the water environment. The applicant should contact the SEPA local area team to ensure that any proposals for foul drainage are agreed and can be authorised under CAR.
- (4) Surface water drainage is required to comply with General Binding Rules (GBRs) 10 and 11 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR).
- (5) Any noise or odour complaints would be investigated by the Environmental Health Unit and acted upon as appropriate under Statutory Nuisance Legislation contained in the Environmental Protection Act.
- (6) Any tree thinning or felling that would disturb badgers or damage their setts would require a licence from the Scottish Government's Habitats and Species Unit.

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For Director of Development Services

Date: 25 November 2009

LIST OF BACKGROUND PAPERS

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38. Approved Falkirk Council Structure Plan
39. Adopted Rural Local Plan
40. Falkirk Council Local Plan Finalised Draft (Deposit Version)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504756 and ask for Ian Dryden (Development Manager).

FALKIRK COUNCIL

Subject: USE OF LAND FOR OUTDOOR SPORTS (AIRSOFT) AND ERECTION OF ANCILLARY SHELTERS AND FORMATION OF CAR PARK AT LAND TO THE SOUTH OF GREENRIGG FARM, FALKIRK FOR PLAYERS OF WAR AIRSOFT – P/09/0373/FUL

Meeting: PLANNING COMMITTEE

Date: 04 November 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: Falkirk South

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site consists of a woodland area owned by Callendar Estates. The current access to the site is from Beam Road and a public right of way (a core path). The site is currently used by Airsoft for war gaming. Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 allows for this provided the number of days of use does not exceed 28 days in any calendar year. Class 15 does not, however, cover the permanent war games structures on this site.
- 1.2 The proposal is to increase the frequency of use to a maximum of once a week and a minimum of twice a month. The access to the site is proposed to change to Lochgreen Road, where formation of a new access to serve a paintball operation has commenced. As a consequence, the existing car park and safe zone would relocate to the vicinity of the new access and the existing war games structures would probably relocate to closer to the new safe zone (further away from the core path which lies along part of the southern boundary of the site).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Buchanan.

3. SITE HISTORY

- 3.1 Planning application ref. P/08/0336/FUL for the use of land for outdoor sports (paintball) and erection of ancillary shelters, fencing, netting and portable toilets was refused by the Planning Committee. The applicant was Rebellion Paintball Limited and the site adjoins the Airsoft site, to the west. The application is currently the subject of an appeal against the Council's refusal.
- 3.2 Planning application ref: P/09/0170/FUL for the use of land for outdoor sports, (paintball) and erection of ancillary structures, fencing, netting and portable toilets was granted. The applicant was Rebellion Paintball Limited and the site adjoins the Airsoft site, to the east.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has detailed the requirements for the new vehicular access.
- 4.2 The Transport Planning Unit has accepted the Transport Statement submitted with the application.
- 4.3 Scottish Water has no objections to the application.
- 4.4 The Environmental Protection Unit is satisfied with the applicant's proposal to create a No Play Zone around an existing bingo and shaft area.
- 4.5 Scottish Natural Heritage has noted that exclusion zones will apply to two badger setts and is satisfied that a requirement to survey the unsurveyed part of the site for badgers could be the subject of a condition.
- 4.6 The Scottish Environment Protection Agency has no comments.
- 4.7 The Scottish Rights of Way and Access Society (Scotsway) has withdrawn its objection to the application provided the proposed 50 metre buffer zone between the war games area and the adjoining core path is strictly enforced.
- 4.8 Civic Licensing has advised that any requirement under the Civic Government (Scotland) Act 1982 for a licence for the Airsoft operation is currently under consideration

5. COMMUNITY COUNCIL

- 5.1 Falkirk South Community Council have not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 Thirty-seven representations have been received to the application. These representations include 31 letters of support and 4 letters of objection. One of the letters of objection is in the form of a petition with 155 signatories.

6.2 In addition, the applicant has submitted a petition in support of the application, which has 45 signatories.

6.3 The concerns raised in representations can be summarised as follows:-

- Disturbance to horse riders using public right of way.
- Use of woods by horse riders would no longer be possible.
- Inadequate shielding of horses from players; shadowy type movements cause horses to bolt.
- Noise from fireworks/smoke grenades at start of games and shouting startles horses.
- Walkers and dog walkers have stopped using the woods.
- Participants have no respect for anyone who approaches them.
- Disturbance to peace and tranquility of the area.
- Potential for serious injury if a child is hit.
- Roads are close enough to play area so that the power of the guns could cause a road hazard by breaking car windows.
- A 365 day operation would cause accidents as complete avoidance of the operation would not be possible.
- Concern at number of days proposed per year.
- A 50 metre buffer zone is inadequate.
- Concerns at extension to existing activities.
- Shifting the car park will not solve the problem, as participants will still be in the core path area.
- The existing exclusion zone is inadequate, the core path and adjoining land have pellets on them.
- No sign that the pellets are biodegradable.
- Adverse impact on wildlife.
- Significant increase in traffic on local roads and use of junction which is unsafe due to visibility constraints.
- The activity has been operating without toilet facilities.

- Permanent structures have been erected, showing scant regard for rules and regulations.
- The applicant is not a member of the UKASGB, the UK Airsoft Site Governing Body, which sets limits for the power of guns.
- The use of air rifles is dangerous, as evidenced by Scottish Government proposed legislation.
- The application should be rejected on moral grounds.

6.4 The reasons given in support of the application can be summarised as follows:-

- Players travel from throughout the UK and the site now has international interest.
- Economic benefits to local businesses as players spend money in local shops, restaurants and petrol stations.
- Source of employment to the local area.
- Good location as there are plenty of amenities in the area.
- Enhances facilities in the area.
- Regarded as world class site by the Airsoft community.
- The site is friendly and professionally run.
- Behaviour of players and organisers is exemplary.
- High regard for health and 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

Approved Falkirk Council Structure Plan

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 Under this policy there is a general presumption against new development unless it can be demonstrated that a countryside location is essential for the proposal. In this instance, by virtue of the nature of the development and the need for a woodland setting, it is accepted that a countryside location is essential. The development therefore complies with this policy.

7a.3 Policy ENV.3 ‘Nature Conservation’ states:

“The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:

- (1) Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:*
- (a) it will not adversely affect the integrity of the site, or;*
- (b) there are no alternative solutions and there are imperative reasons of overriding national public interest.*
- (2) Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of ‘wildlife corridors’ and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*

- (4) *The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats.”*

7a.4 The development does not impact on any designated or potential national, regional or local nature conservation site as described in items 1 and 2 of this policy.

7a.5 In overall nature conservation terms, the development is considered to be acceptable given the nature and frequency of operation. Whilst the site contains 2 badger setts, these areas would be subject to exclusion zones. This is acceptable to Scottish Natural Heritage. Whilst part of the site has not been surveyed for badgers, Scottish Natural Heritage are content that survey of this area could be the subject of a condition. Subject to the implementation of all necessary mitigation, the development is considered to accord with this policy.

7a.6 Policy ECON.7 ‘Tourism’ states:

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

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

7a.7 The proposed development is considered to represent a sustainable form of tourism, and therefore accords with this policy. In particular, a countryside location is essential and appropriate to the nature of the activity, the environmental impact is low and the development has the potential to sustain economic benefits by attracting visitors to the area.

Adopted Rural Local Plan

7a.8 The application site lies within the Countryside under the adopted Rural Local plan.

7a.9 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*

3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

7a.10 Under this policy, there is a general presumption against new development in the countryside except in limited circumstances. The circumstances of relevance in this instance is circumstance (5), which provides for development for tourism and countryside recreation purposes which requires a rural setting. For the reasons detailed in paragraph 7a.2, it is considered that a rural setting is required. In addition, the impact of the development on the character of the countryside is negligible as the new locations for the safe zone, car park and war game structures would be within the woodland setting. The development is therefore considered to accord with this policy.

7a.11 Policy RURAL 22 'Countryside Access' states:

"That the District Council seeks to protect and signpost existing rights of way and other recognised footpaths and, where appropriate, will encourage the creation of new means of access to the countryside for walking, cycling and equestrian purposes."

7a.12 The development does not prevent use of an adjoining core path. However, users of the path are concerned that the war games create a disturbance. The proposal is to relocate the vehicular access to the site, the car park area and the safe zone to the Lochgreen Road side of the site, well away from the core path, which should reduce the level of disturbance. In addition, a 50 metre wide buffer zone adjoining the core path and the placement of warning signs along the core path when the war games are in play are proposed. It is therefore considered that the existing network of countryside access routes would be protected and that this policy is complied with.

7a.13 Accordingly, the development is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material consideration in assessment of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses, the representations received and the Transport Statement submitted with the application.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 The application site lies within the countryside under the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7b.3 The relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) are Policy EQ19 (Countryside), Policy EQ24 (Ecological Sites and Features), Policy 29 (Outdoor Access), Policy EP16 (Leisure and Tourism Development in the Countryside) and Policy ST11 (Core Path Network). These policies are similar to those policies of the Development Plan which the development has been assessed against. For the same reasons, the development is considered to accord with these policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Consultation Responses

- 7b.4 The matters raised by the Roads Development Unit and the Environmental Protection Unit would be the subject of conditions of any grant of permission. The Environmental Protection Unit is satisfied with the applicant's proposal to erect high visibility sprayed posts to mark the boundaries of a "no play zone" around an existing bingo and shaft area.
- 7b.5 The Transport Planning Unit has accepted the Transport Statement submitted with the application.
- 7b.6 Scottish Natural Heritage are content with the proposed badger mitigation involving taping around the two identified badger setts to create a 30 metre radius exclusion zone around each sett. In addition, Scottish Natural Heritage are content that a requirement to survey all of the site for badger could be the subject of a condition.
- 7b.7 The Scottish Rights of Way and Access Society (Scotsway) originally objected to the application on the grounds that the nature of the activity and noise generated by those taking part could seriously impinge on the enjoyment of those using the adjoining right of way/core paths. Scotsway subsequently withdrew its objection upon clarification that a right of way to the east does not bound the site and subject to strict enforcement of the proposed 50 metre buffer zone when Airsoft play is in action, in order to separate the public and players.

Representations Received

- 7b.8 As indicated in Section 6 of this report, 37 representations to the application including a petition objecting to the development, have been received. In addition, the applicant has submitted a petition in support of the development. In relation to the grounds in opposition to and support of the application, the following comments are considered to be relevant:-
- The concerns raised in relation to nuisance and disturbance to users of the path network are noted. However, these concerns should be considered in the context of the multiple use of the woodland by recreational groups, e.g. horse riders, mountain bikers, dog walkers, a shooting club and the short length of the path network which adjoins the Airsoft site.
 - The applicant has advised that the proposed 50 metre buffer zone between the playing area and the core path is outwith the range of the Airsoft guns. This is accepted.

- The proposal is to increase the number of play days to a maximum of one a week. A restriction on the number of days of operation would be the subject of a condition.
- The proposed buffer zone, the relocation of the access, car park, safe zone and start area to the Lochgreen Road end of the site, and a restriction on the frequency of operation are measures that would mitigate nuisance and disturbance to users of the core path.
- The proposed play area does not adjoin any public road. The applicant has advised that the playing guns are not powerful enough to break a car window. This is accepted.
- The applicant has advised that the pellets are biodegradable, and that the time it takes for them to break down depends on conditions such as exposure to water, sun and soil. In a dry, well drained area, the breakdown time could be six months or longer. In a moist environment, the breakdown time could be three months. The pellets are broken down by water and micro organisms.
- It is not considered that the proposed development would have any significant impacts on wildlife given the nature and frequency of the operation. The entire site will be subject to a badger survey, and exclusion areas are proposed for the badger setts identified to date.
- The applicant has advised the Council's Food and Safety Regulation Unit, Environmental and Regulatory Services that the operation does not provide any paid employment. On this basis, the Food and Safety Unit has advised that no toilet facilities are required under the Health and Safety at Work Act.
- The applicant has advised that the Airsoft guns are classified as toys. They are not air rifles or classified as firearms.
- The applicant has advised that there is no requirements to be a member of the UK Airsoft Site Governing Body (UKASGB). The applicant is a member of UKARA (the United Kingdom Airsoft Retailer's Association) and SASPRA (the Scotland Airsoft Sites, Players and Retailer's Association). This matter is not a material planning consideration.
- Any consideration regarding the morality of war gaming is not a material planning consideration.
- The reasons given in support of this proposed Airsoft operation are noted.

Transport Statement

7b.9 A Transport Statement has been submitted with the application. It indicates that:-

- Hours of operation for traffic purposes are arrival between 8.30a.m and 10a.m and departure from the site between 4.30p.m and 5.30p.m every second Sunday. There is the possibility of operating weekly on Sundays.
- Anticipated vehicle numbers are in the range of 30-40 vehicles. This is based on current activity.

- The only access to the site would be from Lochgreen Road. This is a new access road which could be shared with a Rebellion Paintball operation.

7b.10 The Transport Planning Unit is satisfied that the level of traffic generated by the development, especially on a Sunday (normally the quietest day of the week) would have a negligible impact on the existing road infrastructure in the local area.

7c Conclusion

7c.1 The application is considered to accord with the Development Plan and Falkirk Council Local Plan Finalised Draft (Deposit Version), for the reasons detailed in this report. A significant body of public representation has been received to the application, both for and against the development. The concerns at the potential disturbance to users of the adjoining core path are noted, however, it is considered that relocation of the activity away from the core path, imposition of a buffer zone and a restriction on the frequency of operation should mitigate these concerns to a large extent. The potential benefits of the development as detailed in the report are also noted. No concerns have been raised in consultation responses that could not be the subject of conditions of any grant of permission.

7c.2 Taking all matters into account, the application is recommended for approval subject to the imposition of appropriate conditions. Temporary permission is recommended to allow for a review of the effectiveness of the measures to mitigate any impacts on the local area. In addition, a condition is recommended to relinquish the Class 15 permitted development rights which currently apply to the operation, to ensure the operation is carried out in accordance with the conditions of the permission if granted. Granting permission can therefore be seen as an opportunity to exercise greater control over the use of the site and mitigate potential impacts and address concerns raised in representations.

8. RECOMMENDATION

8.1 It is recommended that temporary permission should be granted subject to the following conditions:-

- (1) The permission shall be valid for a limited period until 30 June 2011 and at that time, unless further permission is granted, the site shall be vacated and reinstated in accordance with an approved restoration plan.**
- (2) The development shall operate on not more than one day of a week and within the hours of 8.30 a.m and 6.00 p.m only.**
- (3) The locations of the structures indicated on approved plan 5A are hereby not approved. Within 3 months of the date of this decision, the structures shall be erected in accordance with locations agreed in writing by the Planning Authority.**
- (4) The 50 metre wide No Play Zone indicated on approved plan 5A shall be enforced during the operation of all war games and shall be demarcated in accordance with details approved in writing by this Planning Authority.**

- (5) Warning signs shall be posted along the adjoining core path during the operation of all war games. The exact location and details of the signs shall be subject to the written approval of this Planning Authority.
- (6) Within 2 months of the date of this decision, the existing Safe Zone shall be reinstated in accordance with an approved restoration plan and the new Safe Zone, car park and vehicular access indicated on approved plan 5A shall be fully completed in accordance with details approved in writing by this Planning Authority. Once completed, the new car park and vehicular access shall provide the sole means of access and parking facility for the operation.
- (7) The 30 metre exclusion zones around the two badger setts indicated on approved plan 10A shall be enforced during the operation of all war games and shall be demarcated by high-visibility tape of a height at least one metre above the ground.
- (8) The unsurveyed area of the site indicated on approved plan 11 shall be subject to a badger survey. Any necessary mitigation measures shall be agreed in writing by this Planning Authority in consultation with Scottish Natural Heritage. This area shall not be used for war games until the approved measures have been fully implemented. Thereafter, the approved measures shall be enforced during the operation of all war games.
- (9) The bingo area No Play Zone indicated on approved plan 5A shall be enforced during the operation of all war games and shall be demarcated in accordance with details approved in writing by this Planning Authority.
- (10) The vehicular access to the site shall have a minimum width of 6 metres, with a 12 metre radii to form a bellmouth, and shall extend at a minimum width of 6 metres for at least 15 metres as measured from the edge of the carriageway.
- (11) The vehicular access shall be constructed at right angles to the carriageway, at a gradient of 1 in 10, and in a manner to ensure that no surface water run-off or loose material is discharged onto the public road.
- (12) There shall be no obstruction to visibility greater than one metre in height above the carriageway for a minimum distance of 65 metres east of the vehicular access.
- (13) Notwithstanding the provisions of Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), any use of the site for war games or associated development, following the date of grant of this permission, shall be carried out in accordance with the conditions of this permission.

Reason(s):

- (1) The proposal may not be an acceptable form of permanent development.
- (2-6) To safeguard the environmental amenity of the area.

- (7-8) To safeguard the interests of a protected species.
- (9) To preclude an area which is not suitable for use.
- (10-12) To safeguard the interests of the users of the highway.
- (13) To ensure proper control over the use of the site.

Informative(s):

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 01, 02, 03, 04, 05A, 06, 07, 08, 09, 10A, 11 and 12.
- (2) The vehicular access will require a Minor Roadworks Consent, issued and approved by Roads Services, Earls Road, Grangemouth.
- (3) The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) regulate the disposal of sewage effluent to the water environment. The applicant should contact the SEPA local area team to ensure that any proposals for foul drainage are agreed and can be authorised under CAR.
- (4) Surface water drainage is required to comply with General Binding Rules (GBRs) 10 and 11 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR).
- (5) Any noise or odour complaints would be investigated by the Environmental Health Unit and acted upon as appropriate under Statutory Nuisance Legislation contained in the Environmental Protection Act.
- (6) Any tree thinning or felling that would disturb badgers or damage their setts would require a licence from the Scottish Government's Habitats and Species Unit.

Pp

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Director of Development Services

Date: 27 October 2009

LIST OF BACKGROUND PAPERS

1. Letter of support from Mr Mark Baillie, 107 Ash Avenue, East Kilbride G75 9EP received on 22 June 2009
2. Letter of support from Mr Christopher Neill, 20 Shawfarm Gardens, Prestwick KA9 2GZ received on 23 June 2009
3. Letter of objection from Hannah Beckman BHSAI UKCC2 Reg'd, Beam Farm Falkirk FK1 3AF received on 08 July 2009
4. Letter of objection from William & Linda Beckman, Beam Farm Falkirk FK1 3AF received on 08 July 2009
5. Letter of support from Mr Brian Barton, 37 Cameron Grove, Inverkeithing, Dunfermline KY111AP received on 22 June 2009
6. Letter of support from Mr Jonathan Dickie, 87 Lounsdale Road, Paisley PA2 9DU received on 24 June 2009
7. Letter of support from Mr. Brian Smith, 39, Ochilview, Denny FK6 5NH received on 21 June 2009
8. Letter of support from Mr William Thomson, 76 Glenallan Drive, Edinburgh EH16 5RB received on 06 July 2009
9. Letter of support from Mr Ryan Kennedy, 34 Harvie Gardens, Armadale EH48 2GW received on 20 June 2009
10. Letter of support from Mr Paul MacLeod, 31 Main Street, Shieldhill, Falkirk FK1 2DZ received on 21 June 2009
11. Letter of support from Doctor Alex McKenzie, 22 Woodmill, Kilwinning KA13 7PT received on 21 June 2009
12. Letter of support from Mr Ross Elliott, 32 Rosedale Avenue, Paisley PA2 0RR received on 21 June 2009
13. Letter of support from Mr Giovanni Gentles, 8 Ochilview, Alva FK12 5EU received on 21 June 2009
14. Letter of support from Mr Paul McNamara, 100 Glenmuir Drive, Priesthill, Glasgow G53 6LR received on 21 June 2009
15. Letter of support from Mr Krzysztof Ruchomski, 81/6, Restalrig Road South, Edinburgh EH7 6JD received on 21 June 2009
16. Letter of support from Mr Gareth Fotheringham, 36 Glamis Gardens, Polmont, Falkirk FK2 0YJ received on 20 June 2009
17. Letter of support from Mrs Mary Fraser, Leyswood Cottage, High Bonnybridge, FK4 2EU received on 02 July 2009
18. Letter of support from Mr Jarrod Finn, 29 Wallaceneuk, Kelso TD5 8BR received on 20 June 2009
19. Letter of support from Mr Brian Walker, 31 Craigend Road, Cumbernauld, Glasgow G67 4JX received on 22 June 2009
20. Letter of objection from Mrs Judith Delissen, West Cottage High Forrester Quarter Farm FK4 2HA received on 23 June 2009 (petition with 155 signatories).
21. Letter of objection from Mr Alastair MacLeod, 19 Dunure Street Bonnybridge FK4 1EF received on 15 September 2009
22. Letter of representation from British Horse Society, Mrs Pat Somerville The Loaning Achengate Irvine received on 08 September 2009
23. Letter of representation from Rebellion Paintball, 73 Thornbridge Road Falkirk FK2 9AZ received on 08 September 2009
24. Letter of support from Mr Dean Turner, 56 Castleton Drive, Glasgow G77 5LE received on 24 June 2009

25. Letter of support from Miss Teresa Harkin, Glenholme, Castlegate, Jedburgh TD86BD received on 21 June 2009
26. Letter of support from Mr John Murphy, 2/7 Hesperus Crossway, Edinburgh EH5 1GH received on 21 June 2009
27. Letter of support from Mr James Shaw, 16 Hazel Crescent, Dunipace, Denny FK6 6IN received on 21 June 2009
28. Letter of support from Mr Steven J Graham, 5 Drumlanrig Place, Stenhousemuir, Larbert FK5 4UN received on 21 June 2009
29. Letter of support from Mr Jakub Oszczepalinski, 12/1 West Newington Place, Edinburgh EH9 1QU received on 21 June 2009
30. Letter of support from Mr Nicholas White, 38 Braeview, Stenhousemuir, Larbert FK5 3DT received on 21 June 2009
31. Letter of support from Mr Marc McIntosh, 19 Weaver Place, East Kilbride G75 8SH received on 06 July 2009
32. Letter of support from Mr Alan Brown, Hawthorn, 121 St Johns Road, Corstorphine, Edinburgh EH12 7SB received on 21 June 2009
33. Letter of support from Mr Kenneth Wilson, 277, Thornhill Road, Falkirk FK2 7EB received on 20 June 2009
34. Letter of support from Mr Keith Henderson, 67 Dover Heights, Masterton, Dunfermline KY11 8HS received on 20 June 2009
35. Letter of support from Mr Stephen Pringle, 17 Melville Gardens, Burntisland KY3 0DT received on 23 June 2009
36. Letter of support from Mr Thomas Burke, 3 Woodburn Crescent, Bonnybridge FK4 2DJ received on 02 July 2009
37. Letter of support from Mr Michael Edmond, 27 Glen Crescent, Glen Village, Falkirk FK1 2AQ received 22 June 2009
38. Approved Falkirk Council Structure Plan
39. Adopted Rural Local Plan
40. Falkirk Council Local Plan Finalised Draft (Deposit Version)

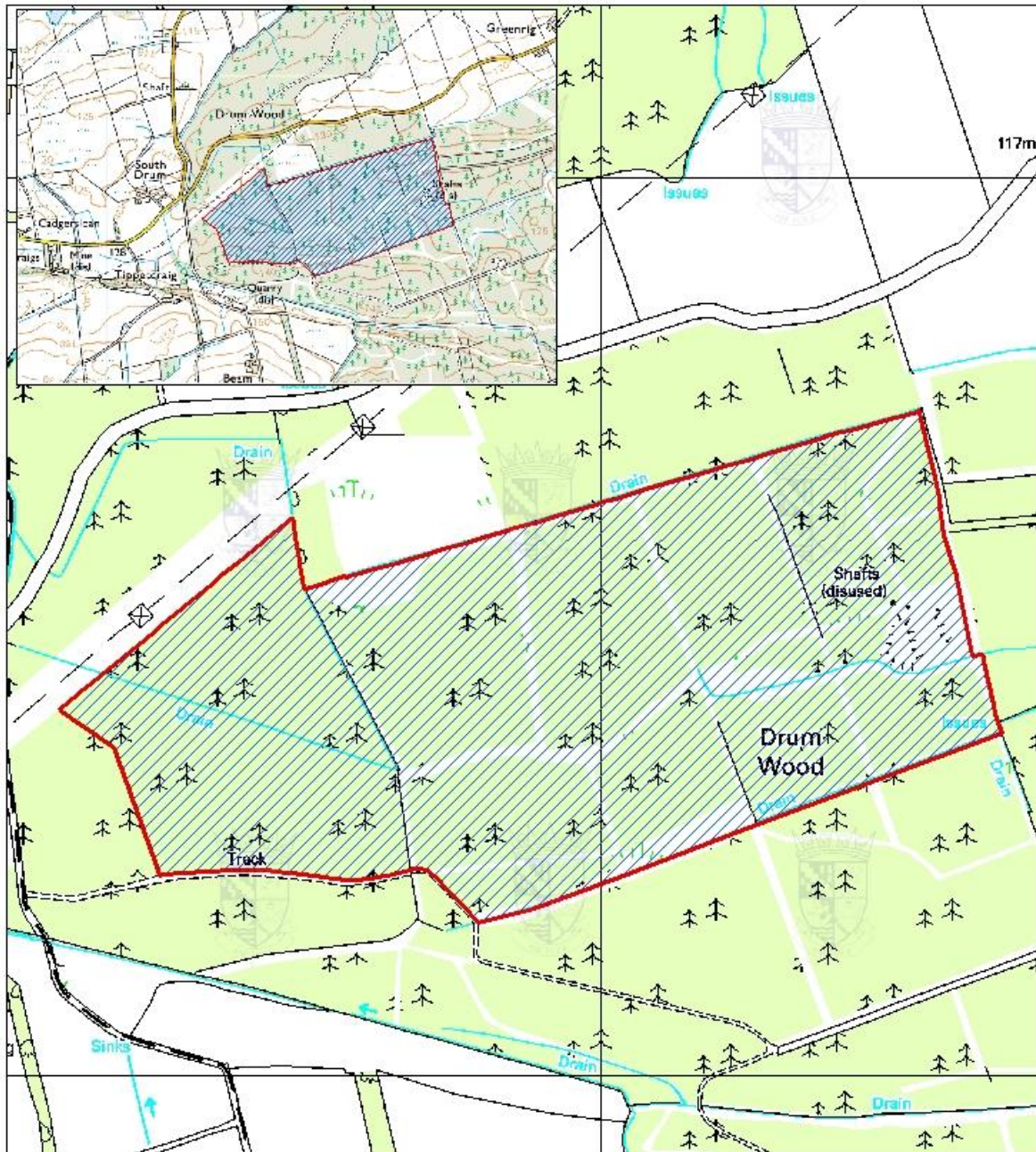
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0373/FUL

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



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FALKIRK COUNCIL

Subject: CHANGE OF USE OF UNIT 5 FROM CLASS 4 (BUSINESS) TO CLASS 2 (FINANCIAL, PROFESSIONAL & OTHER SERVICES) AT 80 WALLACE STREET, GRANGEMOUTH FK3 8JU FOR ALEX MILLER - P/09/0737/FUL
Meeting: PLANNING COMMITTEE
Date: 27 January 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Depute Provost Allyson Black
Councillor Angus MacDonald
Councillor Alistair McNeill
Councillor Robert Spears

Community Council: Grangemouth

Case Officer: Julie Seidel (Planning Officer), ext 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This is a detailed planning application for the change of use from Class 4 (Business) to Class 2 (Financial, Professional and Other Services) at Unit 5, 80 Wallace Street, Grangemouth.
- 1.2 The application site is located at the corner of Jackson Avenue and Wallace Street, Grangemouth. The area is predominantly residential although La Porte Precinct is located nearby. Residential properties are located to the north, south, east and west of the site. The application site is located in a row of three Class 4 units with residential accommodation at first floor level.

2. REASON FOR REFERRAL TO COMMITTEE

- 2.1 This application has been called in by Councillor Robert Spears.

3. SITE HISTORY

- 3.1 F/97/0436 - alterations and change of use of shop to distribution (Class 11) (detailed) - granted 14 August 1997.
- 3.2 P/07/0239/FUL - sub-division of unit to form 7 offices - refused 19 September 2007 - appeal dismissed 28 March 2008.

- 3.3 P/08/0694/FUL - conversion of former warehouse and trade outlet to 3 commercial units (Class 4) and 2 flats - granted on 25 March 2009.
- 3.4 P/09/0688/FUL - change of use of unit 3 from class 4 (business) to class 1 (shop) - granted on 19 November 2009.
- 3.5 P/09/0738/FUL - change of use of unit 1 from class 4 (business) to class 2 (financial, professional and other services) - pending consideration.

4. CONSULTATIONS

- 4.1 Scottish Water does not object to the application but any planning approval granted by a local authority does not guarantee a connection to Scottish Water infrastructure.
- 4.2 The Roads and Development Unit has advised that there are no roads conditions to be attached to any consent to be granted.
- 4.3 The Health and Safety Executive has been consulted through the PADHI+ System and the proposals result in a 'do not advise against' recommendation.
- 4.4 The Environmental Protection Unit has no objections to the application subject to an informative relating to contamination.

5. COMMUNITY COUNCIL

- 5.1 Grangemouth Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 7 letters of representation were received. Of these, 2 letters of comment/objection raised the following issues:-
- Limited on-street parking;
 - Residents should be able to park directly outside their front door;
 - Parking on both sides of the street would prevent access for Emergency and Hospital transport vehicles;
 - Overdevelopment of a quiet business premises;
 - Noise nuisance as a result of vehicles and customers to the unit;
 - Falkirk Council has not protected the environment, safeguarded the human health or enhanced the quality of life of Falkirk Council citizens living in the locality;
 - Applications at the site have not been dealt with in a transparent manner;

- The views and opinions of the local residents are not important; and
- Disappointment in relation to the planning history of the application site.

6.2 The 5 letters of support raised the following issues:

- The same 2 or 3 people object to applications at the site;
- There has never been a problem with parking in Jackson Avenue. Jackson Avenue is a dead end and all the houses have driveways and plenty of on street parking. Many elderly residents do not own a car;
- The development is an asset to the community;
- The building is almost complete and the area looks good; and
- It is unacceptable that the units cannot be let until February.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy ECON.3 'Local Business Development Opportunities' states:

"Provision will be made for business and industrial land to meet local needs within settlements. Local Plans will assess local need and identify and safeguard suitable sites which should meet all relevant environmental, amenity, access and infrastructure requirements giving priority to previously developed sites."

7a.2 This policy indicates that, apart from the strategic development opportunities, there will be a need for a supply of new business sites to meet local needs. Such sites will continue to be identified through Local Plans although other sites may arise which meet the appropriate detailed criteria.

7a.3 The application is not of a strategic nature and as such does not offend the terms of policy ECON.3.

7a.4 Policy ENV.4 'Coastal Planning and Flooding' states:

"The Council will apply the following general principles with regard to coastal planning and flooding issues:

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*
- (3) The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications."*

7a.5 Policy ENV.4 'Coastal Planning and Flooding' seeks to prevent development within coastal zones and areas where there is a significant risk of flooding. During consideration of the application for 3 commercial units (Ref: P/08/0694/FUL) the application site was identified by the Scottish Environmental Protection Agency as being at risk through flooding. Consultation through Falkirk Council's Flood Officer and external consultant - Sir Frederick Snow and Partners Ltd (Scotland) advised that the ground floor commercial element represents no net increase in flood affected property. Falkirk Council's Flood Officer advised that the change of use to a class 2 use would similarly result in no net increase. The application does not offend the terms of policy ENV.4.

Grangemouth Local Plan

7a.6 Policy Grangemouth Two 'Development within the Urban Limit' states:

"That within the Urban Area, urban uses will generally be acceptable provided they accord with all other relevant District Council policies and standards of provision."

7a.9 Policy Grangemouth Two advises that urban uses will be generally acceptable provided they accord with all other relevant Council policies and standards of provision. The proposed class two use is considered compatible within the area, particularly bearing in mind the existing class 4 use (Ref: P/08/0694/FUL). The proposal accords with all other relevant Council Policies and as such accords with Policy Grangemouth Two.

7a.10 Policy Grangemouth Seven 'Major Hazard Consultation Zones' states:

"That within a major hazard consultation zone development will not normally be permitted unless the District Council is satisfied that future users or occupants will not significantly add to the number of people exposed to the existing risks in the area."

- 7a.11 The Health and Safety Executive's criteria for risk have been assessed and a 'do not advise against' response has been obtained. The application accords with policy Grangemouth Seven.
- 7a.12 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations relating to the application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), and the points raised through public representation.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 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."

- 7b.3 Policy SC7 of the above Local Plan sets out criteria to be met by proposals for non-residential uses in residential areas, and stresses the need to ensure that there is no detriment to local residents through noise, disturbance, traffic generation or parking. The application site relates to an existing Class 4, business use. The introduction of a class 2 use is considered compatible within the established residential area. It is considered that the existing class 4 use and proposed class 2 use would have a similar impact on the area in terms of noise, disturbance, traffic generation and parking. As such it is considered that the application would not have any materially greater impact on the amenity of the area than the current use. The application accords with policy SC7.

- 7b.4 Policy EP4 'Business and Industrial Development within the Urban and Village Limits' states:

- "(1) New business and industrial development, or extensions to such uses, will be supported within the business areas highlighted in Policy EP2 and EP3(1), where it accords with the use specified for the area, is compatible with the established level of amenity in the business area, and protected habitats and species are safeguarded in accordance with Policy EQ24. Office development will also be supported within the Town and District Centres, providing it is also consistent with the specific policies for the relevant centre, particularly with regard to the safeguarding of the centre's retail function.*
- (2) Outwith these areas, proposals within the Urban Limit will only be permitted where the nature and scale of the activity will be compatible with the surrounding area, there will be no adverse impact on neighbouring uses or residential amenity, and the proposal is satisfactory in terms of access, parking and traffic generation."*

- 7b.5 Policy EP4 permits new business and industrial development within the urban area where the nature and scale of activity will be compatible with the surrounding area, there will be no adverse impact on neighbouring uses or residential amenity and the proposal is satisfactory in terms of access, parking and traffic generation. A retail and storage and distribution use has historically existed at the site and the premises have current permission for a class 4 business use. The proposed use would not have any materially greater impact on the amenity of the area than these previous uses. The application accords with policy EP4.

7b.6 Policy EP18 - 'Major Hazards' states:

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

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

7b.7 The Health and Safety Executive has been consulted and a 'do not advise against' response has been received. The application accords with policy EP18.

7b.8 Policy ST12 - 'Flooding' states:

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

7b.9 Policy ST12 seeks to avoid development in areas that are seriously at risk from flooding and to demonstrate that any flood risks can be adequately managed. During the consideration of the application for 3 commercial units (Ref: P/08/0694/FUL) the application site was identified by the Scottish Environmental Protection Agency as being at risk through flooding. Consultation through Falkirk Council's Flood Officer and external consultant - Sir Frederick Snow and Partners Ltd (Scotland) advised that the ground floor commercial element represents no net increase in flood affected property. Falkirk Council's Flood Officer advises that the change of use to a class 2 use would similarly result in no net increase. The application accords with policy ST12.

Points Raised Through Comment

7b.10 To address points raised through comment, it should be noted:-

- The vast majority of houses in the area have their own off-street parking. The local roads are wide and there is ample on-street parking available. It is not considered that the proposal would have a detrimental impact on the residential amenity of the area due to a lack of in-curtilage parking. Indeed there is no evidence of existing/previous problems of this nature related to the use of these premises. The proposed use is not considered to have a material greater impact on parking demands than the current or previous uses at the application site. The Roads Development Unit has not objected to the proposed development.
- A retail, storage and distribution use has existed at the site in the past and has current permission for a class 4 business use. The proposed use would not have any greater impact on the amenity of the area than those previous uses and does not result in an over development of the application site or residential area.
- Noise was not considered a determining factor in considering the application by the Environmental Protection Unit. However, if a noise complaint were received this could be investigated by the Environmental Protection Unit.

- Applications at the site have been dealt with in a transparent manner in accordance with Falkirk Council policy and procedures.
- The views and opinions of the local residents are a material planning consideration and have been noted and addressed as such during the assessment of each individual application at the site.
- Opinion in relation to the outcome of previous applications at the site is not material to consideration of the current planning application.
- The comments raised in support of the application are noted.

7c Conclusion

- 7c.1 The application has been assessed as being in accordance with the Development Plan and emerging District wide Local Plan. The comments received through representation are noted and addressed in this report. No major issues have been raised through consultation.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02 and 03.

.....
For Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.

2. Grangemouth Local Plan.
3. Falkirk Council Local Plan Finalised Draft Deposit Version.
4. Letter of objection from Peter and Isabel McQuillan, 78 Wallace Street, Grangemouth FK3 8BS on 8 November 2009.
5. Letter of comment, received via email, from Joan, Alan and Catriona Love, 68 Wallace Street, Grangemouth FK3 8BS on 12 November 2009.
6. Letter of support from Mark Mitchell, 17 Jackson Avenue, Grangemouth FK3 8JU on 5 December 2009.
7. Letter of support from Malcolm and Helen McDougall, 3 Jackson Avenue, Grangemouth FK3 8JU on 12 December 2009.
8. Letter of support from Joe Gallacher, 38 Wallace Street, Grangemouth FK3 8BP on 12 December 2009.
9. Letter of support from Lindsay Lauder, Flat 5 Jackson House, 80 Wallace Street, Grangemouth FK3 8JS on 8 January 2010.
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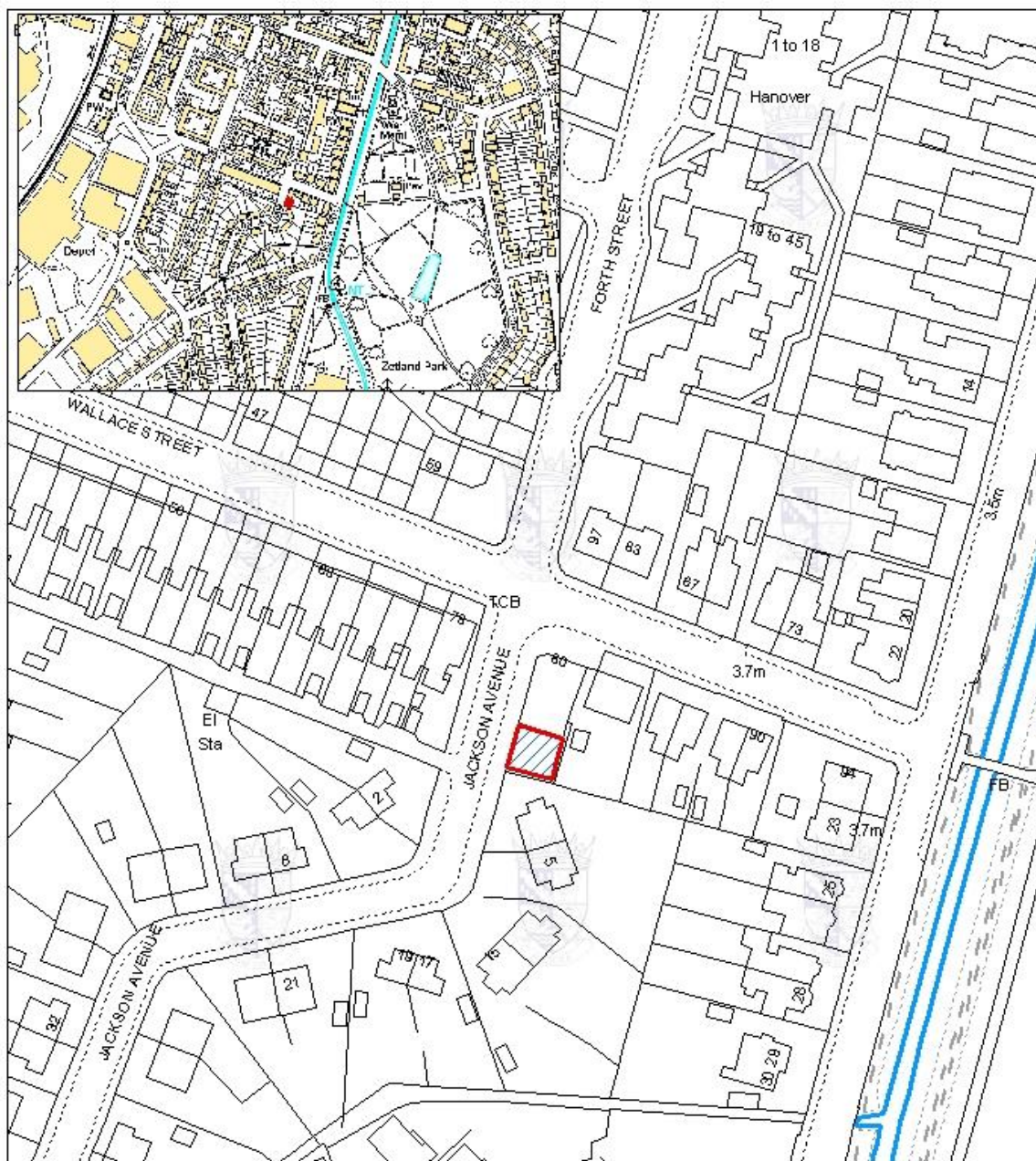
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0737/FUL

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



Fife Council



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FALKIRK COUNCIL

Subject: CHANGE OF USE OF UNIT 1 FROM CLASS 4 (BUSINESS) TO CLASS 2 (FINANCIAL, PROFESSIONAL & OTHER SERVICES) AT 80 WALLACE STREET, GRANGEMOUTH FK3 8JU FOR ALEX MILLER - P/09/0738/FUL
Meeting: PLANNING COMMITTEE
Date: 27 January 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Depute Provost Allyson Black
Councillor Angus MacDonald
Councillor Alistair McNeill
Councillor Robert Spears

Community Council: Grangemouth

Case Officer: Julie Seidel (Planning Officer), ext 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This is a detailed planning application for the change of use from Class 4 (Business) to Class 2 (Financial, Professional and Other Services) at Unit 1, 80 Wallace Street, Grangemouth.
- 1.2 The application site is located at the corner of Jackson Avenue and Wallace Street, Grangemouth. The area is predominantly residential although La Porte Precinct is located nearby. Residential properties are located to the north, south, east and west of the site. The application site is located in a row of three Class 4 units with residential accommodation at first floor level.

2. REASON FOR REFERRAL TO COMMITTEE

- 2.1 This application has been called in by Councillor Robert Spears.

3. SITE HISTORY

- 3.1 F/97/0436 - alterations and change of use of shop to distribution (class 11) (detailed) - granted 14 August 1997.
- 3.2 P/07/0239/FUL - sub-division of unit to form 7 offices - refused 19 September 2007 - appeal dismissed 28 March 2008.

- 3.3 P/08/0694/FUL - conversion of former warehouse and trade outlet to 3 commercial units (class 4) and 2 flats - granted on 25 March 2009.
- 3.4 P/09/0688/FUL - change of use of unit 3 from class 4 (business) to class 1 (shop) - granted on 19 November 2009.
- 3.5 P/09/0737/FUL - change of use of unit 5 from class 4 (business) to class 2 (financial, professional and other services) - pending consideration.

4. CONSULTATIONS

- 4.1 Scottish Water does not object to the application but any planning approval granted by a local authority does not guarantee a connection to Scottish Water infrastructure.
- 4.2 The Roads and Development Unit has advised that there are no roads conditions to be attached to any consent to be granted.
- 4.3 The Health and Safety Executive has been consulted through the PADHI+ System and the proposals result in a 'do not advise against' recommendation.
- 4.4 The Environmental Protection Unit has no objections to the application subject to an informative relating to contamination.

5. COMMUNITY COUNCIL

- 5.1 Grangemouth Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 7 letters of representation were received, of these, 2 Letters of comment/objection raised the following issues:-
- Limited on-street parking;
 - Residents should be able to park directly outside their front door;
 - Parking on both sides of the street would prevent access for Emergency and Hospital transport vehicles;
 - Overdevelopment of a quiet business premises;
 - Noise nuisance as a result of vehicles and customers to the unit;
 - Falkirk Council has not protected the environment, safeguarded the human health or enhanced the quality of life of Falkirk Council citizens living in the locality;
 - Applications at the site have not been dealt with in a transparent manner;

- The views and opinions of the local residents are not important; and
- Disappointment in relation to the planning history of the application site.

6.2 The 5 letters of support raised the following issues:

- The same 2 or 3 people object to applications at the site;
- There has never been a problem with parking in Jackson Avenue. Jackson Avenue is a dead end and all the houses have driveways and plenty of on street parking. Many elderly residents do not own a car;
- The development is an asset to the community;
- The building is almost complete and the area looks good; and
- It is unacceptable that the units cannot be let until February.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy ECON.3 'Local Business Development Opportunities' states:

"Provision will be made for business and industrial land to meet local needs within settlements. Local Plans will assess local need and identify and safeguard suitable sites which should meet all relevant environmental, amenity, access and infrastructure requirements giving priority to previously developed sites."

7a.2 This policy indicates that, apart from the strategic development opportunities, there will be a need for a supply of new business sites to meet local needs. Such sites will continue to be identified through Local Plans although other sites may arise which meet the appropriate detailed criteria.

7a.3 The application is not of a strategic nature and as such does not offend the terms of policy ECON.3.

7a.4 Policy ENV.4 'Coastal Planning and Flooding' states:

"The Council will apply the following general principles with regard to coastal planning and flooding issues:

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*
- (3) The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications."*

7a.5 Policy ENV.4 'Coastal Planning and Flooding' seeks to prevent development within coastal zones and areas where there is a significant risk of flooding. During consideration of the application for 3 commercial units (Ref: P/08/0694/FUL) the application site was identified by the Scottish Environmental Protection Agency as being at risk through flooding. Consultation through Falkirk Council's Flood Officer and external consultant - Sir Frederick Snow and Partners Ltd (Scotland) advised that the ground floor commercial element represents no net increase in flood affected property. Falkirk Council's Flood Officer advised that the change of use to a class 2 use would similarly result in no net increase. The application does not offend the terms of policy ENV.4.

Grangemouth Local Plan

7a.6 Policy Grangemouth Two 'Development within the Urban Limit' states:

"That within the Urban Area, urban uses will generally be acceptable provided they accord with all other relevant District Council policies and standards of provision."

7a.7 Policy Grangemouth Two advises that urban uses will be generally acceptable provided they accord with all other relevant Council policies and standards of provision. The proposed class two use is considered compatible within the area, particularly bearing in mind the existing class 4 use (Ref: P/08/0694/FUL). The proposal accords with all other relevant Council Policies and as such accords with Policy Grangemouth Two.

7a.8 Policy Grangemouth Seven 'Major Hazard Consultation Zones' states:

"That within a major hazard consultation zone development will not normally be permitted unless the District Council is satisfied that future users or occupants will not significantly add to the number of people exposed to the existing risks in the area."

- 7a.9 The Health and Safety Executive's criteria for risk have been assessed and a 'do not advise against' response has been obtained. The application accords with policy Grangemouth Seven.
- 7a.10 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations relating to the application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), and the points raised through public representation.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 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."

- 7b.3 Policy SC7 of the above Local Plan sets out criteria to be met by proposals for non-residential uses in residential areas, stresses the need to ensure that there is no detriment to local residents through noise, disturbance, traffic generation or parking. The application site relates to an existing Class 4, business use. The introduction of a class 2 use is considered compatible within the established residential area. It is considered that the existing class 4 use and proposed class 2 use would have a similar impact on the area in terms of noise, disturbance, traffic generation and parking. As such it is considered that the application would not have any materially greater impact on the amenity of the area than the current use. The application accords with policy SC7.

- 7b.4 Policy EP4 'Business and Industrial Development within the Urban and Village Limits' states:

- "(1) New business and industrial development, or extensions to such uses, will be supported within the business areas highlighted in Policy EP2 and EP3(1), where it accords with the use specified for the area, is compatible with the established level of amenity in the business area, and protected habitats and species are safeguarded in accordance with Policy EQ24. Office development will also be supported within the Town and District Centres, providing it is also consistent with the specific policies for the relevant centre, particularly with regard to the safeguarding of the centre's retail function.*
- (2) Outwith these areas, proposals within the Urban Limit will only be permitted where the nature and scale of the activity will be compatible with the surrounding area, there will be no adverse impact on neighbouring uses or residential amenity, and the proposal is satisfactory in terms of access, parking and traffic generation."*

- 7b.5 Policy EP4 permits new business and industrial development within the urban area where the nature and scale of activity will be compatible with the surrounding area, there will be no adverse impact on neighbouring uses or residential amenity and the proposal is satisfactory in terms of access, parking and traffic generation. A retail and storage and distribution use has historically existed at the site and the premises have current permission for a class 4 business use. The proposed use would not have any materially greater impact on the amenity of the area than these previous uses. The application accords with policy EP4.

7b.6 Policy EP18 - 'Major Hazards' states:

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

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

7b.7 The Health and Safety Executive has been consulted and a 'do not advise against' response has been received. The application accords with policy EP18.

7b.8 Policy ST12 - 'Flooding' states:

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

7b.9 Policy ST12 seeks to avoid development in areas that are seriously at risk from flooding and to demonstrate that any flood risks can be adequately managed. During the consideration of the application for 3 commercial units (Ref: P/08/0694/FUL) the application site was identified by the Scottish Environmental Protection Agency as being at risk through flooding. Consultation through Falkirk Council's Flood Officer and external consultant - Sir Frederick Snow and Partners Ltd (Scotland) advised that the ground floor commercial element represents no net increase in flood affected property. Falkirk Council's Flood Officer advises that the change of use to a class 2 use would similarly result in no net increase. The application accords with policy ST12.

Points Raised Through Comment

7b.10 To address points raised through comment, it should be noted:-

- The vast majority of houses in the area have their own off-street parking. The local roads are wide and there is ample on-street parking available. It is not considered that the proposal would have a detrimental impact on the residential amenity of the area due to a lack of in-curtilage parking. Indeed there is no evidence of existing/previous problems of this nature related to the use of these premises. The proposed use is not considered to have a material greater impact on parking demands than the current or previous uses at the application site. The Roads Development Unit has not objected to the proposed development.
- A retail, storage and distribution use has existed at the site in the past and has current permission for a class 4 business use. The proposed use would not have any greater impact on the amenity of the area than those previous uses and does not result in an over development of the application site or residential area.
- Noise was not considered a determining factor in considering the application by the Environmental Protection Unit. However, if a noise complaint were received, this could be investigated by the Environmental Protection Unit.

- Applications at the site have been dealt with in a transparent manner in accordance with Falkirk Council policy and procedures.
- The views and opinions of the local residents are a material planning consideration and have been noted and addressed as such during the assessment of each individual application at the site.
- Opinion in relation to the outcome of previous applications at the site is not material to consideration of the current planning application.
- The comments raised in support of the application are noted.

7c Conclusion

- 7c.1 The application has been assessed as being in accordance with the Development Plan and emerging District wide Local Plan. The comments received through representation are noted and addressed in this report. No major issues have been raised through consultation.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02 and 03.

.....
For Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Grangemouth Local Plan.
3. Falkirk Council Local Plan Finalised Draft Deposit Version.
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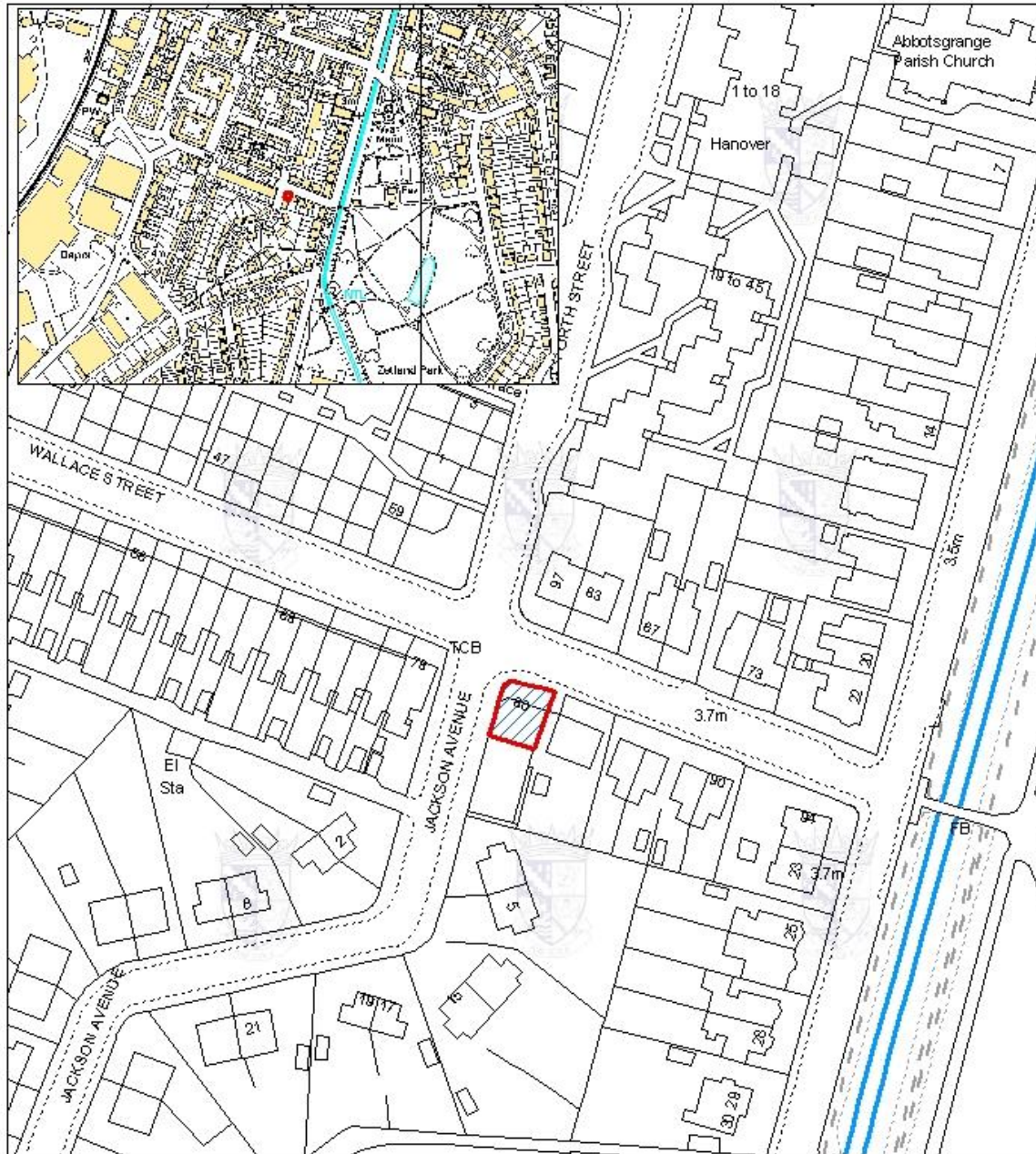
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0738/FUL

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FALKIRK COUNCIL

Subject: ALTERATIONS TO SHOPFRONT AT 4 - 6A YORK ARCADE,
GRANGEMOUTH, FK3 8BA FOR FALKIRK COUNCIL - P/09/0841/FUL
Meeting: PLANNING COMMITTEE
Date: 27 January 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Depute Provost Allyson Black
Councillor Angus MacDonald
Councillor Alistair McNeill
Councillor Robert Spears

Community Council: Grangemouth

Case Officer: Kirsty Hope, (Assistant Planning Officer) Ext 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The existing shop is located at 4-6A York Arcade, Grangemouth, within the Grangemouth Town Centre.
- 1.2 The application proposes the alteration to the existing shopfront with the removal of a glazed panel and the installation of a new glazed entrance door.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been made by Falkirk Council and under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 There is no relevant history.

4. CONSULTATIONS

- 4.1 There are no consultations considered necessary owing to the minor nature of works involved in the alterations to a shopfront only.

5. COMMUNITY COUNCIL

- 5.1 Grangemouth Community Council has not made representation.

6. PUBLIC REPRESENTATION

- 6.1 No letters of objection or representation have been received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Grangemouth Local Plan

- 7a.2 Policy Grangemouth One 'Urban Limit' states:

“That the boundary of the urban area as indicated on figures 1 and 3 be regarded as the desirable limit to the growth of Grangemouth for the period of the plan. Accordingly, there shall be a general presumption against proposals for development which would either extend the urban area beyond this limit or which would constitute sporadic development in the countryside.”

- 7a.3 The application accords with the terms of Policy Grangemouth One 'Urban Limit' of the adopted Grangemouth Local Plan as the property is located within the Urban Limits of the desirable growth of the area.

- 7a.4 Policy Grangemouth Eight 'Town Centre Shopping Frontages' states:

“That within those shopping frontages indicated on figure 2 the district council will not normally permit changes of use other than shops as defined by class 1 of the Town and Country Planning (Use Classes) (Scotland) Order, 1973. In certain circumstances, favourable consideration may be given to applications for restaurants and cafes provided that, in the opinion of the District Council, such applications would be of benefit to, and would reinforce, the shopping function of the area.”

- 7a.5 The proposed alterations to the existing shop front would remain sympathetic to the character of the building of which it is part. The preservation of the existing traditional features would remain. The proposed shop front would make a positive contribution to the appearance of the Town Centre Shopping Area and is seen to be compatible with the character in terms of size, scale, design and materials. It is therefore considered that the proposal accords with the Policy Grangemouth Eight 'Town Centre Shopping Frontages' within the Grangemouth Local Plan.

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

7b Material Considerations

7b.1 The following are considered to be material to consideration of the application:

- Falkirk Council Local Plan Finalised Draft (Deposit Version)
- Falkirk Council Supplementary Guidance Note

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.1 The relevant policy contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version) is policy EQ11 and can be seen to reinforce and affirm the Policies Grangemouth One and Eight of the Grangemouth Local Plan. The design of the shop front is sympathetic to the existing character of the building and the surrounding areas. The proposal is seen to preserve the character of the area and is in keeping with the traditional style of the shopfronts in the surrounding area. It is therefore considered that the proposal accords with policy EQ11 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Falkirk Council Supplementary Guidance

7b.2 The proposal complies with the advice contained in Falkirk Council's Supplementary Planning Guidance Note on Shopfronts. The shop front would remain in a traditional style and is considered to be designed sympathetically to the existing building as well as the surrounding area.

7c Conclusion

7c.1 The application has been assessed and accords with both the terms of the Development Plan and the emerging Falkirk Local Plan and supplementary planning guidance. There are no other considerations that would justify a refusal of planning permission.

7c.2 The application is recommended for approval subject to the imposition of the appropriate conditions.

8. RECOMMENDATION

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

1. The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02, 03 and 04.

.....
For Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. The Grangemouth Local Plan
3. The Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Falkirk Council's Supplementary Planning Guidance Note on Shopfronts

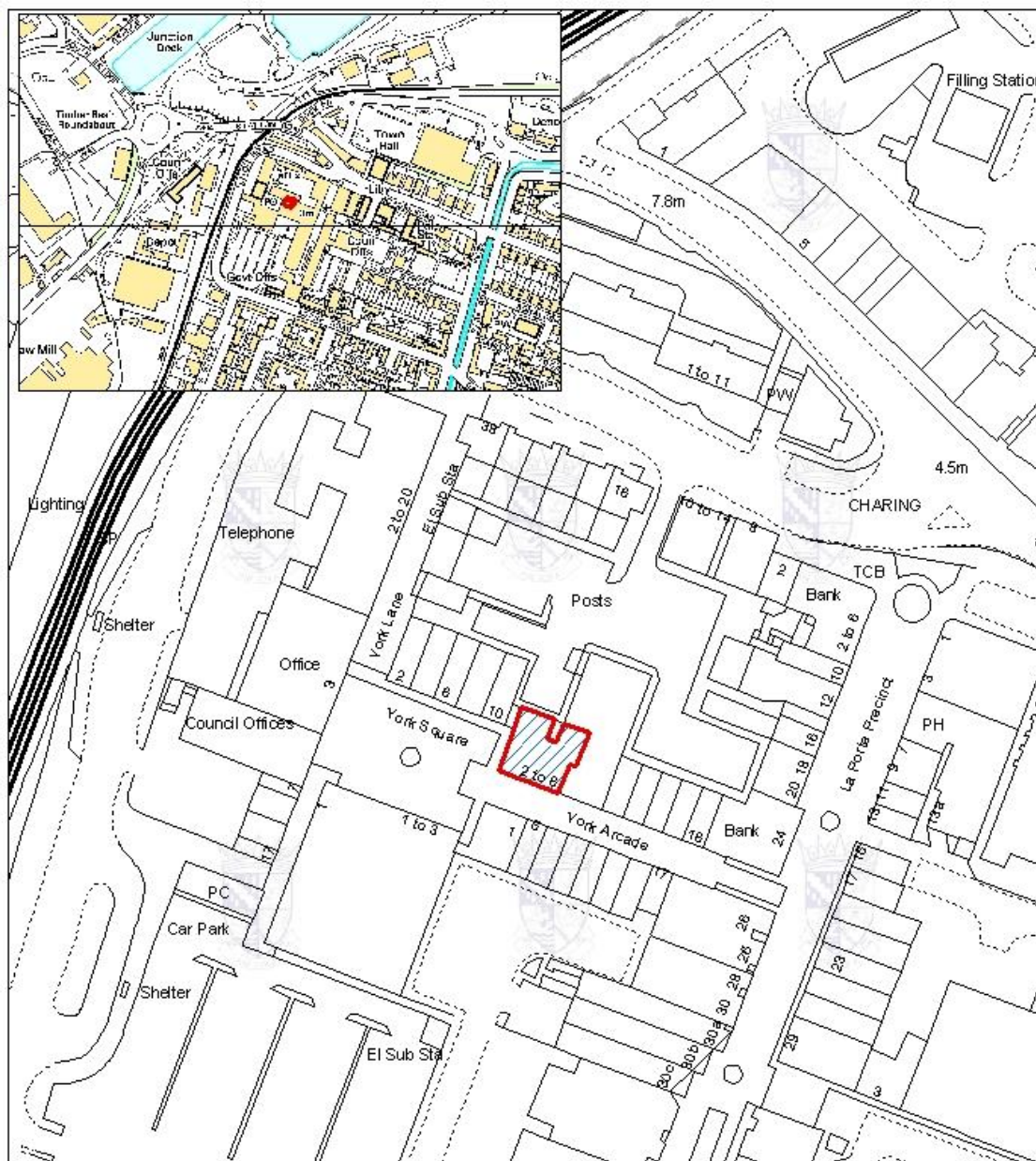
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope (Assistant Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0841/FUL

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FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND AT WHINNIE MUIR
WOOD WEST OF TORWOOD HEAD COTTAGE, LARBERT FOR MR R
MCCLURG - P/09/0519/FUL

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne (Senior Planning Officer), 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is adjacent to an existing commercial fishery. The commercial fishery comprises an area excavated for a pond with a grassed island feature, which has been flooded and stocked. The applicant has also installed a temporary caravan and related outbuilding, with roadway access.
- 1.2 The site of the dwellinghouse is an area of sloping ground, leading up to a landscaped ridgeline. Existing mature landscaping is augmented by introduced planting, yet to reach maturity.
- 1.3 The proposed dwellinghouse would be constructed over 2 floors and a basement, with the following provision: -
 - Basement, wine cellar and 2 double garages,
 - Ground floor comprising 1 bedroom, swimming pool, lounge, dining room, study, kitchen, breakfast room, family room and play room (potential further bedroom), utility room, pool plant room, hall and vestibule. Access to a verandah is also proposed.
 - Upper floor comprising 5 bedrooms and library.
- 1.4 The dwellinghouse would provide a security measure overseeing the function of the fishery business.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor J Blackwood.

3. SITE HISTORY

- 3.1 05/0853/FUL - Formation of Wetland Pond – Granted.
- 3.2 05/0422/FUL – Formation of Wetland Pond – Withdrawn.
- 3.3 06/1116/FUL – Change of Use of Wetland Pond to Class 11 (Assembly and Leisure) Fishery, Erection of Temporary Residential Unit and Storage Building and Formation of Access Road and Car Park – Granted.
- 3.4 F/2005/0009 – Formation of Commercial Fishery Pond, associated Car Parking and Manager's Accommodation – Withdrawn.

4. CONSULTATIONS

- 4.1 The Scottish Environmental Protection Agency considers the proposal relatively minor and has raised no objections.
- 4.2 The Roads Development Unit raise concerns that the car parking provision proposed through a previous planning permission has not been formed.
- A junction assessment for the access to the A9 roadway will be required, if the property is to be used in conjunction with commercial activity.
 - Foul drainage and effluent disposal requires to be satisfied.
- 4.3 Scottish Water raise no objections.
- 4.4 Environmental Protection Unit advise that, if unexpected contamination is encountered following commencement of development, all works on the affected part of the site should cease. Development should not recommence without the prior written approval of the planning authority.
- 4.5 An economic justification has been submitted where the applicant identifies that the fishery is under contract to a consortium of individuals who have a 5 year tenure. Economic Development have reviewed the supporting financial information and are concerned that the financial projections are already into year 2 of a 5 year forecast, where the current consortium client could disband and the proposed house remain without economic support from the fishery provision.
- The financial success of the fishery operation is extremely limited.

5. COMMUNITY COUNCIL

5.1 Larbert, Stenhousemuir and Torwood Community Council object to the application based on the following: -

- The application is contrary to the Local Plan, as there is no requirement for additional housing land in the Rural North area in the Local Plan period to 2012.
- Given the size of the proposed development, this would add to the ongoing creeping development and resulting infrastructure constraints within the area.
- In addition, the Community Council also has serious concerns with the application which will encroach on the woodland area which is understood to be protected.

6. PUBLIC REPRESENTATION

6.1 Two letters of objection have been received, commenting that:-

- The application site is in ground outwith the village limits, where there is a presumption against proposals for development.
- There is no need for additional housing in Torwood.
- Access to the proposed development is from the A9, which is already dangerous and further traffic will exacerbate this problem.
- The proposal is backland development and seems excessively large for a Manager's house.
- The proposal is contrary to Policy Rural 1 'New Development in the Countryside'.
- Existing woodland would be destroyed.

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

Approved Falkirk Council Structure Plan

7a.1 Policy ENV.1 'Countryside and Protected Areas' states:

- “(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 It is considered that permanent residential occupation of the site has not been established to be essential to the associated fishery business, given the financial background to the enterprise and limited tenure of current clients.

Rural Area Local Plan

7a.3 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
- 6. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council’s “Design Guide For Buildings In The Rural Areas” and sympathetic to vernacular architectural forms will be expected.”

- 7a.4 In this instance, the applicant has failed to demonstrate that the proposed housing element is absolutely essential to the pursuance of the economic activities of the commercial fishery.
- 7a.5 In terms of design, too grand a character is evident through the window and chimney details and the structure lacks authenticity both in its appearance and location. A landscaped country estate would seem more appropriate in terms of setting, rather than dedicated to a functioning fish farm. Overall, the building cannot be considered sympathetic to vernacular architectural form in the area.
- 7a.6 Accordingly, the proposed development does not accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be addressed are National Planning Advice, the Falkirk Council Local Plan Finalised Draft (Deposit Version), points raised by objectors and consultees and planning history.

National Planning Advice

- 7b.2 Planning Advice Note 72 – New Housing in the Countryside – advocates that there is a sturdy quality to much of the scale and shape of Scotland’s domestic rural architecture. This is derived largely from the simplicity of the form and proportion, and in the arrangement of doors and windows. The main objective should be to adopt the best from the local elements and interpret traditional shapes and sizes into a modern context. Overall, the envelope (the width, height and depth of the walls) together with the roof pitch (angle) determine a building’s proportions. In this instance, the size, scale and design of the dwelling does not evoke an impression of local vernacular or style and would, if presented on an unbiased basis, be difficult to identify as having as a traditional form as be identified as Scottish or, indeed, local to Torwood. Planning Advice Note 72 identifies that while there will be a continuing need for new houses in the countryside, changes in our landscape can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short-term thinking can have a long term impact on the landscape.

Planning History

- 7b.3 It is acknowledged that the applicant previously achieved the benefit of planning permission for the introduction of a fishery business on 5 June 2007 (reference 06/1116/FUL).
- 7b.4 On submission of planning application 06/1116/FUL, the applicant offered a supporting statement and business plan which indicated that a private consortium would generate an annual income of £100,000 per year. The supporting information provided by Howiestoun Fishery suggested that the provision of a chalet style fishing lodge with toilet and washing facilities would be advantageous, to oversee the arrival and departure of clients, provide coaching and instruction. It was envisaged that the facility would provide employment for 1 manager.
- 7b.5 The planning report accompanying the recommendation to approve application reference 06/1116/FUL notes: -

“It is noted that the proposal includes a temporary residential unit for the purposes of management and security. In this respect the Economic Development Unit has been advised that, although the supporting business plan

demonstrates that the proposed fishing business will be viable and of a high quality, there accommodation for a fishery manager is essential for the operation of the business. Evidence over and above the information included in the business plan is required.”

“It is noted that the residential unit proposed is temporary in nature, the purpose of which is to provide an on-site managerial/ security presence whilst the proposed business is afforded the opportunity to become established.”

- 7b.6 As part of this permission, it was considered reasonable by the planning authority to include consent for temporary accommodation (expires 31 May 2010) to allow a manager to oversee the construction and stocking of the fishery.

Points raised through objection and consultation

- 7b.7 The area of land subject to application is not a designated housing site and is outwith the village of nearway Torwood. However, Local Plan policies do support single dwellings in rural areas where considered appropriate and necessary.
- 7b.8 The application site has already been subject to development through the installation of the commercial fishery and no major tree loss is envisaged. However, the site is not covered by a Tree Preservation Order or any other status which would prevent any felling of trees.
- 7b.9 The Roads and Development Unit raises concern about the proposals in that the utilization of the potential 7 bedroom dwelling for commercial purposes would have an uncertain impact on the existing junction access. In addition, concern is raised over the drainage strategy and, for the avoidance of doubt, foul drainage and efficient disposal should be entirely separate from any drainage linked to the existing pond.
- 7b.10 The proposal is not considered backland development as there are no additional houses between the application site and the nearby roadway.
- 7b.11 The dwelling is considered to have a high level of occupancy capacity and provision, outwith that normally associated with the requirements of a fishery manager.
- 7b.12 Falkirk Council's Economic Development Unit does not consider the introduction of a permanent dwellinghouse to have a clear financial basis on the profit forecasts of the fishery business.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.13 Policy SC3 - ‘Housing Development In The Countryside’ states:

“Housing development in the countryside will only be permitted in the following circumstances:

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - The operational need for the additional house in association with the business*
 - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*

- *That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
- *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - *The restored or converted building is of comparable scale and character to the original building*
 - *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7b.14 In this instance, the applicant has failed to demonstrate that the proposed dwelling is essential to the pursuance of the fishery business through operational need and that the fishery business as a whole is capable of providing the main source of income for the occupant.

7b.15 Policy EQ19 - ‘Countryside’ states:

- “(1) *The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- *it can be demonstrated that they require a countryside location;*
 - *they constitute appropriate infill development; or*
 - *they utilise suitable existing buildings.*
- (2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*
- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
 - *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council’s ‘Design Guide for Buildings in the Rural Areas’; and*
 - *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7b.16 It is the opinion of the planning authority that the applicant has not demonstrated that a rural location for a new dwellinghouse is required, given the lack of financial justification or operational need associated with the adjoining fishery business.

7b.17 In terms of physical form, the proposed dwelling could be considered visually intrusive and the building scale, massing and design is not considered sympathetic to vernacular building styles in the area.

7c Conclusion

7c.1 It is considered that the applicant has not demonstrated that the economic state of the existing fishery business is capable of providing the main source of income for the occupant, nor is the proposed dwelling essential for the operational need of the fishery. The scale, massing and design of the dwellinghouse is not considered to represent a sympathetic design to the countryside location.

8. RECOMMENDATION

8.1 It is recommended that Committee refuse planning permission for the following reasons:-

- (1) It is considered that the proposal is contrary to Falkirk Council Structure Plan Policy ENV.1 (Countryside and Protected Areas), Rural Area Local Plan Policy Rural 1 (New Development in the Countryside) and Falkirk Council Local Plan Finalised Draft Deposit Version Policy SC3 (Housing Development in the Countryside) in that the essential justification for the dwelling to serve the existing fishery business has not been established nor that the business as a whole is capable of providing the main source of income for the occupant.
- (2) The proposal is considered contrary to the Planning Advice Note 72 (New Housing in the Countryside), Rural Area Local Plan Policy Rural 1 (New Development in the Countryside) and Falkirk Council Local Plan Finalised Draft Deposit Version Policy EQ19 (Countryside), in that the size, scale and design of the dwellinghouse is not sympathetic to vernacular building style in the area and the siting potentially injurious to visual amenity.

Informatives:

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

.....
For Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Planning Advice Note 72 – New Housing in the Countryside.
2. Falkirk Council Structure Plan.
3. Falkirk Council Rural Local Plan.
4. Falkirk Council Finalised Draft (Deposit Version).
5. Letter of objection received from Gordon Millar, Rowandale Glen Road Torwood, Larbert on 21 August 2009.
6. Letter of objection received from Larbert, Stenhousemuir & Torwood Community Council, Norvia C/o 92 Stirling Road, Larbert FK5 4NF on 14 September 2009.
7. Letter of objection from Ms Joanna Stevenson, Yew Bank, Central Park Avenue, Larbert, FK5 4GR on 1 September 2009.

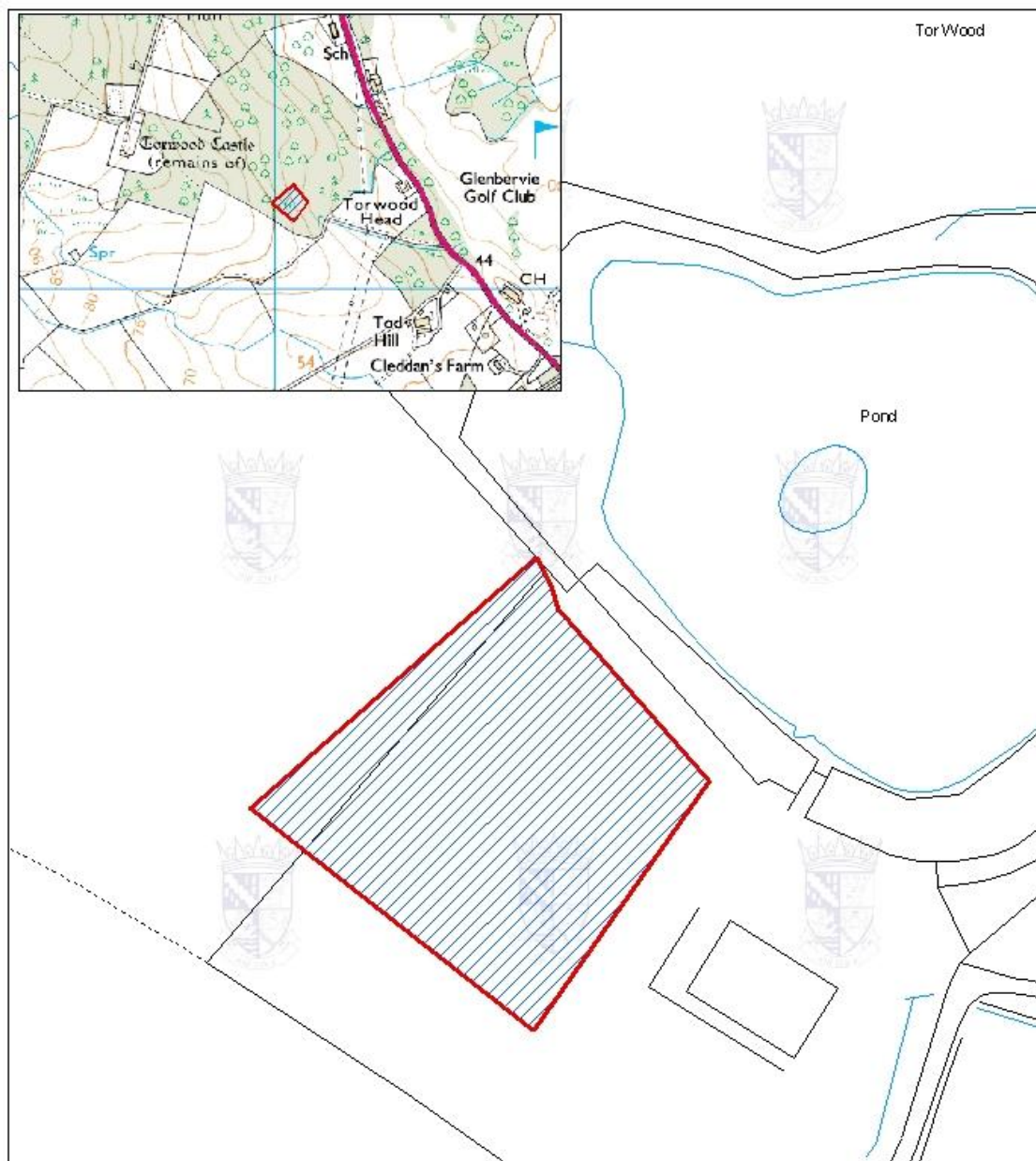
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne (Senior Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0519/FUL

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FALKIRK COUNCIL

Subject: CHANGE OF USE FROM SOCIAL CLUB TO PUBLIC HOUSE AT 2 DUNDAS STREET, GRANGEMOUTH, FK3 8BX FOR MR ROBERT DOUGLAS HANNIGAN (P/09/0785/FUL)

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

**Local Members: Depute Provost Allyson Black
Councillor Angus MacDonald
Councillor Alistair McNeill
Councillor Robert Spears**

Community Council: Grangemouth

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the change of use of an existing social club to form a public house. The proposal does not include any alterations to the interior or exterior of the premises. At the time of the initial submission, the application included a proposed beer garden area to the front of the premises however this area has subsequently been deleted from the proposal.
- 1.2 The application site is located within a mixed use area on the edge of Grangemouth town centre and is bounded to the west by a railway, to the south by a further social club, to the north by a public carpark and across Dundas Street to the east by a block of three storey flats.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has generated an advise against response from the Health and Safety Executive.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objections however the unit has advised of a standard contaminated land informative that they wish to be applied to any consent given.
- 4.2 The Health and Safety Executive PADHI+ system has generated an advise against response. This response was queried directly with the HSE by letter dated 9 December 2009, to which a response was received on 18th December confirming that it is for the Planning Authority to take any existing use of the site into account, if appropriate, along with HSE's advice and any other relevant factors, when determining the application. Any recommendation to approve this application will therefore require to be referred to the Scottish Government prior to determination.
- 4.3 The Roads Development Unit has no objections to the proposal and is satisfied with the current parking and access provision.

5. COMMUNITY COUNCIL

- 5.1 The Grangemouth Community Council has commented on the proposal and whilst it supports the reinvigoration of the premises they raised concerns in relation to the beer garden (proposed in the initial submission and now deleted) and the potential for road safety issues to become apparent given that the premises front onto a busy main road.

6. PUBLIC REPRESENTATION

- 6.1 3 letters of objection were received following the neighbour notification process. One of these letters was from the local Community Council and is outlined above. Issues raised in the remaining letters include:
- Lack of disabled access provision;
 - Anti social behavior issues associated with the current use;
 - Loss of privacy and residential amenity as a direct result of the proposed beer garden.

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 specific policies within the approved Falkirk Council Structure Plan relevant to this application.

Grangemouth Local Plan

- 7a.2 Policy Grangemouth Seven 'Major Hazard Consultation Zones' states:

“That within a major hazard consultation zone development will not normally be permitted unless the District Council is satisfied that future users or occupants will not significantly add to the number of people exposed to the existing risks in the area.”

- 7a.3 Whilst the HSE PADHI+ consultation system has generated an advise against response, the PADHI+ system does not take account of the existing use of the premises. It is considered that the proposed change of use will not significantly increase the number of people exposed to the existing risks in the area and as such the proposal is considered to accord with the terms of the Grangemouth Local Plan.
- 7a.4 Accordingly, the proposal accords with the terms of the Development Plan.

7b Material Considerations

- 7b.1 The material considerations relating to this proposal are the representations received, the Falkirk Council Local Plan Finalised Draft (Deposit Version), the existing use of the premises and the response from the Health and Safety Executive.

Representations Received

- 7b.2 As the beer garden area has been deleted from the proposals the points of concern raised are limited to disabled access, anti social behavior and road safety issues.
- 7b.3 Anti social behavior and disabled access issues are not directly material planning considerations. The premises can legitimately operate as a social club without requiring any further planning permission. The issues raised regarding antisocial behaviour would be matters for the Police and the Licensing Board.
- 7b.4 The Roads Development Unit raise no objections to the proposals with regard to road safety and parking. The premises benefit from a large car park area to the rear of the building and there are double yellow line parking restrictions along the whole frontage of the site. Therefore, it is not considered that road safety issues will become apparent as a result of setting down and picking up from the front door of the premises.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.5 Policy EP9 - ‘Food And Drink ‘ states:

“Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in other locations where they are capable of serving a tourism function. It must also be demonstrated that:

- (1) There will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (2) In the case of proposals within a centre, the proposal is consistent with the specific policies covering the relevant centre, particularly with regard to safeguarding the centre’s retail function; and*
- (3) Parking, access and traffic generation requirements are satisfied.”*

7b.6 The application site is located on the edge of the town centre as identified in the Draft Local Plan. It is considered that the proposed change of use from an established social club to a public house would not have any adverse effects on the amenity of residential properties. The proposal would not affect the retail function of Grangemouth town centre and the Roads Development Unit advise there are no issues in relation to traffic, access and parking. The proposal is therefore in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.7 Policy EP18 - 'Major Hazards' states:

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

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

7b.8 As outlined in paragraphs 4.2 and 7a.3, the proposed development has generated an advise against response from the HSE PADHI+ consultation system. This system does not however take into account the existing use of the premises as a Social Club. Considering the existing use of the premises, it is clear that the proposed development will not result in a significant increase in the number of people exposed to risk in the area. The proposal will however allow the owner and operator of the premises a greater chance to operate within the recently modernised licensing laws thus improving the potential long term viability of the business in this location and contributing beneficially to the regeneration of the area.

7b.9 The proposal is therefore considered to be in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Existing Use of Premises

7b.10 The existing use of the premises as a social club is considered very similar to the proposed use of the premises as a public house. The premises can operate as a social club at present without requiring any planning permission and this has been the established use for a number of years. The concerns raised in reference to anti social behavior issues, disabled access, and road safety are concerns which appear to be generated from and relevant to the existing operations on the site and it is not considered that these will be exacerbated as a result of any change of use to a pub. It is therefore considered that there would be no net benefit in refusing the current application on any of these grounds.

Health and Safety Executive Consultation Response

7b.11 The HSE PAHDI+ system does not take into consideration the existing use of a premises and has therefore generated an advise against response. This characteristic of the PAHDI+ consultation system has been the subject of many discussions in the last year, however, as yet the HSE has not changed the system. As is referred to in paragraph 7b.7 of this report, the existing use of the premises is very similar to the use proposed, and therefore it is considered that the proposed development would not increase the number of people at risk from any hazardous installations.

7c Conclusion

- 7c.1 It is considered that the proposal represents an acceptable form of development and is in accordance with the terms of the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in these circumstances. However, there is one objection to the application from the HSE. Therefore a referral to Scottish Ministers is required in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

8. RECOMMENDATION

- 8.1 It is recommended that Committee indicate that it is minded to grant planning permission subject to:
- (a) The application being referred to Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
 - (b) And thereafter, provided the matter is not referred to Scottish Ministers for determination, on conclusion of the foregoing matter, remit to the Director of Development Services to grant planning permission subject to the following condition.
 - (1) The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

- (1) 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
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02A and 03.

.....
Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Grangemouth Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Letter of objection received from Mr Peter Rowe Secretary Falkirk Access Group, 16 Dundas Street, Bo'ness, EH51 0DG on 16 November 2009.
4. Letter of objection received from Mrs Catherine Bell, 1 Dundas Street, Grangemouth, FK3 8BX on 19 November 2009.
5. Letter of objection received from Mr Walter Inglis (Grangemouth Community Council), 14 Lawers Place, Grangemouth on 27 November 2009.

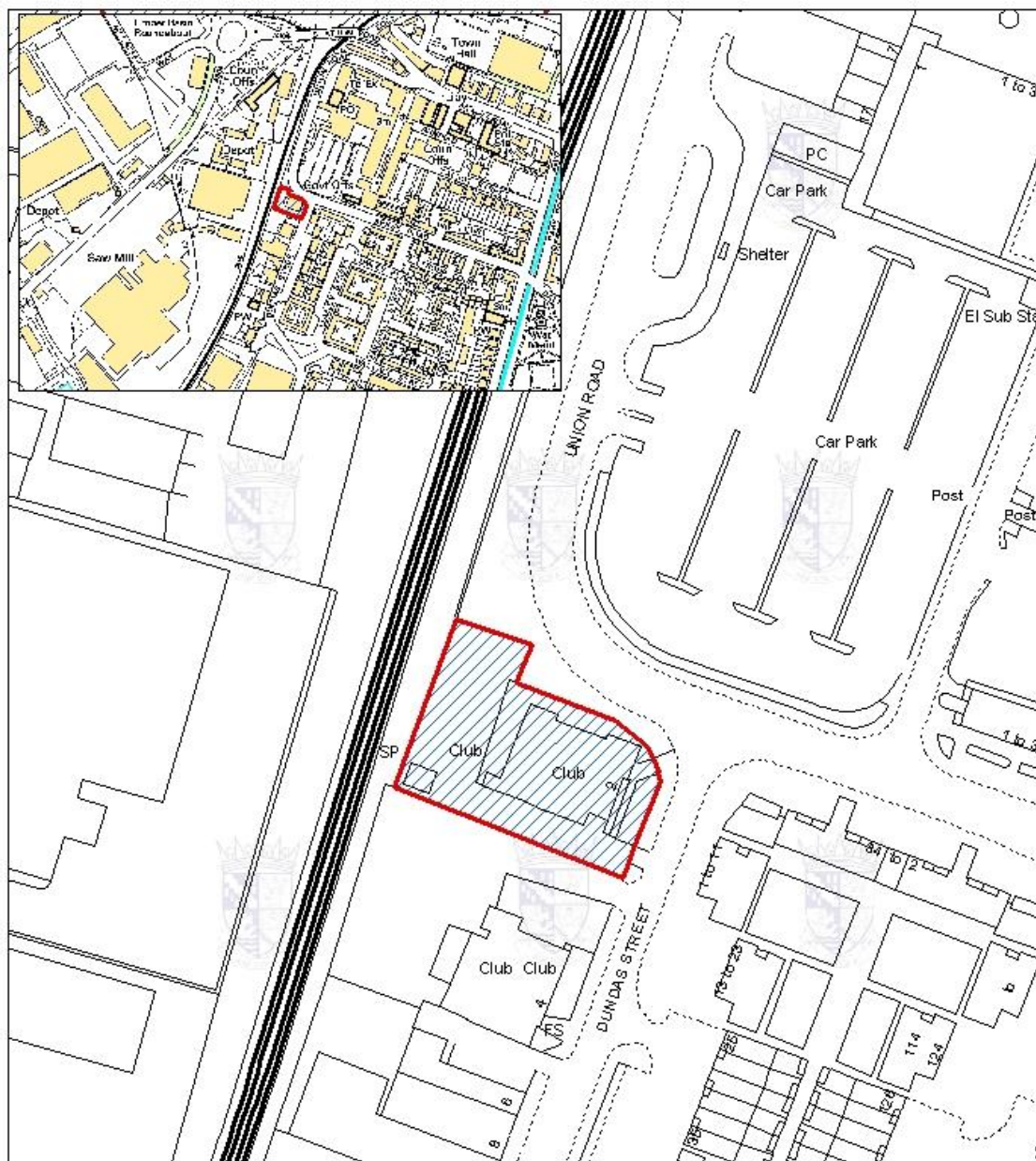
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0785/FUL

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FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT CANAL BANK, STATION ROAD, BRIGHTONS, FALKIRK, FK2 0UE FOR MR WILLIAM SCOBIE - P/08/0923/OUT

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Brightons

Case Officer: Kirsty Hope (Assistant Planning Officer), ext 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site comprises a former MOT test centre and two garages. The site is relatively flat and is bounded to the north by the Polmont Burn and to the south by the Union Canal.
- 1.2 The application seeks planning permission in principle for the development of land for housing purposes. A supporting statement has been submitted with the application as well as an indicative layout plan.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Malcolm Nicol.

3. SITE HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objections.
- 4.2 No comments were received from Scottish Water.
- 4.3 The Environmental Protection Unit has no objections, however a request has been made for a condition to be attached to any consent requiring a contaminated land survey to be carried out.

- 4.4 SEPA were consulted and raised objections. However, after further negotiations following the submission of a more detailed Flood Risk Assessment, SEPA removed their objection to the proposal.
- 4.5 No comments were received from British Waterways Board.
- 4.6 The Museum Service has no objections.
- 4.7 Historic Scotland has no objections.

5. COMMUNITY COUNCIL

- 5.1 Brightons Community Council has made no comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 1 Letter of comment has been received. The salient issues are summarised below.
- Concerns were raised in relation to appropriate safeguards to be taken as the existing structure on site contains asbestos within the roof.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

- 7a.1 The proposed development was assessed against the undernoted Development Plan Policies POL 2.2 - Urban Limit, Policy POL 3.1 – New Residential Development and Policy 3.6 – Infill Development and Subdivision of Plots.

Falkirk Council Structure Plan

- 7a.2 There are no relevant policies within the Falkirk Council Structure Plan.

Polmont Local Plan

- 7a.3 Policy POL 2.2 ‘Urban Limit’ states:

“The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of the urban and village areas of Polmont and District for the period of the Plan. Accordingly, there will be a general presumption against development proposals which would extend the urban area beyond this limit or which would constitute sporadic development in the countryside.”

7a.4 Policy POL 3.1 ‘New Residential Development’ states:

“New residential development is directed towards sites H1 to H28, as identified on the Policies, Proposals and Opportunities Map. Other brownfield sites which become available within the Urban Limit will also be considered favourably for housing, subject to other Local Plan policies and proposals, provided that:

- (i) the proposed housing use is compatible with neighbouring uses;*
- (ii) a satisfactory level of residential amenity can be achieved;*
- (iii) access, parking, drainage and other infrastructure can be provided to a standard acceptable to the Council; and*
- (iv) essential services and community facilities such as shops, public transport and schools are readily accessible and can accommodate any increase in use associated with the proposed new development (see also POL 2.4).”*

7a.5 Policy POL 3.6 ‘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:

- (i) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (iii) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (iv) 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;*
- (v) the proposed houses would have a direct street frontage; and*
- (vi) the proposed vehicular access and other infrastructure is of an adequate standard.”*

7a.6 The existing brownfield site is within close proximity to residential uses and is considered to be compatible with the surrounding area. The proposed access to the site has been assessed and is considered to be satisfactory in road safety terms and the proposal would not result in the removal of any trees, vegetation or walls such that the character or amenity of the area would be adversely affected. The application site is considered large enough to accommodate adequate levels of residential amenity including garden ground provision. The proposed site is in close proximity to local shops and the railway station. The proposal is considered to be in accordance with the terms of POL 2.2, POL 3.1 and POL 3.6 of the Polmont and District Local Plan and therefore is in accordance with the Development Plan.

7b Material Considerations

7b.1 The following matters were considered to be material in the consideration of the application:

- Falkirk Council Local Plan Finalised Draft (Deposit Version).
- Assessment of Public Representations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The emerging Local Plan affirms the position of the Polmont and District Local Plan specifically in relation to Policy SC8 Infill Developments and Subdivision of Plots and SC 2 Windfall Housing Development within the Urban/Village Limit. The proposal is therefore in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Assessment of Public Representations

7b.3 The concern raised in respect of asbestos removal is not a material planning consideration.

7c Conclusion

7c.1 The proposal represents an acceptable form of development which is in accordance with the terms of the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in these circumstances.

8. RECOMMENDATION

8.1 It is recommended that planning permission be granted subject to the following condition(s):-

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced.
 - (a) the siting, size, height, design and external appearance of the proposed development;
 - (b) details of the access arrangements
 - (c) details of landscaping of the site
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of outline permission; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or

- (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed, whichever is the latest.

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

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of 5 years from the date of the grant of this outline planning permission; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final of the last such matter to be approved.
- (4) For the avoidance of doubt the layout and elevation details on approved plan 03 (Drawing Number GB7013/02a) are for indicative purposes only and are not approved as part of this planning permission.
- (5)
 - (i) 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.
 - (ii) Where contamination (as defined by Part 11A 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 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.
 - (iii) 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.
- (6) A shared turning head, formed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Area shall be provided within the application site.
- (7) In-curtilage parking shall be provided within each plot, in accordance with the Design Guidelines and Construction Standards for Roads in Falkirk Council Area.

Reason(s):

- (1) To comply with paragraph 4 (1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To allow the planning authority to give future consideration to and control the layout and elevational details.
- (5) To ensure the ground is suitable for the proposed development.
- (6) To safeguard the interests of the users of the highway.
- (7) To ensure that adequate car parking is provided.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02 and 03.

.....
Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Polmont and District Local Plan
3. Falkirk Council Finalised Local Plan
4. Letter of comment dated 28 November 2008 from Mr Joseph Boyle, 4 Heriot Gardens, Brightons, Falkirk, FK2 0WR

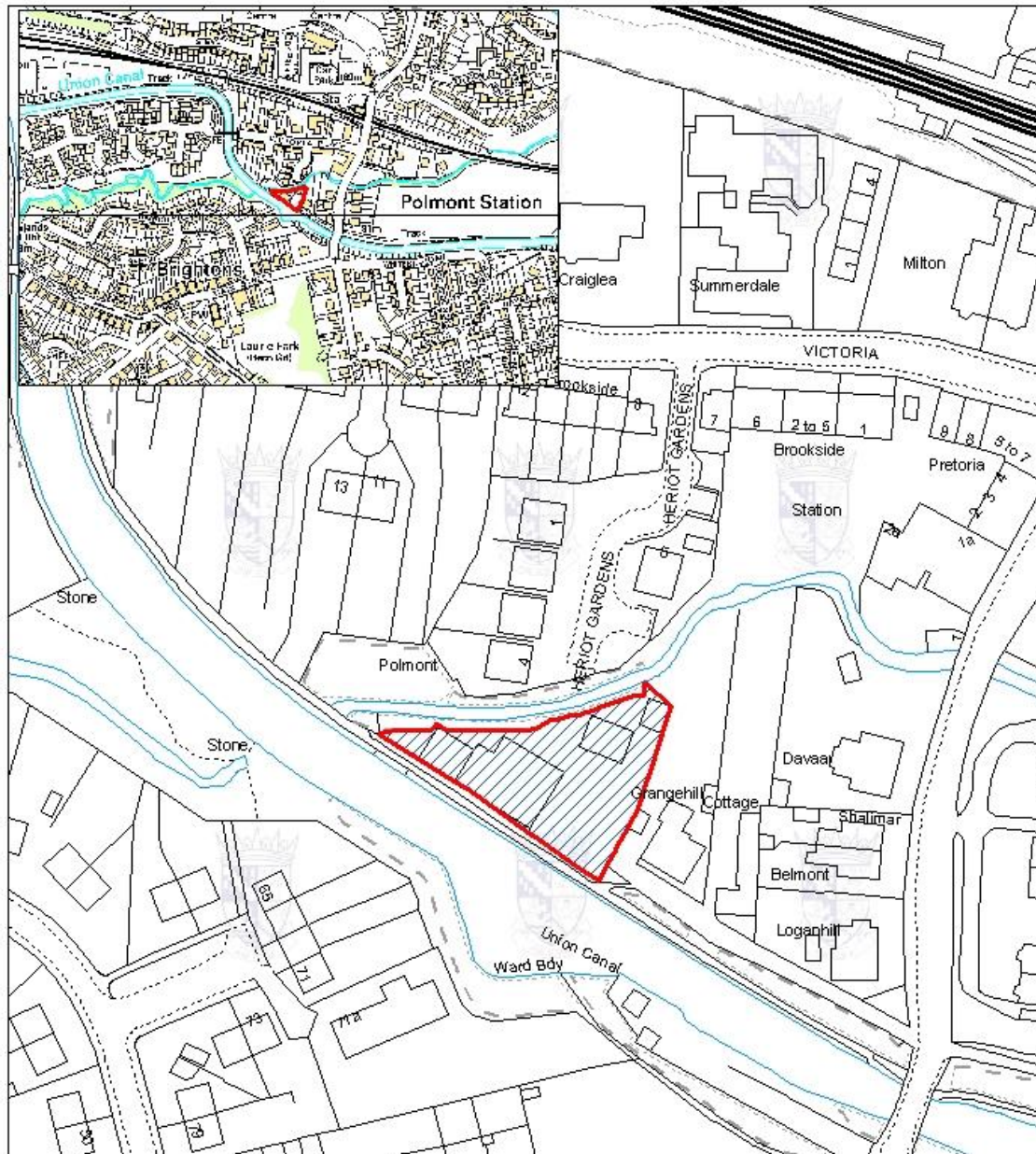
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope (Assistant Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/08/0923/OUT

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



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FALKIRK COUNCIL

Subject: WORKS TO IMPROVE PEDESTRIAN CIRCULATION IN CHURCH YARD INCLUDING RELAYING OF SETTS, NEW STONE-WALL SEATING, NEW CAR PARKING, IMPROVED LIGHTING FOR MEMORIALS AND CHURCH. RE-SITING OF ROTARY CLOCK ON UPPER NEWMARKET STREET TO ALLOW IMPROVED BUS SHELTER PROVISION, REPLACEMENT OF HANDRAILS AND CAST IRON FENCES THROUGH OUT THE SITE AT ST MODANS & FALKIRK OLD PARISH CHURCH, MANSE PLACE, FALKIRK, FK1 1JN FOR MS GILLIAN SMITH – P/09/0757/FUL

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Provost Pat Reid
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn

Community Council: Falkirk Central

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is the church yard surrounding St Modans and Falkirk Old Parish Church, which is located within Falkirk Town Centre. The Church and the church yard are listed, and are contained within the Falkirk Town Centre Conservation Area. The church yard also contains many monuments and is open to the public with a right of way through the yard. It is proposed to alter the layout of the church yard to make it more accessible and safe for the public to use, as well as increasing the access to and information regarding the monuments and history of the site. This will involve re-surfacing and altering roadways, forming a new car park, re-placing existing street furniture, altering and enhancing the monuments, re-siting of the rotary clock on Upper Newmarket Street, new and improved bus shelters, re-furbishing of existing elements around the site, new planting etc.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Falkirk Council has a financial interest in this project and, under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 None relevant to this particular application

4. CONSULTATIONS

- 4.1 The Roads Development Unit was consulted on the proposals and considered it acceptable, therefore no Roads conditions are required to be attached.
- 4.2 The Environmental Protection Unit has no conditions to be attached to the application. However, given the nature of the land, any suspect substances or odours encountered following the commencement of development, shall be reported to the planning authority. This may result in the requirement of a contaminated land assessment and any necessary remediation works.

5. COMMUNITY COUNCIL

- 5.1 Falkirk Central Community Council did not comment.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 5 contributors submitted letters to the Council. The salient issues are summarised below.
- The removal of the current parking in Manse Place will cause problems for businesses, their customers and the residents.
 - Removal of the parking in Manse Place will cause further congestion of parking in the Town Centre.
 - The road at Manse Place does not belong to Falkirk Council.
 - The current pedestrian access will be severely impaired.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan.

7a.1 Policy ECON.4 'Falkirk Town Centre and the District Centres' states:

"The Council will seek to maintain and enhance the principal role of Falkirk Town Centre and the local service role of the District Centres. Accordingly:

- (1) priority will be given to the expansion of Falkirk and Grangemouth Town Centres as provided for in Policy ECON.1, and opportunities for consolidation and expansion which may arise in the other District Centres, commensurate with their local role;*
- (2) co-ordinated strategies to improve the environment, management and accessibility of Falkirk Town Centre and the District Centres will be developed; and*
- (3) In Grangemouth and Bo'ness the proposals will be compatible with the petrochemical and chemical industries."*

7a.2 The proposed church yard alterations would improve the environment, management and accessibility of Falkirk Town Centre, by creating a more open and user friendly area, which will encourage public use and allow better management of the area. It is therefore considered that the proposal accords with Policy ECON.4.

7a.3 Policy ECON.7 'Tourism' states:

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

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

7a.4 Falkirk Town Centre is seen as a key location for tourism development, and the proposed church yard alterations would improve access to the site, which is of historical value. The many monuments and other points of historical influence would also be enhanced and made more accessible to the public. It is hoped that this enhancement would help attract more visitors to the site and therefore the wider Town Centre. It is therefore considered that the proposal accords with Policy ECON.7.

7a.5 Policy ENV.5 'Built Environment and Heritage' states:

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

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

7a.6 It is considered that the proposed alterations to the church yard and access areas would protect and enhance the historical monuments and assets contained within these areas. This would allow a sensitive restoration or repair of many of the items, which would allow better protection of the assets and their setting. The monuments and other assets would again be made more accessible to the public, through the planned alterations, which will be sympathetic to the immediate built environment and overall heritage of the site. It is therefore considered that the proposal accords with Policy ENV.5.

7a.7 The proposal therefore accords with the Structure Plan.

Falkirk Local Plan

7a.8 Policy FAL 2.1 'Sustainable Revitalisation' states:

"The Council will pursue a Strategy of Sustainable Revitalisation within the Local Plan Area, whereby priority will be given to:

- (i) the continuing physical and economic revitalisation of Falkirk as a town of sub-regional status;*
- (ii) the protection and enhancement of the built and natural environment within the Local Plan Area; and*
- (iii) meeting the community's development needs in a way which safeguards environmental resources, both locally and globally, and the quality of life of future generations."*

7a.9 It is considered that the proposal is in line with the Council strategy to pursue sustainable revitalisation within the Local Plan area, as it is continuing the physical and economic revitalisation of Falkirk, the church yard and its accesses, covering a large section of the Town Centre. The proposal would also protect and enhance the built and natural environment within this large section of the Town Centre, which is a vital location within the Local Plan area. It is therefore considered that the proposal accords with Policy FAL 2.1.

7a.10 Policy FAL 3.1 'Design and Townscape' states:

"New development will be required to achieve a high standard of design and amenity, and should contribute positively to the visual quality of the built environment. Proposals should accord with the following principles:

- (i) the siting, layout and density of new development should create an attractive and coherent structure of spaces and built forms which integrates well with the pattern of the local townscape/landscape, and fosters a sense of place;*
- (ii) the design of new buildings should blend with that of the surrounding urban fabric in terms of scale, height, massing, building line, architectural style and detailing;*
- (iii) building materials and finishes should be chosen to reflect those prevailing in, or traditional to, the local area;*
- (iv) opportunities should be taken within the development to incorporate new public spaces, enhance existing ones or create other focal points;*
- (v) existing buildings or natural features which contribute to the local townscape should be retained, where possible, and incorporated as an integral part of the design; and*
- (vi) the contribution to the townscape of important landmarks, skylines and views should be respected."*

7a.11 The proposed alterations to the church yard and its main access points are considered to have a high standard of design and amenity, and would positively contribute to the visual quality of the built environment at this location within Falkirk Town Centre. The proposed siting, layout and density of the new development would create an attractive and coherent structure of spaces and built forms, which would integrate well with the existing townscape pattern. The proposed materials have been chosen to reflect or integrate with those prevailing in the area. The opportunity has also been taken with the proposal to enhance all the existing public places, main entrances to the site and other focal points, whilst trying to retain all the main features which contribute to the local townscape at present. The proposal also enhances and respects existing landmarks within this Town Centre location. It is therefore considered that the proposal accords with Policy FAL 3.1.

7a.12 Policy FAL 3.2 'Design and Landscaping' states:

"Development proposals should incorporate appropriate hard and soft landscaping which enhances the character of the development and the local area. The landscaping scheme should:

- (i) respect the setting and character of the development site;*
- (ii) retain, where practical, existing vegetation and natural features such as ponds, wildflower meadows/verges, and scrub;*
- (iii) incorporate structure planting, street trees and informal open space planting, as appropriate to the nature and location of the proposal;*
- (iv) make use of native tree and plant species;*
- (v) incorporate high quality hard landscaping, including surfacing materials, boundary enclosures and street furniture which complement the development and the local townscape; and*
- (vi) demonstrate that satisfactory arrangements have been made for the future maintenance and management of landscaped areas."*

7a.13 The proposed alterations to the church yard and its main access points would incorporate appropriate hard and soft landscaping which would enhance the character of the development and this overall section of Falkirk Town Centre. The proposal is respecting the setting and character of the development site and is, where practical, retaining existing vegetation and natural features. The proposal is incorporating new planting appropriate to the nature and location of the site within Falkirk Town Centre. High quality hard landscaped areas and street furniture have been included in the proposal, and have been designed to complement the overall development and surrounding townscape. It is therefore considered that the proposal accords with Policy 3.2.

7a.14 Policy FAL 3.9 'Environmental Improvements' states:

"The Council will seek to promote programmes of environmental improvement in the following priority areas, as resources permit:

- (i) Falkirk Town Centre and the local shopping centres;*
- (ii) major transport routes;*
- (iii) the Green Belt and other urban fringe areas;*
- (iv) the canal network in association with the Millennium Link;*
- (v) public parks and open spaces;*
- (vi) areas of need under the Community Urban Regeneration Programme; and*
- (vii) existing industrial areas."*

7a.15 The proposed alterations to the church yard and its main access points are within Falkirk Town Centre, which is seen to be a priority area for environmental improvement. The proposal for the area will enhance and improve the overall access for members of the public and enhance this area of Falkirk Town Centre. It is therefore considered that the proposal accords with Policy FAL 3.9.

7a.16 Policy FAL 3.10 'Public Art' states:

"The Council will encourage the provision of public art in the Local Plan Area both through its own initiatives and those of the private sector. Developers will be encouraged to adopt 'Percent for Art' schemes in respect of major commercial development schemes (excluding private housing)."

7a.17 The proposed alterations to the church yard would result in the existing tombs, monuments, memorials etc, refurbished with new street furniture added. This would enhance the existing public art at the site, which is encouraged by the Council. It is therefore considered that the proposal accords with Policy 3.10.

7a.18 Policy FAL 3.11 'Conservation Areas' states:

"The Council will protect the visual amenity and historic character of each Conservation Area, including its setting, buildings, open space and trees. Favourable consideration will only be given to proposals which make a positive contribution to the appearance of the Conservation Area and are compatible with the historic character in terms of size, scale, design and materials. The Council will give priority to a review of the boundaries of the Falkirk Town Centre Conservation Area."

7a.19 It is considered that the proposed alterations to the church yard and its main access points, would protect the visual amenity and historic character of the Conservation Area. The proposal would make a positive contribution to the appearance of the Conservation Area, and it is compatible with the historic character in terms of the scale, design and materials. It is therefore considered that the proposal accords with Policy FAL 3.11.

7a.20 Policy FAL 3.12 'Listed Buildings' states:

"There will be a presumption against proposals which would destroy, or adversely affect, the architectural character, appearance or setting of Listed Buildings. The re-use of vacant Listed Buildings will be encouraged, provided that the proposal would have no adverse impact upon the character of the building, its setting or the amenity of the area."

7a.21 The alterations to the church yard and its main access points would not be seen to adversely affect the architectural character of the listed church yard, or the appearance or setting of the listed church. The proposal would in fact open the area up and improve the overall setting of the church and the church yard, as well as the setting of other listed structures and buildings at the access points. It is therefore considered that the proposal accords with Policy FAL 3.12.

7a.22 Policy FAL 3.14 'Sites of Archaeological Interest' states:

"In order to protect and conserve archaeological and historic features of significance and their settings:

- (i) there will be a presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological or historic interest and their settings;*
- (ii) archaeological sites where development is permitted will be excavated and recorded. The Council supports Historic Scotland's policy to seek developer funding for any necessary excavation, recording and publication works; and*
- (iii) the Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice."*

7a.23 The proposed alterations to the church yard and its main access points would not adversely affect any of the elements of historic interest located within the site boundary. Falkirk Council's Museum Services are aware of the application, and will work with the relevant parties to ensure all works are carried out in the proper manner. It is therefore considered that the proposal accords with Policy FAL 3.14.

7a.24 Policy FAL 9.2 'Tourism' states:

"The Council will encourage tourism-related development in Falkirk and will support proposals which enhance the quality and diversity of tourism infrastructure and attractions, subject to other Local Plan policies and proposals. Particular emphasis will be placed on the development of the following key themes and attractions:

- (i) the Town Centre;*
- (ii) Callendar House, Park and Wood;*
- (iii) the Canal Network/Millennium Link;*
- (iv) Roman heritage at Roughcastle/Tamfourhill; and*
- (v) industrial heritage."*

- 7a.25 It is considered that the proposal for the church yard and main access points would enhance the quality and diversity of the tourism infrastructure and attractions located within Falkirk Town Centre. The town centre is seen as a key area for attracting tourism. It is therefore considered that the proposal accords with Policy FAL 9.2

7b Material Considerations

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.1 Policy EQ1 ‘Sustainable Design Principles’ states:

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

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

7b.2 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.”*

7b.3 Policy EQ4 - 'Landscape Design' states:

"Development proposals should include a landscape framework which enhances the development and assists integration with its surroundings. The landscape scheme should:

- (1) Be informed by the surrounding landscape;*
- (2) Retain and incorporate existing vegetation, natural and cultural features where they contribute to the amenity and biodiversity of the site, with provision for replacement planting where removal is authorised;*
- (3) Integrate with strategies for the provision of open space, pedestrian access, and sustainable urban drainage systems on the site;*
- (4) Promote biodiversity, including the use of native tree and plant species (see Policy EQ25);*
- (5) Incorporate robust structure planting to provide structure in larger developments, and screen the edge of developments where necessary;*
- (6) Incorporate street trees and informal open space planting to assist in structuring and unifying streets and spaces;*
- (7) Incorporate high quality hard landscaping, including surface materials, boundary enclosures and street furniture which are robust and complement the development; and*
- (8) Demonstrate that satisfactory arrangements have been made for the future maintenance and management of all landscaped areas."*

7b.4 Policy EQ9 - 'Public Art' states:

"The Council will encourage the incorporation of public art in the design of buildings and the public realm. Developers will be required to adopt 'Percent for Art' schemes in respect of major commercial development schemes."

7b.5 Policy EQ12 - 'Conservation Areas' states:

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

- (1) The Council will prepare Character Appraisals of individual Conservation Areas and, on the basis of these, will review existing boundaries and Article 4 Directions, prepare detailed design guidance as appropriate, and draw up enhancement schemes as resources permit;*
- (2) New development in Conservation Areas, including extensions and alterations to existing buildings, will only be permitted where it preserves or enhances the character of the area, with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features;*
- (3) Demolition of buildings within Conservation Areas will not be permitted unless they make no material contribution to the character and appearance of the area. Where demolition is proposed, the considerations set out in Section 4.26 of the Memorandum or Guidance should be adhered to; and*
- (4) Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features on unlisted buildings in Conservation Areas should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials."*

7b.6 Policy EQ14 'Listed Buildings' states:

"The Council will seek to preserve the character and appearance of listed buildings. Accordingly:

- (1) Development affecting a listed building, or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.*
- (2) Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the Council that the building:*
 - has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and*
 - is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report; and*
- (3) RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded."*

7b.7 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."*

7b.8 Policy EP15 'Tourism Development' states:

"Proposals for tourism development will be supported where:

- (1) they will support the strategic tourism priorities set out in Policy ECON.7 of the Structure Plan, and the tourism strategies of the Council and VisitScotland;*
- (2) they will complement the existing pattern of provision;*
- (3) the quality of development will be such as to enhance the image and tourism profile of the area; and*
- (4) they comply with other Local Plan policies."*

- 7b.9 The relevant policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version), can be seen to reinforce and affirm Policies FAL 2.1, 3.1, 3.2, 3.9, 3.10, 3.11, 3.12, 3.14 and 9.2 of the Falkirk Local Plan. The proposed alterations to the church yard and its main access points would achieve a high standard of design quality, which would respond positively and sympathetically to the site's surroundings, and create new spaces which are attractive, safe and accessible to the public. The historic character and visual amenity of the Conservation Area would be protected, as the proposal would be seen to preserve and enhance the character of the area. The layout, design, materials, scale, siting and use of the proposed alterations to the church yard are seen to be appropriate to the character and appearance of the listed church building and the surrounding listed structures. The monuments and other items of archaeological interest would also be preserved where relevant, with Museum Services having already been consulted on the proposals. The proposal would also be seen to support the strategic tourism priorities set by the Council and complement and enhance the quality of the image and tourism profile of Falkirk Town Centre. It is therefore considered that the proposal accords with Policy EQ1, EQ3, EQ4, EQ9, EQ12, EQ14, EQ16 and EP15.

Assessment of Public Representations

- 7b.10 Manse Place is a private road, which is not incorporated in the Town Centre Parking Order. Falkirk Council Roads has, at present, no influence over parking on this private land. No comment has, therefore, been made in relation to parking provision. It has been noted that the proposals indicate improved parking within the church yard, although access to this, like the use of Manse Place, is not a matter on which Falkirk Council Roads can comment.
- 7b.11 The ownership of Manse Place is a legal matter, and not a material consideration in the assessment of this application.
- 7b.12 The current pedestrian access to the church, including Manse Place, would be greatly improved.

7c Conclusion

- 7c.1 It is considered that the proposal is acceptable development, is in accordance with both the Development Plan and the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version). There are no other material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is recommended that permission be granted subject to the following condition:-

- (1) The development to which this permission relates must be begun within three years from the date of this permission.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

- (1) This application was submitted on-line, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our on-line reference number(s) 01, 02, 03, 04, 05, 06, 7 and 08.
- (2) 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.

.....
For Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Letter of objection from Mrs Helen Lee, 7 Manse Place, Falkirk FK1 1JN dated 20 November 2009.
2. Letter of objection from Mr William G McDonald, c/o RGM 28 Newmarket Street, Falkirk FK1 1JQ dated 20 November 2009.
3. Letter of objection from Mr Walter Scott, 5 Manse Place, Falkirk FK1 1JN dated 20 November 2009.
4. Letter of objection from Mr Peter Harkin, 3 Manse Place, Falkirk FK1 1JN dated 24 November 2009.
5. Letter of objection from Mr Rab Williams, 9 Manse Place, Falkirk FK1 1JN dated 27 November 2009.
6. Falkirk Council Structure Plan 2007.
7. Falkirk Local Plan.
8. Falkirk Council Local Plan Finalised Draft (Deposit Version).

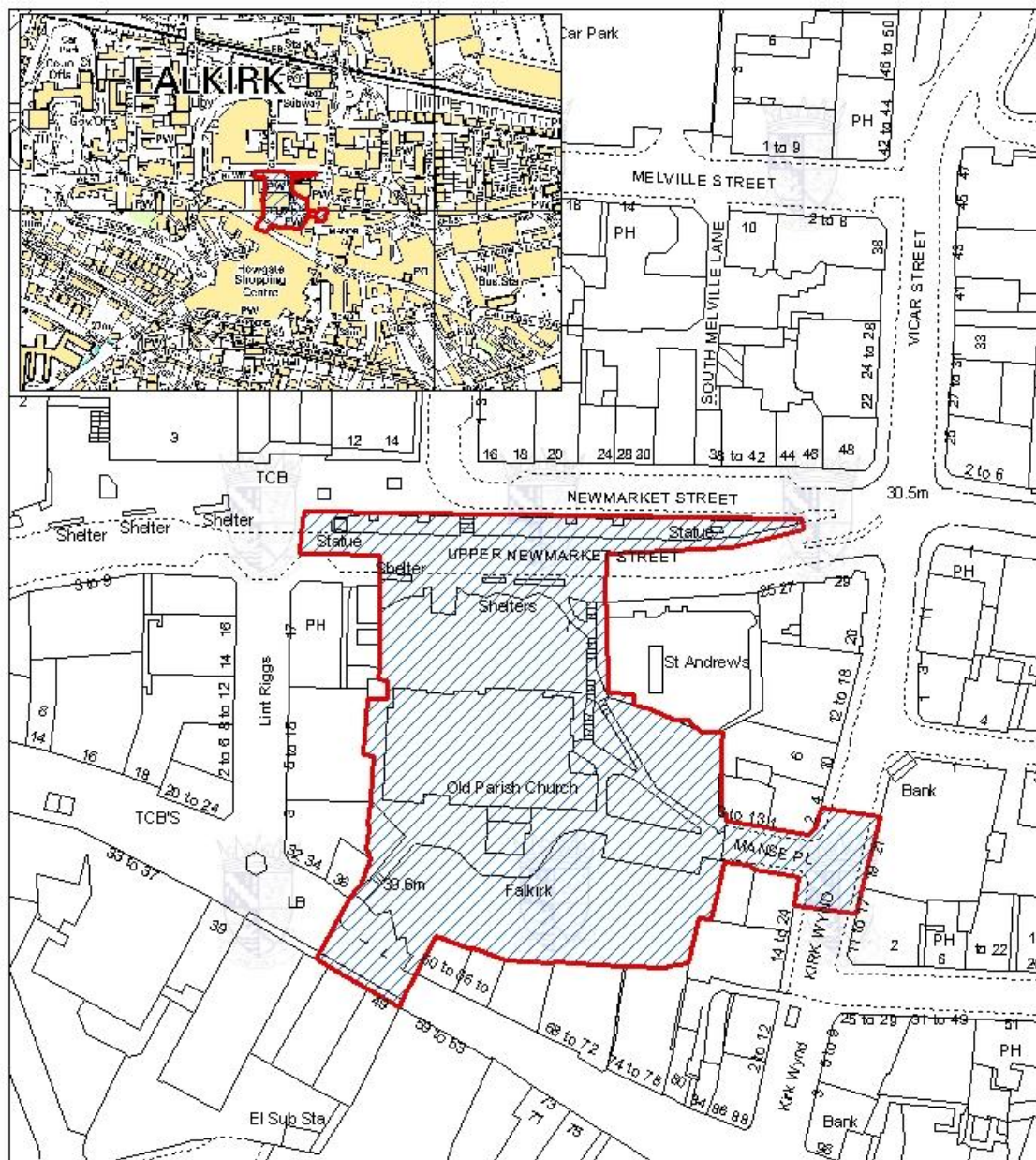
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0757/FUL

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



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FALKIRK COUNCIL

Subject: CHANGE OF USE FROM SOCIAL CLUB TO PUBLIC HOUSE AT
WARRIORS SOCIAL CLUB, TRYST ROAD, STENHOUSEMUIR,
LARBERT, FK5 4QJ FOR OCHILVIEW BAR (P/09/0769/FUL)

Meeting: PLANNING COMMITTEE

Date: 27 January 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne, (Senior Planning Officer) Ext 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises an existing single storey structure. The applicant seeks to internally and externally refurbish the property and operate as a public house.
- 1.2 The existing structure forms part of the Stenhousemuir Football Club grouping of buildings, occupying the south west corner of the football ground. Changes in ownership now means that the premises will work partly in partnership with Stenhousemuir Football Club but, for all relevant purposes, will operate largely independently as a public house.
- 1.3 The premises have no dedicated car parking, are served by pedestrian access via Tryst Road and have servicing access from the east.
- 1.4 Previously, it has been the custom for visiting patrons/fans to utilise land to the north for parking provision, but no legal basis exists for this continued practice.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application has been referred to the Planning Committee due to the potential impact of the lack of car parking provision to the premises.

3. SITE HISTORY

- 3.1 P/09/0580/FUL – Internal alterations to form disabled toilet, formation of disabled access ramp and external metal cladding – approved.
- 3.2 F/2003/0527 – Erection of Social Club – withdrawn 21 August 2003.
- 3.3 F/2001/0620 – Erection of 20 metre telecom mast and associated infrastructure – withdrawn 19 November 2001.

4. CONSULTATIONS

- 4.1 The Roads Development Unit raises concern that:-
- The premise appear to only have footpath access from Tryst Road and no access to the adjoining public land;
 - The cellar door facility seems to be in football club property;
 - There seems no definitive access/servicing arrangements;
 - Current requirements would mean provision of a minimum of 82 parking spaces.
- 4.2 Environmental Protection Unit advise that the applicant should have regard to controlling any musical entertainment noise produced by the operation of the premises.

5. COMMUNITY COUNCIL

- 5.1 Larbert, Stenhousemuir and Torwood Community Council objects to the application, on the basis:-
- There are potential road safety, access and parking issues; and
 - There is an increased risk of anti-social behaviour, noise and public nuisance.

6. PUBLIC REPRESENTATION

- 6.1 A petition with 60 signatories and, 58 letters of support have been received, commenting that:-
- The proposal will be an asset to the Community;
 - No noise issues have arisen in the past;
 - The property has been extensively refurbished to an acceptable degree.

6.2 7 letters of objection have been received, commenting that:-

- Loud music and noisy disturbance will increase;
- Hours of operation will extend from what is currently experienced;
- No dedicated vehicular access for servicing or parking provision has been identified;
- Clientele may be younger, with no membership control over behaviour;
- Existing parking practices and use of land to the north has not been agreed with the landowner.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 The application raises no issues of strategic importance and therefore there are no policies in the Falkirk Council Structure Plan that require to be addressed.

Larbert and Stenhousemuir Local Plan

7a.2 Policy LAR 10 - 'Non Housing Uses in 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 ancillary services (e.g. surgeries, nurseries and corner shops) will be welcomed where it can be demonstrated that the quality of the residential environment would be safeguarded."

7a.3 It is considered that, while the application premises are in close proximity to the residential dwellings, the premises form part of the larger Stenhousemuir Football Stadium cluster of buildings. It could, therefore, be considered that the area is of mixed use. In addition, it is recognised that the application premises currently has an existing use of social club and given the existing use, the material consideration is what impact on residents will occur as a consequence of change of use from social club to public house.

7a.4 It is considered that the effective operation of the premises may not significantly alter i.e. visiting members of the public attending social events through which there may be consumption of alcohol.

7a.5 The matter of what hours the premises operate and the issue of addressing anti-social behaviour are matters best controlled by the Licensing Board and Police Authority.

7a.6 Policy LAR 26 - 'Food and Drink Outlets, Public Houses and Hot Food Takeaways' states:

"Proposals for food and drink outlets (Class 3 as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997), public houses and hot food takeaways will only be permitted where:-

- (i) there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (ii) the proposal meets the terms of the Stenhousemuir Shopping Frontage Policy, as appropriate (see Policy LAR 28); and*
- (iii) the proposal is satisfactory in terms of parking, access and traffic generation."*

7a.7 It is considered that, by effective control of noise emissions from the premises, there would be no adverse impact on the amenity of adjacent residential properties. This is also in recognition of the current use of the premises as a social club, although the perceived intensification of use (and relaxation of membership constraints) as a public house would rely on appropriate management of the facility.

7a.8 It is recognised that the existing parking strategy employed on site is without legal basis, that the applicant does not own or have access to land adjoining the site which is currently used by visitors to the social club, fans visiting Stenhousemuir Football Club and residents accessing garage provision.

7a.9 However, given that many urban public houses have less than standard parking provision, it is considered that in this instance it is unreasonable to request the applicant to secure such parking provision on what could be considered a relatively small change in operation of the existing premises.

7a.10 However, the proposed development does not accord with the Development Plan in that expected parking provision cannot be achieved.

7b Material Considerations

7b.1 The material considerations are the relevant policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version) and points made by contributors.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EP9 - 'Food And Drink' states:

"Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in other locations where they are capable of serving a tourism function. It must also be demonstrated that:

- (1) There will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (2) In the case of proposals within a centre, the proposal is consistent with the specific policies covering the relevant centre, particularly with regard to safeguarding the centre's retail function; and*
- (3) Parking, access and traffic generation requirements are satisfied."*

- 7b.3 The issues of noise, disturbance, litter and odours are largely outwith the control of the planning authority and depend on the good management of the premises and behaviour of the clientele. However, given the relatively uncontentious nature of the existing social club operation, it is envisaged that the change of classification to public house is unlikely to give rise to any new issues not previously arising.
- 7b.4 The parking provision required by the introduction of a new public house of a similar floor area is acknowledged to be about 82 spaces. However, given that the premises currently operate as a social club with parking contribution from Stenhousemuir Football Club, and pedestrian access from Tryst Road, it is considered that the proposal is acceptable.

Letters of comment

- 7b.5 It is recognised that the change occurring as a result of change of use from social club to public house would remove any membership controls over visiting members of the public. However, the matter of unsociable licensing hours and potential unsociable behaviour are matters best addressed through the licensing board and police authority and are, in part, dependent on the management of the premises and behaviour of clientele.
- 7b.6 Given that there are opposing opinions to whether the change of use to public house is likely to give rise to increased nuisance, there is no quantifiable evidence to support either statement and the planning authority must consider what material change will occur as a consequence of the application:-
- A change in practice of car parking will arise.
 - Effective control of noise emissions from the premises.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version) in that an expected level of car parking provision cannot, at this time, be met.
- 7c.2 Regarding the lack of dedicated car parking provision, it should be noted that the premises currently operate as a social club.
- 7c.3 In terms of protecting the amenity of nearby residents, it is considered that the change from the existing social club to more general public house should not increase nuisance behaviour or noise. However, this is largely dependent on the good management of the facility and behaviour of the patrons which are non planning related matters.

8. RECOMMENDATION

- 8.1 It is recommended that the Planning Committee approve planning permission subject to the following condition: -
- (1) The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01a, 02, 03, 04, 05, 06 & 07.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.

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For Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1.	Larbert and Stenhousemuir Local Plan.		
2.	Falkirk Council Local Plan Finalised Draft (Deposit Version).		
	Name	Address	Received
3.	Letter of Support from Mr and Mrs David Cowan	43 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
4.	Letter of Representation from Mr and Mrs S Butler	56 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
5.	Letter of Support from Lee Stevenson	Ochilview 123 Tryst Road Stenhousemuir Larbert	18 November 2009
6.	Letter of Support from Mr and Mrs B Johnston	52 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
7.	Letter of Representation from Mr and Mrs Richard Young	64 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
8.	Letter of Support from Mr and Mrs E Donaldson	107 Tryst Road Stenhousemuir Larbert FK5 4QJ	18 November 2009
9.	Letter of Objection from Mr Steven Falconer	84 Tryst Road, Stenhousemuir, Larbert FK5 4QJ	15 November 2009
10.	Letter of Objection from Craigmacadam@tesco.net	111 Tryst Road Stenhousemuir Larbert FK5 4QJ	9 November 2009
11.	Letter of Objection from Mrs Claire Dickson	113 Tryst Road, Stebhousemuir FK5 4QJ	19 November 2009
12.	Letter of Support from Mrs A Donaldson	68 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
13.	Letter of Support from David Moffat	80 Tryst Road Stenhousemuir Larbert FK5 4QJ	23 December 2009
14.	Letter of Support from M McGregor	72 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
15.	Letter of Support from Jim Sannachan	70 Tryst Road Stenhousemuir Larbert FK5 4QH	18 November 2009
16.	Letter of Objection from Mrs Yvonne Weir	Larbert, Stenhousemuir _ Torwood Community Council C/o 92 Stirling Road Larbert FK5 4NF	3 December 2009
17.	Letter of Objection from John and Elizabeth Aitken	82 Tryst Road Stenhousemuir Larbert FK5 4QJ	11 November 2009
18.	Letter of Objection from Larbert, Stenhousemuir & Torwood Community Council	C/o Norvia 92 Stirling Road Larbert FK5 4NF	8 December 2009
19.	Letter of Objection from Mr and Mrs Colin and Julie Kennedy	115 Tryst Road, Stenhousemuir, Larbert FK5 4QJ	13 November 2009

20.	Letter of Objection from Mr Paul Serafini	90 Tryst Road Stenhousemuir Larbert FK5 4QJ	17 November 2009
21.	Letter of Representation from Russel & Aitken	Kings Court High Street Falkirk FK1 1PQ	30 November 2009
22.	Letter of Support from R Graham	42 Park Avenue Stenhousemuir Larbert FK5 3JA	29 December 2009
23.	Letter of Support from Jane Auld	15 Valeview Stenhousemuir Larbert FK5 3JE	29 December 2009
24.	Letter of Support from Mr David Robertson	435 King Street Stenhousemuir Larbert FK5 4HT	29 December 2009
25.	Letter of Support from Mr Kenneth MacLennan	22 The Meadows Carron Falkirk FK2 8QD	29 December 2009
26.	Letter of Support from Louise Malcolm	83 Kennedy Way Airth Falkirk FK2 8GG	29 December 2009
27.	Letter of Support from Angela Hunter	3 St. David's Court Larbert FK5 3AE	29 December 2009
28.	Letter of Support from Mr Philip Christie	65 McLachlan Street Stenhousemuir Larbert FK5 3HW	29 December 2009
29.	Letter of Support from Mr Simon Lewandowski	3 Bruart Avenue Stenhousemuir Larbert FK5 4DF	29 December 2009
30.	Letter of Support from Mr Norman Laird	477 Main Street Stenhousemuir Larbert FK5 4EX	29 December 2009
31.	Letter of Support from Mr William Gibson	5 Evans Street Larbert FK5 4RQ	29 December 2009
32.	Letter of Support from Tracy Newell	10 Grange View Stenhousemuir Larbert FK5 3DF	29 December 2009
33.	Letter of Support from Margaret MacCormick	19 Balmoral Place Stenhousemuir Larbert FK5 4LJ	29 December 2009
34.	Letter of Support from Susie Leggate	Flat 1/1 282 Woodlands Road G3 6NE	29 December 2009
35.	Letter of Support from Mr David Anderson	16 Ashley Hall Gardens Linlithgow EH49 7DN	29 December 2009
36.	Letter of Support from Hari Lai	85 Milverton Road Giffnock G46 7LG	29 December 2009
37.	Letter of Support from Chloe O'Beirne	212 90 Great George Street G12 8RY	29 December 2009
38.	Letter of Support from Rosemary Cuning	Flat 1/1 282 Woodlands Road Glasgow G3 6NE	29 December 2009
39.	Letter of Support from Seema Luthra	41 Craw Road Paisley PA2 6AD	29 December 2009
40.	Letter of Support from Mrs L Robertson	435 King Street Stenhousemuir Larbert FK5 4HT	29 December 2009
41.	Letter of Support from Mr David Welsh	23 Craigleith Road Grangemouth FK3 0AH	29 December 2009
42.	Letter of Support from Mr Alan Westwater	31 Jamieson Avenue Stenhousemuir Larbert FK5 4TX	29 December 2009
43.	Letter of Support from Mr Jim Simpson	1 School Walk Stenhousemuir Larbert FK5 4QN	29 December 2009
44.	Letter of Support from Sucha Dhillon	50-64 Main Street Larbert FK5 3AR	23 December 2009

45.	Letter of Support from Elizabeth Grugen	32 Clyde Crescent Larbert FK5 4NL	23 December 2009
46.	Letter of Support from Margaret and Duncan Laird	16 Ormond Court Larbert FK5 4PE	23 December 2009
47.	Letter of Support from Mr Gordon Donaldson	30 Clyde Crescent Larbert FK5 4NL	23 December 2009
48.	Letter of Support from Mr Henry Somerville	2 Ormond Court Larbert FK5 4PE	23 December 2009
49.	Letter of Support from Bob and Una Wilshaw	1 Glenbervie Crescent Larbert FK5 4NS	23 December 2009
50.	Letter of Support from R Thomson	20 Hunter Place Falkirk FK2 8QS	23 December 2009
51.	Letter of Support from Phyllis Wilson	10 Redpath Drive Falkirk FK2 8QL	23 December 2009
52.	Letter of Support from Cali Grugen	43 Bruce Drive Stenhousemuir Larbert FK5 4DD	23 December 2009
53.	Letter of Support from John McKenzie	98 Tryst Road Stenhousemuir Larbert FK5 4QJ	23 December 2009
54.	Letter of Support from Alaina Lemetti	46 Sunnyside Street Falkirk FK1 4BH	23 December 2009
55.	Letter of Support from Mark Gatanery	55 Torlea Place Larbert FK5 4QY	23 December 2009
56.	Letter of Support from James and Annie Philip	15 Crownest Loan Stenhousemuir Larbert FK5 3BU	23 December 2009
57.	Letter of Support from Charles Ross	50 Braeview Stenhousemuir Larbert FK5 3DT	23 December 2009
58.	Letter of Support from Joan Barnett	52 Rae Street Stenhousemuir Larbert FK5 4QP	23 December 2009
59.	Letter of Support from John McKinlay	315 Main Street Stenhousemuir Larbert FK5 4BL	23 December 2009
60.	Letter of Support from Scott Robertson		23 December 2009
61.	Petition received enclosing 60 names of support	15 Chapel Drive Stenhousemuir Larbert FK5 4JH	23 December 2009
62.	Letter of Support from Mr B Jenkins	50 Tryst Road Stenhousemuir Larbert FK5 4QH	29 December 2009
63.	Letter of Support from Mrs A Whitehead	109 Tryst Road Stenhousemuir Larbert FK5 4QJ	18 November 2009

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne (Senior Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0769/FUL

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