

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 24 FEBRUARY 2010 at 9.30 A.M.

PRESENT: Councillors Buchanan, Carleschi, Lemetti, A MacDonald, McLuckie, McNeill, Mahoney, C Martin, Oliver and Thomson.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Constable and Nicol.

ATTENDING: Director of Development Services; Acting Director of Law and Administration; Head of Economic Development; Acting Head of Planning and Transportation; Development Manager; Senior Planning Officer (B Vivian); Roads Development Officer (B Raeburn); Senior Forward Planning Officer (R Teed); Transport Planning Officer (K Swanson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST: Councillor Lemetti declared a non-financial interest in agenda item 5 (minute P181 relating to application P/09/0769/FUL) due to a family member's support of the application unbeknown to himself and as he had concluded that there may be a perception that those views could be attributed to him, notwithstanding his lack of involvement in the matter. Councillor Lemetti took no part in the consideration of this item of business.

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

- Councillor Thomson informed the Committee that as she had not attended the site visits she would not take part in consideration of planning applications P/09/0214/FUL, P/09/0519/FUL and P/08/0923/OUT (minute P179, P180 and P181) but that she would take part in consideration of planning application P/09/0769/FUL (minute P182) as she was sufficiently familiar with the site.
- Councillor Oliver informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/09/0923/OUT (minute P181) but that he would take part in consideration of planning applications P/09/0214/FUL, P/09/0519/FUL and P/09/0769/FUL (minute P179, P180 and P182) as he was sufficiently familiar with the sites.
- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0214/FUL, P/09/0519/FUL, P/08/0923/OUT and P/09/0769/FUL (minute P179, P180, P181 and P182).

- Councillor McNeill informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/09/0519/FUL (minute P180).
- Councillor Carleschi informed the Committee that he had not attended the site visits but that he would take part in consideration of planning applications P/09/0214/FUL, P/09/0519/FUL and P/08/0923/OUT (minute P179, P180 and P181) as he was sufficiently familiar with the sites.

P177. OPENING REMARKS

Prior to the commencement of business, the Convener invited the Development Manager to provide an update on the West Carron Landfill, Stenhouse Road, Carron.

Discussion took place in respect of the following:-

- The Certificate of Lawful Use or Development;
- The level of fill;
- The smell from the site, the effect on that of the recent cold weather and gas collection works;
- The completion timescales; and
- The proposal for a joint working group.

Councillor Carleschi entered the meeting during consideration of the foregoing item.

P178. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 27 January 2010; and
- (b) Minute of Meeting of the Planning Committee On Site held on 15 February 2010.

P179. MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF SHOP/ STORE TO HOT FOOD TAKEAWAY AND EXTENSION TO REAR OVER TWO TO PROVIDE TWO MAISONETTE FLATS FOR 234 GRAHAMS ROAD, FALKIRK FK2 7BH FOR MR J AKTHAR - P/09/0214/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 2 December 2009 and 27 January 2010 (Paragraphs P142 and P160 refer), Committee gave further consideration to Reports (circulated) dated 25 November 2009 and 20 January 2010 by the Director of Development Services and an additional Report (circulated) dated 16 February 2010 by the said Director 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 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 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:-

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

P180. ERECTION OF DWELLINGHOUSE ON LAND AT WHINNIE MUIR WOOD WEST OF TORWOOD HEAD COTTAGE, LARBERT FOR MR R MCCLURG - P/09/0519/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 27 January 2010 (Paragraph P168 refers), Committee gave further consideration to Report (circulated) dated 19 January 2010 by the Director of Development Services and an additional Report dated 16 February 2010 by the said Director on an application for detailed planning permission for the erection of a dwellinghouse constructed over two floors, comprising a basement, wine cellar and two double garages and on the ground floor comprising one bedroom, a swimming pool, a lounge, a dining room, a study, a kitchen, a breakfast room, a family room and a play room (with potential for a further bedroom), a utility room, a pool plant room, a hall and a vestibule and including access to a veranda, and on the upper floor comprising five bedrooms and a library on land at Whinnie Muir Wood, west of Torwood Head Cottage, Larbert.

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

- (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.

Informative:-

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

P181. DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT CANAL BANK, STATION ROAD, BRIGHTONS, FALKIRK FOR MR WILLIAM SCOBIE - P/08/0923/OUT (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 27 January 2010 (Paragraph P170 refers), Committee gave further consideration to Report (circulated) dated 19 January 2010 by the Director of Development Services and an additional Report (circulated) dated 16 February 2010 by the said Director on an application for outline planning permission for the development of land for housing purposes at a site bounded to the north by the Polmont Burn and to the south by the Union Canal, at Canal Bank, Station Road, Brightons, Falkirk.

AGREED to **GRANT** planning permission, subject to the following conditions:-

- (1) The 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; and
 - (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 the 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 the 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 the 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:-

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

P182. CHANGE OF USE FROM SOCIAL CLUB TO PUBLIC HOUSE AT WARRIORS SOCIAL CLUB, TRYST ROAD, STENHOUSEMUIR, LARBERT FOR OCHILVIEW BAR – P/09/0769/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 27 January 2010 (Paragraph P172 refers), Committee gave further consideration to Report (circulated) dated 19 January 2010 by the Director of Development Services and an additional Report (circulated) dated 16 February 2010 by the said Director on an application for detailed planning permission for the change of use from a social club to a public house forming part of the Stenhousemuir Football Club group of buildings at the Warriors Social Club, Tryst Road, Stenhousemuir, Larbert.

AGREED to **GRANT** planning permission, subject to the following condition:-

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

Reason:-

- (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 the reference number(s) 01a, 02, 03, 04, 05, 06 and 07.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning the proposal in respect of noise legislation which may affect the development.

In accordance with his declaration of interest, Councillor Lemetti left the meeting before, and re-entered the meeting following, consideration of the foregoing item of business.

P183. RELOCATION OF EXISTING TIMBER PRODUCT BUSINESS, RESTORATION FOR GRAZING PURPOSES AND DEVELOPMENT OF LAND FOR HOUSING PURPOSES ON LAND AT FORMER SITE OF DUNMORE MILL, FALKIRK FOR MARGARET FERNS - P/08/0938/OUT

There was submitted Report (circulated) dated 16 February 2010 by the Director of Development Services on an application for outline planning permission for the relocation of an existing timber product business, which occupies an area of 0.78 hectares within the site, to new premises to be developed on an area measuring 0.7 hectares to the west of the existing business site, within the application boundary, together with the restoration of the current site for grazing purposes and the development of land at Dunmore Mill, Falkirk, to the east side of the application site, for housing purposes.

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

Councillors Oliver and Martin left and re-entered the meeting during consideration of the following item of business.

P184. ERECTION OF 12 FLATTED DWELLINGS ON LAND TO THE SOUTH OF 48 WOOD STREET, CHISHOLM PLACE, GRANGEMOUTH FOR FALKIRK COUNCIL - P/09/0536/FUL

There was submitted Report (circulated) dated 16 February 2010 by the Director of Development Services on an application for detailed planning permission for the

erection of 12 flatted dwellings comprising three blocks of four flats of two storeys with pitched roofs on a site comprising 0.3 hectares at the corner of Wood Street and Chisholm Place, Grangemouth.

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

P185. REDEVELOPMENT OF FORMER PAPER MILL TO PROVIDE 108 DWELLINGHOUSES AND 65 FLATS, 5700 SQ. FT. OF COMMERCIAL FLOORSPEACE, ROADS INFRASTRUCTURE INCLUDING NEW ROUNDABOUT, OPEN SPACE, LANDSCAPING, WOODLAND MANAGEMENT AND PUBLIC PATHWAY PROVISION, CONSTRUCTION OF A FISH LADDER AND ALTERATIONS TO LISTED BUILDING TO RETAIN BUSINESS USE AT CARRONGROVE PAPER MILL, DENNY FK6 5HJ FOR MCTAGGART AND MICKEL - P/08/0296/FUL

There was submitted Report (circulated) dated 16 February 2010 by the Director of Development Services on an application for detailed planning permission for the redevelopment of the former Carrongrove Paper Mill site to provide 108 dwellinghouses, 65 flats, 5,700 square feet of commercial floorspace, the alteration of a listed building to retain business use and the construction of a fish ladder at Carrongrove Paper Mill, Denny.

AGREED that Committee is **MINDED** to **GRANT** detailed planning permission, subject to the following conditions:-

- (a) The satisfactory completion of an agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-
 - (i) the payment of a financial contribution of £457,200 towards the provision and upgrade of educational facilities in the area;
 - (ii) the payment of a financial contribution of £550,000 towards the provision of a roundabout at the junction of Nethermain Road and Glasgow Road, Denny;
 - (iii) the payment of a financial contribution of £20,000 towards the upgrade of a former railway line for the purposes of a cyclepath (Safer Routes to School) between Stoneywood and Denny;
 - (iv) the payment of a financial contribution of £30,000 towards the provision, upgrade and maintenance of recreational facilities in the local area;
 - (v) the nature and provision of the 18 proposed live/work units; and
 - (vi) the nature and provision of the proposed affordable housing units.
- (b) The submission of a Stage 2 Road Safety Audit for the written approval of the Planning Authority. The audit shall assess all of the new road infrastructure to be constructed by the applicant and include the short internal link between the priority access junction on the B818 and the first internal junction;
- (c) And thereafter, on conclusion of the foregoing matters, to remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which the permission relates must be begun within five years from the date of the permission.
- (2) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking areas 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, 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.
- (4) Before the development commences, full details of 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 proposed finished ground levels in relation to a fixed datum, preferably ordnance;
 - (ii) the location of all new trees, shrubs, hedges and grassed areas;
 - (iii) a schedule of plants to comprise species, plant sites and proposed numbers/density;
 - (iv) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure;
 - (v) the location, colour and specification of all proposed hard surface materials;
 - (vi) existing and proposed services such as cables, pipelines, sub-stations, etc.; and
 - (vii) other artefacts and structures such as seating, litter bins, dog bins, external lighting, bollards, trail and interpretive signage and viewing galleries. Thereafter, the development shall be completed in accordance with the approved details.
- (5) Before the development commences, a scheme for the provision of active recreational facilities shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:-
 - (i) the location of a toddler/junior play area and a Multi Use Games Area (MUGA) and the type and location of all associated play equipment, seating, fences, walls and litter bins;
 - (ii) the surface treatment of play areas;
 - (iii) the location and specification of all proposed cycleways and footways within the application site and proposed connections to the wider network. Gradient and cross-section details shall be submitted as appropriate; and
 - (iv) details of the proposed pedestrian/cycle crossing point on the B818, east of the new access roundabout. The details shall include a plan showing relevant dropped kerbs, suitable connection details into Kirkland Drive and a central island.
- (6) The existing stone wall along the frontage of the site to the B818 shall be made good and re-built where gaps exist or damage has occurred or where sections

have been removed to achieve the required visibility splays, in accordance with details approved in writing by the Planning Authority.

- (7) Before the development commences, a final statement and plan confirming the existing trees proposed to be removed shall be submitted to and approved by the Planning Authority. No existing trees shall be removed until the final statement and plan have been approved in writing. The existing trees proposed for removal shall be marked, and the Planning Authority shall be notified when the trees are marked, in order to provide the opportunity for an inspection of the marked trees.
- (8) Before the development commences, a Tree Protection Plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include details of the exact location and specification of the temporary fencing to protect the areas of retained habitat. The protective fencing shall be put in place before the development commences and shall remain in place until all construction works are complete. The Planning Authority shall be notified in order to provide an opportunity for inspection of the protective fencing once it is in place.
- (9) During construction, no excavation, level changes, material storage, fires or vehicle movement shall take place within the fenced off areas indicated in the approved Tree Protection Plan.
- (10) Before the development commences, the exact details of the proposed environmental measures as detailed in Section 6, Table 9, of the Ecological Impact Assessment prepared by Heritage Environmental Limited, dated March 2009, shall be submitted to and approved in writing by the Planning Authority, in consultation with SEPA and SNH (as appropriate). Thereafter, the development shall proceed in accordance with the approved details.
- (11) Before the development commences, a Species Protection Plan for otter shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall proceed in accordance with the approved details, under the supervision of a suitably experienced ecologist acting as Ecological Clerk of Works.
- (12) Before the development commences, an Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include woodland management measures and consider the opportunities for access and recreation within the various habitat areas. Thereafter, the development shall proceed in accordance with the approved details.
- (13) In respect of otter:-
 - (a) No vehicular access, works or pedestrian access shall occur within 30 metres of the otter resting places identified in the otter survey(s). This exclusion zone shall be marked on the site with temporary posts and high visibility tape or similar before the development commences (to be removed at the end of the contract). The positioning and erection of fences demarcating the boundaries of exclusion zones shall be supervised, and subsequently monitored, by a suitably experienced ecologist acting as Ecological Clerk of Works.

- (b) The existing scrub/trees screening the otter resting places from the area where works are proposed shall be retained.
 - (c) All personnel, including contractors and sub-contractors, shall be made aware of the presence of otters and their holts, their protected status and the conditions of any granted licence.
- (14) Should the development not commence within 12 months of the last survey of the site for badgers, a further walk-over survey of the site shall be conducted and the results of the survey submitted for the written approval of the Planning Authority.
 - (15) Tree, scrub and hedgerow removal shall only occur between the months of September to March (inclusive) in order to avoid the destruction of birds nesting during the breeding season.
 - (16) Before the development commences, the presence and breeding status of any barn owls on the site shall be confirmed by a suitably experienced consultant. Should their presence and breeding be confirmed, restrictions on timings of works as per other breeding bird species shall apply, such that works may only be carried out between the months of September to March (inclusive).
 - (17) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by the Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by the Planning Authority.
 - (18) Waste management facilities for the proposed development shall be provided in accordance with the Council's Refuse and Recycling Collection Requirements for Housing and Commercial Developments.
 - (19) Before the development commences, the design and construction details of the proposed fish ladder shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
 - (20) Within one year of the commencement of the development, a separate planning application shall be submitted for the provision of a small-scale hydro-electric power scheme. The application shall include the detailed design for the scheme and an assessment of its potential impacts on flooding and flood management.
 - (21) All new road and footway design and construction shall be carried out in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
 - (22) All individual driveways shall be constructed to meet the public road at right angles, with a maximum gradient of 1:10, and in a manner to ensure that no surface water or loose material is discharged onto the public road.
 - (23) Parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. All dedicated car

parking spaces for the proposed commercial and business uses shall be demarcated for that purpose.

- (24) The proposed development shall be carried out in accordance with the recommendations detailed on page 37 of the Flood Risk and Drainage Impact Assessment, Revision E, prepared by Waterman Civils Limited, dated July 2009.
- (25) Before the development commences, details of the arrangements for the maintenance of the proposed and existing culverts and outfalls that cross/adjoin the application site shall be submitted to and approved in writing by the Planning Authority. Thereafter, maintenance of the culverts shall be carried out in accordance with the approved details.
- (26) Before the development commences, details of the location and specification of all proposed bus stop infrastructure shall be submitted to and approved in writing by the Planning Authority. The details shall include provision of new bus shelters for eastbound stops, with appropriate flagpoles and timetable information. Thereafter, the development shall be carried out in accordance with the approved details.
- (27) One cycle locker per flat shall be provided, in accordance with details to be submitted to and approved in writing by the Planning Authority before the development commences.
- (28) Before the first unit is occupied, a Travel Plan Welcome Pack shall be submitted to and approved in writing by the Planning Authority and distributed to households prior to occupation.
- (29) Before the cycleway/pedestrian path to the B818 at the western end of the site is brought into use, a section of footpath to link the cycleway/pedestrian path to the existing footpath at Fankerton shall be constructed in accordance with the Design Guidance and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (30) Before the development commences, details of the party (parties) to implement the Environmental Management Plan, and the timescale thereof, and details of the on-going future management and maintenance of the hard and soft landscaping areas, the active recreational facilities and the fish ladder, shall be submitted to and approved in writing by the Planning Authority. Documentary evidence shall be submitted to demonstrate the long-term securing of the management and maintenance of these areas and infrastructure.
- (31) Before the first residential unit is occupied, the new pedestrian/cyclist crossing point of Fintry Road and the new bus stop infrastructure shall be fully completed in accordance with the approved details.
- (32) Unless otherwise agreed in writing by the Planning Authority, the new entrance roundabout to serve the proposed development shall be fully completed before the first residential unit is occupied, in accordance with the approved details.
- (33) No residential unit shall be occupied until a mini-roundabout has been constructed at the junction of Stirling Street and Nethermain Road in accordance with an approved Road Construction Consent.

- (34) Before the 50th residential unit is occupied, the toddler/junior play area and the fish ladder shall be fully completed in accordance with the approved details.
- (35) Before the 70th residential unit is occupied, the alterations to the listed building (Carrongrove House) to retain business/office use shall be fully completed in accordance with the approved details.
- (36) Before the 100th residential unit is occupied, the Multi Use Games Area (MUGA) shall be fully completed in accordance with the approved details.
- (37) The ground floor commercial area of proposed Block 3 shall be restricted to a use within Classes 1, 2 and 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further planning application to and approved by the Planning Authority.
- (38) The listed building (Carrongrove House) shall be restricted to a use within Class 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further planning application to and approved by the Planning Authority.
- (39) Notwithstanding the approved details, before the development commences, the design of the south facing elevation of the 3 storey flatted building shall be subject to further consideration and the submission of amended proposals for the written approval of the Planning Authority. Thereafter, the development shall proceed in accordance with the approved details.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997
- (2) To enable the Planning Authority to consider these aspects in more detail.
- (3-4) To safeguard the visual amenity of the area.
- (5) To ensure the provision of adequate and appropriate recreational facilities.
- (6) To safeguard the visual amenity of the area.
- (7-9) To safeguard the visual and environmental amenity of the area.
- (10-16) To safeguard the environmental amenity of the area and ecological and biodiversity interests.
- (17) To ensure the ground is suitable for the proposed development.
- (18) To ensure the provision of appropriate waste management facilities.
- (19) To enable the Planning Authority to consider these aspects in more detail.

- (20) To secure an application for the provision of a small scale hydro-electric scheme, in accordance with the requirements of the Planning Brief.
- (21-22) To safeguard the interests of the users of the highway.
- (23) To ensure the provision of appropriate parking facilities.
- (24-25) To safeguard the site against the risk of flooding.
- (26-29) To ensure the provision of facilities and measures to support sustainable modes of transport.
- (30) To secure the ongoing maintenance of the common areas and facilities.
- (31-36) To secure the timeous provision of facilities and infrastructure which are a requirement of the proposed development.
- (37-38) In order to retain proper control over the use of the development.
- (39) In the interests of design quality and visual amenity.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which this decision refers bear the reference numbers 01, 02C, 03C, 04B, 05B, 06F, 07C, 08C, 09C, 10C, 11B, 12B, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22A, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34C, 35, 36A, 37A, 38, 39, 40, 41, 42D, 43B, 44B, 45G, 46F, 47F, 48A, 49A and 50.
- (2) All proposed adoptable roads, cycleways and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.
- (3) Bollards and lighting within roads and footpaths to be adopted as public will require to satisfy the Council's Design Guidelines and Construction Standards. The Council specification for bollards is Marshalls Steel Rhino Bollard RB119.
- (4) Retaining structures should be outwith a 1 in 2 slope zone of a footpath or carriageway to be adopted as public. Design calculations and drawings for any structure within this zone will require to be submitted to Falkirk Council as part of the Road Construction Consent process.
- (5) The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) require general binding rule (GBR) 10 of CAR to be complied with in relation to surface water drainage. GBR 10 makes Sustainable Urban Drainage Systems (SUDS) a requirement for new development. SEPA has requested the submission of a Drainage Management Plan, including details of proposed SUDS systems, prior to works commencing on site.
- (6) The proposal for modifications to the bank of the Carron River and other works within the vicinity of the river will require SEPA authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).

- (7) SEPA has requested the submission of information on the feasibility of an eel pass on the River Carron.
- (8) Scottish Water has requested the developer to make contact in order to understand the proposed phasing and timescales, to enable consideration of the options for connections and the impact of the development on existing infrastructure.
- (9) Scottish Natural Heritage should be contacted to ensure that valid licenses are in place for the carrying out of works that will affect European protected species or their shelter/breeding places.
- (10) Due to proximity to the River Carron, which hosts species that respond to changing light levels, including salmonid fish and otters, careful consideration should be given to the design of street lighting to minimise impact on the river. Scottish Natural Heritage recommends that proposals for lighting are reviewed in accordance with the Scottish Governments Guidance Note on Controlling Light Pollution and Reducing Light Energy Consumption.
- (11) The level of provision for the toddler/junior play area and the Multi Use Games Area (MUGA) will require to be commensurate with a total cost of £100,000 inflation adjusted at the time of provision.

P186. EXTENSION TO DWELLINGHOUSE (FRONT EXTENSION) AT 42 TWEED STREET, GRANGEMOUTH FK3 8HA FOR MR BUCHANAN - P/09/0826/FUL

There was submitted Report (circulated) dated 16 February 2010 by the Director of Development Services on an application for detailed planning permission for a single storey extension to a two storey semi detached dwellinghouse, comprising a bay window to the front of the property to accommodate additional living space, measuring 3.2 metres in width and 1.5 metres in depth, at 42 Tweed Street, Grangemouth.

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

P187. DEMOLITION AND REPLACEMENT OF EXISTING DWELLINGHOUSE (RETROSPECTIVE) AT TIPPETCRAIG, BONNYBRIDGE FK4 2EU FOR MR AND MRS G BURNS - P/09/0879/FUL

There was submitted Report (circulated) dated 16 February 2010 by the Director of Development Services on an application for detailed planning permission, in retrospect, for the demolition, in part, and the replacement of, an existing dwellinghouse at Tippetcraig, Bonnybridge.

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 8 MARCH 2010 commencing at 9. 30 a.m.

PRESENT: Councillors Buchanan, Constable, Carleschi (for applications P/08/0938/OUT and P/09/0879/FUL); Lemetti, A MacDonald (for applications P/09/0826/FUL and P/09/0536/FUL), Mahoney, C Martin (for application P/08/0938/OUT), McLuckie, McNeill and Oliver.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Nicol and Thomson.

ATTENDING: Development Manager; Planning Officer (D Paterson) (for applications P/09/0826/FUL, P/09/0536/FUL and P/08/0938/OUT); Roads Development Officer (B Raeburn); Solicitor (K Quin); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: None.

P188. EXTENSION TO DWELLINGHOUSE (FRONT EXTENSION) AT 42 TWEED STREET, GRANGEMOUTH FK3 8HA FOR MR BUCHANAN - P/09/0826/FUL

With reference to Minute of Meeting of the Planning Committee held on 24 February 2010 (Paragraph P186 refers), Committee gave further consideration to Report (circulated) dated 16 February 2010 by the Director of Development Services on an application for detailed planning permission for a single storey extension to a two storey semi detached dwellinghouse, comprising a bay window to the front of the property to accommodate additional living space, measuring 3.2 metres in width and 1.5 metres in depth, at 42 Tweed Street, Grangemouth.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

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

The objector highlighted the following issues:-

- That the proposal for a 'porch to front' was inaccurate and was a significant extension to the existing sitting room; and

- The loss of privacy, the reduction of sunlight and the existing view being obscured for the neighbouring property.

Questions were then asked by Members of the Committee.

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

Councillor McNeill, 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 24 March 2010.

P189. ERECTION OF 12 FLATTED DWELLINGS ON LAND TO THE SOUTH OF 48 WOOD STREET, CHISHOLM PLACE, GRANGEMOUTH FOR FALKIRK COUNCIL - P/09/0536/FUL

With reference to Minute of Meeting of the Planning Committee held on 24 February 2010 (Paragraph P184 refers), Committee gave further consideration to Reports (circulated) dated 16 February 2010 by the Director of Development Services on an application for detailed planning permission for the erection of 12 flatted dwellings comprising three blocks of four flats of two storeys with pitched roofs on a site comprising 0.3 hectares at the corner of Wood Street and Chisholm Place, Grangemouth.

The Convener introduced the parties present.

The Planning Officer (D Paterson) outlined the nature of the application.

Mr Dunbar, the applicant's representative, was heard in support of the application.

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

Mr and Mrs Dodds, objectors, were heard in relation to the application.

The objectors highlighted the following issues:-

- The increase in the present excessive traffic noise, congestion and disturbance;
- That the trees at the site should be retained;
- That the footway at the southern boundary of the site should be closed to protect privacy of adjacent residents;
- That the development would reduce the availability of on street and visitor parking at Chisholm Place; and
- The concerns at the layout of the turning area outside the objector's driveway.

Questions were then asked by Members of the Committee.

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

Councillor McNeill, 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 24 March 2010.

P190. RELOCATION OF EXISTING TIMBER PRODUCT BUSINESS, RESTORATION FOR GRAZING PURPOSES AND DEVELOPMENT OF LAND FOR HOUSING PURPOSES ON LAND AT FORMER SITE OF DUNMORE MILL, FALKIRK FOR MARGARET FERNS - P/08/0938/OUT

With reference to Minute of Meeting of the Planning Committee held on 24 February 2010 (Paragraph P183 refers), Committee gave further consideration to Report (circulated) dated 16 February 2010 by the Director of Development Services on an application for outline planning permission for the relocation of an existing timber product business, which occupies an area of 0.78 hectares within the site, to new premises to be developed on an area measuring 0.7 hectares to the west of the existing business site, within the application boundary, together with the restoration of the current site for grazing purposes and the development of land at Dunmore Mill, Falkirk, to the east side of the application site, for housing purposes.

The Convener introduced the parties present.

The Planning Officer (D Paterson) outlined the nature of the application.

Ms Lynch, the applicant's agent, was heard in support of the application.

The Committee was advised that the objector was not in attendance.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 24 March 2010.

P191. DEMOLITION AND REPLACEMENT OF EXISTING DWELLINGHOUSE (RETROSPECTIVE) AT TIPPETCRAIG, BONNYBRIDGE FK4 2EU FOR MR AND MRS G BURNS - P/09/0879/FUL

With reference to Minute of Meeting of the Planning Committee held on 24 February 2010 (Paragraph P187 refers), Committee gave further consideration to Report (circulated) dated 16 February 2010 by the Director of Development Services on an application for detailed planning permission, in retrospect, for the demolition, in part, and the replacement of, an existing dwellinghouse at Tippetcraig, Bonnybridge.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 24 March 2010.

FALKIRK COUNCIL

Subject: RELOCATION OF EXISTING TIMBER PRODUCT BUSINESS,
RESTORATION FOR GRAZING PURPOSES AND DEVELOPMENT OF
LAND FOR HOUSING PURPOSES AT LAND AT FORMER SITE OF
DUNMORE MILL, FALKIRK, FOR MARGARET FERNS (OUTLINE) –
P/08/0938/OUT

Meeting: PLANNING COMMITTEE

Date: 24 March 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Airth Parish

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 24 February 2010 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 8 March 2010.
2. Clarification was sought regarding the significance of the consolidated Scottish Planning Policy (SPP) document which took effect on 4 February 2010. It was stated that this document is worded in a manner which supports the potential provision of new build housing to provide funding for a business.
3. The Planning Officer confirmed that the SPP acknowledges that there may be circumstances whereby Development Plans could support “new build and conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding”. However, the SPP, in keeping with previous National Planning Policies (SPP3 “Planning for Housing” and SPP15 “Planning for Rural Development”) stresses the importance that any support for opportunities for rural housing should be Development Plan led. It is only through the Development Plan process that it can be assured that new rural housing would have adequate access to transport links, community services and facilities. The SPP does not advocate the consideration of rural housing on a case by case basis through the Development Management process, as this type of approach would not ensure that appropriate forms of rural housing are achieved in a manner which is structured and fully co-ordinated with essential services.

4. Clarification was sought regarding the appropriateness of the proposed “enabling” housing development element of the proposed development. It was noted that the Director of Development Services' report states that there is no policy support for “enabling” development in this case, whereas, “enabling” housing development has been accepted in the consideration of planning application P/06/1099 “Restoration of Dunmore Park House to Form 15 Dwellings, Conversion of Stables to Form 10 Dwellings, Erection of 45 Dwellinghouses, Associated Landscaping Works, Amendments to A905 and Site Access Road”.
5. The Planning Officer confirmed that the concept of “enabling” development has policy support when considered in association with safeguarding the future of a listed building - see para. 114 of the consolidated SPP which advises that “enabling development may be acceptable where it can be shown to be the only means of retaining a listed building”. The Planning Officer also noted that there is no policy support in the Development Plan for the consideration of “enabling” development in respect of proposals for business related development. The mention in the SPP of enabling development for new business formation as one of a number of rural housing types which Development Plans may consider, does not constitute unqualified policy support for this type of development. The appropriateness of, and criteria for, such housing types need to be considered through the Development Plan process, having regard to the particular type of rural area and other considerations such as sustainability.
6. The Planning Officer noted that the application is supported by a financial statement. The applicant's representative noted that 9 dwellinghouses are proposed as “enabling” development and that the financial statement details the expected income to be generated. Whilst it is considered that estimates of property values in the financial statement are likely to be robust, the Planning Officer advised that there is insufficient detail with the proposal to fully assess the costs of developing and remediating the site. The Planning Officer noted that there has been no ground condition survey or contamination report prepared. It is possible that ground contamination is present as records indicate the site may have been used as creosote works in the 1960's. If this is the case, the presence of contamination can significantly escalate site development costs.
7. The applicant's representative confirmed that the financial statement does not take account of ground conditions and that the proposal to construct 9 dwellinghouses is an estimate. It may be the case that further dwelling units may be required to ensure the proposed relocation of the sawmill is feasible.
8. Members raised concern with regard to the possible impact of the overhead electricity cables at the site on the health of the employees of the existing timber products business. The applicant's representative noted the supporting statement which indicates that an advisory group to the Health Protection Agency, and a cross party enquiry into childhood leukaemia, have called for a moratorium on the building of new homes and schools within 60 metres of existing power lines. It is noted that this advice is not verified by legislation or regulations and is intended as precautionary.
9. The Council is not aware of any verified correlation between health concerns and distance to overhead power lines. Notwithstanding the supporting statement, it is noted that the previous report to Committee confirmed that this issue is not a material planning consideration. It was confirmed by the Directorate for Planning and Environmental Appeals Reporter overseeing the Public Inquiry in respect of the planning application for the Beauly to Denny overhead power line that the issue of health and overhead power lines is not a material planning consideration.
10. In response to issues raised in respect of access to the site, the Roads Development Co-ordinator confirmed that a single access would have to be adopted to reduce the impact on vehicular traffic at Moss Road.

11. In conclusion, it is considered that no material issues were raised at the Committee site meeting which would merit revisiting the recommendation

12. RECOMMENDATION

12.1 It is recommended that Committee refuse planning permission for the following reason(s):

- (1) The proposed development is not a form of agricultural diversification and it is not considered that a countryside location is essential. The proposed development does not therefore accord with Policy ENV.1 of the Falkirk Council Structure Plan "Countryside and Protected Areas".**
- (2) The proposed development is not essential to the pursuance of agriculture, horticulture, forestry, the management of a business for which a rural location is essential or any other economic activity for which a rural location is essential. The proposed development does not therefore accord with Policy Rural 1 of the Rural Local Plan "New Development In The Countryside" and Policy SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Housing Development In The Countryside".**
- (3) The proposed development would constitute sporadic development in the countryside and therefore does not accord with Policy Rural 2 of the Rural Local Plan "Village Limits".**
- (4) The proposed development does not utilise existing buildings, and does not constitute infill development. The proposed development does not therefore accord with Policy SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Housing Development In The Countryside" or Policy EQ19 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Countryside".**
- (5) There is insufficient justification for the proposed new residential development under the terms of Policy EP5 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Business and Industrial Development in the Countryside". The proposed development does not therefore accord with Policy EP5.**

Informative(s);

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 01 and 02A.**

PP

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Director of Development Services

Date: 16 March 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Planning Application F/90/1254.
5. Planning Application F/99/0242.
6. Scottish Planning Policy.
7. Falkirk Council Economic Downtown Action Plan.
8. Letter of Objection received from Airth Parish Community Council on 20 January 2010.

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

FALKIRK COUNCIL

Subject: RELOCATION OF EXISTING TIMBER PRODUCT BUSINESS, RESTORATION FOR GRAZING PURPOSES AND DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT LAND AT FORMER SITE OF DUNMORE MILL, FALKIRK, FOR MARGARET FERNS (OUTLINE) – P/08/0938/OUT

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Airth Parish

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located on the west side of Moss Road, south of the A905 Airth to Stirling Road, approximately one mile west of Airth.
- 1.2 The site boundary encloses 3.3 hectares of land. The site consists of an existing timber products business and surrounding open grass land to the east, north and west.
- 1.3 It is proposed to relocate the existing timber products business, which occupies an area of 0.78 hectares within the site, to new premises, which are to be developed at an area measuring 0.7 hectares to the west of the existing business sites, within the application site boundary. It is a major application.
- 1.4 The existing 0.78 hectare area on which the current business is located, would be restored to pasture/agricultural land.
- 1.5 It is proposed to develop land measuring 0.68 hectares at the east side of the application site for housing purposes. The housing element of the proposal is presented as 'enabling' development to provide funds for the relocation of the timber products business.
- 1.6 The applicant notes that the proposed new area for the relocated timber products business can accommodate a modernised business and provide a sufficient area for screen planting.
- 1.7 The applicant also notes that although the current business occupies an area of 0.78 hectares, there has historically been a timber business operating in the area which occupied a much larger site of approximately 3 hectares.

1.8 The application is accompanied by a supporting statement which states the following:-

- The operator of the existing timber products business requires to modernise the business in order to keep pace with economic conditions.
- There is concern that the existing timber products business is located close to overhead electricity cables. This is considered to be detrimental to the health of the employees of the business. The supporting statement quotes data from the Radiation Protection Division of the Health Protection Agency and quotes that a cross political party group has requested a moratorium on new dwellinghouses and schools within 60 metres of existing power lines.
- There has been planning permission granted for developments in the Dunmore area which sets a precedent for approving the proposed development.
- Relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) can be considered to support the proposed development.
- The Council's Action Plan for Economic Downturn can be considered to support the proposed development.

1.9 The application is accompanied by a statement detailing the costs involved in relocating the timber products business and providing for the proposed residential development.

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The application has been called in by Councillor Craig Martin.

3. SITE HISTORY

3.1 F/90/1254 – siting of temporary caravan – granted on 30 January 1991.

3.2 F/99/0242 – use of land and building for car boot sales (2 days per week Saturday/Sunday) – granted temporary permission on 24 November 1999.

4. CONSULTATIONS

4.1 The Roads Development Unit has advised that it is preferable that the development should be served by a single access from Moss Road, which is a derestricted road. It is also noted that, should planning permission in principle be granted, a condition be attached to ensure the submission of detailed drainage proposals as an application, or part of an application, for approval of matters specified in conditions.

4.2 The Environmental Protection Unit has advised that an application, or part of an application, for approval of matters specified in conditions should include a site investigation to establish if contamination, as defined by Part 11a of the Environmental Protection Act 1990 is present.

- 4.3 The application site falls within the catchment areas for Airth Primary School, St Francis RC Primary, Larbert High School and St Mungo's RC High School. The RC primary catchment will change from St Francis to Sacred Heart in August 2010. The response of Education Services is based on a possible housing development of 15 units. Airth Primary school is expected to exceed its capacity within the next 5 years. Larbert High School is expected to reach capacity in the next 5-10 years. It is noted that the application site is not identified in the Development Plan as a housing opportunity. Education Services has objected to the proposed development. Should, however, planning permission in principle be granted, the applicant should be requested to make a contribution towards education provision and the rate of contribution should be set at £3,150 per dwelling unit. This contribution constitutes a contribution of £2,150 per dwelling unit towards Airth Primary School and £1,000 per dwelling unit towards Larbert High School. It is noted that there are no capacity issues in respect of RC Schools.
- 4.4 Scottish Water has raised no objection to the proposed development.
- 4.5 Scottish Natural Heritage has advised that the applicant should undertake studies of bats, birds and badgers at and adjacent to the site.

5. COMMUNITY COUNCIL

- 5.1 Airth Parish Community Council has submitted the following comments:-
- The proposed development does not accord with the Development Plan.
 - There is no reason why the present business requires to be relocated to another site.
 - The proposed development would generate a level of traffic which is in excess of the level which Moss Road can safely accommodate.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 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 The proposed development is not considered to be agricultural diversification.

7a.3 It is noted that the existing timber business is long established and, in such circumstances, the proposed relocation of the business could be considered to justify the relocation to the adjacent rural site. There is no justification, however, for the proposed housing development, as a rural setting is not essential and the proposed housing is not required in association within the function or operation of the business.

7a.4 The proposed development does not accord with Policy ENV.1.

7a.5 Accordingly the proposed development does not accord with the Falkirk Council Structure Plan.

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 It is noted that the existing timber products business is long established. In such circumstances the proposed relocation of the business could be considered to fulfil a local need.
- 7a.8 There is, however, no justification for the proposed housing development in terms of the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. There is no connection between the timber products business and the proposed housing development other than to provide funds. There is no provision for enabling development under the terms of Policy Rural 1.
- 7a.9 Accordingly the proposed development does not accord with Policy Rural 1.
- 7a.10 Policy RURAL 2 'Village Limits' states:

"That the boundary of the village areas as indicated on the Village Maps is regarded as the desirable limit to the growth of the villages at least for the period of the Local Plan. Accordingly, there will be a general presumption against proposals for development which would either extend the village areas beyond this limit or which would constitute undesirable sporadic development in the countryside."

- 7a.11 The proposed housing development would constitute sporadic development in the countryside. The housing development would be physically detached from the timber products business and have no connection to the business other than to provide funding.
- 7a.12 Accordingly the proposed development does not accord with Policy Rural 2 and therefore is not in accordance with the Rural Local Plan and consequently the Development Plan.

7b Material Considerations

- 7b.1 The material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the objection from the Community Council, consultation responses, the supporting statements accompanying the application, Scottish Planning Policy (SPP) and the Falkirk Council Economic Downturn Action Plan.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 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.3 There is no justification for the proposed housing development in terms of the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. There is no connection between the timber products business and the proposed housing development other than to provide funds. There is no provision for enabling development under the terms of Policy Rural SC3.

7b.4 Accordingly the proposed development does not accord with Policy SC3.

7b.5 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.6 The proposed development would not utilise existing buildings.

7b.7 The proposed development does not constitute infill development.

- 7b.8 It is noted that the existing timber products business is long established. In such circumstances the proposed modernisation of the business could be considered to justify the relocation to the adjacent rural location.
- 7b.9 There is however no justification for the proposed housing development in Terms of Policy SC3 "Housing Development in the Countryside".
- 7b.10 Accordingly, the proposed development does not accord with Policy EQ19.
- 7b.11 Policy EP5 'Business and Industrial Development in the Countryside' states:

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

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

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

- 7b.12 It is noted that the timber products business is long established and, although a business of this type could be accommodated in a more urban setting, the business could be considered to justify a relocation to the adjacent rural site. In such circumstances there would be no significant additional adverse impact on the rural environment.
- 7b.13 It is noted, however that there is no justification for the proposed new housing under the terms of Policy EP5.
- 7b.14 The proposed development therefore does not accord with Policy EP5.
- 7b.15 Accordingly, the proposed development does not accord with the provisions of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

The Objection from the Airth Parish Community Council

- 7b.16 It is noted that the proposal does not accord with the Development Plan.
- 7b.17 It is noted that the existing timber products business is long established. In such circumstances it could be considered acceptable that the existing business could relocate to an adjacent rural location.
- 7b.18 It is noted that the Roads Development Unit has raised no objection in terms of increased traffic generation.

Consultation Responses

- 7b.19 It is noted that should planning permission be approved, any application for approval of matters specified in conditions should include a full drainage strategy and a contamination site investigation.
- 7b.20 The consultation response from Scottish Natural Heritage is noted. The application does not accord with the Development Plan. As the application is recommended for refusal it is not considered appropriate to request the applicant to meet the expense of carrying out wildlife surveys of the site. Should the Committee, however, be minded to grant planning permission, a condition should be attached requiring that any application for approval of matters specified in conditions should include any relevant wildlife surveys. In respect of the issue of bats, should the Committee be minded to grant planning permission, a bat survey would require to be submitted for the approval of the planning authority prior to the issue of planning permission in principle.

Supporting Statement

- 7b.21 It is noted that the applicant has advised that the existing business requires a programme of modernisation in order to keep pace with economic conditions. It is also noted that a business of this nature could be accommodated in an urban setting. However, on the basis that the existing business is long established, there could be considered to be justification, under the terms of the Development Plan, to relocate the existing business to the adjacent rural site.
- 7b.22 The concern of the applicant in terms of the close proximity of overhead electricity cables to the existing business is noted. However, the impact of electricity cables on health is not a material planning consideration. In any case, it is noted that research in respect of this matter is ongoing and that there is no conclusive evidence to support the concerns of the applicant.
- 7b.23 The applicant's comments in respect of other developments in the area is noted. Planning applications are considered on their own merits. The planning history of other developments in the area is not relevant to the proposed development.
- 7b.24 It is noted above that the proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7b.25 There is not sufficient detail included in the supporting statement in terms of cost breakdown to assess whether the projected costs and financial provisions would address the costs of the relocation of the timber products business and provide for the development of the proposed housing.

Scottish Planning Policy (SPP)

- 7b.26 It is noted that the SPP advises that authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. The SPP also states that "removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential".
- 7b.27 Section 7a.7 of this report is noted whereby "it is noted that the existing timber products business is long established. In such circumstances the proposed relocation of the business could be considered to fulfil a local need".

- 7b.28 It is noted, however that this application also proposes to develop part of the application site for housing in order to “enable” the relocation of the timber products business. The SPP advises that Development Plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups and new build housing which is linked to a rural business or would support the formation of new businesses by providing funding. The SPP recognises that such an approach is a more relaxed stance in comparison to local planning authority practice to date.
- 7b.29 The SPP also, however, stresses that this more relaxed approach should be part of a structured and coordinated Development Plan process in order that there is adequate provisions for links to public transport and active travel networks, such as footpaths and cycle routes, and good access to community amenities and services. There is no such strategic provision in the Development Plan or the emerging Falkirk Council Local Plan. It is noted that the application site lies in an isolated rural location and that there would be poor access to active travel networks and community amenities and services.
- 7b.30 It is not considered that the proposed development accords with the SPP.

Falkirk Council Economic Downturn Action Plan

- 7b.31 The Economic Downturn Action Plan provides for aid and advice to local businesses in order that they may remain viable in times of economic difficulty. The Action Plan however does not include the consideration of any form of enabling development and/or development which does not accord with the Development Plan.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 It is noted that the existing timber products business is long established and, although a business of this nature could be accommodated in an urban setting, there could be considered to be justification under the terms of the Development Plan to relocate the business to an adjacent rural site.
- 7c.3 The possible impact of electricity cables on health is not a material planning consideration.
- 7c.4 The planning history of other developments in the area is not relevant to the proposed development.
- 7c.5 There is not sufficient detail included in the supporting statement in terms of cost breakdown to assess whether the projected costs and financial provisions would address the costs of the relocation of timber products business and provide for the development of the proposed housing.
- 7c.6 There are no material planning considerations which would justify a departure from the Development Plan in this case.
- 7c.7 Should, however, the Committee be minded to grant planning permission, in principle, this should require to be subject to the conclusion of:
- The approval of bat, breeding birds and badger surveys by the planning authority in writing, in consultation with Scottish Natural Heritage, and

- A Section 69 Agreement requiring a developer contribution towards the provision of education. The contribution should be at a rate of £3,150 per dwelling and paid prior to the commencement of works on site.

8. RECOMMENDATION

8.1 It is recommended that planning permission be refused for the following reasons:

- (1) The proposed development is not a form of agricultural diversification and it is not considered that a countryside location is essential. The proposed development does not therefore accord with Policy ENV.1 of the Falkirk Council Structure Plan "Countryside and Protected Areas".
- (2) The proposed development is not essential to the pursuance of agriculture, horticulture, forestry, the management of a business for which a rural location is essential or any other economic activity for which a rural location is essential. The proposed development does not therefore accord with Policy Rural 1 of the Rural Local Plan "New Development In The Countryside" and Policy SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Housing Development In The Countryside".
- (3) The proposed development would constitute sporadic development in the countryside and therefore does not accord with Policy Rural 2 of the Rural Local Plan "Village Limits".
- (4) The proposed development does not utilise existing buildings, and does not constitute infill development. The proposed development does not therefore accord with Policy SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Housing Development In The Countryside" or Policy EQ19 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Countryside".
- (5) There is insufficient justification for the proposed new residential development under the terms of Policy EP5 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Business and Industrial Development in the Countryside". The proposed development does not therefore accord with Policy EP5.

Informative(s);

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 01 and 02A.



Pp

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Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Planning Application F/90/1254.
5. Planning Application F/99/0242.
6. Scottish Planning Policy.
7. Falkirk Council Economic Downtown Action Plan.
8. Letter of Objection from Airth Parish Community Council.

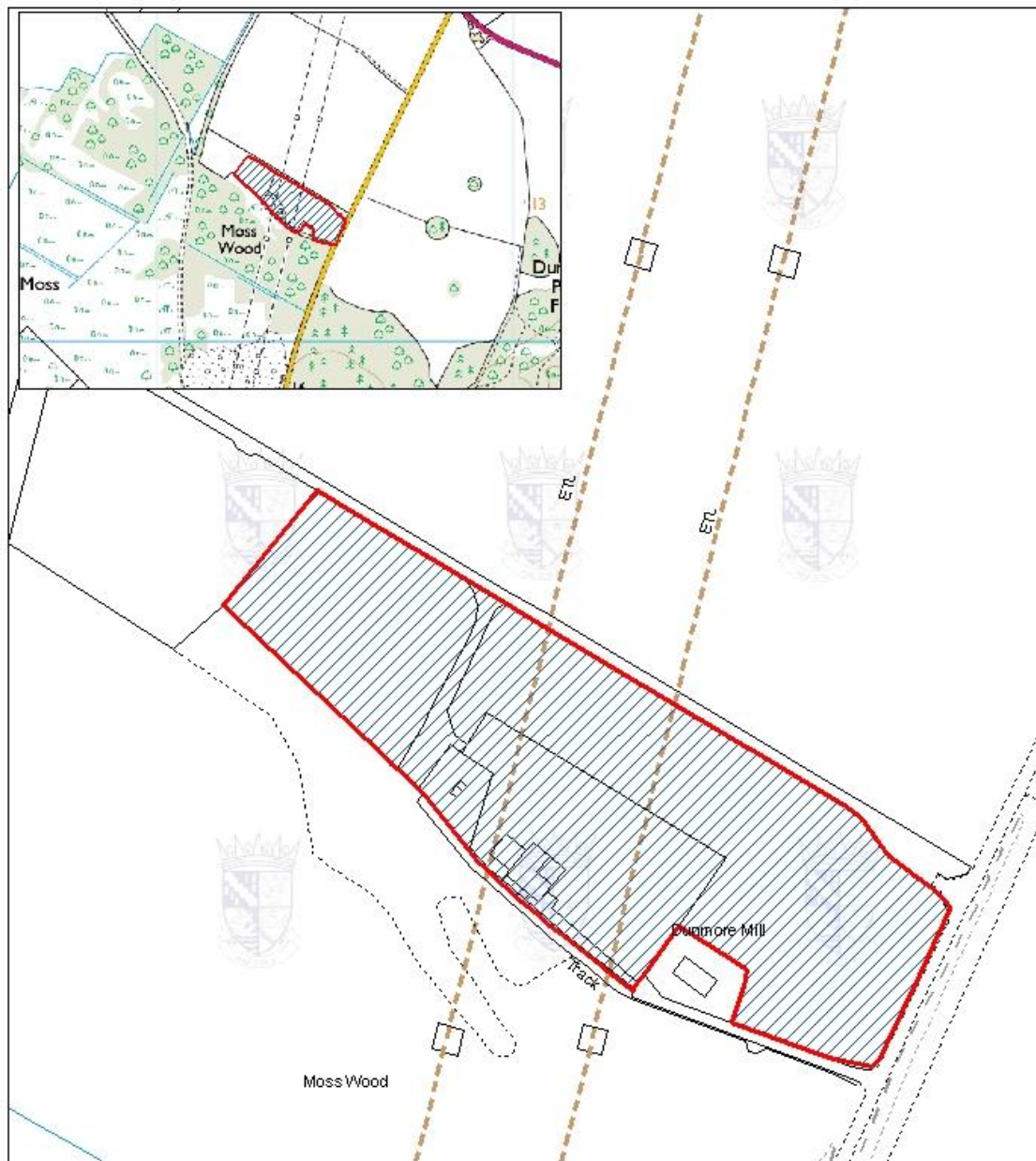
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/08/0938/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: ERECTION OF 12 FLATTED DWELLINGS AT LAND TO THE SOUTH OF 48 WOOD STREET, CHISHOLM PLACE, GRANGEMOUTH FOR FALKIRK COUNCIL - P/09/0536/FUL

Meeting: PLANNING COMMITTEE

Date: 24 March 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: David Paterson (Planning Officer) ext 4757

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 24 February 2010 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 8 March 2010.
2. The following issues were raised at the site meeting:-
 - The impact on the vehicular access to the property at 48 Wood Street.
 - The impact in terms of visitor/on-street parking.
 - The possibility of reducing the depth of the site by 2 metres which would have the effect of widening Chisholm Place at the site frontage following the completion of the development.
3. It is noted that the vehicular access to the property at 48 Wood Street is partially obstructed by a short section of raised kerb. There were concerns raised that, as a result of the proposed development, vehicular access to 48 Wood Street would be further compromised. The Planning Officer, however, noted that the proposed development has been amended to reconfigure the road layout at the point where Chisholm Place meets Wood Street. He demonstrated that the resultant development would improve vehicular access to 48 Wood Street by effectively widening the access and that there would no longer be any raised kerbing obstructing access.

4. It is noted that the proposed development would include the stopping up of a section of roadway, used at present for parallel parking, at the site's frontage to Chisholm Place. It is further noted that the current road form reflects the road layout requirement in respect of the flatted development which previously occupied the site. The section of road to be stopped up is not required for parking provision in respect of the proposed development.
5. It is noted that visitor parking required in respect of the proposed development would be provided within the application site. Visitor parking would be provided in accordance with the Council's standard of one space per 4 dwelling units.
6. The Roads Development Co-ordinator advised that the parking arrangement associated with the proposed development would have little impact in terms of visitor parking at Chisholm Place and Wood Street. It is noted that dwellinghouses at Wood Street have in-curtilage parking, as well as on-street visitor parking, which meet the Council's standards.
7. It was suggested that reducing the depth of the site by 2 metres, effectively widening Chisholm Place by 2 metres should the development be implemented, would increase the provision of on-street parking and improve the safety of road users at Chisholm Place.
8. It is noted that development of the site is constrained by the existence of an underground nitrogen pipeline which traverses the south western area of the application site. In order, therefore, to achieve the suggested width reduction of the site, the private garden depth of units 5-8, fronting onto Chisholm Place, would have to be reduced to 5.5 metres, and plots 1-4 to 7 metres. It is not considered that the resulting rear garden depths would be of an adequate standard for reasonable enjoyment of the development for the occupants, and would not constitute good planning practice.
9. In conclusion, it is not considered that the proposed development would compromise the vehicular access provision to 48 Wood Street, or have a significant impact on visitor parking in the area. The proposed reduction of the depth of the application site by 2 metres would result in an inadequate standard of garden provision in respect of plots 1-8 and would have no significant improvement in terms of the safety of road users at Chisholm Place.
10. It is considered that no material issues were raised at the Committee site meeting which would merit seeking significant amendments to the proposed development or revisit the recommendation.

11. RECOMMENDATION

11.1 It is therefore recommended that Committee granted 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.**

- (2) Prior to the commencement of any work on site, a contaminated land assessment shall be approved in writing by the Planning Authority. The contaminated land assessment shall determine the nature and extent of any contamination of the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites. Where contamination (as defined by Part 11A of the Environmental Protection Act 1990) is identified, the assessment shall include a detailed remediation strategy, including timescales.
- (3) In circumstances where a contaminated land assessment approved in writing by the Planning Authority identifies contamination (as defined by Part 11A of the Environmental Protection Act 1990), and a detailed remediation strategy has subsequently been approved in writing by the Planning Authority, no part of the development shall be occupied until such time as a contamination remediation report as been approved in writing by the Planning Authority.
- (4) The screen planting, the details of which shall be submitted to and approved in writing by the Planning Authority, on the west side of the timber acoustic fence facing Beancross Road shall be planted prior to the occupation of any of the flats.
- (5) Prior to the commencement of works on-site, the tree protective fencing shown on Drawing GRA-6587-002 Revision B shall be erected and remain erected until the completion of the development. The tree protective fencing may only be removed with the written approval of the Planning Authority. During the period when the tree protective fencing is erected at the site, no materials or equipment of any kind shall be located for any purpose within the area bounded by the fencing.
- (6) All new trees to be planted shall be planted prior to the occupation of the first flat by the end of the first planting season following the occupation of the first flat. For the purpose of this condition the planting season shall be considered to end on 31 March.
- (7) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.
- (8) Before any work commences on site, drainage details for the treatment of foul waste and surface water run-off shall be 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.
- (2-3, 5-6) To safeguard the environmental amenity of the area.
- (4) To safeguard the visual amenity of the area.

(7) To ensure the development is carried out to the satisfaction of the Planning Authority.

(8) To ensure adequate drainage.

Informative(s)

(1) The applicant should be aware that part of the existing roadway currently comprising a parking lay-by at Chisholm Place, at the frontage of the site to Chisholm Place, would require to be stopped up.

(2) For the avoidance of doubt, the plans for which this decision refers bears our reference 01. 02C, 03A, 04, 05, 06A, 07, 08, 09, 10 and 11.

Pp

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Director of Development Services

Date: 17th March 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Grangemouth Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. The Town and Country Planning (Notification of Application) (Scotland) Direction 2007
5. Supplementary Planning Guidance "Housing Layout and Design"
6. Letter of objection received from Mr Craig Dodds, 48 Wood Street, Grangemouth FK3 8LW on 24 August 2009
7. Letter of objection received from Mrs Catherine Crooks 24 Chisholm Place Grangemouth FK3 8PB on 10 August 2009.
8. Objection by e-mail from Mr Craig Dodds, 48 Wood Street, Grangemouth FK3 8LW on 12 October 2009.

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

FALKIRK COUNCIL

Subject: ERECTION OF 12 FLATTED DWELLINGS AT LAND TO THE SOUTH OF 48 WOOD STREET, CHISHOLM PLACE, GRANGEMOUTH FOR FALKIRK COUNCIL - P/09/0536/FUL

Meeting: PLANNING COMMITTEE

Date: 24 February 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: David Paterson (Planning Officer) ext 4757

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises an area of grassed open space measuring 0.3 hectares at the corner of Wood Street and Chisholm Place, Grangemouth. The application site was previously developed as flats.
- 1.2 There are existing public footways which run along the length of both the north and south sides of the site joining Beancross Road to Chisholm Place/Wood Street.
- 1.3 There are mature trees at the site which have a significant impact on the amenity of the environs of the application site.
- 1.4 An underground nitrogen pipeline crosses the site close to the western boundary.
- 1.5 It is proposed to erect 12 flats at the site comprising three blocks of four flats. Two blocks would have a frontage onto Chisholm Place and the third block would back onto the northern boundary, facing into the site.
- 1.6 The three blocks of flats are proposed to be two storey with pitched roofs.

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 The application site has previously been developed as flats. It is also noted that there are no previous planning applications in respect of the application site.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has raised no objections.
- 4.2 The Transport Planning Unit has raised no objections. It is noted however that part of the existing roadway at Chisholm Place, at the frontage of the site to Chisholm Place, would require to be stopped up.
- 4.3 The Environmental Protection Unit has advised that the applicant should undertake a site investigation to establish if there is contamination (as defined in Part 11A of the Environmental Protection Act 1990) present on site. This survey should be carried out prior to commencement of any work on site.
- 4.4 Education Services has advised that there are no school capacity issues to be addressed.
- 4.5 The Health and Safety Executive in respect of Planning Advice for Developments near Hazardous Installation (PADHI) has raised no objections.

5. COMMUNITY COUNCIL

- 5.1 Grangemouth Community Council has made no comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 Two letters of objection and an email have been received. The following concerns have been raised:
- Residents in the area are subjected to excessive traffic noise at present. The proposed development would result in more vehicles in the area adding to disturbance from traffic noise;
 - Trees at the site should be retained;
 - The footway at the southern boundary of the application site should be closed to protect privacy of adjacent residents;
 - The proposed development would reduce the availability of on street parking at Chisholm Place.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 The proposed development does not raise any strategic issues.

Grangemouth Local Plan

7a.2 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.3 The proposed development is compatible with the surrounding area in terms of use, design and character. The consultation process has raised no material considerations which would not accord with Council policies and standards of provision.

7a.4 The proposed development accords with Policy Grangemouth Two.

7a.5 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Supplementary Planning Guidance (SPG) Housing Layout and Design, The Town and Country Planning (Notification of Application)(Scotland) Direction 2009 and letters/email of objection.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy SC1 - ‘Housing Land Provision’ states:

- “(1) Through the Local Plan, the Council will aim to meet the housing land requirements of the Falkirk Council Structure Plan for at least the period up to 2015, as detailed in Table 4.1. Sites contributing towards the requirement are detailed under the relevant Settlement Statements.*
- (2) Within the areas identified as Special Initiatives for Residential-Led Regeneration (SIRRs) on the Proposals Map, housing development in addition to the base requirement will be supported subject to:*
 - the preparation of a satisfactory masterplan or development framework for the area; and*
 - demonstration that the necessary social and physical infrastructure requirements for the area will be met through a co-ordinated approach to developer contributions.”*

- 7b.3 The Falkirk Council Local Plan identifies the site as housing opportunity H.GRA4 and notes it as a redevelopment opportunity on the site of Council Flats, with an approximately capacity of 7 units.
- 7b.4 Although the application proposes 12 flats, this is not considered a significant variance from the capacity suggested in the emerging Local Plan, which is stated as approximate in any case.
- 7b.5 There are no material considerations arising from the consultation process to suggest that the number and tenure of the flats proposed is not suitable for the site.
- 7b.6 The use of the site for the erection of flats accords with the principle of H GRA 4. The proposed development would fit well into the streetscape in terms of design and character.
- 7b.7 The proposed development would not prejudice the operations or maintenance of the underground nitrogen pipeline which crosses the site.
- 7b.8 The proposed development would retain sufficient trees at the site to protect the amenity of the area. It is proposed that the loss of a mature tree adjacent to Chisholm Place would be compensated by suitable replacement planting.
- 7b.9 The proposed development accords with housing opportunity H GRA 4 as identified in the draft plan.
- 7b.10 Accordingly, the proposed development accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

SPG Housing Layout and Design

- 7b.11 The SPG promotes the principles of "frontage" and "harmonious fit".
- 7b.12 It is noted that two of the three blocks of flats would front onto Chisholm Place, maintaining a continuity of the Chisholm Place streetscape.
- 7b.13 It is considered that, in terms of building line, height, scale and character, the proposed development would achieve a harmonious fit, being located between 3 storey flats to west side of Chisholm Place and 2 storey dwellinghouses at Wood Street. It is also noted that the new housing development at the east side of Chisholm Place is two storey in design.
- 7b.14 The proposed development accords with the SPG.

Letters/Email of Objection

- 7b.15 It is not considered that there would be a significant and unacceptable addition to the level of traffic or traffic noise in the area as a result of the proposed development.
- 7b.16 It is noted that the Roads Development Unit and the Environmental Protection Unit have raised no objections. It is further noted that the Environmental Protection Unit has advised that the proposed window specification would be sufficient to protect the proposed flats from the impact of traffic noise.

- 7b.17 The proposed development would retain sufficient trees at the site to protect the amenity of the area. It is noted that the loss of a mature tree adjacent to Chisholm Place would be compensated by appropriate replacement planting.
- 7b.18 No concerns have been raised by the Roads Development Unit in terms of the impact of the proposal on parking in the area.
- 7b.19 It is considered that the retention of both existing footways at the north and south boundaries of the application site are acceptable in terms of pedestrian movement flow and provision. It is noted that Central Scotland Police have raised no concerns in this regard.

The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

- 7b.20 It is noted that the proposed development accords with the Development Plan. There is no requirement therefore to notify the application to Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

7c Conclusion

- 7c.1 The proposed development accords with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 The proposed development would achieve a harmonious fit in the street scene in terms of building line, height, scale and character.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee grant 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.**
 - (2) Prior to the commencement of any work on site, a contaminated land assessment shall be approved in writing by the Planning Authority. The contaminated land assessment shall determine the nature and extent of any contamination of the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites. Where contamination (as defined by Part 11A of the Environmental Protection Act 1990) is identified, the assessment shall include a detailed remediation strategy, including timescales.**
 - (3) In circumstances where a contaminated land assessment approved in writing by the Planning Authority identifies contamination (as defined by Part 11A of the Environmental Protection Act 1990), and a detailed remediation strategy has subsequently been approved in writing by the Planning Authority, no part of the development shall be occupied until such time as a contamination remediation report as been approved in writing by the Planning Authority.**

- (4) The screen planting the details of which shall be submitted to and approved in writing by the Planning Authority, on the west side of the timber acoustic fence facing Beancross Road shall be planted prior to the occupation of any of the flats.
- (5) Prior to the commencement of works on-site, the tree protective fencing shown on Drawing GRA-6587-002 Revision B shall be erected and remain erected until the completion of the development. The tree protective fencing may only be removed with the written approval of the Planning Authority. During the period when the tree protective fencing is erected at the site, no materials or equipment of any kind shall be located for any purpose within the area bounded by the fencing.
- (6) All new trees to be planted shall be planted prior to the occupation of the first flat by the end of the first planting season following the occupation of the first flat. For the purpose of this condition the planting season shall be considered to end on 31 March.
- (7) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.
- (8) Before any work commences on site, drainage details for the treatment of foul waste and surface water run-off shall be 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.
- (2-3, 5-6) To safeguard the environmental amenity of the area.
- (4) To safeguard the visual amenity of the area.
- (7) To ensure the development is carried out to the satisfaction of the Planning Authority.
- (8) To ensure adequate drainage.

Informative(s)

- (1) The applicant should be aware that part of the existing roadway currently comprising a parking lay-by at Chisholm Place, at the frontage of the site to Chisholm Place, would require to be stopped up.

- (2) For the avoidance of doubt, the plans for which this decision refers bears our reference 01. 02C, 03A, 04, 05, 06A, 07, 08, 09, 10 and 11.



Pp

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Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

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4. The Town and Country Planning (Notification of Application) (Scotland) Direction 2007
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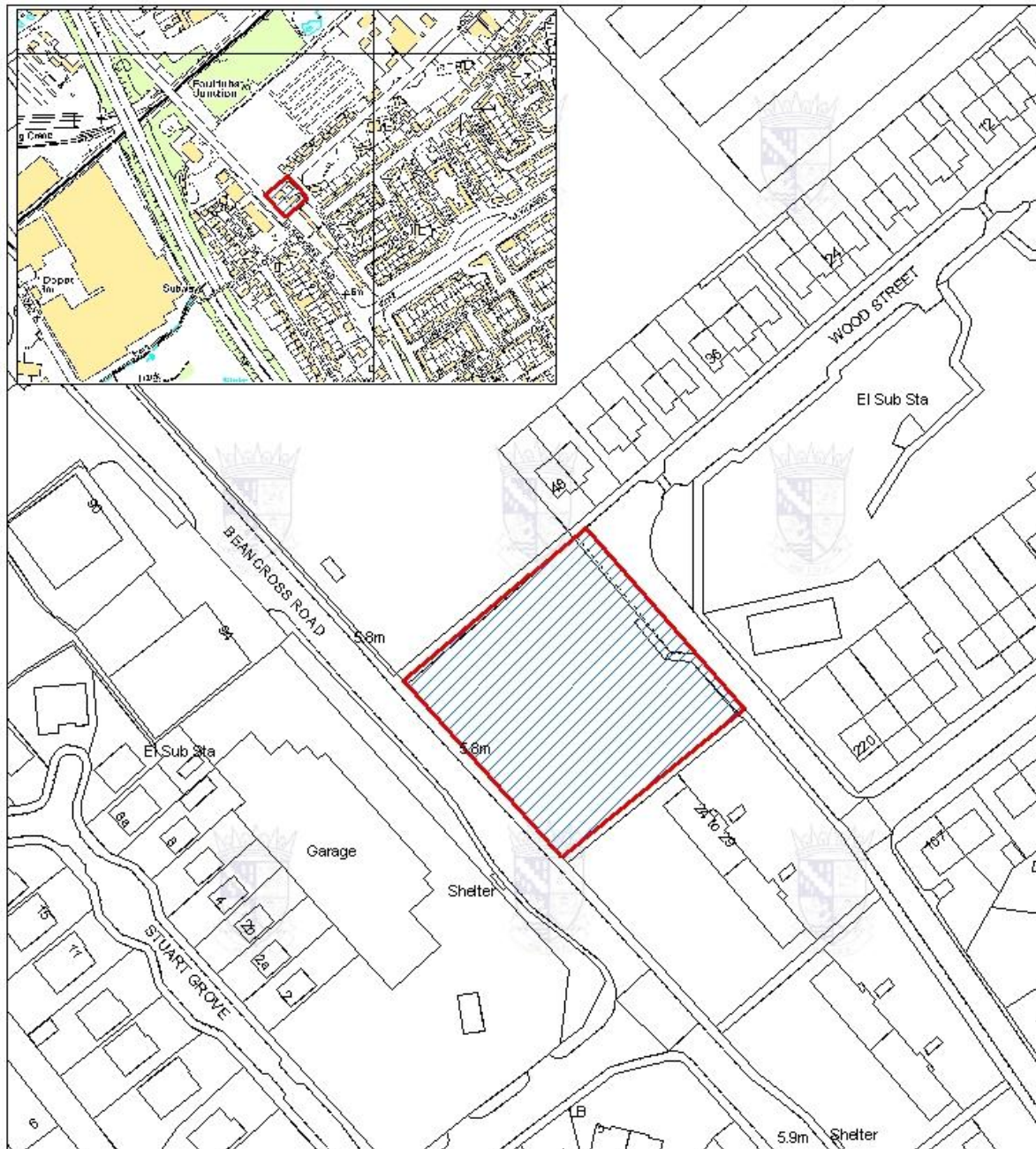
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0536/FUL

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FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE (FRONT EXTENSION) AT 42
TWEED STREET, GRANGEMOUTH, FK3 8HA FOR MR BUCHANAN –
P/09/0826/FUL

Meeting: PLANNING COMMITTEE

Date: 24 March 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

UPDATE RPEORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 24 February 2010 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 8 March 2010.
2. In support of the planning application, it was confirmed that the proposed extension, in terms of its scale, massing and proportion would be a sympathetic addition to the property. Cognizance was also taken of the issue of privacy impact upon the immediate neighbour at 44 Tweed Street. This has been addressed by a planning condition which requires the applicant to install obscured glazing in perpetuity on the elevation adjacent to no. 44 Tweed Street. The applicant acknowledged this requirement and this would be undertaken.
3. The next door neighbour to the application property (no. 44) spoke in support of his objection to the proposal, expressing concern at the scale of the extension, loss of privacy, reduction in sunlight and loss of view. The issue of the description of the extension was also raised and clarification was also sought at the site visit by Members.
4. In response to these concerns, the property would have no impact upon privacy for the reasons stated in paragraph 2 above. The extension would have no impact in terms of the loss of sunlight to the neighbouring property. Loss of view is not a material planning consideration.

5. The issue of the description of the proposal was discussed and, for clarity, the proposal is for a front extension and the applicant confirmed that this is what was applied for. The case officer refers to a 'bay window feature' in the previous report. The related Supplementary Planning Guidance – House Extensions and Alterations, advocates that, in the context of front extensions that a 'bay window' should project no more than 600mm and porches should project no more than 1800mm. This is guidance only and each case has to be considered on its merits having regard to both the guidance and the street context. In this particular case there was evidence, in the vicinity, of other front entrances showing various design styles including both larger and smaller extensions. This extension was of a similar scale and is proportionate to the main dwelling to which it relates.

6. RECOMMENDATION

- 6.1 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.
- (2) Prior to the occupation of the extension hereby approved, the window facing onto 44 Tweed Street, Grangemouth, on the approved plan (drawing number 03) shall be obscured glazing and thereafter retained as such.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the privacy of the occupants of adjacent properties.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02, 03A, 04 and 05.
- (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.

.....
pp Director of Development Services

Date: 17 March 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan Finalised Draft (Deposit Version).
2. Falkirk Council Structure Plan.
3. Grangemouth Local Plan.
4. Letter of objection from Mr G Gormley, 44 Tweed Street, Grangemouth, FK3 8HA on 8 December 2009.

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

FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE (FRONT EXTENSION) AT 42
TWEED STREET, GRANGEMOUTH, FK3 8HA FOR MR BUCHANAN –
P/09/0826/FUL

Meeting: PLANNING COMMITTEE

Date: 24 February 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 property is a two storey semi-detached property located at 42 Tweed Street, Grangemouth. This detailed planning application deals with a single storey extension, comprising a bay window feature to the front of the property to accommodate additional living space, measuring 3.2 metres in width and 1.5 metres in depth.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Alistair McNeill.

3. SITE HISTORY

- 3.1 None relevant to this application. However, extensions similar to this proposal were noted within the vicinity. The similar examples which were given consent were F/96/0864 and F/2001/458.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objections to the application.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

6.1 One letter of objection received has raised the following issues:-

- The proposal 'porch to front' is inaccurate and feels it's a significant extension to the existing sitting room;
- Loss of privacy;
- The reduction of sunlight;
- The existing view will be obscured.

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 The relevant policies against which assessment was made are:

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 site is within the urban limits as defined by the Grangemouth Local Plan and the proposal is therefore in accordance with the terms of this policy and 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), Falkirk Council Supplementary Guidance and the points raised through public representation.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 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.3 The location and scale of the proposal is sympathetic to the existing property, given the size of the proposal. The materials are in keeping with the existing dwellinghouse. The proposal will not significantly affect the degree of amenity, daylight and privacy enjoyed by neighbouring properties and will not result in over development of the plot. The application accords with Policy SC9 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Falkirk Council Supplementary Planning Guidance

- 7b.4 It is considered that the proposal accords with the Falkirk Council Supplementary Planning Guidance on House Extensions and Alterations for similar reasons as highlighted in paragraph 7b.3 above.

Representations Received

- 7b.5 The description was amended to a front extension to the dwellinghouse. A condition requiring the side facing window to be obscure glazed is proposed to address the issue of loss of privacy concerns. Loss of view is not a material planning consideration.

7c Conclusion

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

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.**

- (2) Prior to the occupation of the extension hereby approved, the window facing onto 44 Tweed Street, Grangemouth, on the approved plan (drawing number 03) shall be obscured glazing and thereafter retained as such.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the privacy of the occupants of adjacent properties.

Informatives:

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02, 03A, 04 and 05.
- (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.



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pp Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

5. Falkirk Council Local Plan Finalised Draft (Deposit Version).
6. Falkirk Council Structure Plan.
7. Grangemouth Local Plan.
8. Letter of objection from Mr G Gormley, 44 Tweed Street, Grangemouth, FK3 8HA on 8 December 2009.

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/09/0826/FUL

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FALKIRK COUNCIL

Subject: DEMOLITION AND REPLACEMENT OF EXISTING DWELLINGHOUSE
(RETROSPECTIVE) AT TIPPETCRAIG, BONNYBRIDGE FK4 2EU FOR
MR AND MRS G BURNS –P/09/0879/FUL

Meeting: PLANNING COMMITTEE

Date: 24 March 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Bonnybridge

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 24 February 2010 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This site visit took place on 8 March 2010.
2. Members were advised on site as to the background to this planning application and were able to view the reconstructed dwellinghouse which is 'like for like' to the previous planning consent which related to extensions to the existing farmhouse.
3. Members were also advised that this permission (P/09/0133/FUL) contained a condition that required a number of the farmhouse walls to remain in situ. Unfortunately during the reconstruction works all existing walls, with the exception of the easternmost gable collapsed. This was confirmed by the applicant at the site visit.
4. During consideration of this planning application, Scottish Natural Heritage (SNH) had raised an objection as the proposal (i.e. the construction work) could have an effect upon the Slamannan Plateau Special Protection Area (SPA). However SNH have now retracted their request for an appropriate assessment to be undertaken and removed their objection as all construction work on the replacement dwelling has now been completed.
5. It is regrettable that the redevelopment works resulted in the collapse of the previous house. However, the replacement dwelling is acceptable in terms of its design and location on the site and it does replicate the previous planning permission. It is accepted that, technically, it is a departure to the Development Plan which restricts new housing development in the countryside. However, for the reasons outlined above and in the appended report the proposal is acceptable.

6. RECOMMENDATION

6.1 It is recommended that detailed planning permission be granted.

Informative:-

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference 01 – 12 Inclusive.**

**Pp
Director of Development Services**

Date 16th March 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council – The Rural Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. The Falkirk Council Housing Layout and Design Supplementary Guidance Note.

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

FALKIRK COUNCIL

Subject: DEMOLITION AND REPLACEMENT OF EXISTING DWELLINGHOUSE (RETROSPECTIVE) AT TIPPETCRAIG, BONNYBRIDGE, FK4 2EU, FOR MR AND MRS G BURNS –P/09/0879/FUL

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Bonnybridge

Case Officer: Kirsty Hope (Planning Officer) Ext 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located at Tippetcraig Farm, Bonnybridge. The site is accessed by a single track road which leads to a two storey house within a courtyard that is bounded by traditional single storey outbuildings.
- 1.2 This detailed, retrospective, application mainly concerns the demolition of parts of the original building. The design of the house as reconstructed is identical to the detailed planning application P/09/0133/FUL that was granted planning permission, which included two rear extensions to the property and a front extension. The material from the demolition of the existing house has been re-used.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposal has resulted from a breach of the terms of planning permission P/09/0133/FUL, which now constitutes a departure to the Development Plan, which is being recommended for approval.

3. SITE HISTORY

- 3.1 P/09/0133/FUL – Detailed Planning Permission relates to the erection of three extensions (two to the rear and one on the front), to the previous house. Owing to unforeseen circumstances, the western gable wall collapsed during the renovation works and the north and south adjoining walls were severely damaged. The applicant took down the remainder of these walls and re-built them within the exact same location and with the same materials to retain stability. The only wall that remained unaffected was the eastern gable of the original house.

4. CONSULTATIONS

- 4.1 The Roads Unit was consulted on the application and has no objection to the proposal.
- 4.2 The Environmental Protection Unit was consulted and has requested that an informative be attached, if consented, in relation to land contamination.
- 4.3 Scottish Natural Heritage was consulted and has requested a condition to be attached in relation to construction periods.

5. COMMUNITY COUNCIL

- 5.1 The Bonnybridge Community Council did not comment on the proposal.

6. PUBLIC REPRESENTATION

- 6.1 No letters of representation were 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 in the Structure Plan that relate to the proposal and therefore, no strategic issues require to be addressed.

The Rural Local Plan

7a.2 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.3 The property was occupied prior to its demolition and, although the proposed development cannot be seen to directly fall into the categories permitted above, the property would not be creating or contributing to ribbon, backland or sporadic development. This proposal is a replacement to the previous house as it occupies the identical footprint as consented within the planning application P/09/0133/FUL. The proposed house has been designed to be in keeping with its original surroundings and has taken into account the design guidelines for building in a rural location. The application is therefore considered to be a replacement for the previous house and not an additional house. The applicant intimated that the outer leaf walls collapsed during renovation works and that the material from the previous dwelling that collapsed has been re-used to build the replacement house. The development, as constructed, is a new building, albeit a 'like for like' replacement house. Accordingly, the proposal is contrary to the criteria set out in Policy RURAL 1 as it has not been demonstrated that the house is

essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location.

Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note and the supporting information submitted by the applicant.

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 As already stated in paragraph 7a.3, this is an unusual situation and it constitutes a 'like for like' replacement house which replicates consented plans P/09/0133/FUL. The key difference is that the house now on site is in essence a 'new build' replacement dwelling rather than a redevelopment scheme as originally consented. The house is therefore considered to be an appropriate replacement and has been carefully designed to take into account its rural setting. The materials proposed are considered to be of a high quality and, under the circumstances, it is considered that it is appropriate development.

- 7b.4 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.5 The proposal constitutes a replacement house on the same site and therefore is not considered to be an additional house. The design and scale of the development is in accordance with the plans that have been consented previously to alter and extend the original house. Owing to the collapse of the original house there were no reasonable opportunities to convert the original house and therefore it is considered that the re-use of the building material is complementary to the locality. It does not constitute ribbon, back land or sporadic development. It is acknowledged that the proposal is a new house and, accordingly, is contrary to the terms of the emerging Local Plan for similar reasons to those outlined in paragraph 7a.3.

The Falkirk Council Housing Layout and Design Supplementary Guidance Note

7b.6 Although there are no specific character properties in this particular location, the proposed design has endeavoured to follow the original scale and building lines. The materials used are also of a high quality and are in keeping with the traditional rural setting.

Supporting Information

7b.7 The application includes a supporting letter from the applicant that explained the circumstances for the proposal. It is considered that the replacement house is in keeping with the surrounding area and has been rebuilt to comply with previous planning consent P/09/0133/FUL.

7c Conclusion

- 7c.1 It is regrettable that the redevelopment resulted in the significant collapse of the previous house. The proposal is contrary to the terms of the Development Plan and the emerging Local Plan that restrict new housing development in the countryside. However, the proposed house replaces a previous dwelling and, as constructed, is acceptable in terms of design and location. It has replicated the previous planning consent to extend the previous house. It is therefore considered appropriate to recommend this amended scheme as acceptable.

8. RECOMMENDATION

- 8.1 It is recommended that detailed planning permission be granted.**

Informative:-

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference 01 – 12 Inclusive.**



Pp

.....
Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

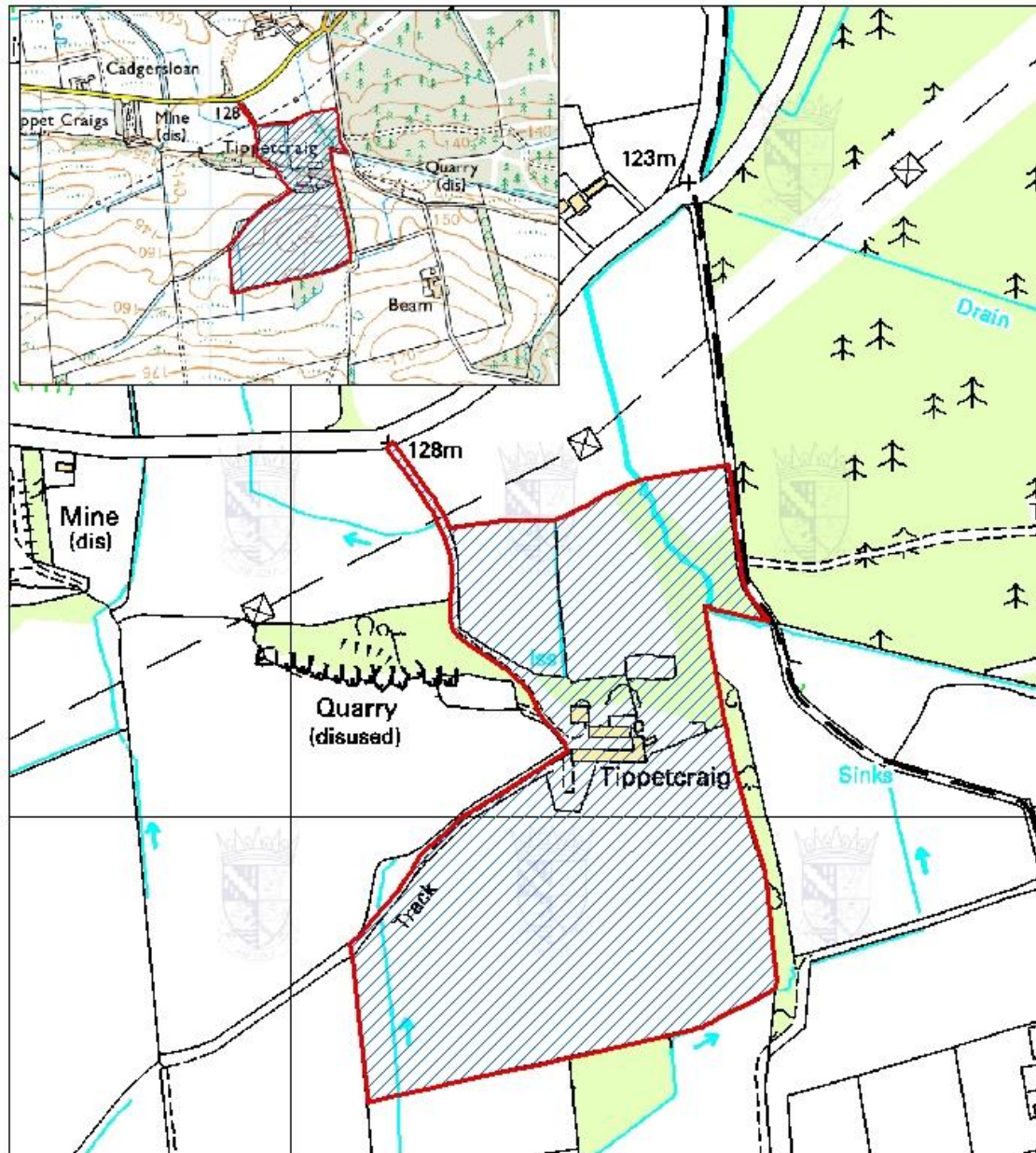
1. Falkirk Council – The Rural Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. The Falkirk Council Housing Layout and Design Supplementary Guidance Note.

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/09/0879/FUL**

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FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE AT LAND TO THE SOUTH WEST OF FORTHVIEW, STANDRIGG ROAD, FALKIRK FOR MR DEREK SCRYMGEOUR – P/09/0749/FUL

Meeting: PLANNING COMMITTEE

Date: 24 March 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Shieldhill and California

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site is an area of land located within the countryside not too far outwith the village limits of Wallacestone. The site appears to have an access into it, and did contain properties at one time. It is fenced off from the surrounding fields with thick foliage around the boundary. It is proposed to erect a new dwelling and large garage/shed within the site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor J McLuckie.

3. SITE HISTORY

- 3.1 F/90/0635 – erection of dwellinghouse – refused 14 January 1991.
3.2 P/08/0306/FUL – erection of dwellinghouse – refused 16 October 2008.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has stated that Standrigg Road is a typical rural road of restricted width and alignment, also lacking a footway and lighting. However, if permission were to be granted (subject to suggested conditions), a dwelling in this location would have an insignificant effect on Standrigg Road.
4.2 Scottish Water have no objections to the proposal at this stage.

- 4.3 The Environmental Protection Unit has requested that a site investigation be carried out to establish if contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site. It is considered that this does not require to be done prior to determination of the application and could be conditioned if permission were to be granted.

5. COMMUNITY COUNCIL

- 5.1 Shieldhill and California Community Council has made no comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Rural Local Plan

- 7a.2 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.3 The applicant has provided no information to indicate that the proposed development is absolutely essential to a rural location. The site could not be considered as an infill development and meets no other criteria set out in the policy. It should be noted that, although the remains (foundation) of a dwelling exist, Policy Rural 4 "Rehabilitations of Former Residential Buildings", does not apply, as the proposal is for the erection of a new dwelling. It is therefore considered that the proposal does not accord with Policy Rural 1.

7a.4 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations are confined to the provisions of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

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 The applicant has not demonstrated that the proposed dwelling requires a countryside location and the site cannot be considered to constitute an appropriate infill development. There are no suitable buildings on site to be utilized for renovation. Policy SC3 affirms the relevant policies in the Rural Local Plan. The proposed development has been demonstrated to be contrary to established countryside policy. It is therefore considered that the proposal does not accord with Policies EQ19 and SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Scottish Planning Policy

- 7b.5 Scottish Planning Policy “A Statement of the Scottish Government’s Policy on Nationally Important Land Use Planning Matters” promotes opportunities, through the Development Plan, for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. Planning authorities should apply proportionate standards to access roads to enable small developments to remain viable.
- 7b.6 Scottish Planning Policy promotes the Development Plan as the means by which to identify opportunities for housing in the countryside. In this instance the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) are considered to provide an appropriate policy framework to support a range of sustainable development opportunities for housing in the countryside. The proposed development has been found, in this report, to be contrary to the relevant policies of these plans.

7c Conclusion

- 7c.1 The proposed development is contrary to the terms of the Development Plan and there are no material considerations which would justify a departure from the well established policies contained therein.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):
- (1) The proposal lies outwith the urban limit, contrary to Policy Rural 1 of the adopted Rural Local Plan, and Policy EQ19 and SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version), which presumes against new development in the countryside which is not absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location, and cannot be considered as an infill development; no case has been made to demonstrate that the development proposed requires a rural location.

Informative(s):

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

Pp

.....
Director of Development Services

Date: 16 March 2010

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Falkirk District Council Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Scottish Planning Policy (SPP)

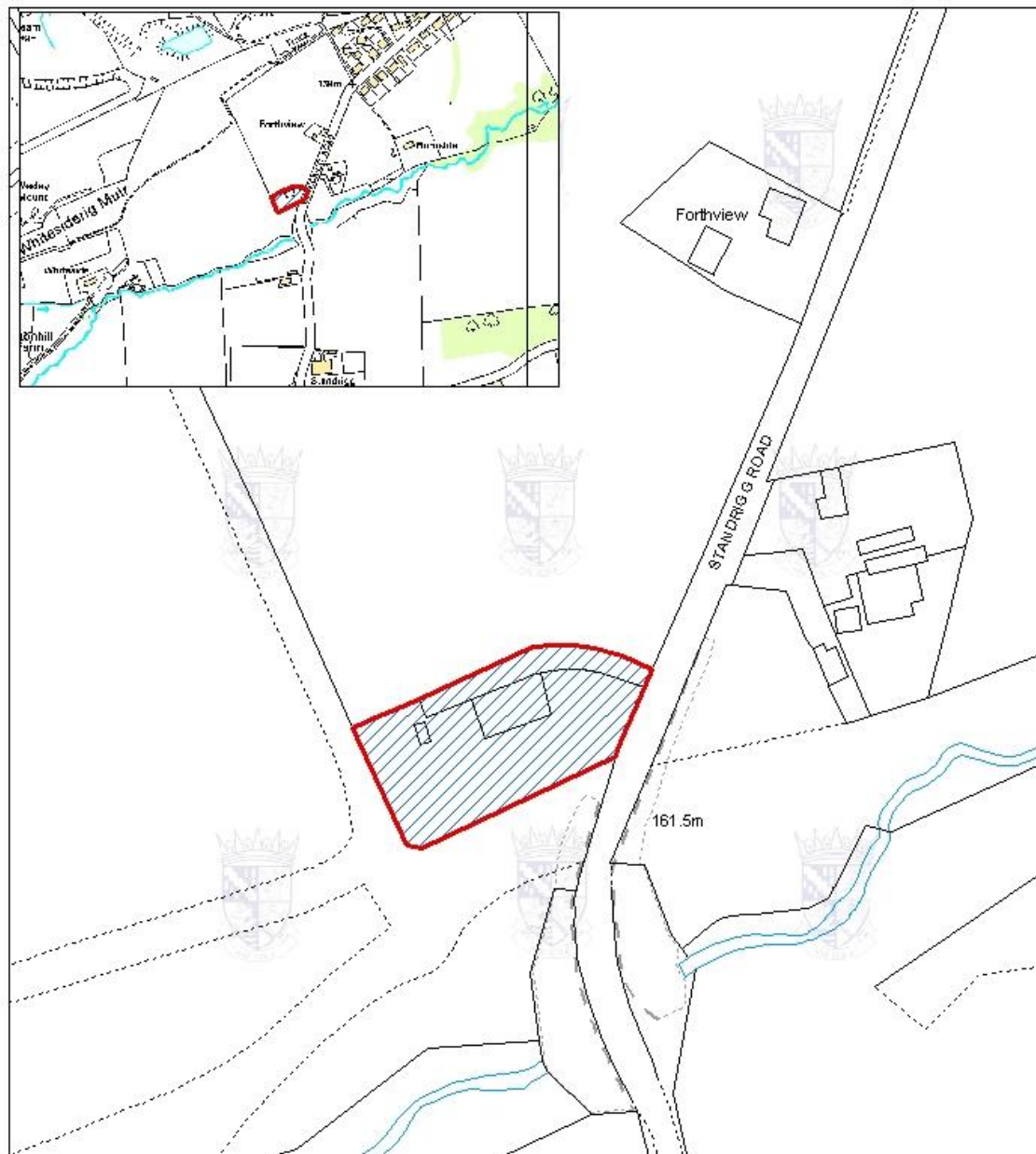
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0749/FUL

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



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FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE WITH INTEGRATED DOMESTIC GARAGE AT KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA FK7 7NJ FOR MR PATERSON - P/09/0849/FUL

Meeting: PLANNING COMMITTEE

Date: 24 March 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Airth Parish

Case Officer: Julie Seidel (Planning Officer) ext 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks detailed planning permission for the erection of a single dwellinghouse.
- 1.2 The application site is located within the countryside and currently forms part of the existing 'Paterson's Garden Buildings' site. Access would be taken via the existing business access from Kersie Terrace.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 F/2004/0505 - extension to workshop - granted on 19 July 2004.
- 3.2 F/2004/0865 - extension to existing yard to form storage area, car park, lorry turning facility and extension to display - granted on 21 December 2004.
- 3.3 05/1013/REM - erection of fence and landscaping works - granted on 29 November 2005.
- 3.4 06/1102/FUL - extension to existing building to provide additional covered storage area - refused on 6 August 2007.
- 3.5 P/07/0167/ADV - display of non-illuminated advertisement - granted on 6 March 2007.

- 3.6 P/07/0965/FUL - extension to existing building to provide additional covered storage - granted on 20 March 2008.

4. CONSULTATIONS

- 4.1 Scottish Water has no objections.
- 4.2 Scottish Natural Heritage (SNH) has no objections. SNH comment that it is unlikely the proposal will have a significant effect on any qualifying interests of the Firth of Forth Special Protection Area (SPA) either directly or indirectly. An appropriate assessment is not required.
- 4.3 The Roads Development Unit request that the applicant confirms that the parking area and turning head is in compliance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. The Unit also advise of a condition relating to visibility at the vehicular access.
- 4.4 The Environmental Protection Unit request the undertaking of a contaminated land assessment and the submission of measures to protect the proposed dwelling from noise associated with the adjacent business.
- 4.5 The Scottish Environment Protection Agency (SEPA) has no objections. SEPA comment that the development will not be at risk from coastal flooding.

5. COMMUNITY COUNCIL

- 5.1 The Airth Parish Community Council has made no comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, no letters of representation were 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 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 Policy ENV.1 'Countryside and Protected Areas' seeks to protect the countryside from development unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. It has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposal is not an appropriate form of agricultural diversification. The application fails to accord with policy ENV.1.

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 Policy ENV.3 'Nature Conservation' seeks to protect and promote nature conservation interests. SNH comment that it is unlikely the proposal will have a significant effect on any qualifying interests of the Firth of Forth Special Protection Area (SPA) either directly or indirectly and as such the application accords with policy ENV.3.

7a.5 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.6 Policy ENV.4 'Coastal Planning and Flooding' seeks to prevent development in areas where there is a significant risk of flooding. The existing ground level of the application site is above the currently agreed flood levels for the River Forth and as such the proposal will not be at risk of coastal flooding and accords with the terms of policy ENV.4.

Rural Local Plan

7a.7 The application site lies outwith any urban or village limit, within the countryside under the adopted Rural Local Plan.

7a.8 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.9 Policy RURAL 1 'New Development in the Countryside' seeks to protect and conserve the open nature and character of the countryside whilst at the same time encouraging a level of beneficial development appropriate to the rural location. This policy has a general presumption against new development in the countryside except in limited circumstances. In this instance the relevant potential exceptions are Criteria 1 and 3. With regard to Criterion 1, it has not been demonstrated that the proposed dwellinghouse is essential to the pursuance of agriculture or any other economic activity requiring a rural location. With regard to Criterion 3, the proposed dwellinghouse would not occupy a clear gap in an existing development pattern and would arguably contribute to further sporadic, ribbon development at this countryside location. The proposed development is therefore not considered to represent appropriate infill development at this location. The proposal is contrary to Policy RURAL 1.

7a.10 Policy RURAL 2 'Village Limits' states:

"That the boundary of the village areas as indicated on the Village Maps is regarded as the desirable limit to the growth of the villages at least for the period of the Local Plan. Accordingly, there will be a general presumption against proposals for development which would either extend the village areas beyond this limit or which would constitute undesirable sporadic development in the countryside."

7a.11 Policy RURAL 2 'Village Limits' seeks to prevent ribbon development and intrusion into open countryside. The proposal is not infill development as the application site is separate from the existing business buildings to the south-west of the application site. There are no buildings to the south-east of the application site and as such the proposal would contribute to sporadic, ribbon development in the countryside. The application is contrary to policy RURAL 2.

7a.12 Policy RURAL 12 'Ecological Sites' states:

"That to protect and conserve wildlife and other natural features of significance:-

- 1. There will be an overriding presumption against development which would adversely affect sites designated as a Special Protection Area, a Special Area of Conservation or a Ramsar site, Sites of Special Scientific Interest or any sites proposed by the UK Government or Scottish Natural Heritage for such designation.*
- 2. Development likely to adversely affect Listed Wildlife Sites and local or non-statutory nature reserves will not normally be permitted.*
- 3. Other sites of high nature conservation value will be safeguarded wherever possible.*
- 4. Where development is to be approved which could affect any site of high nature conservation value, appropriate measures will be required to conserve, as far as possible, the site's biological or geological interest and to provide for replacement habitats or features where damage is unavoidable,*
- 5. Appropriate site management will be encouraged wherever possible,*
- 6. Local nature reserves will be designated as appropriate."*

7a.13 Policy RURAL 12 'Ecological Sites' seeks to protect and conserve significant wildlife and other natural features of significance. SNH comment that it is unlikely the proposal will have a significant effect on any qualifying interests of the Firth of Forth Special Protection Area (SPA) either directly or indirectly and as such the application accords with policy RURAL 12.

7a.14 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);
- Scottish Planning Policy;
- Responses to consultation; and
- Information Submitted in support of the proposal.

Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.2 The application site lies outwith any urban or village limit, within the countryside, under the emerging Local Plan, Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 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.4 Policy EQ19 'Countryside' of the above Local Plan sets out the detailed policies for consideration of development proposals in the countryside. In this instance the detailed policy is Policy SC3 'Housing Development in the Countryside'.

7b.5 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.6 Policy SC3 'Housing Development in the Countryside' continues the general presumption of the Development Plan against new housing development in the countryside except in limited circumstances. The relevant potential exceptions in this instance are 1 and 3. With regard to 1, it has not been demonstrated that the proposed dwellinghouse is essential for the pursuance of an activity for which a countryside location is essential. With regard to 3, the proposed dwellinghouse would not be sited within the envelope of an existing group of residential buildings and it would arguably contribute towards sporadic development at this countryside location. The proposed dwellinghouse is therefore not considered to represent an appropriate infill opportunity. The application does not accord with policy SC3.

7b.7 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.8 Policy EQ24 'Ecological Sites and Features', sets out the Council's policy for protecting the network of sites of ecological importance within the area. SNH comment that it is unlikely the proposal will have a significant effect on any qualifying interests of the Firth of Forth Special Protection Area (SPA) either directly or indirectly. The application accords with policy EQ24.

7b.9 Policy EQ28 'The Coastal Zone' states:

"The Council will promote an integrated approach to the management of the coastal zone, and will support the provisions of the Forth Integrated Management Strategy. Development and other land management proposals within the coastal zone will be assessed in terms of:

- (1) *Impacts on the amenity, ecology and water quality of the coastal environment (see Policies EQ 24 and EQ25);*
- (2) *The requirement to safeguard the undeveloped coast, as defined on the Proposals Map, from further development unless it is proven that the development is essential, a coastal location is essential, and no suitable sites exist within the developed coast;*
- (3) *Long-term flooding risk (see Policy ST12), and compatibility with existing coastal defence strategies, including the desirability of working with natural coastal processes where possible and the need to recognise the wider impacts where intervention is unavoidable; and*
- (4) *Appropriate promotion of the recreational potential of the coastal zone, including the development of the Forth Foreshore Path and linked coastal access networks, providing it is compatible with Policy EQ24 and the protection of coastal habitats and species."*

7b.10 Policy EQ28 'The Coastal Zone' provides a list of criteria against which proposals within the coastal zone will be considered. The application site is adjacent to the River Forth and as such is considered to be within the coastal zone. The application is unlikely to have a significant impact on the amenity, ecology and water quality of the coastal environment and as such the application does not offend the terms of Policy EQ28.

7b.11 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.12 Policy ST12 'Flooding' seeks to prevent new development in areas which are likely to be at significant risk from flooding. The existing ground level of the application site is above the currently agreed flood levels for the River Forth and as such the proposal will not be at risk of coastal flooding and therefore accords with the terms of Policy ST12.

- 7b.13 The emerging District wide Local Plan supports the policies set out in the Development Plan, Falkirk Council Structure Plan and Rural Local Plan covering this site and described earlier in this report. The proposed development is contrary to the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Scottish Planning Policy

- 7b.14 Scottish Planning Policy 'A Statement of the Scottish Government's Policy on Nationally Important Land Use Planning Matters' promotes opportunities, through the Development Plan, for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. Planning authorities should apply proportionate standards to access roads to enable small developments to remain viable.
- 7b.15 Scottish Planning Policy promotes the Development Plan as the means by which to identify opportunities for housing in the countryside. In this instance the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) are considered to provide an appropriate policy framework to support a range of sustainable development opportunities for housing in the countryside. The proposed development has been found, in this report, to be contrary to the relevant policies of these plans.

Responses to Consultation

- 7b.16 The Environmental Protection Unit advise that contamination is a material consideration and should be dealt with at the application stage. The area surrounding the application site has been recorded as producing ground gas readings of methane at elevated concentrations. Other contaminative activities relating to the site and surrounding area have also been identified. The applicant was advised on 12 January 2010 that a contaminated land assessment and noise mitigation details are required. To date the required information has not been submitted. The other issues raised through consultation are noted.

Information Submitted in Support of the Proposal

- 7b.17 The applicant has submitted a letter of support for the proposal as follows:
1. The applicant's business was set up in 1993 and moved to Kersie bank in 2000. Eight people are employed on a permanent full time basis and the business has built up an excellent reputation;
 2. The business has helped with work experience from Falkirk College and Alloa Academy;
 3. The proposed house is in keeping with the surrounding area of South Alloa and will not intrude in anyone's privacy;
 4. The house is required for security reasons, to protect the machinery and stock and to enable the applicant to run a successful business; and

5. The house is required due to a change in family circumstances.

7b.18 The points raised by Mr Paterson are noted. However, these fail to demonstrate the operational need for a house in association with the business, particularly as the business has been operating at this location without the need for a dwellinghouse since 2000. The applicant was given an opportunity to provide further information to support the proposal but, to date, further supporting information has not been received.

7c Conclusion

7c.1 The proposed development, for the erection of a dwellinghouse, is contrary to the Development Plan for the reasons detailed in this report. Material considerations are therefore required to justify setting aside the terms of the Development Plan and approve the application. In this instance it is considered that the weight of material considerations, as detailed in this report, do not support a departure from the above mentioned policies in the Development Plan.

7c.2 Accordingly, the application is recommended for refusal.

8. RECOMMENDATION

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

- (1) The application does not accord with Policy ENV. 1 'Countryside and Protected Areas' of the approved Falkirk Council Structure Plan, Policy Rural 1 'New Development in the Countryside' and policy RURAL 2 'Village Limits' of the adopted Rural Local Plan and Policy SC3 'Housing Development in the Countryside' of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01 - 10 and additional information.

Pp

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Director of Development Services

Date: 16th March 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.

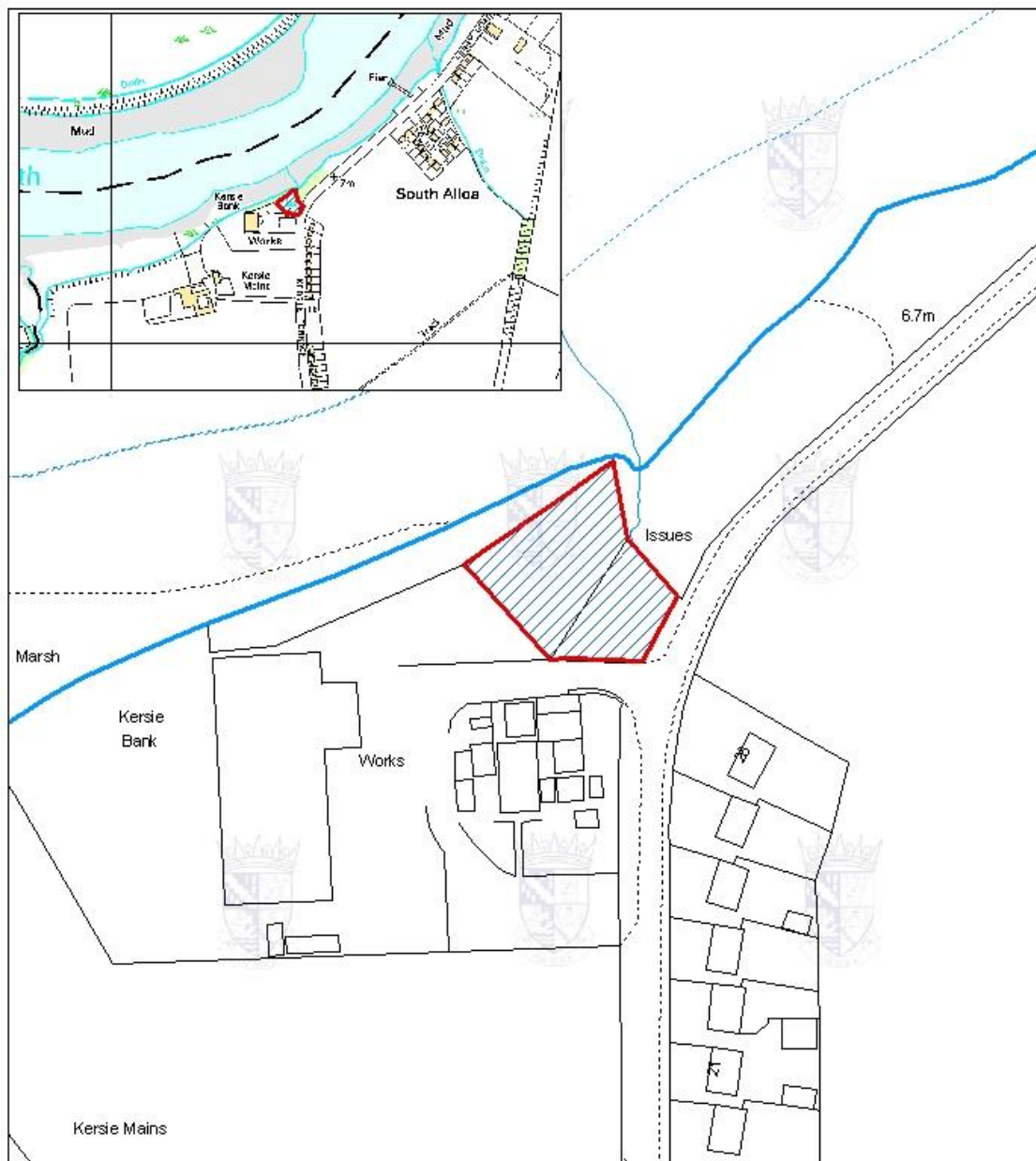
2. Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Scottish Planning Policy

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

Planning Committee

Planning Application Location Plan **P/09/0849/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: USE OF LAND TO FORM 6 PERMANENT GYPSY/TRAVELLER HOUSEHOLDS AND 2 VISITOR PITCHES WITH FACILITIES FOR ACCESS, PARKING, FENCING, SCREENING AND UTILITY UNITS AT BIRCHWOOD FARM, BONNYBRIDGE, FK4 2ET (RETROSPECTIVE) FOR MRS MARY KENNEDY – P/09/0364/FUL

Meeting: PLANNING COMMITTEE

Date: 24 March 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: None

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 use of land to form 6 permanent gypsy/traveller sites, two visitor pitches and associated access, parking, fencing, landscaping and utility units.
- 1.2 The application site extends to 1.39 hectares, lies in open countryside to the south of High Bonnybridge and has been developed as a permanent gypsy/traveller site. The application provides for six pitches with gravel finishes, a principal or chalet caravan, two other caravans and a utility building. The development is laid out in a linear configuration, with Pitches 1 to 5 being enclosed by close boarded timber fencing. Vehicular access is from Beam Road. A livery building sits near the entrance to the site.
- 1.3 The applicant's agent had advised that the families (comprising 18 people at present) are inter-related and it is not unusual for related gypsy/traveller families to want to pitch close to and support each other. The families do not consider the Council's Redding site to be safe or suitable. The agent has also advised that the pitches range in size from 860m² - 1320m² and that the gravel finish yards are used as private amenity space.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires Committee consideration as granting it would be contrary to the Development Plan.

3. SITE HISTORY

- 3.1 Planning application ref: F/2002/0833 has been granted and implemented for the erection of a stables complex and an outdoor schooling area for livery purposes.
- 3.2 Planning application ref: 06/0493/AGR has been granted but not implemented for the erection of an agricultural building.
- 3.3 Planning application ref: P/07/0529/OUT for the erection of a dwellinghouse and a domestic garage - refused.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has detailed its requirements for the upgrade of the existing vehicular access and is satisfied that the replacement culverting of a surface water drainage ditch under the access road would not compromise its hydraulic capacity.
- 4.2 Scottish Water has no objection to the application.
- 4.3 The Environmental Protection Unit is satisfied with a statement from the applicant advising that no made ground or suspect material was encountered during site works and has requested additional information regarding the floor construction of the structures.
- 4.4 The Scottish Environment Protection Agency has removed its objection to the application following discussions with the applicant regarding provision of a private foul effluent treatment plant. The applicant and SEPA have agreed that a new soakaway system (a sequential batch reactor with a soakaway discharge point 30 metres away from the watercourse) will be installed. Its detailed design would be the subject of issue of a license under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). The existing soakaway would be abandoned.
- 4.5 Scottish Natural Heritage is satisfied that the development would not significantly impact on protected species such as water vole.
- 4.6 The 'Travelling Persons' Officer has advised that some of the family members have previously resided on the Council's Redding site. She has stated that whilst security and safety measures are in place to make the Redding site a safe environment, some gypsy/traveller families wish to live in a family only environment on their own site. The Redding site is currently operating with 15 pitches, with an average pitch size of 180m², and there are currently three families on the waiting list.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council for this area.

6. PUBLIC REPRESENTATION

6.1 Three objections for the application have been received. The concerns raised in these objections can be summarised as follows:

- The area is Green Belt.
- The area is being promoted for recreation/tourism.
- A small village is emerging.
- Number of caravans.
- The proposed screening will not provide an adequate year round visual barrier.
- Additional pressure on local schools and the medical centre.
- Adequacy of the septic tank.
- Proposed culvert may not be sufficient to avoid flooding.
- Setting of precedent if granted.
- Planning permission should have been sought prior to the site being developed.
- Neighbour notification not 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

Approved Falkirk Council Structure Plan

7a.1 The development does not have any strategic implications therefore the policies of the approved Structure Plan are not considered to be relevant.

Adopted Rural Local Plan

7a.2 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.3 The application site lies within the Countryside as identified in the adopted Rural Local Plan. Policy Rural 1 provides for new development in the countryside in limited circumstances, but none of these circumstances are relevant to this development. It therefore does not accord with this policy.

7a.4 Accordingly, the proposed development does not accord with the Development Plan.

7b Material Considerations

7b.1 The material planning considerations in respect of this application are National Planning Policies and Guidance, relevant reports and guidance adopted by the Scottish Government, the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses and the representations received.

National Planning Policies and Guidance

7b.2 Scottish Planning Policy (February 2010) states that *Planning Authorities should identify suitable locations for meeting the needs of Gypsies and Travellers and set out policies about small privately owned sites'.*

- 7b.3 The Development Plan does not identify any such locations or set out relevant policies. However, a Pre-Inquiry Modification to the Falkirk Council Local Plan Finalised Draft (Deposit Version) proposed a specific policy (Policy SC4A) to assess small privately owned gypsy/traveller pitches. The application has been assessed against this policy in this report.
- 7b.4 Scottish Planning Policy does not define the size of sites or the number of pitches that might constitute 'small'. However, in terms of pitch size, it is considered that this will depend on the size of individual families and their particular needs. A pitch will require hard standing for the area to be occupied by a mobile home, touring caravan(s) and a utility building, together with space for parking.
- 7b.5 In this instance, the size of the pitches would appear to be in excess of the space required by the families for a principal or chalet caravan, two caravans, utility building and associated parking and amenity space. The overall size of the site is therefore a matter of concern by virtue of the size of the pitches and the impact this has on the character and appearance of the countryside.

Relevant Reports and Guidance

- 7b.6 Relevant reports and guidance adopted by the Scottish Government are: the Secretary of State's Advisory Committee for Scotland's Travelling People (ACSTP) Guidance Notes for Site Provision for Travelling People (GNSPTP), 1997, adopted by the Scottish Executive; the terms and recommendations of the ACSTP's Ninth and Final Report of the Advisory Committee on Scotland's Travelling People, 1998-1999, adopted by the Scottish Executive in 2000; and the Scottish Parliament Equal Opportunities Committee 1st Report 2001, Inquiry into Gypsy Travellers and Public Sector Policies (IGTPSP), adopted by the Scottish Executive.
- 7b.7 The GNSPTP states at paragraph 2.3 that *'Applications for planning permission from Travellers in respect of private sites should be sympathetically considered'*. Paragraph 2.4 states *'The principal task continues to be the provision of long stay sites'*. Paragraph 3.1 states *'Site selection can be affected by the need to find the location which is least unacceptable to the settled community'*. Criteria for choosing a location include: accessibility; provision of services; proximity to the settled community; the nature of the site; proximity to employment, schools and community services; and provision for Gypsies/Travellers in neighbouring areas.
- 7b.8 With respect to these criteria, the application site is a reasonable distance from the nearest settlement (Bonnybridge) whilst being sufficiently close for ease of access to local facilities and services. The applicant has advised that children at the site attend a local nursery and primary school and that the families are registered with local medical and dental facilities.
- 7b.9 The ACSTP's Ninth and Final Report has been referred to earlier in this report. It suggests that applications by travellers for small sites should be treated as 'agricultural' rather than 'residential'.
- 7b.10 The IGTPSP stresses the rights to and security of a home, which should be defined to include sites which are home to gypsies/travellers, and notes the difficulties of travellers in obtaining planning permission for private sites.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.11 The application site lies within the countryside under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.12 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.13 This policy identifies the specific policies that will apply to development proposals in the countryside and sets out three criteria that will apply to development not covered by the specific policies. In this instance, the specific policies do not apply therefore the development requires assessment against the three criteria. Having regard to the terms of the Advisory Committee on Scotland's 'Travelling Peoples' ACTP) Ninth report (1998-1999), it is considered that these criteria are met, as the development requires a countryside location. The Ninth Report suggests that applications for small gypsy/travellers sites should be treated as 'agricultural' rather than 'residential' in recognition of the type of accommodation required and the types of vehicles involved.

7b.14 Part 2 of the policy requires the scale, siting and design of development that meets the relevant countryside criteria, to be strictly controlled. In this instance the development is relatively obtrusive as it is open to view, although it does not break the skyline, and its visual impact is exacerbated by the large scale of the pitches and its linear arrangement. In addition, the chalets/caravans are not particularly sympathetic to vernacular building design and suburban style timber boundary fencing is in place. Balanced against this, extensive landscape screening of the site is proposed, however concerns regarding the extent and effectiveness of this are raised in paragraph 7b.18. On balance, the development is considered to be contrary to this policy.

7b.15 Policy SC4A - 'Gypsy / Travellers' Sites' states:

"Proposals for small privately-owned sites to accommodate gypsy / travellers will be permitted where:

- (1) The site satisfies policies in the Local Plan relating to the protection of the built and natural heritage (EQ12-EQ30) and the protection of the public open space (SC12);*
- (2) The site can be appropriately landscaped, such that there will be no adverse effect on the character, appearance and amenity of the area;*
- (3) The site affords an appropriate level of residential amenity and access to community facilities; and*
- (4) Access, parking and other servicing can be provided to a satisfactory standard, and the site is not at risk from flooding, in terms of Policy ST12."*

7b.16 This policy states that small privately owned sites to accommodate gypsy/travellers will be permitted where four criteria are satisfied. Criterion 1 requires the development to satisfy the local plan policies relating to the built and natural heritage (Policies EQ12 – EQ30). As detailed above, the development is considered to be contrary to Policy EQ19.

7b.17 Criterion 2 relates to appropriate landscaping to ensure there would be no adverse impact on the character, appearance and amenity of the area. A Landscape Plan has been submitted with the application which proposes extensive screening of the site consisting of: 1.5 metre high grassed earth bunding along the northern boundary; planting of beech/hawthorn hedges and light standard rowan, birch and beech trees on the top of the bunding; planting of hedges, retention of existing trees and planting of light standard trees along the southern boundary; and planting of shrubs and light standard trees at the entrances and side boundaries to pitches 1 to 5. In addition, a 5 metre wide planting corridor consisting of hedges and trees is proposed on land to the north, partly along Beam Road, which is within the ownership of the applicant.

7b.18 The Council's Landscape Officer has: noted that the development is quite prominent in the landscape due to its layout; acknowledged that the scheme has been revised to include more proposals to try to reduce its visual impact; accepted the species and location of the proposed planting; recommended an increase in the number of plants to create denser hedges; and requested additional information with regard to plant numbers and sizes. It is evident that the proposals to mitigate the visual impact of the development rely upon extensive landscaping and bunding due to the open aspect, size and linear configuration of the site. This is of concern, as the proposed landscaping would take, according to the Landscape Officer, five to ten years to mature to provide fully effective screening, although it is acknowledged that the bunding could provide partial screening earlier.

7b.19 Criteria 3 and 4 are considered to be satisfied. It is accepted that the site affords an appropriate level of residential amenity, access to community facilities and satisfactory access, parking and other servicing. A specification to enhance the existing vehicular access has been accepted by the Roads Development Unit. In addition, the site is not considered to be at risk of flooding.

7b.20 On balance, the development is considered to be contrary to this policy. This is due to conflict with Policy EQ19 and concerns at the impact of the development on the character and appearance of the area.

Representations Received

7b.21 The concerns raised in the representations have been summarised in this report. With regard to these concerns, the following comments are considered to be relevant:

- The area is not designated as Green Belt but does lie within the countryside.
- Concerns regarding the size of the site and the setting of a precedent are acknowledged.
- The proposed landscaping has been amended such that it could effectively screen the site when it matures, however concern has been raised at the visual impact that would remain in the short term and the extent of landscape mitigation that is required due to the size and linear configuration of the site.
- The site currently accommodates 18 people including one child attending a local primary school. It is not considered that this number of people would have any significant impacts on local facilities and services.
- The foul drainage scheme has been amended to address SEPA concerns.
- The replacement culvert under the access road is larger and therefore increases flow capacity.
- It is legitimate to address a breach of planning control by applying for planning permission retrospectively.

7c Conclusion

7c.1 The development is considered to be contrary to the Development Plan for the reasons detailed in this report. However, it is considered there are material planning considerations to justify setting aside the terms of the Development Plan in this instance. These include the support given in gypsy/traveller reports and guidance adopted by the Scottish Government to private sites and the locational benefits of the site, being a reasonable distance from the nearest settlement but within easy reach of local services and facilities. Balanced against this, the development has been assessed as contrary to Policies EQ19 and SC4 of the Falkirk Council Local Plan Finalised Draft, due to the impacts of the development on the character and appearance of the area.

7c.2 The application is finely balanced, however it is considered that concerns regarding the size and visual impact of the development outweigh the considerations in support. There are, however concerns that a recommendation to refuse the application could cause accommodation difficulties for the families in the short term, particularly given there is a waiting list at the Council's site at Redding. The wellbeing of the families, particularly in relation to the potential impact on the children attending local nurseries and schools, is a consideration. Temporary planning permission is therefore recommended.

8. RECOMMENDATION

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

- (1) This 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 scheme.
- (2) Vehicular access to the site shall be provided in accordance with the specification detailed on approved plan 04.
- (3) Foul drainage for the development shall be provided in accordance with the details indicated on approved plan 02A.

Reason(s):

- (1) The development is not considered to be appropriate as a permanent use of the site.
- (2) To safeguard the interests of the users of the public highway.
- (3) To ensure the provision of an acceptable foul drainage scheme.

Informative(s)

- (1) For the avoidance of doubt the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02A, 03 and 04.
- (2) The vehicular access will require to be constructed in accordance with a Minor Roadworks Consent, issued and approved by Roads Services, Earls Road, Grangemouth.
- (3) The foul drainage scheme will require the issue by SEPA of a license under the Water Environment (Controlled Activities) (Scotland) Regulations 2008 (as amended) (CAR).

Pp
Director of Development Services

Date: 16 March 2010

LIST OF BACKGROUND PAPERS

1. Scottish Planning Policy (February 2010).
2. The Secretary of State's Advisory Committee for Scotland's Travelling People (ACSTP) Guidance Notes for Site Provision for Travelling People (GNSPTP), 1997.
3. The Terms and Recommendations of the ACSTP's Ninth and Final Report of the Advisory Committee on Scotland's Travelling People, 1998-99.
4. Scottish Parliament Equal Opportunities Committee 1st Report 2001, Inquiry into Gypsy Travellers and Public Sector Policies (IGTPSP).
5. Approved Falkirk Council Structure Plan.
6. Adopted Rural Local Plan.
7. Falkirk Council Local Plan Finalised Draft (Deposit Version).
8. Letter of objection received from I.D & M.A Connell, South Drum, Bonnybridge, FK4 2EU on 7 July 2009.
9. Letter of objection received from Mrs Judith Delissen, West Cottage, High Forrester, Quarter Farm, Bonnybridge, FK4 2HA on 10 August 2009.
10. Letter of objection received from Mrs Karyn Pettigrew, 19 Grahamsdyke Road, Bonnybridge, FK4 2DF on 28 December 2009.

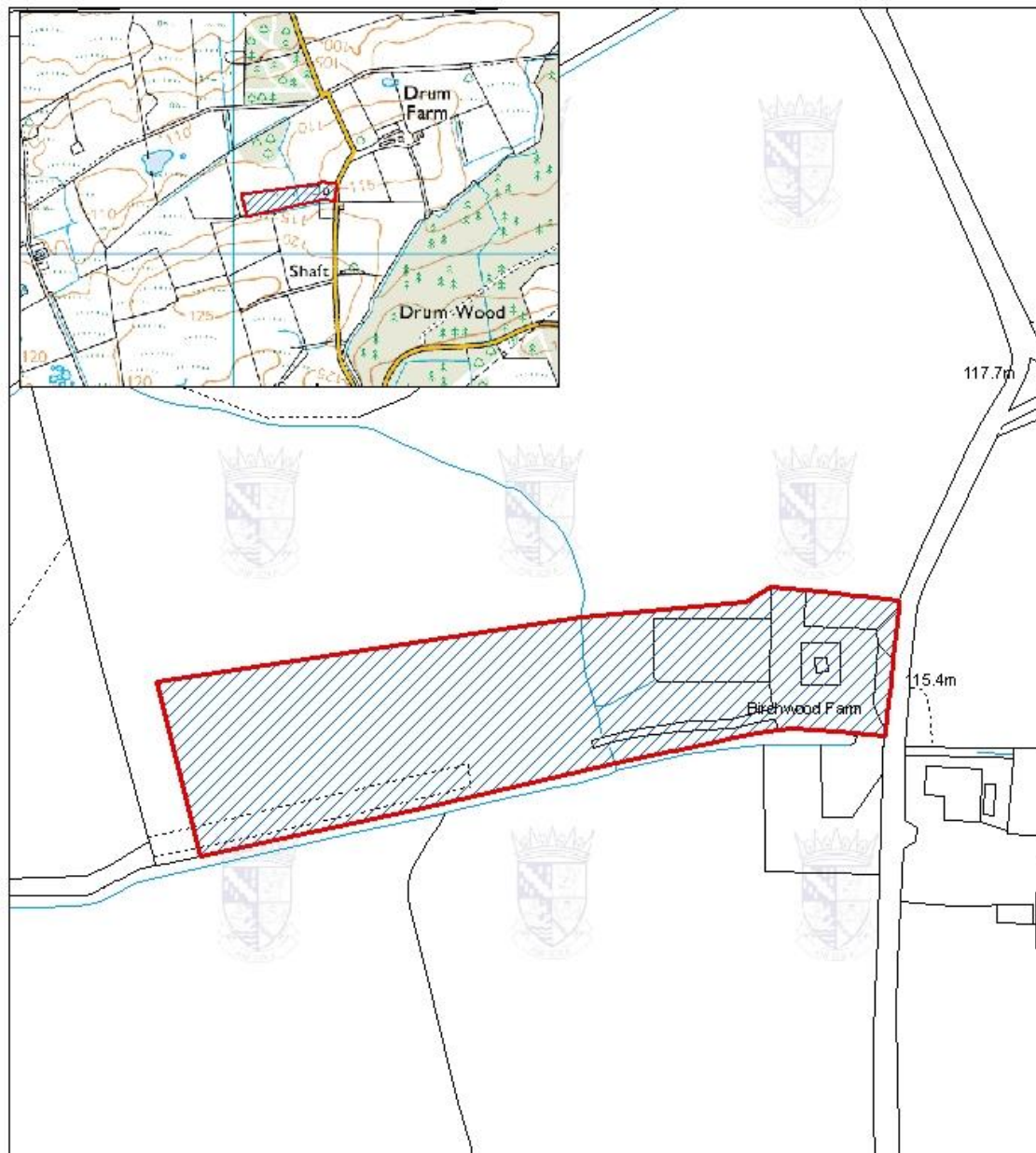
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0364/FUL

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



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FALKIRK COUNCIL

Subject: **ERECTION OF 20 FLATTED DWELLINGS AND ASSOCIATED ROADS, FOOTWAYS AND PARKING AREAS, LAND TO THE SOUTH WEST OF 11 SHIEL GARDENS, FALKIRK FOR FALKIRK COUNCIL – P/10/0038/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **24 March 2010**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

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

Community Council: **Langlees, Bainsford and New Carron**

Case Officer: Allan Finlayson (Senior Planning Officer) ext 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site of the application is open space and a former play area at Shiel Gardens, Langlees, Falkirk.
- 1.2 The site is bounded to the north by open space and to the south, west and east by existing housing and a social club.
- 1.3 The site is level and mature planting exists to the north of the site adjacent to its boundary with existing open space. A public path runs through the site from Haugh Street and connects to Shiel Gardens.
- 1.4 The proposed development is for the erection of 20 two bedroom flats (in 3 blocks) with access taken from Shiel Gardens, 25 car parking spaces and landscaping.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is 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 Planning permission ref: P/07/0641/FUL for the erection of 22 houses and 10 flats was approved on 8 November 2007.

- 3.2 Former play area facilities on the site were removed by Falkirk Council Community Services in 2009 following concerns of under use and anti-social behaviour.

4. CONSULTATIONS

- 4.1 The Director of Education has no objection to the proposed development and has confirmed that capacity exists at existing schools in the catchment area in which the application site is located.
- 4.2 The Roads Development Unit has no objections to the proposed development subject to the provision of acceptable drainage calculations for surface water treatment (SUDs) and Flood Risk Assessment.
- 4.3 The Environmental Protection Unit has no objections to the proposed development subject to the consideration of a further Contaminated Land Assessment.
- 4.4 SEPA has no objections to the proposed development.
- 4.5 Scottish Water has no objections to the proposed development.

5. COMMUNITY COUNCIL

- 5.1 The Langlees, Bainsford and New Carron Community Council objected to the proposed development. The grounds of objection are:
- The site is too small for housing and parking.
 - Family housing and not flats are required in the area.
 - Additional housing does not solve problems in Langlees.
 - Development of the site would use a designated play area.
 - Unspecified fencing issues.

6. PUBLIC REPRESENTATION

- 6.1 Six letters of representation comprising one letter of support, a letter of comment and four letters of objection have been received from residents of the surrounding area.
- 6.2 The grounds of objection relate to the proximity of proposed flats to existing housing and the concerns of potential resultant impacts on privacy and residential amenity. In addition, concerns are expressed regarding overlooking, the loss of open space and the absence of a play area to replace the previously removed facilities. A further objection regarding the loss of pedestrian access into an existing rear garden has been made by one resident.
- 6.3 The letter of support agrees with the principle of housing, but requests the provision of a replacement play area.

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 COM.2 ‘Implementation of Housing Land Requirement’ states:

“In implementing the housing land requirement set out in Schedule COM.1a, Local Plans will:

- 1 take into account completions since 30th June 2001 and the current effective and established housing land supply;*
- 2 make an assessment of the likely output from windfall and small sites in arriving at the amount of land to be allocated and add to that amount a 10% flexibility allowance;*
- 3 adopt an approach to site selection whereby priority is given to brownfield sites and to sites which enjoy a high level of accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- 4 ensure the housing land allocation is based on the phasing guidelines set out in Schedule COM.1a;*
- 5 ensure that there are adequate community facilities and physical infrastructure to accommodate the allocation;*
- 6 ensure that the location, scale, and design of allocated sites is sympathetic to the character of settlements and that significant land releases are accompanied by the preparation of masterplans; and*
- 7 take into account the location and firm development proposals of business and industrial premises including chemical and petrochemical facilities.*
- 8 Local Plans will also identify the site or area of search of the general locations listed in Schedule Com.1b taking into account the avoidance of adverse impact on European sites and specific requirements for new social and physical infrastructure.”*

7a.2 The proposed development accords with Policy COM. 2.

Falkirk Local Plan

7a.3 The application site lies within the established settlement area. There are no site specific policies. The following policies of the adopted Falkirk Local Plan apply:

7a.4 Policy FAL 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 Falkirk 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.”

7a.5 The site lies within the urban limit and accords with Policy FAL 2.2

7a.6 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.7 The development proposed is a modest but tidy residential development grouped in an orderly manner around adequate open space. Materials complement the urban fabric of the surrounding area. The proposed development therefore accords with the aims of Policy FAL 3.1.

7a.8 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.9 The development proposed is accompanied by a landscape plan which details the planting of semi-mature trees in an open grassed setting with appropriate hard landscaping. The proposal accords with Policy FAL 3.2.

7a.10 Policy FAL 3.3 'Design and Accessibility' states:

"Development proposals should incorporate, where appropriate, safe and attractive access for all users, particularly pedestrians, cyclists and public transport users. In particular, they should ensure:

- (i) *the provision and protection of pedestrian/cycle routes through the site, linking into the wider strategic network of routes beyond, and particularly to public transport stops and community facilities; and*
- (ii) *the provision, as far as possible, of a barrier-free environment for those with access difficulties such as disabled persons and the elderly.”*

7a.11 The development would maintain an existing pedestrian route which traverses the existing site. This route would benefit from increased surveillance and would not compromise the requirements of Policy FAL 3.3

7a.12 Policy FAL 3.4 ‘Design and Crime Prevention’ states:

“Development proposals should create a safe and secure environment for all users, through the application of the general principles contained in the Planning Advice Note (PAN 46) on Planning and Crime Prevention. In particular:

- (i) *buildings, public spaces, access routes and parking areas should benefit from a good level of natural surveillance and, where appropriate, should be covered by extensions to the Town Centre Closed Circuit Television System;*
- (ii) *boundaries between public and private space should be clearly defined; and*
- (iii) *access routes should be direct, clearly defined and well lit, with recognised points of entry.”*

7a.13 The development layout has adequate surveillance of open spaces, sensible boundary treatments and would result in improved street lighting. The development complies with Policy FAL 3.4.

7a.14 Policy FAL 4.4 ‘Trees, Woodland and Hedgerows’ states:

“The Council recognises the landscape, recreational and nature conservation value of trees, woodland and hedgerows, and accordingly will:

- (i) *protect ancient, long established and semi-natural woodlands as a habitat resource of irreplaceable value;*
- (ii) *safeguard trees, woodland and hedgerows of landscape, nature conservation or recreational value. Where necessary, endangered trees and woodlands will be protected through the designation of Tree Preservation Orders and introduction of Management Agreements. Within an area covered by a TPO there will be a presumption against development unless it can be proven that the proposal would not adversely affect the stability, vitality or appearance of protected trees. Where felling of protected trees is permitted for safety or other reasons, the Council will require appropriate replacement planting;*
- (iii) *continue to support through partnerships and other initiatives, proposals for community woodlands and amenity planting, particularly through the Falkirk Greenspace and Central Scotland Forest Initiatives. Tree planting proposals will be particularly encouraged within the urban fringe, along transport corridors, in wildlife corridors and to enhance open space; and*
- (iv) *require the use of native species of trees and shrubs in all new planting proposals.”*

7a.15 The proposed development would result in the loss of approximately twenty poor quality saplings which have limited landscape value. Twenty eight replacement semi-mature trees are proposed in locations considered to have an improved landscape value. The proposal therefore accords with Policy FAL 4.4

7a.16 Policy FAL 4.5 'Protection of Open Space' states:

"The Council will protect parks, playing fields and other areas of open space and urban greenspace from any development which would diminish their recreational, amenity or ecological value. The Council will generally resist proposals for development or changes of use where they would:

- (i) adversely affect the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the locality;*
- (ii) result in a loss of amenity open space which would have a detrimental impact upon the character and appearance of the area;*
- (iii) weaken an existing wildlife corridor or otherwise adversely affect any ecological value which the open space may have; or*
- (iv) set an undesirable precedent for further incremental loss of public open space such that the amenity, recreational or ecological value of the area will be adversely affected."*

7a.17 The application site is an area of passive open space with limited recreational value and lies adjacent to significant open space north of the site. The application site previously contained a formal play area. This play area was removed in 2009 for the reason that the facility was under used for play but was becoming a focal point for anti-social behaviour, including drug abuse. It is considered that, in the context of existing passive open space of limited recreational value and the previously removed play area, that the proposed development would not significantly diminish recreational or amenity value. The development would introduce improved public access to significant open space to the immediate north of the site.

7a.18 Policy FAL 5.4 'Affordable Housing' states:

"The Council will support proposals for the provision of low cost and affordable housing for rent or purchase. Particular emphasis will be placed on meeting the needs of:

- (i) young single people;*
- (ii) newly formed households and first time buyers; and*
- (iii) tenure diversification in Bainsford/Langlees and other areas covered by the Community Urban Regeneration Strategy.*

The Council will consult with Scottish Homes and developers of major housing developments on the means of providing affordable housing, taking account of evidence of need, site and market conditions at that time."

7a.19 The proposed development is for 20 affordable rented flats and complies with the aims of Policy FAL 5.4.

7a.20 Policy FAL 5.5 'Open Space Provision' states:

"The Council will require the provision of public open space and play areas in new residential developments and that adequate arrangements are made for their future maintenance. The extent of provision should relate to the size, form and location of the development, and generally accord with the Council's Guidance Note on 'Play Areas and Open Space'. In appropriate circumstances, the Council may seek contributions to the upgrading of existing facilities in the area in lieu of on-site provision. The location, design and landscaping of open space should be such that:

- (i) *it forms an attractive and integral part of the development, contributing to its character and identity;*
- (ii) *existing natural features in, or adjacent to, the site are incorporated; and*
- (iii) *play areas are convenient, safe and easily supervised.”*

7a.21 The level of open space is considered adequate for the proposed development. A formal play area has not been proposed or requested on the basis of previous concerns outlined in paragraph 7a.17 of the report.

7a.22 Policy FAL 8.2 ‘Roads and New Development’ states:

“Road layout, access and parking provision in new developments should generally conform to Falkirk Council’s ‘Design Guidelines and Construction Standards for Roads’. Major development proposals likely to generate significant traffic volumes will require a multi-modal Transport Impact Assessment.”

7a.23 The proposed development complies with Falkirk Council’s ‘Design Guidelines and Construction Standards for Roads’ and therefore Policy FAL 8.2.

7a.24 Policy FAL 10.1 ‘Existing Community Facilities’ states:

“There will be a general presumption against the loss of existing community facilities unless the Council is satisfied that there is no longer a need for the facility or an acceptable alternative facility is available.”

7a.25 The previous loss of play facilities on the site in 2009 was not the result of any development proposals at that time. The view of Falkirk Council’s Community Services that this facility was no longer required, for reasons previously provided in this report, is considered to be unrelated to the development now proposed. Community Services has confirmed that a replacement formal play area will be provided in an area in the immediate surroundings of the application site.

7a.26 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Local Plan Finalised Draft, the views of consultees, the objections made by the Langlees, Bainsford and New Carron Community Council and the comments submitted by residents of the surrounding area.

7b.2 The proposal has been assessed against the following policies of the Falkirk Local Plan Finalised Draft:

EQ3 – Townscape Design

EQ4 – Landscape Design

EQ5 – Design and Community Safety

SC2 – Windfall Housing Development Within the Urban/Village Limit

SC6 – Housing Density and Amenity

SC10 – Existing Community Facilities

SC12 – Urban Open Space

7b.3 The proposed development is considered to comply with the requirements of the above policies. In particular, the following policies require specific assessment.

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

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

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, 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.5 The application site comprises urban open space where loss is addressed in the context of Policy SC12 "Urban Open Space" assessed below. The proposed housing use is compatible with surrounding residential use, a satisfactory level of residential amenity would be achieved, the site enjoys good accessibility and the development can be supported by existing infrastructure. The proposal is therefore considered to comply with Policy SC2.

7b.6 Policy SC10 - 'Existing Community Facilities' states:

- "(1) There will be a presumption against the loss of existing community facilities unless the Council is satisfied that there is no longer a need for the facility or an acceptable alternative facility is available; and*
- (2) The provision of new community facilities, including churches and places of worship, will generally be supported provided that:*
 - The proposal is compatible in terms of scale, character and design with the surrounding area;*
 - There is no adverse impact on local amenity;*
 - There is good access by public transport, on foot and by cycle; and*
 - It complies with other Local Plan policies."*

7b.7 The loss of play provision at the site following the removal by Falkirk Council Community Services has previously been addressed. The proposed development would not therefore result in the loss of community facilities. Replacement play provision is proposed by Community Services.

7b.8 Policy SC12 - 'Urban Open Space' states:

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

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

7b.9 The open space that would be lost if the development were to be approved is considered to be of limited recreational or amenity value. The proposed development retains a smaller area of passive open space and provides improved pedestrian access to a significant area of existing open space to the north of the site. It is therefore considered that the proposal would not have an adverse impact on the appearance of the area or amenity currently enjoyed by residents. The proposal does not therefore contradict the terms of Policy SC12.

7b.10 The views of consultees have been satisfactorily addressed by the development proposed or additional information submitted.

7b.11 The views of objectors and submitted comments are considered below.

- The loss of open space has been previously assessed against policies of the adopted Falkirk Local Plan and the Falkirk Council Local Plan Finalised Draft. The loss of open space is considered acceptable in view of its limited quality and recreational value, the retention of a smaller more surveyed area of open space and the improved pedestrian access to existing open space to the north of the application site.
- The absence of replacement play provision in the proposed development has been the subject of consultation and detailed discussion with Falkirk Council Community Services. The reasoning behind the removal of previous play facilities is considered to be a strong reason why the provision should not be replaced at this location. Community Services has confirmed that play provision improvements are being considered at more suitable sites in the surrounding area. These are likely to be implemented in 2011.
- The views of objectors with regard to the proximity of proposed flats to existing housing and concerns of overlooking, privacy and residential amenity are noted. All flatted blocks proposed are located an acceptable distance from existing housing and have no impact on residential amenity with no direct overlooking or privacy impacts.
- The loss of pedestrian access to the rear garden of one house adjacent to the site is not considered to be a material planning consideration. The access has been informally created by this householder gap land outwith their control.

- 7b.12 In addition to the above concerns, the Langlees, Bainsford and New Carron Community Council has objected on the grounds that the site is too small to adequately accommodate the proposed flats and associated parking. The preference for houses and not flats is expressed and unspecified fencing issues are raised. In response, the site is considered to provide an adequate arrangement of flatted blocks within the site. An acceptable number of car parking spaces are provided and the details to proposed boundary treatments are to a high standard and compatible with approved details at an adjacent new housing development.

7c Conclusion

- 7c.1 The proposal represents an acceptable form of development which complies with Development Plan policy. The proposal satisfactorily addresses the views of consultees. The concerns of surrounding residents with regards to loss of open space and impacts on residential amenity are not substantiated. Concerns at the absence of replacement formal play provision are being addressed by Falkirk Council Community Services with planned replacement facilities outwith the site in the near future.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee grant 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.
- (2) Prior to the commencement of works on site, details of intrusive site investigations programmed in the approved phase 1 contaminated land assessment and subsequent phase 2 site investigations shall be submitted for the assessment and written approval of the Planning Authority. No development shall commence until all required remedial works are fully completed.
- (3) Prior to work commencing on site a detailed specification for underground surface water attenuation including design calculations for 1:100 and 1:200 year storm events and overflow provision shall be submitted for the written approval of the Planning Authority.
- (4) Prior to work commencing on site a Flood Risk Assessment shall be submitted for the assessment of the Planning Authority. No development shall commence until the written approval of the Flood Risk Assessment has been provided.

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.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04, 06, 07, 08, 09, 10, 11, 12, 13 and 14.

PP

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Director of Development Services

Date: 16 March 2010

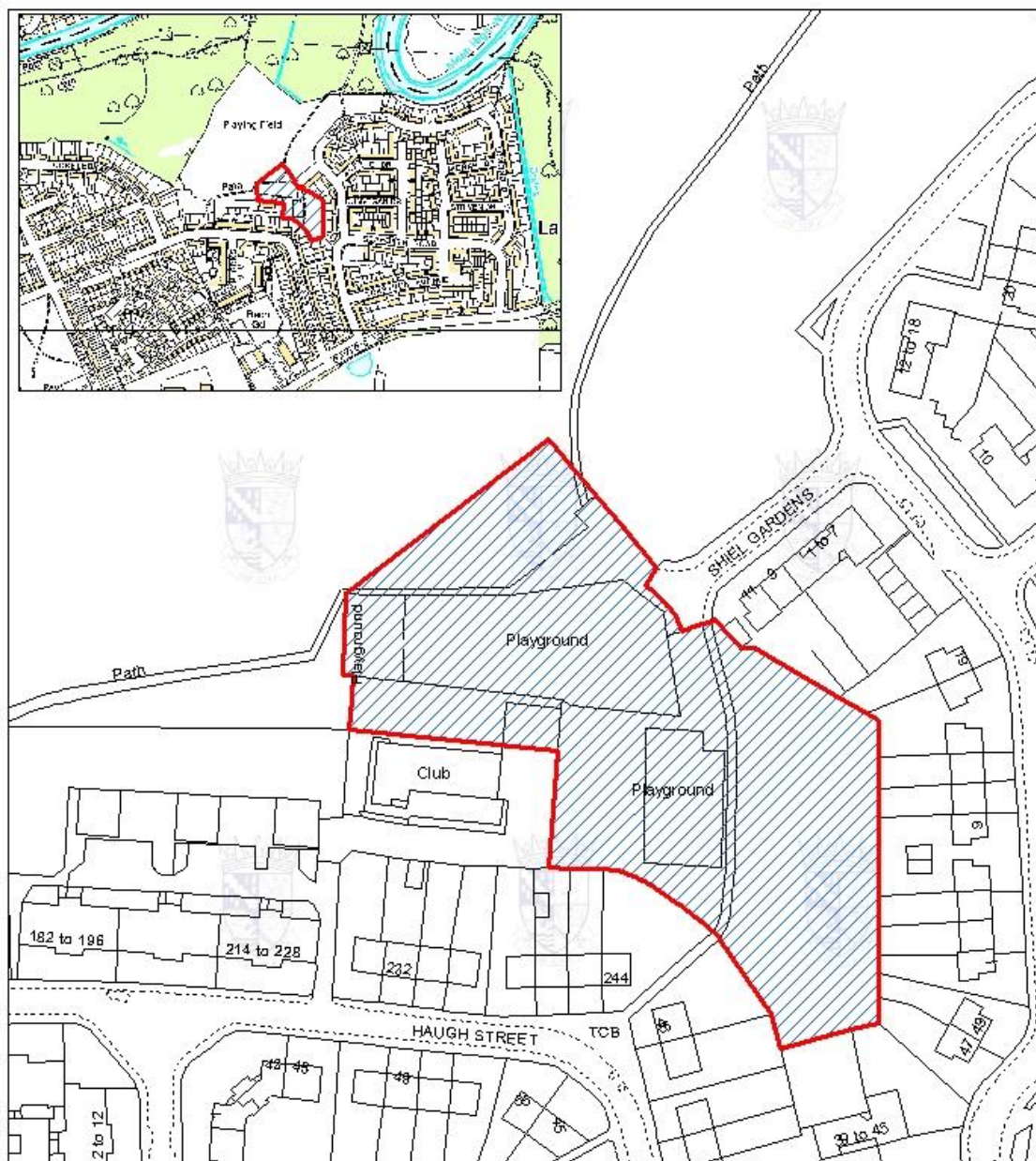
LIST OF BACKGROUND PAPERS

1. Falkirk Structure Plan
2. Falkirk Local Plan
3. Falkirk Council Local Plan Finalised Draft
4. Letter of Objection from Mrs Annette Rodgers, 7 Lomond Drive, Falkirk FK2 7UQ on 24 February 2010
5. Letter of Objection from Miss Morag Mcleod, 5, Lomond Drive, Langlees, Falkirk FK2 7UQ on 18 February 2010
6. Letter of Objection from Mr James Webster, 3 Lomond Drive, Langlees, Falkirk FK2 7UQ on 16 February 2010
7. Letter of Representation from Ms Dominika Rozanska, 20 Shiel Gardens, Falkirk FK2 7UP on 17 February 2010
8. Letter of Support from Mrs Tracey Eddie, 8 Shiel Gardens, Langlees, Falkirk FK2 7UP on 17 February 2010.
9. Letter of Objection from Mrs Alison Heenan, 19 Lomond Drive, Langlees, Falkirk FK2 7UQ on 22 February 2010.
10. Letter of objection from Mrs Val Hunter, Secretary of the Langlees, Bainsford and New Carron Community Council on 17 March 2010

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

P/10/0038/FUL

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



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FALKIRK COUNCIL

Subject: **ERECTION 18 FLATTED DWELLINGS AND ASSOCIATED ROADS, FOOTWAYS AND PARKING AREAS AT LAND TO THE NORTH OF HALLGLEN SPORTS CENTRE, ISLANDS CRESCENT, FALKIRK FOR FALKIRK COUNCIL – P/10/0037/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **24 March 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: John Milne (Senior Planning Officer) ext 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises an area of 0.21 ha encompassing an existing vacant building and neighbouring open space adjoining Hallglen Sports Centre, Falkirk.
- 1.2 The existing vacant building comprises a former nightclub, set adjacent to the Hallglen Sports Centre and a row of retail units.
- 1.3 The area of open space to the rear of the nightclub is neighboured by the service yard of the retail units and fronts existing residential property.
- 1.4 Part of the open space is dedicated to an existing kickabout football area of limited standard.
- 1.5 The development area is in close proximity to the Glasgow/Edinburgh railway tunnel which runs below the site.
- 1.6 The applicant intends to utilise the footprint of the demolished nightclub and adjoining open space to provide 3 blocks of 3 storey flats, totaling 18 units. In addition, it is intended to provide a total of 23 parking spaces dedicated to the development, along with a dedicated access roadway.

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. It is also a departure to the Development Plan.

3. SITE HISTORY

- 3.1 No relevant site history.

4. CONSULTATIONS

- 4.1 Scottish Water do not object to the proposal. However, it should be noted that any planning approval granted by the local authority does not guarantee a connection to infrastructure.
- 4.2 The Scottish Environment Protection Agency have provided standard advice applicable to this type of small scale development.
- 4.3 Falkirk Council's Transport Planning Unit have no objection subject to conditions regarding reinstatement of footpaths and type/location of cycle racks.
- 4.4 Falkirk Council's Roads Development Unit advise that the proposal would be acceptable subject to conditions regarding the adequate provision of roads, footpaths and visibility splays, along with a sustainable Urban Drainage System.
- 4.5 Falkirk Council's Environmental Protection Unit advise that a standard condition regarding contaminated land investigation be imposed.
- 4.6 Falkirk Council's Education Services advise that this small flatted development can easily be accommodated in the local schools and would not be expected to have any significant impact on the RC school.
- 4.7 Central Scotland Police advise that the development should be built to 'Secure by Design' standards.
- 4.8 Network Rail object to the proposals, as the applicant has failed to satisfactorily demonstrate to Network Rail that the development will have no adverse effect on the tunnel structure and therefore could impact on the traveling public.
- 4.9 Falkirk Council's Parks and Recreation raised concern regarding a loss of car parking provision to the Hallglen Sports centre. The application has been revised to ensure no detriment to the sports centre parking.

5. COMMUNITY COUNCIL

- 5.1 Falkirk South Community Council has not made any representation.

6. PUBLIC REPRESENTATION

6.1 Four letters of objection have been received from three parties commenting that the proposal:-

- Will create unacceptable levels of noise from traffic and increased overshadowing from the 3 storey structures.
- Will have detrimental impact on adjoining occupants, a proportion of whom are elderly or disabled.
- Will greatly reduce the playing area for children, moving the available area nearer existing residential property.
- Will increase vehicular traffic to an area used by children as a play area.
- Will add to the problem of parking in the area, as the sport centre experiences 'peak period parking problems'.
- Have insufficient amenity ground associated with them, most notably the flats adjacent to the shops.
- Have an architectural style which is unimaginative and lacks any style or architectural detailing.
- Have a roof layout which is contrived and does not correspond to the surrounding houses.
- Have a housing density which is excessive.
- Will have a detrimental impact on noise during construction, being built in close proximity to a railway tunnel.

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 COM.3 'Special Needs and Affordable Housing' states:

"The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs."

7a.2 The property is considered affordable rented provision not associated with any general needs development scheme, but dedicated for such purpose by the applicant.

7a.3 Policy COM.6 ‘Open Space and Recreational Facilities’ states:

“The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Accordingly:

- (1) the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole;*
- (2) Local Plans will identify and seek to address any remaining localised deficiencies in provision;*
- (3) resources will generally be concentrated on improving the quality, management and accessibility of existing provision; and*
- (4) all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision. Standards will be set out in Local Plans based on the provision of 2.8ha per 1000 persons.”*

7a.4 The loss of the existing open space has not been evaluated as part of any community-wide assessment of provision nor will release resources for qualitative improvements to facilities in the community as a whole.

7a.5 Policy ENV.7 ‘Quality of Development’ states:

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

7a.6 The proposal is not considered of a significant scale as to merit a ‘design concept statement’ but reference should be made to Supplementary Planning Guidance as to the merits of the scheme.

Falkirk Local Plan

7a.7 Part of the site is allocated Major Open Space (FAL 4.5, 4.6) and is in close proximity to the underground Glasgow/Edinburgh railway tunnel.

7a.8 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.9 The development proposed would be a modest residential development adjacent to remaining open space provision.

7a.10 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.11 The development is subject to a suspensive condition regarding specification, implementation and maintenance of landscaping provision.

7a.12 Policy FAL 3.3 'Design and Accessibility' states:

"Development proposals should incorporate, where appropriate, safe and attractive access for all users, particularly pedestrians, cyclists and public transport users. In particular, they should ensure:

- (i) the provision and protection of pedestrian/cycle routes through the site, linking into the wider strategic network of routes beyond, and particularly to public transport stops and community facilities; and*
- (ii) the provision, as far as possible, of a barrier-free environment for those with access difficulties*

such as disabled persons and the elderly.”

7a.13 The proposed development would introduce footpaths linking the existing footpath network to the scheme. No supporting information on barrier free access or adaptability for disabled persons or the elderly has been submitted.

7a.14 Policy FAL 3.4 ‘Design and Crime Prevention’ states:

“Development proposals should create a safe and secure environment for all users, through the application of the general principles contained in the Planning Advice Note (PAN 46) on Planning and Crime Prevention. In particular:

- (i) buildings, public spaces, access routes and parking areas should benefit from a good level of natural surveillance and, where appropriate, should be covered by extensions to the Town Centre Closed Circuit Television System;*
- (ii) boundaries between public and private space should be clearly defined; and*
- (iii) access routes should be direct, clearly defined and well lit, with recognised points of entry.”*

7a.15 The proposal would introduce a degree of natural surveillance to the rear of the existing Hallglen sports hall as well as overlooking the adjoining footpath network. The option to approach Central Scotland Police to endeavour to achieve 'Secure by Design' status lies with the applicant. Boundaries between public and private open space, along with defined access routes, are considered acceptable.

7a.16 Policy FAL 4.5 ‘Protection of Open Space’ states:

“The Council will protect parks, playing fields and other areas of open space and urban greenspace from any development which would diminish their recreational, amenity or ecological value. The Council will generally resist proposals for development or changes of use where they would:

- (i) adversely affect the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the locality;*
- (ii) result in a loss of amenity open space which would have a detrimental impact upon the character and appearance of the area;*
- (iii) weaken an existing wildlife corridor or otherwise adversely affect any ecological value which the open space may have; or*
- (iv) set an undesirable precedent for further incremental loss of public open space such that the amenity, recreational or ecological value of the area will be adversely affected.”*

7a.17 Part of the application site comprises part of a small kickabout playing field and area of passive open space. However, it is considered that the loss of such provision will not have a significant detrimental impact on the character or appearance of the area. In terms of recreational value, no provision to offset the partial loss of the kickabout area forms part of the current proposals, nor is requested by colleagues in Parks and Recreation.

7a.18 Policy FAL 4.6 ‘Enhancement of Open Space’ states:

“The Council will seek to improve the amenity, recreational and ecological value of existing open space where opportunities arise. In association with the Culture & Leisure Strategy, the Council will produce management plans for public parks within the Local Plan area as a means of prioritising and implementing improvements.”

7a.19 No enhancement provision of the remaining open space has been forwarded by the applicant, although landscaping provision on the application site would be ensured.

7a.20 Policy FAL 5.4 ‘Affordable Housing’ states:

“The Council will support proposals for the provision of low cost and affordable housing for rent or purchase. Particular emphasis will be placed on meeting the needs of:

- (i) young single people;*
- (ii) newly formed households and first time buyers; and*
- (iii) tenure diversification in Bainsford/Langlees and other areas covered by the Community Urban Regeneration Strategy.*

The Council will consult with Scottish Homes and developers of major housing developments on the means of providing affordable housing, taking account of evidence of need, site and market conditions at that time.”

7a.21 It is confirmed that the development will be allocated for affordable housing for rent, although no supporting evidence as to need, site or market conditions has been submitted.

7a.22 Policy FAL 5.5 ‘Open Space Provision’ states:

“The Council will require the provision of public open space and play areas in new residential developments and that adequate arrangements are made for their future maintenance. The extent of provision should relate to the size, form and location of the development, and generally accord with the Council’s Guidance Note on ‘Play Areas and Open Space’. In appropriate circumstances, the Council may seek contributions to the upgrading of existing facilities in the area in lieu of on-site provision. The location, design and landscaping of open space should be such that:

- (i) it forms an attractive and integral part of the development, contributing to its character and identity;*
- (ii) existing natural features in, or adjacent to, the site are incorporated; and*
- (iii) play areas are convenient, safe and easily supervised.”*

7a.23 The level of open space is considered adequate for the proposed development, given the available adjoining open space provision. A condition regarding the provision and maintenance of landscaping is considered appropriate.

7a.24 Policy FAL 8.2 ‘Roads and New Development’ states:

“Road layout, access and parking provision in new developments should generally conform to Falkirk Council’s ‘Design Guidelines and Construction Standards for Roads’. Major development proposals likely to generate significant traffic volumes will require a multi-modal Transport Impact Assessment.”

7a.25 The proposed development complies with the above policy.

7a.26 Accordingly, the proposal does not accord with the Development Plan in that the development would result in loss of allocated open space provision.

7b Material Considerations

7b.1 The material considerations to be assessed are the policies within the Falkirk Council Local Plan Finalised Draft (Deposit Version), the views of consultees and the objections raised.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 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.3 The application endeavors to address the issues of scale, siting and design of new development and creates a building grouping that is safe and easy to use. The issue of drainage and surface water requires to be addressed, while maintenance of landscaping areas is subject to planning condition. No supporting information on Accessibility or Resource Use has been lodged.

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

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

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*

- (5) *Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) *The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7b.5 In terms of scale, height and massing, the proposed 3 storey structures are not considered an incongruous feature within a housing area already containing a mix of 2 and 3 storey properties.

7b.6 Policy SC1 - ‘Housing Land Provision’ states:

- “(1) *Through the Local Plan, the Council will aim to meet the housing land requirements of the Falkirk Council Structure Plan for at least the period up to 2015, as detailed in Table 4.1. Sites contributing towards the requirement are detailed under the relevant Settlement Statements.*
- (2) *Within the areas identified as Special Initiatives for Residential-Led Regeneration (SIRRs) on the Proposals Map, housing development in addition to the base requirement will be supported subject to:*
 - *the preparation of a satisfactory masterplan or development framework for the area; and*
 - *demonstration that the necessary social and physical infrastructure requirements for the area will be met through a co-ordinated approach to developer contributions.”*

7b.7 The site is not allocated or identified as a potential housing site.

7b.8 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.9 The site comprises a mix of urban open space and brownfield land, set adjacent to existing residential/retail development where a satisfactory level of residential amenity can be achieved. While the redevelopment of the former nightclub area can be considered to be brownfield development, the utilization of adjoining open space provision is considered contrary to Development Plan policy.

7b.10 Policy SC4 ‘Special Needs and Affordable Housing’ states:

“For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council

area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:

- (1) Provision of general needs social rented houses;*
- (2) Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) Provision of shared equity or shared ownership housing Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy."*

7b.11 The site is dedicated towards affordable rented accommodation funded by the applicant.

7b.12 Policy SC6 - 'Housing Density And Amenity' states:

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

7b.13 The density, private amenity space and privacy provision of the scheme is considered acceptable.

7b.14 Policy SC12 - 'Urban Open Space' states:

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

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

7b.15 It is considered that part of the application site is clearly identified as open space, although there would be no significant adverse effect on the character and appearance of the area as a result of the proposals. The recreational element of the open space is limited to an informal kickabout pitch, which is restricted in standard.

7b.16 Policy SC14 'Education and New Housing Development' states:

"Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which will be set out in the SPG Note on 'Developer Contributions; Education and New Housing Development'. In cases where the school cannot be improved in a manner consistent with the Council's education policies, the development will not be permitted."

7b.17 Education Services have no objection to the proposals nor require any form of commuted payment towards existing school facilities.

Response to Objectors

7b.18 The level of increased traffic generated by 18 residential units is not considered to be as significant as to represent an adverse impact on existing residential amenity.

7b.19 The proposal will result in a loss of passive open space, but a proportion will remain for continued use.

7b.20 The proposal of 18 units is considered to be adequately served by the 23 car parking spaces allocated.

7b.21 The architectural style, housing density, and form of layout would not merit the refusal of the application.

7b.22 The impact of the proposal on the nearby railway tunnel will be reviewed and monitored by Network Rail.

7c Conclusion

7c.1 It is considered that the proposal is contrary to the Development Plan as it would result in a partial loss of allocated open space within the adopted Falkirk Council Local Plan and emerging Falkirk Council Local Plan Finalised Draft (Deposit Version). However, given that the proposed housing development would not introduce any conflict in terms of land use and would integrate within existing housing provision in the area, it is considered that the loss of open space is not significant. The objection raised by Network Rail is considered a technical matter to be resolved by the applicant.

7c.2 The proposed development is not considered a significant departure to the Development Plan, and, as such, would not require to be referred to Ministers under the terms of Circular 3/2009 Notification of Planning Applications.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee approve planning permission with 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) Prior to the commencement of works on site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.**
- (4) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000".**
- (5) Provision shall be made for the parking of bicycles in appropriate racks to the satisfaction of the Planning Authority. Details, including number and location, shall be submitted to and approved by the Planning Authority prior to the commencement of works. Thereafter the facilities approved will be provided before the use of the premises commences.**

- (6) Before the building is occupied, the car parking shown on the Approved Plan shall be completed.
- (7) Prior to any works on site, details of the surface water drainage strategy including SUDS shall be submitted to and approved in writing by the planning authority.
- (8) At any junctions within the site, a visibility splay of 2.4m by 30.0m shall be maintained, within which there shall be no obstruction to visibility over 0.6, in height.
- (9) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - (i) 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) location of new trees, shrubs, hedges and grassed areas;
 - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - (iv) programme for completion and subsequent maintenance.

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.
- (3,9) To safeguard the visual amenity of the area.
- (4,8) To safeguard the interests of the users of the highway.
- (5,7) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (6) 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 online reference number(s) 01, 02a, 03a, 4, 5, 6, 7, 8, 9, 10.

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Director of Development Services

Date: 16 March 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Letter of Objection from Mary Love, 7 Gilsay Court, Falkirk FK1 2PX on 2 March 2010
4. Letter of Objection from Mr William Smith, 44 Tanera Court Falkirk FK1 2PQ on 5 February 2010
5. Letters of Objection from Mrs Elizabeth Bell, 5 Colonsay Terrace, Hallglen, Falkirk FK1 2PN on 18 and 19 February 2010

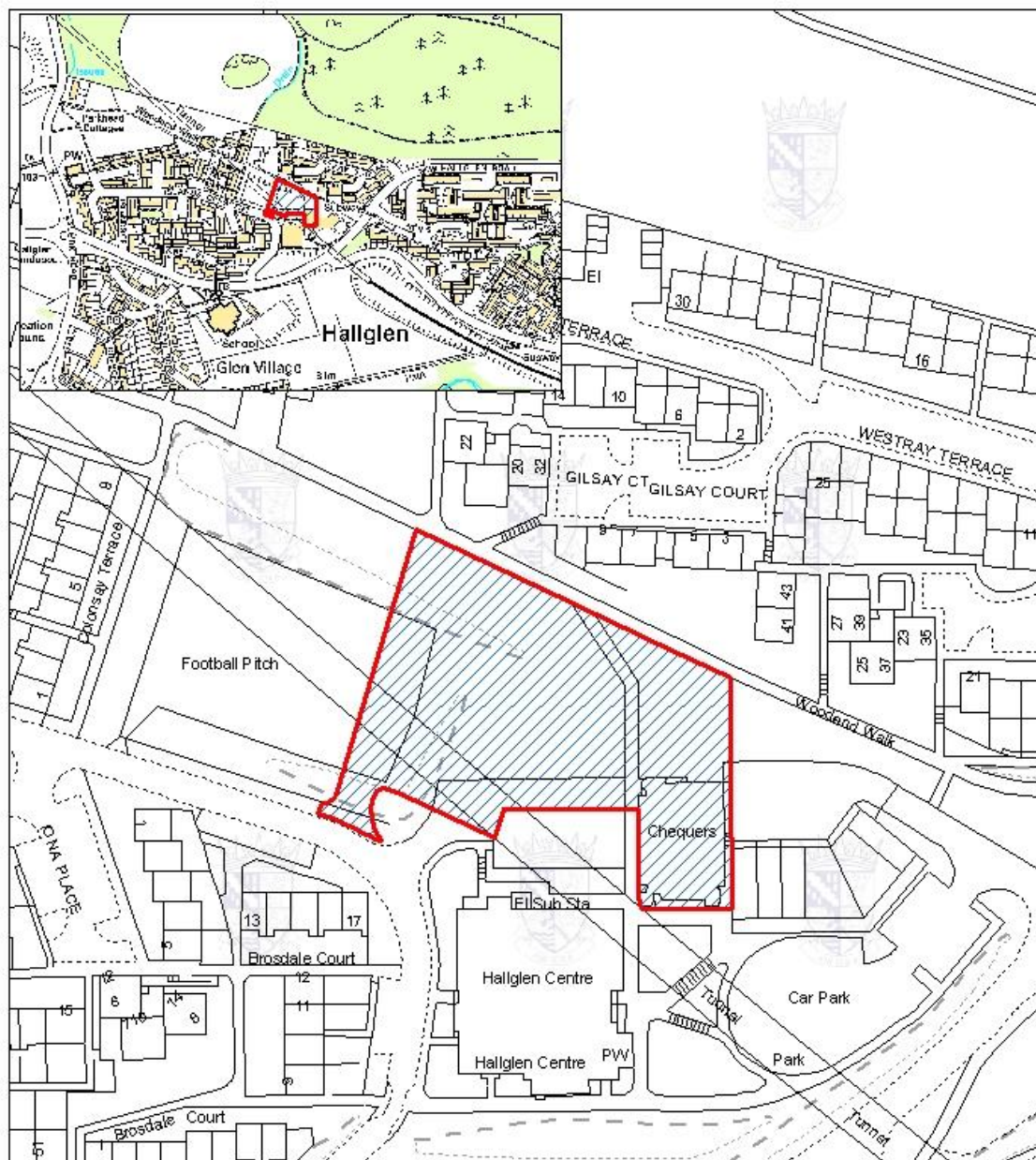
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0037/FUL

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



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FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT CAVALIER INN, CROSS BRAE, SHIELDHILL, FALKIRK, FK1 2EQ FOR MR MCMILLAN – P/09/0743/FUL
Meeting: PLANNING COMMITTEE
Date: 24 March 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Shieldhill and California

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is a parcel of land at the rear of a public house (currently closed and permission has been gained for conversion to flatted dwellings). The site has a shared access which is used by the public house and the current flatted dwelling above the public house. The site is surrounded on all sides by residential properties and does not have a direct street frontage. The site itself is relatively flat, but the surrounding land does slope downwards in a south to north direction. It is proposed to erect a one and a half storey dwelling in the yard/garden area at the rear of the public house (Cavalier Inn).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor J McLuckie.

3. SITE HISTORY

- 3.1 F/95/0970 – erection of dwellinghouse (outline) – refused 26 March 1996.
3.2 F/96/0406 – erection of dwellinghouse (outline) – refused 7 August 1996.
3.3 F/96/0669 – erection of dwellinghouse (detailed) – refused 7 November 1996. An appeal to Scottish Ministers was dismissed on 3 July 1997.
3.4 06/1021/OUT – erection of dwellinghouse (outline) – refused 15 December 2006.
3.5 P/07/0979/FUL – erection of dwellinghouse (detailed) – withdrawn 28 February 2008.

- 3.6 P/08/0672/FUL – erection of dwellinghouse (detailed) – refused 15 January 2009.
- 3.7 P/08/0819/FUL – change of use from public house to form flatted dwelling (detailed) - granted 18 December 2008.

4. CONSULTATIONS

- 4.1 Roads Development Unit have made comments regarding the requirements for the parking and turning facilities at the site. This would be achievable with the ground available and would have to be conditioned on any grant of approval.
- 4.2 Scottish Water have not objected to the proposal.
- 4.3 Environmental Protection Unit have made comment that if the public house remains closed and does not revert to the former use or similar, the Environmental Protection Unit would not have an objection regarding noise. It has however been requested that should a recommendation for approval be made, the applicant shall undertake a site investigation to identify ground contamination on the site.

5. COMMUNITY COUNCIL

- 5.1 Shieldhill and California Community Council did not comment on the proposal.

6. PUBLIC REPRESENTATION

- 6.1 Two letters of objection have been received. The issues raised can be summarised as follows:
- Concerns with the proposed height obscuring the view from the lower windows at the neighbouring property of Alameda.
 - The proposal has already been refused eight times.
 - There would be issues with parking and access to the property.
 - Extra accommodation would cause further traffic issues at an already congested location.
 - Overshadowing of neighbouring properties.
 - Reducing the value of neighbouring properties.
 - Previous refusal reasons still exist at the site.

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.

Rural Local Plan

7a.2 Policy RURAL 3 ‘Development within the Village Areas’ states:

“That within the village areas as defined on the Village Maps :-

- 1. Development will generally be acceptable provided that it is compatible with neighbouring uses and the character of the village and it accords with the Local Plan strategy and all other relevant District Council policies and standards of provision.*
- 2. Favourable consideration will only be given to business activities which are compatible with the residential character of the village and in particular, there will be a presumption against class 5 - 10 industrial uses, in terms of The Town and Country Planning (Use Classes) (Scotland) Order 1989.*
- 3. Development proposals should take cognisance of the District Council’s “Design Guide For Buildings In The Rural Areas” and any relevant supplementary design briefs.”*

7a.3 The use of the proposed property would be in keeping with surrounding properties, as this is mainly residential. However, the proposed design does not follow the Falkirk Council Design Guide for Buildings in the Rural Areas, especially with regards to layout and the proposed guidance on infill developments. The proposal therefore does not accord with Policy Rural 3.

7a.4 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Falkirk Council Supplementary Guidance and assessment of public representations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy SC2 - ‘Windfall Housing Development Within The Urban / Village Limit’ states:

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

- (1) *The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) *The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) *The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) *Existing physical infrastructure, such as roads and drainage, 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.3 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.4 It is not considered that this site could offer an acceptable level of residential amenity to the proposed dwelling. The application site is overlooked by neighbouring dwellings and is to the rear of a public house, which has been granted permission to be converted to flatted dwellings. However, this would not alleviate the issue of overlooking. It is also not considered that an acceptable level of private amenity space could be provided at the dwelling.

7b.5 It is also considered that the close proximity to the rear of the public house would not be in the best interests of the environmental amenity of the occupants of the proposed dwelling. Although the public house has received permission to convert to flatted dwellings, this has not been implemented. Environmental Protection has also stated that they would not be concerned in relation to noise, as long as the public house or a similar use was not reinstated. The environmental amenity may improve if the conversion to flatted dwellings is implemented, although the issue of overlooking would be increased.

7b.6 However, it is not considered that the current proposal could achieve an acceptable level of residential amenity. The proposed garden ground is not of an adequate size and does not provide an area of private garden ground due to the levels of neighbouring dwellings. The garden ground available is further reduced by the requirements for two parking spaces and a turning area within the curtilage of the dwelling. An adequate level of privacy would not be provided for both the proposed dwelling and the existing neighbouring properties. The privacy for the proposed dwelling would further be reduced if the public house at the site were to be converted into flatted dwellings.

7b.7 Although at present not trading, the close proximity of the proposed dwelling to the rear of a public house is not considered to be in the best interests of environmental amenity, as the public house could recommence operating without the need for further planning permission. This view is supported by the consultation response from Environmental Protection, who would only consider it favourable if the use as a public house or similar was not reinstated.

7b.8 The proposal therefore does not accord with Policies SC2 and SC8.

Falkirk Council Supplementary Guidance

7b.9 Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note – the proposed dwelling does not meet the criteria set out in the guidance for backland developments. The current host property would continue to dominate the site; the amenity and size of the proposed private gardens would not meet that within the guidance and the resultant outlook from the proposed dwelling would create less than satisfactory residential amenity. The proposal therefore does not accord with the above Guidance Note.

Assessment of Public Representations

7b.10 A loss of view is not a material consideration.

7b.11 The proposal for a new dwelling at this location has been refused 5 times before, although there have been various designs submitted. Each application is assessed on its own merits.

7b.12 The Roads Development Unit has been consulted on the application and has stated the requirements for parking and turning within the site, which is achievable. It is not considered that there is an issue with this.

7b.13 The Roads Development Unit does not consider this area to be congested, and the proposed parking and turning can be achieved at the site.

7b.14 Due to the levels at the site, the proposed dwelling would not overshadow neighbouring properties to a level that would be considered unacceptable.

7b.15 Impact upon property value is not a material planning consideration.

7b.16 The proposal has been fully assessed on the information submitted and it is considered that previous concerns are still valid.

7c Conclusion

7c.1 It is considered that the proposal is not acceptable development, as it would result in an unacceptable form of backland development and redevelopment of the site and lead to a lack of privacy resulting from overlooking for both the proprietor, occupants and neighbours. As such is not in accordance with the Development Plans for the reasons stated in this report. No material considerations would outweigh this conclusion.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee refuse the planning application for the following reason:

- (1) The proposed development does not accord with the terms of Policy Rural 3 (Development Within Village Areas) of the Rural Local Plan, Policies SC2 (Windfall Housing Within Village Limits) and SC8 (Infill Housing and Sub Division of Plots) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) or with the Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note as the proposed dwelling would not provide occupants with a satisfactory level of privacy or residential amenity, the erection of a dwelling on this plot would adversely affect the privacy and residential amenity enjoyed by neighbouring properties. The required turning area and space for parking of two vehicles would further reduce garden ground, resulting in an unacceptable overdevelopment of this restricted site.

Informative:

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

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Director of Development Services

Date: 16th March, 2010

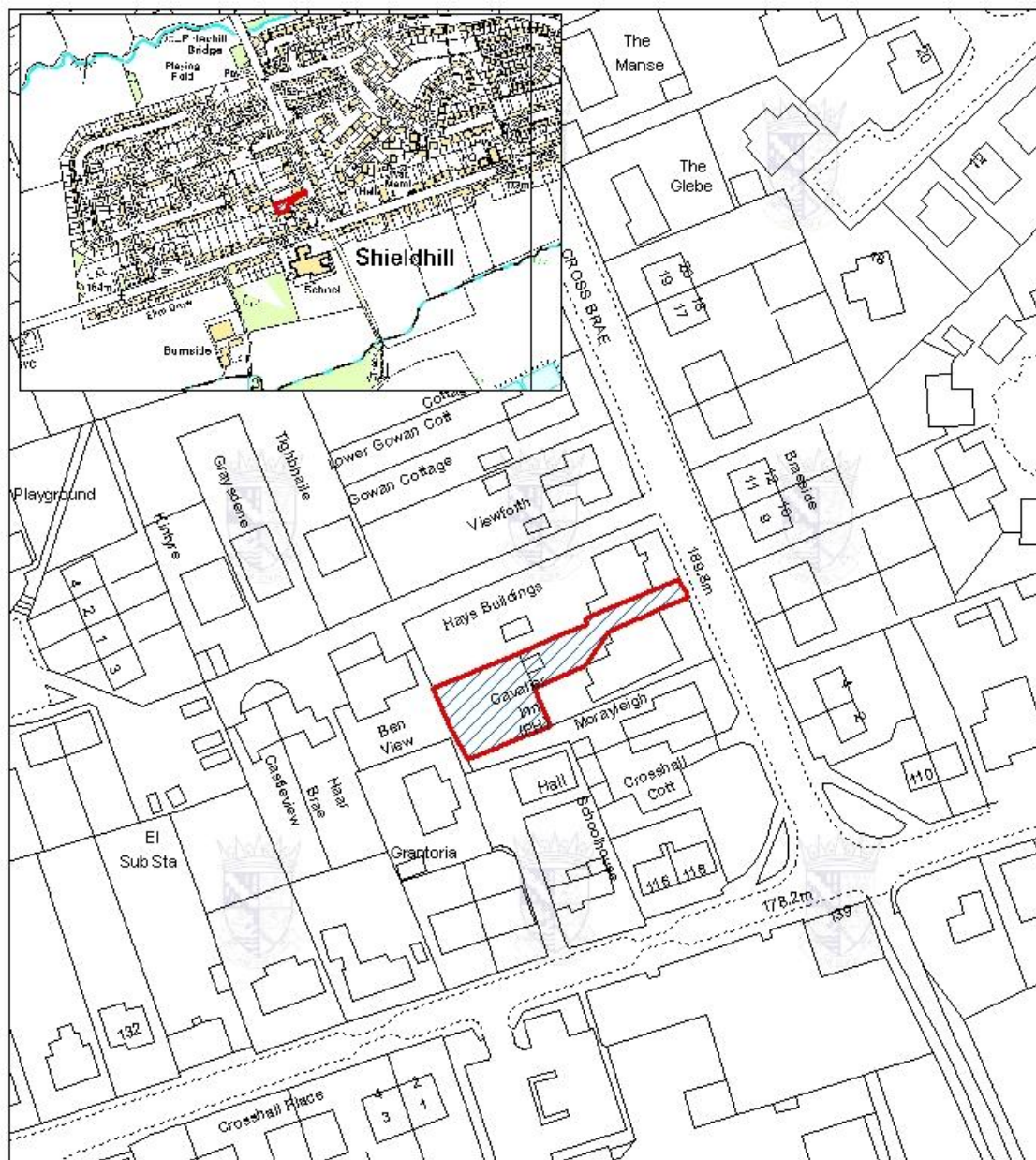
LIST OF BACKGROUND PAPERS

1. Letter of objection from Mr Grant Mcneill, Grantoria, Main Street, Shieldhill, Falkirk FK1 2HA on 8 December 2009
2. Letter of objection from Mr & Mrs Alex & Gwen Dick, Alameda, Main Street, Shieldhill, Falkirk FK1 2HA on 5 December 2009
3. Falkirk District Council Local Plan
4. Falkirk Council Local Plan Finalised Draft (Deposit Version)
5. Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note.

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

P/09/0743/FUL

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FALKIRK COUNCIL

Subject: ERECTION OF 16 FLATTED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING AT THE ROYAL BRITISH LEGION, PARK TERRACE, BRIGHTONS, FALKIRK FK2 0HY FOR LINK GROUP – P/09/0866/FUL

Meeting: PLANNING COMMITTEE

Date: 24 March 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Brightons

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of 16, two bedroom, flats in two blocks varying in height from two to two and a half storeys. The proposed blocks would have a pitched roof with dormer windows front and rear and a mixture of buff render and facing block as the main elevational treatments. The proposed development includes vehicular access taken off Park Terrace and parking provision on the eastern proportion of the site with a communal garden and bin store areas located on the northern portion of the site. The applicant has advised that the flatted development would be built to provide affordable housing units in partnership with Falkirk Council and Link Housing.
- 1.2 The application site is located in a predominantly residential area and is currently occupied by a (vacant) large single storey social club with car parking on the eastern portion of the site, accessed directly from Park Terrace.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 A similar planning application, by the same applicant was previously considered and refused by the Planning Committee in June 2009.

3. SITE HISTORY

- 3.1 Planning application P/08/0722/FUL for the erection of 20 flats on this site was withdrawn on 23 December 2008.

- 3.2 Planning application P/08/1007/FUL for the erection of 20 flats on this site was refused by the Planning Committee on 17 June 2009. A subsequent appeal was lodged to Scottish Ministers and the appeal was dismissed on 23 October 2009.

4. CONSULTATIONS

- 4.1 Community Services has raised no objection to the proposal. However, they have requested a commuted sum payment of £12,000 (£750 per unit) towards the provision of off site park and play enhancements. This payment is requested on the basis that play provision within the area is limited and the nearby Laurie Park facilities are in need of an upgrade.
- 4.2 The Roads Development Unit has no objection to the proposal and has advised that the development is served by sufficient parking and access provision.
- 4.3 The Environmental Protection Unit has no objection to the proposal.
- 4.4 The Transport Planning Unit has no objection to the proposal.
- 4.5 Education Services has no objection to the proposal and, due to the relatively small impact of this development on local schools, no financial contribution has been requested.
- 4.6 Scottish Water has no objection to the proposal.

5. COMMUNITY COUNCIL

- 5.1 The Brightons Community Council has not made representations.

6. PUBLIC REPRESENTATION

- 6.1 10 letters of representation (9 of them objections) have been received following the neighbour notification process. Issues raised include:

- Privacy
- Traffic problems, road safety and parking.
- Design
- Loss of daylight and overshadowing
- Drainage capacity
- Loss of a view
- Disturbance and damage caused during construction work
- Refuse storage and collection

- Anti-social behaviour

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no policies in the Structure Plan that relate to the proposal and therefore no strategic issues require to be assessed.

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 proposed development is within the urban limit as defined by the Polmont and District Local Plan and the proposal therefore accords with policy POL 2.2.

- 7a.4 Policy POL 2.4 ‘Developer Contributions to Local Infrastructure and Facilities’ states:

“Where proposed development will create or exacerbate deficiencies in, or impose significantly increased burdens on, local infrastructure, facilities, amenities, or the environment, contributions related in scale and kind to the development being proposed, towards provision or upgrading of such infrastructure may be sought from prospective developers and/or landowners. Mechanisms, including the discriminate use of Section 75 agreements, may be used to seek developer contributions where it is clear that it would be wrong to grant planning permission without them.”

- 7a.5 Community Services has requested developer contributions towards the upgrading of play and open space provision in the area. The applicant has agreed to enter into an appropriate legal agreement to secure these funds. The proposal therefore accords with Policy POL 2.4.

- 7a.6 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.7 The proposed development of flatted properties is considered compatible with the residential nature of the surrounding area and the applicant has managed to amend the design to ensure that an appropriate level of residential amenity is achieved for both the new development and those existing properties neighbouring the site.

7a.8 Access, parking and drainage can all be achieved to an adequate standard and the site is within easy reach of essential services and community facilities which are capable of accommodating the likely increase in use.

7a.9 The proposal is therefore in accordance with the terms of Policy POL 3.1.

7a.10 Policy POL 3.4 'Affordable Housing' states:

"The Council will support proposals for the provision of low cost and affordable housing for rent or purchase. Particular emphasis will be placed on meeting the needs of:

- (i) *young single people; and*
- (ii) *newly formed households and first time buyers.*

The Council will consult with Scottish Homes and developers of major housing developments on the means of providing affordable housing, taking account of evidence of need, site and market conditions at that time."

7a.11 The applicants have advised that the proposed development would be 100% affordable housing units for general needs social rent.

7a.12 The proposal is therefore in accordance with the terms of Policy 3.4.

7a.13 Policy POL 3.5 'Open Space Provision' states:

"The Council will require the provision of public open space and play areas in new residential developments and that adequate arrangements are made for their future maintenance. The extent of provision should relate to the size, form and location of the development, and generally accord with the Council's approved standards. In appropriate circumstances, the Council may seek contributions to the upgrading of existing facilities in the area in lieu of on-site provision. The location, design and landscaping of open space should be such that:

- (i) *it forms an attractive and integral part of the development, contributing to its character and identity;*
- (ii) *existing natural features in, or adjacent to, the site are incorporated; and*
- (iii) *play areas are convenient, safe and easily supervised."*

7a.14 Community Services has requested a commuted sum payment of £12,000 to go towards off-site play and open space provision. The applicants have confirmed they are happy to enter into an appropriate legal agreement to secure these funds. The proposal is therefore in accordance with POL 3.5.

7a.15 Policy POL 7.1 'Design and the Local Context' states:

"Development should accord with good principles of urban design and contribute to the enhancement of the built environment. Proposals should respect and complement the character of the local townscape and landscape setting in terms of the following:

- (i) the siting, layout and density of new development should create an attractive and coherent structure of public spaces with built forms which integrates well with the surrounding townscape, natural features and landforms;*
- (ii) the design of new buildings should respond to 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 complement those prevailing in the local area;*
- (iv) opportunities should be taken within the development to incorporate new public spaces and other focal points, and to enhance existing ones; and*
- (v) the contribution to the townscape of existing buildings, natural features, important landmarks, skylines and views should be respected."*

7a.16 It is considered that the proposed design solution accords with good principles of urban design and would contribute positively to the built environment whilst respecting the townscape character of the area.

7a.17 The proposed development in terms of its built form has taken cognizance of the topography of the site. In particular, the careful design of the roof and elevational treatments helps the building to sit well with the surrounding properties and the street scene as a whole. The proposal is considered to accord with the terms of Policy POL 7.1.

7a.18 The proposal is considered to accord with the terms of the Polmont and District Local Plan and therefore 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), the representations received in so far as they relate to material planning considerations, Supplementary Planning Guidance Notes – Affordable Housing and Education and New Housing Development and the planning history of the site.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

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 EQ3 confirms the position of the Polmont and District Local Plan. The proposal is therefore in accordance with the terms of Policy EQ3.

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

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

- (1) *The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) *The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) *The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) *Existing physical infrastructure, such as roads and drainage, 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.5 The application site is currently occupied by a vacant social club building which has fallen into disrepair. The loss of this building is justified and the application site is within the urban limits. The proposed housing use is compatible with the surrounding residential land use and the site is well served by existing recreational and community facilities. The proposed development is in accordance with the terms of Policy SC2.

7b.6 Policy SC4 'Special Needs and Affordable Housing' states:

"For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:

- (1) *Provision of general needs social rented houses;*
- (2) *Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) *Provision of shared equity or shared ownership housing*

Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy."

7b.7 The applicant has indicated that 100% of the proposed units would be general needs affordable housing and, whilst the size of this site does not trigger a requirement for this provision, the application would serve to contribute towards Falkirk Council's wider affordable housing aspirations. The proposal is therefore in accordance with the general terms of Policy SC4.

7b.8 Policy SC11 - 'Developer Contributions To Community Infrastructure' states:

"Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities required to meet demand generated from new development. The nature and scale of developer contributions will be determined by the following factors:

- (1) *Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) *In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) *In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) *Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 12/1996."*

7b.9 Policy SC11 affirms the position of the Polmont and District Local Plan. The proposal is therefore in accordance with Policy SC11.

7b.10 Policy SC13 'Open Space and Play Provision in New Development' states:

"New development will be required to contribute to open space and play provision. Provision should accord with the Council's open space audit and strategy and the SPG Note on 'Open Space and New Development', once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:

- (1) *The baseline standard for open space development in new residential development is 60 m² per dwelling, any alternative standard that may be set by the open space strategy, or any site-specific standard that may be set in a development brief;*
- (2) *Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where:*
 - *existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
 - *in residential developments, the size of the development falls below the threshold of 10 houses, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
 - *as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*

- *The required financial contribution per house will be set out in the SPG Note on 'Open Space and New Development'.*
 - *The open space strategy indicates that there is a sufficient amount of open space in the area, and that priority should be given to qualitative improvements to existing open space;*
- (3) *The location and design of open space should be such that it:*
- *forms an integral part of the development layout, contributing to its character and identity;*
 - *is accessible and otherwise fit for its designated purpose;*
 - *links into the wider network of open space and pedestrian/cycle routes in the area;*
 - *sensitively incorporates existing biodiversity and natural features within the site;"*
 - *promotes biodiversity through appropriate landscape design and maintenance regimes;*
and
 - *enjoys good natural surveillance;*
- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it."*

7b.11 Policy SC13 affirms the position of the Polmont and District Local Plan. The proposal is therefore in accordance with Policy SC13.

7b.12 The proposal is in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Representations Received

7b.13 Privacy concerns have been addressed by the installation of high level windows and velux style roof windows in the most sensitive locations to avoid direct window to window overlooking with neighbours. In addition to this, the floor plan layout of the properties on the first and second floor is reversed from that of the ground floor. This results in bedrooms being the main windows on the rear elevations as opposed to the more widely used living rooms and kitchens which are orientated to the front of the property. It is considered that these design changes are sufficient to address privacy issues without compromising the design integration of the proposed development.

7b.14 Traffic congestion, parking and road safety concerns have been assessed by the Roads Development Unit and the proposed development accords with all required current standards of provision. It is not considered that the proposed development would exacerbate existing congestion in the area which is primarily related to school traffic at peak times.

7b.15 The design and materials of the proposed development respect the character of the area. The roofing materials and elevational treatments proposed, reflect a diverse range of materials in the surrounding area and the proposed building heights, scale and massing are also considered appropriate for this location.

7b.16 The proposed development will not result in unacceptable over-shadowing of neighbouring properties. In most instances it is considered that over-shadowing would be reduced from that which currently occurs owing to the size and positioning of the existing building on the site.

- 7b.17 Scottish Water have assessed the proposals in relation to drainage capacity and have confirmed that they have no objection in this regard. The applicant has provided details to show that the surface water run-off from the proposed development would in fact be less than that of the current building. This is primarily due to the reduction in building footprint and introduction of landscaped areas.
- 7b.18 The loss of a view is not a material planning application.
- 7b.19 Disturbance and drainage caused during construction work is not a material planning consideration.
- 7b.20 Refuse collection facilities and storage areas are considered appropriate for this size of development.
- 7b.21 Anti-social behaviour is not a material planning consideration. However, it is considered that the development of this site and the subsequent increase in natural surveillance could help reduce anti-social behaviour in the area.

Supplementary Planning Guidance Note – Affordable Housing

- 7b.22 This guidance note outlines the general need for affordable housing in the Falkirk Council Area and supports the proposal for social rented affordable housing in this location.

Supplementary Guidance Note – Education and New Housing Development

- 7b.23 The SPG emphasises that financial contributions from developers will be sought when new housing is proposed in the catchment areas of schools which will have inadequate or no capacity for additional pupils likely to be generated by such housing.
- 7b.24 In this particular case Education Services has confirmed that they have no objection to this particular proposal as it stands.

Planning History - Previous Appeal Decision

- 7b.25 The applicants have made a number of significant design changes in the current application to address the concerns of the Planning Committee during the assessment of the previous application, P/08/1007/FUL, and the concerns of the Reporter following his appeal decision.
- 7b.26 The building has been reduced from 20 flats to 16, reduced to 2½ storeys in height and the main block split in two to address concerns in relation to over dominance. The materials used have been changed to closer reflect the palette of the surrounding area and the mono-pitch roof detail has been removed.
- 7b.27 The window designs and placements on the rear elevation, coupled with the reduction in building heights, has addressed concerns relating to privacy. It is accepted that the proposed development would result in some degree of over-looking of neighbouring property but it is not considered that any over-looking is significant enough in this instance to warrant a refusal of planning permission. In built-up areas overlooking of garden areas is inevitable.

7c Conclusion

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

8. RECOMMENDATION

- 8.1 It is recommended that Committee indicate they are minded to grant detailed planning permission subject to the conclusion of an appropriate legal agreement outlining the tenure of the proposed affordable housing and securing the payment of £12,000 towards open space and play provision in the area.

- 8.2 On completion of the Legal Agreement referred to in paragraph 8.1 above, the Committee remit to the Director of Development Services to grant planning permission subject to the following conditions.

- (1) The development to which this permission relates must be begun within three years from the date of this permission.
- (2) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - i. the nature, extent and types(s) of contamination on the site.
 - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - iii. measures to deal with contamination during construction works.
 - iv. condition of the site on completion of decontamination measures.

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (3) A schedule of all external finishing materials shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (4) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000".
- (5) A schedule outlining the proposed landscaping, planting and maintenance provisions shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (6) All proposed access, parking and footpath construction shall be completed to the satisfaction of the Planning Authority prior to the occupation of the first flatted dwellinghouse.

Reason(s):

- (1) The development to which this permission relates must be begun within five years from the date of this permission.**
- (2) To ensure the ground is suitable for the proposed development.**
- (3,5) To maintain the visual amenity of the area.**
- (4,6) To safeguard the interests of the users of the highway.**

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pp Director of Development Services
Date: 17 March 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 – Affordable Housing
- 5. Supplementary Planning Guidance Note – Education and New Housing Development
- 6. Letter of representation from Mr Ivor Dalrymple, Easdale Cottage, Crossgatehead Road, Brightons, Falkirk FK2 0HW on 21 December 2010
- 7. Letter of Objection from Mr Graham Mckean, Lilac Cottage, Charlotte Street, Brightons, Falkirk on 23 December 2009
- 8. Letter of Objection from Lynn & Alistair Morrison, Strath Fiag, 25 Park Terrace, Brightons, Falkirk on 8 January 2010
- 9. Letter of Objection from Ms M Thorpe, Lyndale Cottage, Charlotte Street, Brightons, Falkirk on 20 December 2009
- 10. Letter of Objection from Miss Vicky Cameron & Mr Mark Furby, Roselea, Charlotte Street, Brightons, Falkirk on 21 December 2009
- 11. Letter of Objection from Carl Bianco & Elaine Gillies, Calmar, Charlotte Street, Brightons, Falkirk FK2 0HP on 5 January 2010
- 12. Letter of Objection from M McGregor, Kenwell, 23 Park Terrace, Brightons, Falkirk on 21 December 2009
- 13. Letter of Objection from Mrs Mary Bell, Ranoch, 11 Park Terrace, Brightons, Falkirk FK2 0HY on 21 December 2009
- 14. Letter of Objection from MS Fiona Hunter, Denholm, Charlotte Street, Brightons, Falkirk FK2 0HP on 17 December 2009
- 15. Letter of Objection from Eileen Bennie, Langray, 9 Park Terrace, Brightons, Falkirk on 24 December 2009

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

Planning Committee

Planning Application Location Plan

P/09/0866/FUL

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FALKIRK COUNCIL

Subject: ERECTION OF 15 METRE HIGH MONOPOLE INCORPORATING 3 NO. ANTENNAE, SITE TO THE WEST OF 71 BRECHIN DRIVE, GILSTON CRESCENT, POLMONT, FALKIRK FOR VODAFONE – P/09/0610/FUL
Meeting: PLANNING COMMITTEE
Date: 24 March 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Polmont

Case Officer: Kevin Brown (Planning Officer) (ext. 4701)

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application is for the erection of a 15 metre high streetworks style monopole mast, coloured grey to match the existing street furniture, and ground based equipment cabinets. The proposed column would support apparatus designed to provide 3G coverage to Polmont.
- 1.2 The existing street furniture consists of lampposts approximately 8 to 10 metres high; the proposed installation would be painted to match the existing lampposts.
- 1.3 The application site is located in the grass verge of a distributor road in a predominantly residential area of Polmont. There are no schools within the immediate vicinity of the application site.
- 1.4 Supporting information accompanying the application includes:-
 - A technical assessment justifying the need for the installation;
 - An assessment of alternative (discounted) sites; and
 - A certificate confirming compliance with the International Commission on Non-ionising Radiation Protection (ICNIRP) guidelines.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 A previous application P/08/0657/FUL for a similar proposal in this location was previously assessed and refused by the Planning Committee.

3. SITE HISTORY

- 3.1 Planning application P/08/0657/FUL for a similar 14.2m high monopole mast in this location was refused planning permission on visual amenity grounds by the Planning Committee at their meeting 22 April 2009. A similar mast by a different operator is situated approximately 35-40m to the west of the application site. The applicant has investigated the possibility of site sharing with this existing mast. However, they advise that the existing structure is unable to accommodate both sets of apparatus.

4. CONSULTATIONS

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

5. COMMUNITY COUNCIL

- 5.1 The Polmont Community Council has not commented on the proposal.

6. PUBLIC REPRESENTATION

- 6.1 Two letters of objection were received following the neighbour notification process. Issues raised include health impacts, visual amenity concerns and impact on property values.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

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

Polmont Local Plan

7a.2 Policy POL 6.7 ‘Telecommunications’ states:

“Telecommunications development will be acceptable within the Urban Limit provided that, in the opinion of the Council:

- (i) there is no reasonable possibility of sharing existing facilities;*
- (ii) subject to technical and operational considerations, development is sited, designed and, where appropriate, screened so as to minimise its visual impact with particular regard being paid to protecting the integrity and setting of listed buildings, scheduled ancient monuments and conservation areas; and*
- (iii) proposals will not prejudice the implementation of other Local Plan policies.”*

7a.3 The applicant has submitted adequate information to demonstrate that alternative sites and mast sharing options have been fully considered. It has been demonstrated that the only sites suitable for mast sharing were outwith the applicant's target coverage area.

7a.4 The proposed location of the mast has been chosen due to existing street furniture and the fact that it is located outwith many sensitive viewpoints in the area. The mast has been designed in such a manner that it would blend in, in visual terms, with the existing street furniture.

7a.5 It is not considered that this proposal is likely to prejudice the implementation of other Local Plan policies.

7a.6 The proposal therefore accords with the terms of the Development Plan (Polmont Local 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) and national planning policy and guidance.

Finalised Draft Falkirk Local Plan

7b.2 Policy ST13 - ‘Telecommunications Development’ states:

- “(1) When proposing installation and siting of any new telecommunications equipment, operators will require to provide evidence that consideration has been given to siting and design options and that the site selected will make less impact on the community or the environment than any other available sites that are technically suitable for transmissions, including existing sites already in operation or holding permissions.*
- (2) Operators will be required to minimise the visual impact of proposed installations by minimising the contrast between such equipment and its surroundings. This can be achieved through the installation of small scale equipment, concealing or disguising equipment, mast sharing, site sharing or installing on existing buildings or other structures where appropriate.*
- (3) The siting of equipment on listed buildings or in conservation areas will not be permitted unless it can be demonstrated that all other options have been exhausted; and*

- (4) *Applications to site telecommunications installations on school properties or adjacent to schools will not be permitted where the zone where the concentration of radio waves is higher than elsewhere ('the beam of greatest intensity' as referred to by the IEGMP) would fall on any part of the school's grounds. In such cases the term "school" will include secondary, primary, nursery schools, nurseries and schools for children with special educational needs."*

7b.3 Policy ST13 affirms the position outlined in Policy POL 6.7 of the Polmont Local Plan.

Representations Received

7b.4 Health implications and property values are not material planning considerations. It is considered that the proposed location on a grass verge within the visual context of existing street furniture and with an adequate backdrop of existing vegetation helps to minimize the visual impact of the proposed structure. It is considered that the design and visual impact of the proposed mast are acceptable in this location.

SPP "Scottish Planning Policy" and Pan 62 "Radio Telecommunications"

7b.5 National policy and guidance supports the provision of modern telecommunications networks within Scotland. These documents require cognisance of the duties placed upon the telecommunications operators via their license to provide coverage, albeit that this should be achieved using an appropriate environmental solution. In the event that a full assessment of the alternatives has occurred and environmental impact mitigated, national guidance indicates that there is unlikely to be any justification to refuse planning permission.

7b.6 In terms of potential health impacts, SPP states that "the planning system should not be used to secure objectives that are more properly achieved under other legislation". Emissions of radiofrequency (RF) radiation and power outputs from masts are controlled and regulated under separate legislation by other Government agencies. With these mechanisms in place the Scottish Government concludes that it is not necessary for planning authorities to treat RF emissions as a material consideration. To demonstrate to planning authorities that the known health effects have been properly addressed, applications for planning permission involving antennas must be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation. It is the responsibility of the Scottish Government and the UK government to decide what measures are required to protect public health. Provided this guidance is followed it is unlikely that planning authorities could justify extended or alternative requirements.

7b.7 Both SPP and PAN 62 provide detailed guidance on siting and design of telecommunications apparatus. This generally encourages a detailed assessment of a series of possible options in terms of location and design when considering network coverage. The optimum solution in terms of location and design when considering network coverage and environmental impact will vary depending on the particular circumstances of each case. Options include: small-scale equipment; mast and site sharing; concealment; and also, where clearly justified, new ground based installations. PAN 62 advises that the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and surroundings. The role of the planning system is largely to seek to address public concerns about siting and design by securing the best option in each case.

7c Conclusion

- 7c.1 The proposed development is considered to be acceptable as it is in accordance with the terms of Policy POL 6.7 of the Polmont Local Plan and Policy ST13 of the Falkirk Council Local Plan Finalised Draft (Deposit Version). 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 detailed planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within 3 years of the date of this permission.
- (2) In the event that any of the equipment hereby approved, or installed subsequently, including the monopole structure, becomes obsolete or redundant it shall be removed not later than 6 months from the point that it becomes obsolete or redundant

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To minimise the impact on visual amenity

Informative(s):

- (1) For the avoidance of doubt, the plans to which this application refers bear our reference 01, 2A, 3A, 4A and 05.
- (2) Should any made ground or suspect material be encountered during any site works, the Planning Applicant shall inform the Planning Authority immediately, as there will be a requirement for the Planning Applicant to undertake an appropriate environmental risk assessment in relation to contaminated land issues. The environmental risk assessment should be undertaken in accordance with current legislation and guidance and would be subject to review and approval by the Planning Authority. Where contamination is identified, development shall not begin until a scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 1. The nature, extent and type (s) of contamination within the site.
 2. Measures to treat/remove contamination to ensure the site is fit for the proposed end-use.

3. Measures to deal with contamination during construction works.
4. Condition of the site on completion of decontamination measures.
5. Details of monitoring programme following site redemption.

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Director of Development Services

Date: 16 March 2010

LIST OF BACKGROUND PAPERS

1. Polmont Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. SPP "Scottish Planning Policy"
4. PAN 62 "Radio Telecommunications".
5. Letter of objection from Mr Raymond Henderson, 71 Brechin Drive, Polmont, Falkirk FK2 0YH on 1 October 2009
6. Letter of objection from Mrs Lesley Cairns, 51 Eastcroft Drive, Polmont FK2 0SU on 17 September 2009.

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

Planning Committee

Planning Application Location Plan

P/09/0610/FUL

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FALKIRK COUNCIL

Subject: CHANGE OF USE OF SHOP TO CAFE, SHOP AND HOT FOOD TAKEAWAY AT 3 PRETORIA PLACE, STATION ROAD, BRIGHTONS FOR GIANNINO'S RESTAURANTS LTD - P/09/0897/FUL

Meeting: PLANNING COMMITTEE

Date: 24 March 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Brightons

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 vacant shop unit to a café and delicatessen with an element of hot food takeaway. The proposed work includes the demolition of a previous rear extension and storage area, formation of a small car parking area and installation of a ventilation stack on the rear of the property facing south onto this parking area. The vacant unit was previously occupied as a wine shop.
- 1.2 The application site is located on the ground floor of an existing stone built building two storeys in height at 3 Pretoria Place, just to the south of Polmont railway station. The building is occupied by retail units on the ground floor and residential units above. The surrounding area comprises a mixture of residential and commercial units within close proximity to the application site.

2. REASON FOR CONSIDERATION AT COMMITTEE

- 2.1 This is a resubmission of a similar application, P/08/0189/FUL, previously refused planning permission by the Regulatory Committee on 3 December 2008.

3. SITE HISTORY

- 3.1 Application P/08/0189/FUL was refused planning permission on 3 December 2008. This decision was appealed and the appeal dismissed on 2 July 2009 for reasons relating to residential amenity.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has assessed the application in terms of road safety and parking requirements and has no objections to the proposal.
- 4.2 The Environmental Protection Unit has not objected to the proposal and is satisfied that the details submitted in regard to noise and odour pollution satisfy their requirements.

5. COMMUNITY COUNCIL

- 5.1 The Brightons Community Council has not made comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 Five letters of support have been received and eleven letters of objection have been received following the neighbour notification process. The issues raised can be summarised as follows:
- Noise and odours from the proposed unit may disturb residents in adjacent residential properties. Specific reference has been made to the communal courtyard area to the north of the site.
 - Existing parking problems will be exacerbated.
 - Litter will increase due to the introduction of a hot food takeaway into the area.
 - The proposed ventilation stack would have an unacceptable visual impact.
 - Anti social behaviour.
 - Rights of access issues.
 - Structural and health and safety matters associated with demolition.
 - Possible loss of a traditional shop frontage.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no policies in the Falkirk Council Structure Plan that relate to this development and therefore no strategic issues require to be addressed.

Polmont and District Local Plan

- 7a.2 Policy POL 5.8 '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), and outlets for the sale of hot food for consumption off the premises 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; and*
- (ii) the proposal is satisfactory in terms of parking, access and traffic generation."*

- 7a.3 The Environmental Protection Unit has assessed the proposals and is satisfied that the proposals do not represent a nuisance in terms of noise or odour. In the event that any disturbance on these grounds occurs, the Environmental Protection Unit has legislative powers to investigate and rectify this issue.
- 7a.4 The application site is located on a busy thoroughfare close to Polmont railway station. It is not considered that the proposal would exacerbate disturbance or litter problems in the area.
- 7a.5 The Roads Development Unit has assessed the proposals and is satisfied that the proposal would be acceptable in terms of road safety and parking.
- 7a.6 The proposal accords with the terms of Policy POL 5.8 and therefore the provisions of 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), the representations received and the planning history of the site.

The 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 Policy EP9 affirms the position of the Polmont Local Plan. The proposal therefore accords with the terms of this policy.
- 7b.4 The proposal is considered to be in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Representations Received

- 7b.5 Measures to mitigate noise and odours from the proposed unit have been assessed by the Environmental Protection Unit and have been found to be satisfactory.
- 7b.6 Parking provision and road safety have been assessed by the Roads Development Unit and no objections have been raised.
- 7b.7 It is not considered that the proposal would bring an increase of litter and anti social behaviour into an area which is already a busy thoroughfare.
- 7b.8 The proposed ventilation stack is not considered to cause an unacceptable visual impact. Its positioning to the rear of the property away from any garden areas and not being attached to any residential properties render this acceptable.
- 7b.9 Access rights disputes are a legal matter and are not controlled by the planning authority; as such, they are not a determining factor in the assessment of this application.
- 7b.10 Method of demolition, possible disturbances during construction work and structural stability issues are not material planning considerations.
- 7b.11 The current application does not propose any changes to the existing shopfront. Any changes to the shopfront or installation of advertisements may require further separate consents to be applied for.

Planning History

- 7b.12 The previous application P/08/0189/FUL was refused by the Regulatory Committee on the grounds that the proposed development would, by virtue of noise generation, be detrimental to the well established amenity of the area and, due to the lack of parking provision, would have an adverse impact on road safety. The subsequent appeal was dismissed on the grounds of disamenity to local residents arising from evening activity and disturbance at the front of the premises and the likelihood of noise, light and activity at the rear of the premises so affecting the amenity of residents' communal courtyard.
- 7b.13 Following the previous refusal and appeal dismissal for this site, the applicants have explored a number of amendments to address the concerns of residents, the Planning Committee and the Appeal Reporter. The main amendments made, which have resulted in this application submission, were to demolish a rear storage area to incorporate three car parking spaces, the blocking up of all windows and openings which face onto the communal courtyard to the north, the relocation of the proposed fire exit and the moving of the proposed flu stack to a less prominent location away from residential properties.

7b.14 It is considered that the above mentioned amendments would result in an improved situation in relation to residential amenity, particularly in reference to noise generation. The communal courtyard to the north would not be affected by any kitchen windows or fire doors opening out onto it and the courtyard would no longer be affected in any way by the proposed extraction system.

7c Conclusion

7c.1 The proposal is considered to be an appropriate form of development in accordance with the terms of the Development Plan. There are no material planning considerations that would warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

8.1 It is 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 online reference number(s) 01 to 06 inclusive.
- (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.

Pp

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Director of Development Services

Date: 17 March 2010

LIST OF BACKGROUND PAPERS

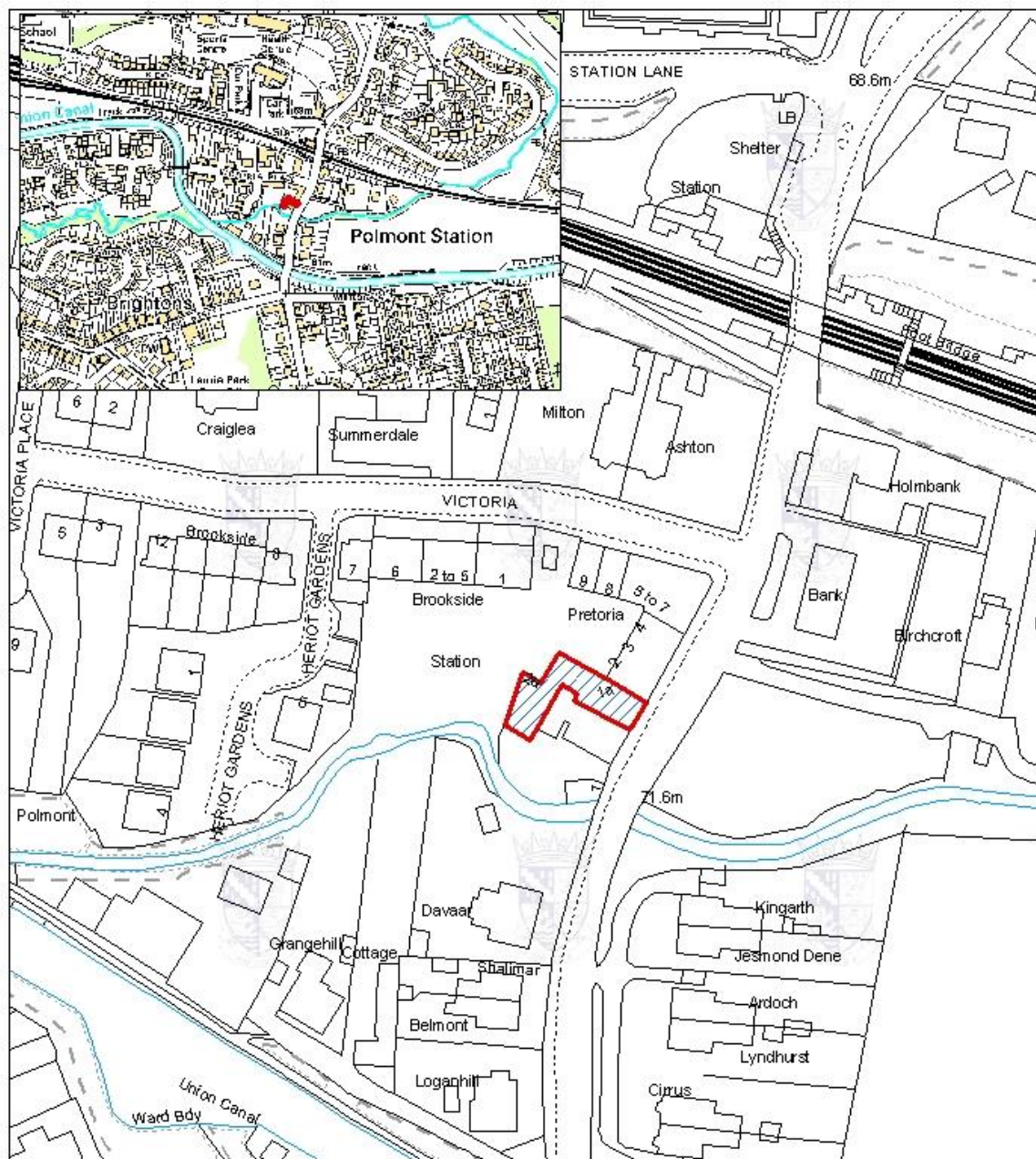
1. Polmont Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Letter of objection received from Mr Richard Poodle, Pretoria Place, Station Road, Brightons, FK2 0UF on 18 December 2009

4. Letter of objection received from Mr Richard Poodle, Pretoria Place, Station Road, Brightons, FK2 0UF on 18 December 2009 (further letter)
5. Letter of objection received from Ms Jessie Davies, 7 Pretoria Place, Victoria Place, Brightons, Falkirk on 29 December 2009
6. Letter of objection received from Brian W Falconer, 1 Pretoria Place, Station Road, Brightons, Falkirk on 30 December 2009
7. Letter of objection received from Diane Karbak, 9 Pretoria Place, Victoria Place, Brightons, Falkirk on 21 January 2010
8. Letter of objection received from Mrs Janet Monfries, Davaar, Station Road, Brightons, FK2 0UE on 4 January 2010
9. Letter of objection received from A & J C Allan & Co, North Bank Chambers, 34/36 Newmarket Street, Falkirk, FK1 1JG on 11 January 2010
10. Letter of objection received from Mr Sandy Simpson, 44 Erskine Hill, Polmont, Falkirk FK2 0UQ on 5 January 2010
11. Letter of objection received from Ms Mandy Paterson, 1a Pretoria Place, Station Road, Brightons, FK2 0UF on 11 January 2010
12. Letter of objection received from L Sandy Monfries, Pretoria Place, Station Road, Brightons, Falkirk on 6 January 2010
13. Letter of objection received from Mr Gordon Honeyman, on 8 January 2010
14. Letter of support received from June Homer, 25 Standrigg Gardens, Brightons, Falkirk FK2 0GJ on 12 March 2010.
15. Letter to support received from Colin and Liz Monro, Burnside Cottage, Bellevue. Rumford, Falkirk FK2 0AG on 12 March 2010.
16. Letter to support received from Elizabeth Tritschler, 16 Stevenson Avenue, Polmont, FK2 0GU on 12 March 2010.
17. Letter to support received from Mr and Mrs C Arnold, 3a Poolewe Drive, Redding, Falkirk, FK2 9XA on 12 March 2010.
18. Letter to support received from Mr and Mrs D Gardner, 5 Glen Lyon Court, Polmont, FK2 0PQ on 12 March 2010.

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

P/09/0897/FUL

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FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT 2 SCOTT AVENUE, POLMONT,
FALKIRK, FK2 0PN FOR MR E SOMERVILLE – P/09/0449/FUL
Meeting: PLANNING COMMITTEE
Date: 24 March 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Polmont

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located on the west side of Scott Avenue, Polmont and consists of the southern part of what was previously the garden ground of 2 Scott Avenue.
- 1.2 It is proposed to erect a 2 storey detached dwellinghouse and double garage.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Councillor Malcolm Nicol.

3. SITE HISTORY

- 3.1 Planning application P/08/0598/OUT was granted outline planning permission on 11 December 2008 for the subdivision of garden ground, erection of dwellinghouse and erection of double garage to existing dwellinghouse at 2 Scott Avenue, Polmont.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that conditions be attached in respect of the formation of the access and driveway, erection of gates and safeguarding visibility. The Roads Development Unit has assessed the drainage strategy and subsequently determined that drainage arrangements are satisfactory.

4.2 The Environmental Protection Unit has advised that an informative be attached advising the applicant of steps to be taken should contamination be encountered during the course of the development.

4.3 Scottish Water has raised no objections.

5. COMMUNITY COUNCIL

5.1 No representation received.

6. PUBLIC REPRESENTATION

6.1 Two letters of objection have been received. Concerns include:-

- A two storey house does not respect the street scene or character of Scott Avenue.
- There are existing foul water drainage problems at Scott Avenue. Increasing the number of dwellinghouses will exacerbate existing problems.
- The site is not adequate to accommodate a 2 storey dwellinghouse.
- Construction vehicles and noise should be minimised to respect the amenity of existing residents.
- Any deliveries to the site should not be made during hours when children would be walking to school.
- The proposed development would compromise the privacy of residents at 11 Millfield Drive, Polmont to the rear of the application site.

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

Polmont and District Local Plan

7a.1 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.2 The proposal would respect the townscape character of Scott Avenue in terms of scale, design and disposition.
- 7a.3 The proposed dwellinghouse would have an adequate standard of garden ground, as would the resultant property at 2 Scott Avenue following subdivision.
- 7a.4 It is considered that the design of the dwellinghouse affords adequate privacy in respect of the proposed dwellinghouse and existing dwellinghouses adjacent.
- 7a.5 The proposed dwellinghouse would have a direct street frontage and an adequate standard of vehicular access.
- 7a.6 It is not considered that the character or amenity of the area would be adversely affected.
- 7a.7 The proposal accords with policy POL 3.6.
- 7a.8 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Supplementary Planning Guidance Note (SPG) “Housing Layout and Design”, letters of objection and the planning history.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 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.3 Policy SC8 reflects the issues detailed in section 7a.1- 7a.7 above.
- 7b.4 It is considered that the proposal accords with Policy SC8.
- 7b.5 Accordingly, the proposed development accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version)

SPG Housing Layout and Design

- 7b.6 In terms of the subdivision of plots and infill development, the SPG emphasises that it is important to achieve a harmonious “fit” of new and existing. This should pay attention to the adjacent building line, height, scale, windows and other door arrangements, proportions, decoration and materials.
- 7b.7 It is considered that the proposal would achieve a harmonious “fit” under the criteria emphasised in the SPG.
- 7b.8 Accordingly, the proposed development accords with the SPG.

Letters of Objection

- 7b.9 It is considered that the application site is suitable for erection of a 2 storey dwellinghouse. It is noted that the proposed dwellinghouse has been designed, in terms of levels and the relationship with existing boundary treatments, to minimise the impact on adjacent properties in terms of overshadowing and privacy.
- 7b.10 It is also considered that the proposed dwellinghouse would achieve a harmonious fit in terms of streetscape and amenity.
- 7b.11 It is noted that there have been no concerns raised, as a result of the consultation process, in terms of drainage, vehicular movements or noise.

Planning History

- 7b.12 It is noted that the principle of the development is established under the terms of planning permission P/08/0398/OUT detailed in section 3 of this report. It is also noted, however, that the current application is for full planning permission and does not directly relate to the outline planning permission. The outline planning permission reflects, however, that the Council has previously accepted the principle of the development.

7c Conclusion

- 7c.1 The proposed development accords with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 It is noted that the principle of the development has been established under the terms of planning permission P/08/0398/OUT. It is also noted, however, that the current application is for full planning permission and does not directly relate to the outline planning permission.
- 7c.3 The proposed development would achieve a harmonious “fit” in the townscape in terms of scale, design, disposition and character.

7c.4 It is not considered that there would be a significant impact on adjacent properties in terms of overshadowing or privacy.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee grant 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.
- (2) Notwithstanding any details previously submitted, and prior to the occupation of the dwellinghouse, the access to the site shall be formed as a standard footway crossing, designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (3) Prior to the occupation of the dwellinghouse, the driveway shall be formed at a minimum width of 3 metres and at a gradient no greater than 10%.
- (4) Any gate to the driveway shall open in an inward direction only.
- (5) There shall not at any time be any obstruction to visibility greater than 1 metre in height above carriageway level within a distance of 2.5 metres from the carriageway edge along the entire frontage of the site.

Reason(s)

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5) To safeguard the interests of the users of the highway.

Informative(s):

- (1) For the avoidance of doubt, the plans to which this application refers bear our reference 01, 02B, 03A, 04B, 05, 06 and d07.
- (2) Should the developer at any time encounter contamination, as defined in Part 11a of the Environmental Protection Act 1990, the developer should contact the Falkirk Council Environmental Protection Unit for advice.

.....
pp Director of Development Services
Date: 17 March 2010

LIST OF BACKGROUND PAPERS

1. Polmont and District Local Plan
2. Falkirk Council Local Plan

3. Supplementary Planning Guidance "Housing Layout and Design"
4. Outline Planning permission P/08/0598/OUT
5. Letter of objection from Mr & Mrs G Cowie, 13 Millfield Drive, Polmont FK2 0PH on 9 July 2009.
6. Letter of objection from Miss Evelyn Buttifant, 11 Millfield Drive, Polmont FK2 0PH on 10 July 2009.

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

Planning Committee

Planning Application Location Plan

P/09/0449/FUL

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FALKIRK COUNCIL

Subject: ALTERATION AND EXTENSION TO HOTEL TO PROVIDE APPROXIMATELY 200 ADDITIONAL BEDROOMS, ERECTION OF SPA AND LEISURE FACILITIES, FORMATION OF NEW ACCESS JUNCTION, CAR PARKING FACILITIES, ASSOCIATED ROADS AND INFRASTRUCTURE INCLUDING A SUSTAINABLE URBAN DRAINAGE SCHEME, HARD AND SOFT LANDSCAPING AND WOODLAND PLANTING AT GLENBERVIE HOUSE, LARBERT, FK5 4SJ FOR GLENBERVIE HOUSE HOTEL LTD - P/08/1012/OUT

Meeting: PLANNING COMMITTEE

Date: 24 March 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: Donald Campbell (Development Management Co-ordinator), Ext 4707

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This is a major application for outline planning permission (now planning permission in principle (PPP)) on a site in the countryside to the north of Larbert extending to some 9.685 hectares within which is the 12 bedroom 5 star Glenbervie House Hotel. The site is close to the M876 to the south and is accessed from the A9 by a single track carriageway leading to the existing hotel and is bounded by Glenbervie Golf Course to the north west and north east. Glenbervie Garden Centre and Nursery bounds part of the south east part of site and is screened by mature woodland.
- 1.2 The application, although submitted in outline, is accompanied by a high level of architectural detail including indicative elevational drawings of the proposed development. It is submitted by the applicant that the proposal aims to create a modern interpretation of a grand Scottish Country estate in terms of order, approach, entrance, hierarchy and massing. The character of the existing Glenbervie House would be respected with the new hotel extension as the centre piece, albeit designed in a contrasting and contemporary style of varying heights set within an attractive landscape setting. Access would be via a new driveway leading to the new development which would comprise a luxury hotel, spa leisure and recreation facilities, ballroom, meeting and event rooms, 2 restaurants and cocktail bar. Associated car parking and landscaping would also be provided. In addition to the architectural detail, the following documentation has been submitted in support of the application:

- Planning Statement;
- Architectural Approach and Design Statement;
- Landscape Statement;
- Transport Assessment;
- Engineering Report;
- Statement of Consultation;
- Preliminary Market Appraisal;
- Ecological Report.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is being referred to the Planning Committee, at the discretion of the Director of Development Services, in view of the nature of the development proposed.

3. SITE HISTORY

- 3.1 There are a number of planning applications relating to the use of the former dwellinghouse as a hotel. Change of use from a Dwellinghouse to a hotel and erection of a temporary marquee (06/0691/FUL) was approved in October 2006. Planning permission for an extension to the hotel was granted in March 2007 (06/1214/FUL) and this has been implemented. Retrospective planning permission was granted in September 2007 for the formation of a raised patio, and a further application for the alteration to attic space to form self contained residential accommodation (P07/0765/FUL) was granted in October 2007.
- 3.2 It should be noted that an application for the development of land for residential purposes (approximately 85 units), upgrading of existing access road, formation of new access road, car parking facilities and associated infrastructure including sustainable urban drainage scheme, hard and soft landscaping and demolition of existing buildings (P/08/1011/OUT), submitted at the same time as the application under consideration and associated with Glenbervie House Hotel, was withdrawn in February this year.

4. CONSULTATIONS

- 4.1 The Roads Development Unit note that it is proposed that the existing vehicular access be upgraded as part of the scheme to construct the Glenbervie slip roads to the M876. However in the event that the slip roads are not constructed, or if the development were to be completed in advance of the construction of the slip roads, the applicant would require to demonstrate that the existing vehicular access could adequately serve the proposed development. The access road and parking provision should comply with Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. A flood risk assessment and alteration to the submitted surface water calculations has also been requested.

- 4.2 The Transport Planning Unit advise that to ensure that the site is adequately connected to the surrounding area, shared cycle/footpaths should be provided to the A9 and Central Park Avenue via Torwood Garden Centre. At present, public transport access to the site is poor, with the nearest bus stops at the existing access to the Glenbervie Golf Club. Consideration should be given to relocating the bus stop, possibly with shelters, closer to the new access roundabout. To make rail travel a viable alternative to private car, a shuttle minibus should be provided linking to Larbert Railway Station.
- 4.3 Access should be from the new roundabout junction on the A9 as part of the scheme to construct the Glenbervie slip roads to the M876, or a new roundabout as detailed in the submitted Transport Assessment.
- 4.4 A Travel Plan should be prepared aimed at reducing reliance on the private car for both staff and customers, and should include an Event Management Plan detailing measures to reduce car demand associated with, for example, large conferences.
- 4.5 Transport Scotland, Trunk Roads Network Management offer no objection to the proposal.
- 4.6 The Environmental Protection Unit advise that noise need not be considered as a determining factor, however a contaminated land assessment would be required due to the presence of oil, petroleum storage and refining, gas manufacturing and distribution, quarrying, unknown fill, and potentially other contaminative activities with 250 m of the site.
- 4.7 The Keeper of Archaeology and Local History Community Services offers no objection and advises that although not listed, Glenbervie House is of architectural interest. The proposed extension would impact on its setting, however the new build would be kept well back from the main façade and the long approach road changed, although the final section would be retained and still impart part of the drama of the first glimpse of the building. The lawn to the south of Glenbervie House sits at a higher level with the possibility of early settlement there. This would require investigation to determine whether there is archeological interest. He recommends that a minimum of 7% sampling should be undertaken.
- 4.8 The Health and Safety Executive does not advise, on safety grounds, against the granting of planning permission. This advice was sought due to the presence of the Dunmore to Glenmavis Gas Pipeline close to the southern boundary.
- 4.9 The Scottish Environment Protection Agency (SEPA) have advised that the site could be at risk of flooding and would welcome the opportunity to comment on the requested flood risk assessment. Foul drainage should be to the public sewer and 2 levels of sustainable urban drainage (SUDS) would be required.

- 4.10 Scottish Natural Heritage (SNH) have provided advice in relation to protected species, in particular bats, as a roost has been identified within the roof space of Glenbervie House. Following assessment of information submitted (which is seen as a principled start for a Bat Protection Plan the implementation of which should be appropriately supervised by an Ecological Clerk of Works), SNH has withdrawn its previously reserved position. Subject to development being carried out in strict accordance with the Bat Protection Plan, the proposal is unlikely to result in an offence under Regulation 39/43 of the Habitats Regulations 1994 (as amended). SNH note that the bat roost is within the attic space of the main building of Glenbervie House where the emergence/entry points are likely to be, and these areas will not be impacted on during any phase of the proposed development. In addition, trees identified as having good potential for bat roosts will not be impacted on by the proposal, and that trees with lesser potential will be pre-checked for bats and 'soft felled' under the supervision of an Ecological Clerk of Works. In addition to the above, SNH recommend that, as stated in the Ecological Report, surveys of protected animals, including otters, great crested newts, red squirrels and badgers, with a requirement to also include water voles, be carried out prior to any development commencing, as should a breeding bird survey. A woodland and tree survey should also be carried out to inform an ecological management plan. Further assessment of the potential landscape and visual impact should be undertaken.
- 4.11 Scottish Water offer no objection, however they advise that they are unable to reserve capacity in advance of a formal agreement with the developer. A Development Impact Form should be submitted to Scottish Water and they point out that in some circumstances it may be necessary for the developer to fund works to existing infrastructure to enable the development to connect.

5. COMMUNITY COUNCIL

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council advised that they would wish to reserve the right to discuss and consider the proposal further and to consult with the local community. No further representation has been received.

6. PUBLIC REPRESENTATION

- 6.1 Following the neighbour notification procedures being carried out and the advertisement of the application in the Falkirk Herald, 340 letters of representation were received. It should be noted that the majority of these representations are in the form of a standard letter from members of the adjacent Glenbervie Golf Club and contain objections to the application for housing development (P08/1011/OUT) which has now been withdrawn. In relation to the application under consideration, these letters offer no objection in principle to the proposed increase in the size of the hotel and the resultant jobs created. Concern however is expressed that hotel guests could put themselves at risk by casual trespass onto the Golf Course. It is submitted that if planning permission were to be granted the hotel boundary should be clearly defined against possible entry onto the course.
- 6.2 Of the other representations, Scottish Power have submitted an objection on the grounds that part of the development will affect the 11KV overhead line network within the site. Scottish Power advise that their objection will be maintained until negotiations with the developer have been concluded to their satisfaction in relation to any necessary protection, or diversion, of their equipment.

- 6.3 Representations on behalf of Glenbervie Golf Club state that the club does not object to the principle of the proposed development but given its scale, it is likely to have impacts on the Club and its members. Reference is made to ownership issues and access, conformity with the Development Plan and Falkirk Council Local Plan Finalised Draft. Concern is expressed in relation to the potential for greater flows of surface water being directed towards water courses passing through the golf course, which could result in flooding of the course. It is submitted that a development of the scale proposed will alter the existing water regime in the area which is difficult for the applicant to predict. It is requested that a precautionary approach is taken by the Council on this issue. Reference is also made to problems associated with trespass and damage to golf courses with the possibility of hotel guest mistakenly viewing the golf course as an integral part of the hotel grounds available for their use. Whether intended or not, trespass can lead to conflict with golfers, and there are safety concerns in relation to possible injury and damage to the course. Reference is made to appropriate fencing, but concern is expressed that this can be damaged or overcome to gain access.
- 6.4 An objection from Glenbervie Golf Club's legal advisors relates to matters of land ownership at the proposed new access from the A9. It is acknowledged that the proposed slip roads onto the M876 would probably require use of land within the Club's ownership, and it is submitted that this is a matter for discussion between the Golf Club and Transport Scotland. It is acknowledged that an alternative access option, excluding land owned by the Golf Club has been proposed. It is drawn to the Council's attention that, if it were minded to grant planning permission, the applicant may have some difficulty in implementing it. Further objections from third parties state that the proposal is contrary to the Development Plan, that the site within the applicant's ownership does not appear to have the capacity to absorb the proposed development, the proposal is prominent within the landscape, the footprint of the hotel is some 12 times greater than that of the existing facility, and that no account appears to have been taken of archaeological matters and reference is made to the remains of "Old Woodside 16th C and associated well".
- 6.5 Objections were also received in relation to the scale and design of the proposed development being inappropriate to the character of Glenbervie House and its setting, noise disturbance, traffic movement, sewerage provision and surface water discharge.

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 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 proposed development would satisfy criterion 2 above and, whilst it is acknowledged that the site lies outwith the urban area, it is considered that the proposal to extend an already well established business would be appropriate in this location and would enhance the wider image of the area. In addition the site is in close proximity to the North Larbert / Glenbervie strategic gateway identified for major economic development in Policy ECON 1 "Strategic Development Opportunity" of the Structure Plan. The proposals are considered to accord with this.

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 As stated above it is acknowledged that the site lies within the Countryside and the proposal relates to the expansion of a well established use. It is considered that the proposal accords with this policy.

7a.5 Policy ENV.7 'Quality of Development' states:

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

7a.6 Whilst this application has been submitted in outline, a significant amount of supporting information has been submitted including elevational details and an Architectural Approach and Design Statement. It is considered that the proposal accords with this policy.

7a.7 Policy TRANS 3 Transport Assessment states:

“Proposals which could result in a significant increase in travel demand will be required to submit a Transport Assessment and where appropriate a Green Transport Plan. These should demonstrate how the impact of the development on the surrounding traffic network can be minimised and how other modes of travel rather than the car will be encouraged.”

7a.8 The application is supported by a Transport Assessment which also takes into account the previously proposed housing. The proposal accords with this policy.

7a.9 Policy TRANS.5 ‘Strategic Road Links’ states:

“The Council will support the improvement and upgrading of the following strategic road links by the Scottish Executive through the safeguarding of the required land:

- (1) M80/A80(T) Haggs to Stepps;*
- (2) A876(T) Kincardine Bridge; and*
- (3) M876/A9 Interchange at Glenbervie.*

The Council will make provision for the safeguarding, improvement and upgrading of the following strategic road link:

- (1) A801 at the River Avon Gorge.”*

7a.10 The proposal takes into account the proposed upgrading of the M876/A9 interchange at Glenbervie and therefore accords with this policy.

Adopted Rural Local Plan

7a.11 The site lies outwith the urban limits for Larbert and Stenhousemuir and the provisions of the Rural Local Plan apply.

7a.12 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.13 The site lies within the countryside and given that the proposal is for an expansion of an already well established business is considered to be acceptable. In addition, the type, scale and location of the proposed development would enhance the image of the Falkirk Council area. The proposal accords with this policy.

7a.14 Policy RURAL 9 'Extensions to Existing Uses in the Countryside' states:

"That proposals to extend existing industrial, commercial and institutional land uses within the countryside may be considered favourably provided that, in the opinion of the District Council, the existing and proposed land use is appropriate to a rural location and the intended scale of operation does not exceed the capacity of the site or the local area to accommodate it."

7a.15 The existing use is considered to be appropriate and the proposed expansion of this facility is considered to be acceptable. It should be noted that the site area extends to approximately 10 Ha and that the proposed development can be adequately accommodated within it.

7a.16 Policy RURAL 10 'Agricultural Land' states:

"That development of prime quality agricultural land (Classes 1, 2 and 3.1) shall be restricted to that which is directly related to the pursuance of agriculture unless there are overriding national or local circumstances."

7a.17 Part of the site is categorized as Class 2 agricultural land. It is considered that although not strictly in accordance with this policy, the proposed development does comply with other provisions of the Development Plan which point towards a recommendation of approval.

7a.18 Policy RURAL 20 'Trees and Woodland' states:

"That the District Council recognises the economic, landscape, ecological and recreational importance of trees, woodland, afforested land and hedgerows and accordingly :-

1. *Felling detrimental to the character of the landscape or to the economic, nature conservation or recreational value of the planted area itself will be discouraged. The enhancement and management of existing woodland and other natural landscape features will be encouraged.*

2. *Where necessary, endangered areas and trees will be statutorily protected through the designation of Tree Preservation Orders. Within an area covered by a T.P.O. there will be a presumption against development unless it can be proven that the proposal would not adversely affect the stability or appearance of protected species. Where permission is given to fell a tree within a Conservation Area or an area covered by a T.P.O., the District Council will normally require the provision of replacement planting appropriate in terms of number, size, species and position.*
3. *Appropriate proposals for community woodlands and amenity planting will be encouraged, in particular within and adjacent to the rural villages, along urban fringes and transport corridors, within the Green Belt and in relation to derelict and industrial sites and farmed landscapes.*
4. *When consulted on forestry planting proposals the District Council will support the provisions of the indicative forestry strategy as outlined by Central Regional Council in its approved Structure Plan.*

The District Council favours the use of appropriate native species of trees and shrubs in new planting.”

7a.19 The woodland within the site is not protected by a Tree Preservation Order (TPO) but is considered to be of landscape value. Whilst there would be felling as a result of the proposed development, the Landscape Statement submitted in support of the application recommends mitigation measures including woodland restocking and new woodland consistent with the historic species and densities, and planting of new specimen trees. It is considered that the proposal accords with this policy.

7a.20 Policy RURAL 21 ‘Historic Gardens and Designed Landscapes’ states:

“That there will be a general presumption against development which would adversely affect the character and setting of sites identified in the ‘Inventory of Gardens and Designed Landscapes in Scotland’ and other historic gardens and designed landscapes of national or regional significance. The District Council will seek to encourage the sensitive management of historic gardens and designed landscapes.”

7.21 The site is not designated in the Inventory of Gardens and Designed Landscapes in Scotland, however it is acknowledged that it is of some significance, and that the proposal has taken this into account. The proposal accords with this policy.

7a.22 Policy RURAL 32 ‘Pipeline Corridors’ states:

“That within the Pipeline Consultation Zones generally indicated on the Policies and Proposals Map, development will not normally be permitted unless the District Council is satisfied that :-

1. *Future users or occupants will not significantly add to the number of people exposed to the existing risk from a pipeline.*
2. *The development will not in any way affect the operational safety of a pipeline.”*

7a.23 The southern part of the site is affected by a pipeline consultation zone. Consultation with the Health and Safety Executive has resulted in a 'do not advise against' recommendation. The proposal therefore accords with this policy.

7a.24 Overall it is considered that the proposed development accords with the provision of the Development Plan.

7b Material Considerations

7b.1 The material considerations in the assessment of this application are national planning policy, Falkirk Council's Economic Downturn Action Plan, the Falkirk Council Local Plan Finalised Draft (Deposit Version), consultation responses, and representations received.

National Planning Policy

7b.2 Scottish Planning Policy (SPP) (February 2010) supersedes all previous national planning policy and states that Development Management should operate in support of the Government's central purpose of increasing sustainable economic growth and that planning authorities should take a positive approach to development recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth. The SPP recognises that tourism is one of Scotland's largest business sectors and that planning authorities should support high quality tourism related development, including provision of appropriate facilities in key locations across urban and rural Scotland. In relation to rural development the SPP encourages rural diversification and growth of rural economies and encourages developments which provide employment or community benefits.

7b.3 The SPP stresses that the planning system should be plan-led with up-to-date, succinct development plans providing ambitious long term visions for their areas. In relation to the development at Glenbervie, the proposed development is compliant with the provisions of the Development Plan and emerging Falkirk Council Local Plan and is supported by the SPP.

Economic Downturn Action Plan

7b.4 The Falkirk Council, Economic Downturn: Action Plan approved in December 2008, sets out the anticipated impacts of the economic downturn, the area's strengths, actions underway and key actions by the Council in response to the economic situation. In relation to planning matters it states that a flexible approach should be taken and that the 'impending recession' should be re-evaluated as a material consideration in the determination of planning applications to attract (and maintain) investment. It is considered that the proposed development would satisfy the objectives of the Action Plan.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.5 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.6 Table 3.3 refers to Policy EP16 'Leisure and Tourism Development in the Countryside which is detailed below. The proposal represents an extension to an existing established countryside use and in relation to the scale siting and design, it is considered that, bearing in mind that this is an outline application supported by a Design Statement and Landscape Statement that it is acceptable. The proposal accords with this policy.

7b.7 Policy EP16 - 'Leisure And Tourism Development In The Countryside' states:

"Leisure and tourism development within the countryside will only be permitted where the use demonstrates a particular need for a countryside location and could not more appropriately be located within the Urban or Village Limits, or where existing buildings are to be utilised. In particular:

- (1) *Proposals for small-scale self-catering chalet developments, caravan and camping sites may be acceptable, subject to appropriate siting and compliance with Policy EP15. Proposals for new hotels, B&Bs, guest houses and pubs / restaurants will generally only be permitted where existing buildings are being utilised or where a specific opportunity is identified in the Local Plan;*
- (2) *Proposals for outdoor sport and recreation which require a countryside location may be acceptable, subject to appropriate siting. Associated built development will be limited to that which is directly ancillary to the activity (e.g. clubhouses, changing facilities, parking);*
- (3) *Proposals for new visitor attractions, heritage and interpretative centres may be acceptable, subject to appropriate siting and compliance with Policy EP15. The nature and theme of the facility must provide a clear rationale for the countryside location chosen; and*
- (4) *Proposals for new roadside facilities will not be permitted unless it is demonstrated that there is a clear need for additional services. Proposals for facilities on motorways and the trunk road network should comply with the guidance in NPPG9.*

Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ16), and of the adequacy of access and car parking arrangements must be satisfactory."

7b.8 As stated previously, given that the proposal is for the further development and expansion of an established facility, a countryside location is required. It is considered that there would be no unacceptable impact on the rural environment in this location and access and car parking

provision is considered to be satisfactory. The proposal is considered to comply with this policy.

7b.9 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.10 As stated previously in this report, Policy ECON.7 of the Structure Plan lends support to the proposal. In addition it would complement the existing pattern of provision with the creation of facilities for which there is an under provision in the area and for which there is demand. It is considered that the development would enhance the image and tourism profile of the area, and is in compliance with other Local Plan policies. The proposal accords with this policy.

7b.11 Policy EQ30 - 'Agricultural Land' states:

"Development involving the loss of prime quality agricultural land (Classes 1, 2 and 3.1) will not be permitted unless the site is allocated for development in the Local Plan or there are overriding local or national circumstances."

7b.12 As stated earlier in this report, part of the site is categorized as Class 2, which would be lost to development. It is considered that the development would bring a number of benefits in terms of economic generation and tourism profile which could be considered to represent local circumstances which would outweigh the policy presumption against development.

7b.13 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.14 This application for outline planning permission is accompanied by supporting documents which demonstrate compliance with this policy.

7b.15 Policy EQ2 ‘Implementation of Sustainable Design Principles’ states:

“In order to ensure that the principles set out in Policy EQ1 are incorporated into development proposals:

- (1) Masterplans will be required for development proposals requiring a comprehensive approach to design and infrastructure. The Council will set out the basis for the preparation of Masterplans in Development Frameworks or Briefs;*
- (2) Development Briefs will be prepared by the Council for other development sites where merited by the size, sensitivity or complexity of the site;*
- (3) Supplementary Planning Guidance Notes will be produced to provide detailed advice on the application of the sustainable design principles; and*
- (4) Planning applications for significant residential, business or commercial development, or smaller proposals affecting protected sites or buildings, should be accompanied by a Design Statement explaining how each of the factors in Policy EQ1 has been complied with.”*

7b.16 The application is accompanied by a high level of supporting information including a masterplan and design statement. The proposal accords with this policy.

7b.17 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.18 The application is accompanied by a landscape statement and is considered to satisfy the terms of this policy.

7b.19 Policy EQ18 - ‘Historic Gardens And Designed Landscapes’ states:

“There will be a general presumption against development which would adversely affect the character or setting of sites identified in the ‘Inventory of Gardens and Designed Landscapes in Scotland’ and

other historic gardens and landscapes of national, regional or local significance. The Council will seek to encourage sensitive management of historic gardens and designed landscapes.”

7b.20 The site is not designated in the Inventory of Gardens and Designed Landscapes in Scotland, however it is acknowledged that it is of some significance, and that the proposal has taken this into account. The proposal accords with this policy.

7b.21 Policy EQ22 ‘Landscape and Visual Assessment’ states:

“Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area.”

7b.22 The application is accompanied by a Design Statement and Landscape Statement and it is considered that the proposal satisfies the terms of this policy.

7b.23 Policy EQ26 - ‘Trees, Woodland And Hedgerows’ states:

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

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

7b.24 There are no trees protected by a TPO on the site but there would be loss of woodland as a result of the development. However, replacement planting and management are proposed and it is considered that the terms of this policy are met.

7b.25 Policy ST11 - ‘Sustainable Urban Drainage’ states:

“Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning

applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.”

7b.26 The application is accompanied by an Engineering Report which incorporates an indicative flood map which identifies that the site would not appear to be susceptible to flooding (1:200 year event). This is indicative only and given that there are two watercourses in proximity of the site, a flood risk assessment is required to demonstrate that it is not liable to flooding and that it would not exacerbate flood risk to neighbouring land. Consideration of a Sustainable Urban Drainage Strategy will also be required as part of the assessment. The submission of a flood risk assessment would fully comply with the terms of this policy.

7b.27 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.28 The application is accompanied by a Transport Assessment which satisfies the terms of this policy.

7b.29 Policy ST2 - ‘Pedestrian Travel And Cycling’ states:

“New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure. This will consist of on- and where appropriate off-site measures that allow pedestrian and cycle movements within and beyond developments, and ensure that those wishing to use pedestrian/cycle networks are not dissuaded from doing so through the absence of suitable infrastructure.

- (1) All pedestrian and cycle routes will comply with the standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. Where appropriate, infrastructure supporting the two modes will be combined.*
- (2) Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, to other amenities and community facilities and support objectives in agreed Travel Plans where relevant.*
- (3) Pedestrian and cycle movement within developments should be allowed for via direct routes without barriers.*
- (4) Pedestrian and cycle links should be provided that offer connections to public transport connections in the surrounding area. For guidance, in new developments, no pedestrian should have to walk more than 400m to the nearest bus stop.*

- (5) *Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*
- (6) *The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network.*
- (7) *Pedestrian and cycle routes for school journeys should be provided in residential development where a need to do so is identified. In all cases, the aim should be to provide an overall walking/cycling distance between home and school of not more than 2 miles wherever practical, or not more than 1 mile for pedestrian journeys to primary school.*
- (8) *Cycle parking should be provided in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area."*

7b.30 The submitted Transport Assessment combined with the requirements of the Transport Planning Unit would provide for appropriate standards of pedestrian and cycle infrastructure in compliance with the terms of this policy.

7b.31 Policy ST3 - 'Bus Travel And New Development' states:

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

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

7b.32 The submitted Transport Assessment makes provision for suitable links to existing bus stops, services and stations and complies with this policy.

7b.33 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.34 As stated previously, part of the site is traversed by a pipeline consultation zone. Consultation with the Health and Safety Executive has resulted in a 'do not advise against' recommendation. The proposal compiles with this policy.

Consultation Responses

- 7b.35 Consultation responses are summarised in section 4 of this report and it is considered that subject to resolution of outstanding matters in relation to the requirement for a flood risk assessment and surface water calculations, that matters raised have been resolved or can be adequately covered by conditions. The applicant's agent has advised that information previously submitted, should in his view, be adequate to assess flood risk and is of the strong opinion that a flood risk assessment is not required, but, if the Council do insist on one, this is a matter which could be covered by condition. It is considered that a flood risk assessment should be prepared and submitted in support of the application. Other matters raised have been resolved or can be adequately covered by condition including those relating to roads, contaminated land, archaeology, surveys of protected species, preparation of a Bat Protection Plan, and supervision of working by an Ecological Clerk of Works.

Representations Received

- 7b.36 Representations received are summarised in section 6 of this report. Although a significant number were received, it is acknowledged that the majority contained objections which relate to the application for housing which has now been withdrawn. These letters offered no objection in principle, but expressed concern about possible trespass onto the golf course. Trespass is not a matter that can be controlled through the planning process. However, conditions requiring details of appropriate boundary treatment could minimize the potential for such an eventuality.
- 7b.37 The objection from Scottish Power is noted but it would be a matter for the applicant to resolve with them, as this is not a material planning consideration.
- 7b.38 Representations made on behalf of Glenbervie Golf Club are noted. Ownership issues would require to be resolved with the applicant and, as stated above appropriate boundary treatments could be required by condition to minimise the risk of trespass. An assessment of conformity with the Development Plan and Falkirk Council Local Plan Finalised Draft (Deposit Version) has concluded that the proposal accords with their provisions. The concerns expressed about surface water and possible flooding of the golf course are noted and it is considered that the submission of a flood risk assessment would deal fully with this matter. Objections regarding noise and traffic are not substantiated by consultation replies. Whilst it is acknowledged that opinions regarding design are subjective, it is considered that the development proposed, albeit of a contemporary character, is appropriate in this location.

7c Conclusion

- 7c.1 The proposal is considered to be in compliance with the provisions of the Development Plan and Falkirk Local Plan Finalised Draft (Deposit Version) and represents a form of development which would bring benefits to Falkirk and would raise the profile of the Falkirk Council area. There are no material considerations which would point towards a recommendation of refusal.

8. RECOMMENDATION

- 8.1 It is recommended that Committee indicate that it is minded to grant planning permission in principle subject to the submission and approval of a satisfactory flood risk assessment, and, thereafter, any permission granted to be subject to conditions to be determined by the Director of Development Services.



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pp Director of Development Services

Date: 19 March 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan.
3. Scottish Planning Policy (February 2010).
4. Falkirk Council Local Plan Finalised Draft (Deposit Version).
5. Falkirk Council Economic Action Plan.
6. Letter of Objection from Thomas Coleman
Thomas.coleman@falkirk.gov.uk
20 February 2009
7. Letter of Objection from Alastair Bell
Mcleanbell@btconnect.com
15 January 2009
9. Letter of Objection from Blackadder and McMonagle
41 High Street Falkirk FK1 1ES
23 January 2009
10. Letter of Representation from Mr T F Stables
5 Ebroch Place Kilsyth G65 0PQ
13 March 2009
11. Letter of Representation from W J Arkley
49 Burnhead Road Larbert FK5 4AZ
13 March 2009
12. Letter of Representation from Mr Patrick McMullan
8 Moffat Avenue Carronshore Falkirk FK2 8TB
13 March 2009
13. Letter of Representation from A Thomson
17 Maple Avenue Stenhousemuir Larbert FK5 4BT
13 March 2009
14. Letter of Representation from Mr A Fulton
3C Monument Court Stirling FK9 5PG
13 March 2009
15. Letter of Representation from Beth McMullan
8 Moffat Avenue Carronshore Falkirk FK2 8TB
13 March 2009

16. Letter of Representation from R Lind
2 Dunbar Avenue Stenhousemuir Larbert FK5 4TG
13 March 2009
17. Letter of Representation from Elinor S Arkley
49 Burnhead Road Larbert FK5 4AZ
13 March 2009
18. Letter of Representation from Mr Stephen Elster
12 Redpath Drive Falkirk FK2 8QL
13 March 2009
19. Letter of Representation from Linda E Phillips
Verasta 67 Polmont Road Laurieston Falkirk
16 March 2009
20. Letter of Representation from J W Phillips
Verasta 67 Polmont Road Laurieston Falkirk
16 March 2009
21. Letter of Representation from Mr Colin Marshall
Ashmore 35 Stirling Road Larbert FK5 4NE
16 March 2009
22. Letter of Objection from Scottish Power
Energy Networks Riccarton Mains Road Currie Edinburgh
6 January 2009
23. Letter of Representation from Mr Aidan Thomas Grounds
22 Muirdyke Avenue Carronshore Falkirk FK2 8AW
13 March 2009
24. Letter of Representation from Mr Robert C Wallace
43 Muirfield Road Westerwood Cumbernauld G68 0EX
13 March 2009
25. Letter of Representation from A MacCalman
41 Henryson Crescent Larbert FK5 4GH
13 March 2009
26. Letter of Representation from Mrs Ann M Richards
36 Colonsay Avenue Polmont Falkirk FK2 0UZ
13 March 2009
27. Letter of Representation from M A Elgie
Barrden Marchmont Avenue Polmont Falkirk
13 March 2009
28. Letter of Objection from Owner/Occupier
9 Talman Gardens Polmont Falkirk FK2 0PR
18 March 2009
29. Letter of Objection from Kelvin Cairns
7 Anne Drive Stenhousemuir Larbert FK5 4JE
18 March 2009
30. Letter of Objection from Owner/Occupier
12 The Pheasantry Alloa Clackmannanshire FK10 1PH
18 March 2009
31. Letter of Objection from Owner/Occupier
Kingsburgh By Stirling FK7 8HH
18 March 2009
32. Letter of Objection from Duncan Fergusson
Baird Lumsden The Mill Station Road Bridge Of Allan
18 March 2009
33. Letter of Objection from Mr William McDneary
Norwood 5 Maggie Wood's Loan Falkirk FK1 5SJ
30 September 2009
34. Letter of Representation from Mrs Elizabeth W Goodwin
45 Gartcows Drive Falkirk FK1 5QQ
1 April 2009
35. Letter of Representation from Mr Kenneth W Goodwin
45 Gartcows Drive Falkirk FK1 5QQ
1 April 2009

36. Letter of Representation from Mr Hugh James Drummond
Gigha Main Street Old Plean FK7 8BH
1 April 2009
37. Letter of Representation from Janice Drummond
Gigha Main Street Old Plean FK7 8BH
1 April 2009
38. Letter of Representation from D H MacNab
85 Comyn Drive Wallacestone Falkirk FK2 0YR
1 April 2009
39. Letter of Representation from Mr Nelson Busby
19 MacLachlan Avenue Denny FK6 5HF
1 April 2009
40. Letter of Representation from T A Cullen
12 Ferry Orchard Stirling FK9 5ND
1 April 2009
41. Letter of Representation from K Andrew
37 Laurel Grove Bonnybridge FK4 2ED
1 April 2009
42. Letter of Representation from Lydia MacNab
85 Comyn Drive Wallacestone Falkirk FK2 0YR
1 April 2009
43. Letter of Objection from E J Patrick
35 Norwood Avenue Alloa FK10 2BY
18 March 2009
44. Letter of Objection from A G Patrick
35 Norwood Avenue Alloa FK10 2BY
18 March 2009
45. Letter of Objection from Owner/Occupier
9 Hamilton Drive Cambuslang Glasgow G72 8JG
18 March 2009
46. Letter of Objection from Owner/Occupier
1 Murray Court Major's Loan Falkirk FK1 5AB
18 March 2009
47. Letter of Objection from Owner/Occupier
15 Waters End Carron Falkirk FK2 8PY
18 March 2009
48. Letter of Objection from Owner/Occupier
17 Robert Bruce Court Larbert FK5 4HP
18 March 2009
49. Letter of Objection from Owner/Occupier
Glendaruel 25 Carronvale Road Larbert FK5 3LZ
18 March 2009
50. Letter of Objection from Owner/Occupier
Bethune Glen Road Torwood Larbert
18 March 2009
51. Letter of Objection from Owner/Occupier
27 Crofthead Street Falkirk FK2 7GG
18 March 2009
52. Letter of Objection from Owner/Occupier
6 Westerglen Road Falkirk FK1 5ND
18 March 2009
53. Letter of Objection from Owner/Occupier
6 Westerglen Road Falkirk FK1 5ND
18 March 2009
54. Letter of Objection from Owner/Occupier
Kinver 28 Carronvale Avenue Larbert FK5 3LL
18 March 2009
55. Letter of Objection from Owner/Occupier
58 Balfour Crescent Larbert FK5 4BB
18 March 2009

56. Letter of Objection from Owner/Occupier
6 Aitchison Place Falkirk FK1 5AY
18 March 2009
57. Letter of Objection from Owner/Occupier
23 Gartcows Crescent Falkirk FK1 5QH
18 March 2009
58. Letter of Objection from Owner/Occupier
3 Gartcows Gardens Falkirk FK1 5QL
18 March 2009
59. Letter of Objection from Owner/Occupier
20 Crofthead Street Falkirk FK2 7GG
18 March 2009
60. Letter of Objection from Owner/Occupier
5 Fishers Green Bridge Of Allan FK9 4PU
18 March 2009
61. Letter of Objection from Owner/Occupier
38 Burns Avenue Larbert FK5 4FB
18 March 2009
62. Letter of Objection from Owner/Occupier
Valhalla 11 Grodwell Drive Alva FK12 5NS
18 March 2009
63. Letter of Objection from Owner/Occupier
Carnforth 14 Arnothill Falkirk FK1 5RZ
18 March 2009
64. Letter of Objection from Owner/Occupier
19 Dumyat Rise Larbert FK5 4FL
18 March 2009
65. Letter of Objection from Owner/Occupier
Guschetneuk Hill Foots Road Blairlogie Stirling
18 March 2009
66. Letter of Objection from Owner/Occupier
Carnforth 14 Arnothill Falkirk FK1 5RZ
18 March 2009
67. Letter of Objection from Owner/Occupier
15 Drummond Place Falkirk FK1 5PN
18 March 2009
68. Letter of Objection from Owner/Occupier
24 Gartcows Drive Falkirk FK1 5QQ
18 March 2009
69. Letter of Objection from Owner/Occupier
14 Armour Mews Larbert FK5 4FF
18 March 2009
70. Letter of Objection from Owner/Occupier
11 Beaufort Drive Carron Falkirk FK2 8DL
18 March 2009
71. Letter of Objection from Owner/Occupier
10 Major's Place Falkirk FK1 5QS
18 March 2009
72. Letter of Objection from Owner/Occupier
3 Saltcoats Drive Grangemouth FK3 9JP
18 March 2009
73. Letter of Objection from Owner/Occupier
150 Stirling Road Larbert FK5 4EB
18 March 2009
74. Letter of Representation from Owner/Occupier
26 McNab Gardens Falkirk FK1 5BF
19 March 2009
75. Letter of Representation from Owner/Occupier
56 Rosebank Avenue Falkirk FK1 5JP
19 March 2009

76. Letter of Representation from William Brodie
Millfield 13 Marchmont Avenue Polmont Falkirk
19 March 2009
77. Letter of Objection from J F Ellis
11 Souter Way Larbert FK5 4FD
19 March 2009
78. Letter of Representation from Alex Campbell
19 Robert Kay Place Larbert FK5 4FQ
19 March 2009
79. Letter of Representation from Owner/Occupier
1 Holly Avenue Stenhousemuir Larbert FK5 4DN
19 March 2009
80. Letter of Representation from Mr Charles Johnston
17A Clarendon Crescent Edinburgh EH4 1PU
25 March 2009
81. Letter of Representation from A. B. Green
Wester Bonhard Bo'ness EH51 9RR
25 March 2009
82. Letter of Representation from Catherine Panton-Lewis
4 Pineacre Charters Road Sunningdale Berkshire
25 March 2009
83. Letter of Representation from Mr John Panton
3 Pineacre Charters Road Sunningdale Berkshire
25 March 2009
84. Letter of Representation from Mr Gordon R Pirrit
157 Tryst Road Stenhousemuir Larbert FK5 4QJ
025 March 2009
85. Letter of Representation from A.S. Kinnear
Apartment 9 53 Victoria Place Stirling FK8 2QT
25 March 2009
86. Letter of Representation from Margaret Sime
37 Fulmar Crescent Larbert FK5 4FW
25 March 2009
87. Letter of Representation from Mr Craig J Bauchop
11 High Station Road Falkirk FK1 5LP
25 March 2009
88. Letter of Representation from Mr Duncan McFarlane
10 Greenvale Drive Brightons Falkirk FK2 0TQ
16 March 2009
89. Letter of Representation from R Hathaway
35 Redpath Drive Falkirk FK2 8QL
16 March 2009
90. Letter of Representation from Mr James Rintoul
3 Williamfield Avenue Stirling FK7 9AH
16 March 2009
91. Letter of Representation from Francis McGuckin
5 McNab Gardens Falkirk FK1 5BF
16 March 2009
92. Letter of Representation from Anne-Janette Millar
24 Gartcows Drive Falkirk FK1 5QQ
16 March 2009
93. Letter of Representation from G S Thomson
37 Inch Colm Avenue Larbert FK5 4FP
16 March 2009
94. Letter of Representation from Mr Grant Higgins
013 Rainhill Avenue Maddiston Falkirk FK2 0NR
16 March 2009
95. Letter of Objection from R. S. Girvan
63 Bo'ness Road Grangemouth FK3 9BJ
6 April 2009

96. Letter of Objection from Carol A. Gaw
2 Mill Lade Linlithgow West Lothian EH49 7QD
6 April 2009
97. Letter of Objection from Derek W. Gaw
2 Mill Lade Linlithgow West Lothian EH49 7QD
6 April 2009
98. Letter of Objection from I. DE. Banzie
21 Queen's Crescent Falkirk FK1 5JL
6 April 2009
99. Letter of Objection from John Chillas
5 Kenningknowes Road Stirling FK7 9JF
6 April 2009
100. Letter of Objection from Don Yates
Mayfield 42 Stirling Road Larbert FK5 4NF
6 April 2009
101. Letter of Objection from Dr. W. S. J. Ruddell
9 Clarendon Place Stirling FK8 2QW
6 April 2009
102. Letter of Objection from Owner/Occupier
15 Grendon Gardens Snowdon Place Stirling FK8 2JZ
18 March 2009
103. Letter of Objection from Owner/Occupier
18 Polmont Park Polmont Falkirk FK2 0XT
18 March 2009
104. Letter of Objection from Owner/Occupier
6 Ferguson Drive Falkirk FK2 8QA
18 March 2009
105. Letter of Objection from Owner/Occupier
Rochelle Torpichen Bathgate West Lothian
18 March 2009
106. Letter of Objection from Owner/Occupier
100 Falkirk Road Larbert FK5 3NQ
18 March 2009
107. Letter of Objection from Robert Miller
15 Broomage Park Larbert FK5 3LE
18 March 2009
108. Letter of Objection from Owner/Occupier
3 The Inches Bo'ness Road Grangemouth FK3 9BP
18 March 2009
109. Letter of Objection from Owner/Occupier
4 St. Johns Grove Stoneywood Denny FK6 5HQ
18 March 2009
110. Letter of Objection from Owner/Occupier
4 St. Johns Grove Stoneywood Denny FK6 5HQ
18 March 2009
111. Letter of Objection from Owner/Occupier
43 Aitchison Place Falkirk FK1 5AY
18 March 2009
112. Letter of Objection from Owner/Occupier
9 Anne Drive Stenhousemuir Larbert FK5 4JE
18 March 2009
113. Letter of Objection from Owner/Occupier
1 Cadell Drive Falkirk FK2 8QN
18 March 2009
114. Letter of Objection from Owner/Occupier
79 Grahamsdyke Road Bo'ness EH51 9DZ
18 March 2009
115. Letter of Objection from Owner/Occupier
20 Airlie Court Gleneagles Village Auchterarder Perthshire
18 March 2009

116. Letter of Objection from Owner/Occupier
29 Carronlea Drive Carron Falkirk FK2 8DN
18 March 2009
117. Letter of Representation from Margaret A Bingham
37 Slamannan Road Falkirk FK1 5NF
9 April 2009
118. Letter of Representation from Duncan McDonald
South Middlerigg Falkirk FK1 2DG
9 April 2009
119. Letter of Objection from Mr Steven Kelly
48 Letham Cottages Letham Falkirk FK2 8QJ
15 April 2009
120. Letter of Objection from Mr Robert A Cole
Burnbank House 8 Allanbank Road Larbert FK5 4AU
15 April 2009
121. Letter of Objection from A C Duggie
15 Polmont Road Laurieston Falkirk FK2 9QQ
15 April 2009
122. Letter of Objection from A C Duggie
15 Polmont Road Laurieston Falkirk FK2 9QQ
15 April 2009
123. Letter of Objection from John G Duggie
15 Polmont Road Laurieston Falkirk FK2 9QQ
15 April 2009
124. Letter of Representation from John P Scott
5 Talman Gardens Polmont Falkirk FK2 0PR
15 April 2009
125. Letter of Representation from David C Macnair
15 Glenview Menstrie FK11 7HW
15 April 2009
126. Letter of Representation from Colin C Thomson
3 Mellock Gardens Falkirk FK1 5NU
15 April 2009
127. Letter of Objection from Owner/Occupier
1 James Croft Drive Falkirk FK1 5UB
18 March 2009
128. Letter of Objection from Owner/Occupier
11 Beaufort Drive Carron Falkirk FK2 8DL
18 March 2009
129. Letter of Objection from Owner/Occupier
10 Major's Place Falkirk FK1 5QS
18 March 2009
130. Letter of Objection from Owner/Occupier
31 Balmoral Gardens Bellsquarry South Murieston Livingston
18 March 2009
131. Letter of Objection from Owner/Occupier
14 Chambers Drive Carron Falkirk FK2 8DX
18 March 2009
132. Letter of Objection from Alastair Bell
33 Miller Park Polmont Falkirk FK2 0UJ
18 March 2009
133. Letter of Objection from Owner/Occupier
12 Crathie Drive Dunipace Denny FK6 6HN
18 March 2009
134. Letter of Objection from Owner/Occupier
15 Bellsdyke Place Larbert FK5 4LZ
18 March 2009
135. Letter of Objection from Owner/Occupier
Copperfield 9 Dumyat Drive Falkirk FK1 5PD
18 March 2009

136. Letter of Objection from Owner/Occupier
15 Grendon Gardens Snowdon Place Stirling FK8 2JZ
18 March 2009
137. Letter of Objection from Owner/Occupier
20 Batterflats Gardens Kings Park Stirling FK7 9JU
18 March 2009
138. Letter of Objection from Owner/Occupier
31 Achray Drive Falkirk FK1 5UN
18 March 2009
139. Letter of Objection from Owner/Occupier
15 Birkhill Road Stirling FK7 9LA
18 March 2009
140. Letter of Objection from Owner/Occupier
46 Kenmore Avenue Polmont Falkirk FK2 0RG
18 March 2009
141. Letter of Objection from Owner/Occupier
21 Solway Drive Head Of Muir Denny FK6 5NS
18 March 2009
142. Letter of Objection from Anne MacDonald
3 Abbots Moss Drive Falkirk FK1 5UA
19 March 2009
143. Letter of Objection from Mr William F Miller
Thornton Polmont Road Polmont Falkirk
19 March 2009
144. Letter of Objection from Mr Ian Murdoch
207 Bo'ness Road Grangemouth FK3 9BT
20 May 2009
145. Letter of Representation from Mr Ewan Lawson
24 Carronvale Avenue Larbert FK5 3LL
16 April 2009
146. Letter of Representation from Richard John Watt
11 Marchmont Avenue Polmont Falkirk FK2 0PW
18 March 2009
147. Letter of Representation from H Beers
3 John Street Haggs Bonnybridge FK4 1HJ
19 March 2009
148. Letter of Representation from James R Dickson
11 Princes Street Grangemouth FK3 9DH
19 March 2009
149. Letter of Representation from Nicholas A Pepin
Linndale 10A Queen's Drive Falkirk FK1 5JH
19 March 2009
150. Letter of Representation from Kevin Fogarty
17 McNab Gardens Falkirk FK1 5BF
19 March 2009
151. Letter of Representation from Peter B Young
2 Souillac Drive Denny FK6 5HE
19 March 2009
152. Letter of Representation from Stewart C Aitken
Kingsbarn Falkirk FK1 3AT
19 March 2009
153. Letter of Representation from Owner/Occupier
9 Hodge Street Falkirk FK1 5AH
19 March 2009
154. Letter of Representation from Owner/Occupier
Riversdale Carriden Brae Bo'ness EH51 9SL
19 March 2009
155. Letter of Representation from Owner/Occupier
3 East Drive Larbert FK5 3EL
19 March 2009

156. Letter of Representation from Owner/Occupier
11 Ash Terrace Torbrex Stirling FK8 2PW
19 March 2009
157. Letter of Representation from Owner/Occupier
43 Westerlea Drive Bridge Of Allan Stirling FK9 4DQ
19 March 2009
158. Letter of Representation from Owner/Occupier
71 Acredales Linlithgow West Lothian EH49 6HY
19 March 2009
159. Letter of Representation from William W Young
57 Corrie Avenue Stenhousemuir Larbert FK5 4UX
19 March 2009
160. Letter of Representation from Andrew Gillespie
57B Carronvale Road Larbert FK5 3LG
19 March 2009
161. Letter of Representation from Mrs I M Gillespie
57B Carronvale Road Larbert FK5 3LG
19 March 2009
162. Letter of Objection from Andrew Cifelli
Grangeview Shieldhill Road Reddingmuirhead Falkirk
19 March 2009
163. Letter of Representation from Gordon Stewart
33 Union Place Brightons Falkirk FK2 0FG
19 March 2009
164. Letter of Representation from Mr Robert S. Fleming
12 Duke Street Clackmannan FK10 4EF
26 March 2009
165. Letter of Representation from Mr Chris Love
29 Bryson Place Larbert FK5 4FZ
26 March 2009
166. Letter of Representation from C.R. Bayley
33 Albert Road Falkirk FK1 5LS
26 March 2009
167. Letter of Representation from Mr Robert Patrick
51 Polmont Road Laurieston Falkirk FK2 9QS
26 March 2009
168. Letter of Representation from Mr Brian Anderson
17 Tryst Park Larbert FK5 4FN
26 March 2009
169. Letter of Representation from Sybil M Bryce
6 Glen Gardens Falkirk FK1 5LQ
26 March 2009
170. Letter of Representation from Mr Jonathan Tune
2 Castle View Airth Falkirk FK2 8GE
26 March 2009
171. Letter of Representation from Mr Ian Gray
6 Broomage Park Larbert FK5 3LE
26 March 2009
172. Letter of Representation from Mr Alasdair Fulton
133 Craigs Crescent Rumford Falkirk FK2 0ET
26 March 2009
173. Letter of Representation from W. Underhill
26 Redpath Drive Falkirk FK2 8QL
26 March 2009
174. Letter of Representation from Rachel K Smith
17 Queen's Drive Falkirk FK1 5JJ
24 March 2009
175. Letter of Representation from Owner/Occupier
17 Hillhead Drive Falkirk FK1 5NG
19 March 2009

176. Letter of Representation from Owner/Occupier
54 Craigievar Avenue Carron Falkirk FK2 8DQ
19 March 2009
177. Letter of Representation from Owner/Occupier
44 Talbot Street Grangemouth FK3 8HU
19 March 2009
178. Letter of Objection from Owner/Occupier
44 Talbot Street Grangemouth FK3 8HU
19 March 2009
179. Letter of Representation from Owner/Occupier
3 Carronbank Avenue Carron Falkirk FK2 8TF
19 March 2009
180. Letter of Representation from Owner/Occupier
26 McNab Gardens Falkirk FK1 5BF
19 March 2009
181. Letter of Representation from Mr John Smith
17 Queen's Drive Falkirk FK1 5JJ
24 March 2009
182. Letter of Objection from Dr James D Hay
20 Glenview Menstrie Clackmannanshire FK11 7HW
22 May 2009
183. Letter of Objection from Owner/Occupier
20 Pender Gardens Rumford Falkirk FK2 0BJ
17 March 2009
184. Letter of Objection from Owner/Occupier
5 Henryson Crescent Larbert FK5 4GH
17 March 2009
185. Letter of Objection from Owner/Occupier
28 Learmonth Street Falkirk FK1 5AG
17 March 2009
186. Letter of Objection from Owner/Occupier
Kingsburgh House By Stirling FK7 8HH
17 March 2009
187. Letter of Objection from Owner/Occupier
2 Jones Avenue Larbert FK5 3ER
17 March 2009
188. Letter of Objection from Owner/Occupier
6 Abbots Moss Drive Falkirk FK1 5UA
17 March 2009
189. Letter of Objection from Owner/Occupier
8 Thorn Grove Dunfermline KY11 8QY
17 March 2009
190. Letter of Objection from Owner/Occupier
31 Clarendon Road Linlithgow West Lothian EH49 6AN
17 March 2009
191. Letter of Objection from Owner/Occupier
5 Arnothill Court Falkirk FK1 5SY
17 March 2009
192. Letter of Objection from Owner/Occupier
5 Sycamore Avenue Bo'ness EH51 0RD
17 March 2009
193. Letter of Objection from Owner/Occupier
6 Farquharson Way Falkirk FK1 5UG
17 March 2009
194. Letter of Representation from L Fleming
Dashwood Polmont Road Polmont Falkirk
24 March 2009
195. Letter of Representation from P J Hunter
16 Ronaldshay Crescent Grangemouth FK3 9JH
24 March 2009

196. Letter of Representation from Neil W McDonald
68 Stirling Road Larbert FK5 4NF
24 March 2009
197. Letter of Representation from Douglas Nicol
7 Nicholson Place Falkirk FK1 5BJ
24 March 2009
198. Letter of Objection from Craig McGregor
77 Venachar Road Falkirk FK1 5UP
24 March 2009
199. Letter of Representation from Derek Fish
31 Fulmar Crescent Larbert FK5 4FW
24 March 2009
200. Letter of Representation from Gordon Simpson
5 Robert Hardie Court Stenhousemuir Larbert FK5 3HQ
24 March 2009
201. Letter of Objection from Mr Alan Neilson
5 Gradlon Place Falkirk FK1 1QR
22 May 2009
202. Letter of Objection from Mr Craig Wojcik
25 Moffat Avenue Carronshore Falkirk FK2 8TB
22 May 2009
203. Letter of Objection from Owner/Occupier
Arndene 4 Pine Green Bo'ness EH51 0PG
17 March 2009
204. Letter of Objection from Owner/Occupier
12 Crathie Drive Dunipace Denny FK6 6HN
17 March 2009
205. Letter of Objection from Owner/Occupier
19 Deanston Gardens Doune FK16 6AZ
17 March 2009
206. Letter of Objection from Owner/Occupier
21 Redpath Drive Falkirk FK2 8QL
17 March 2009
207. Letter of Objection from Owner/Occupier
5 Dundarroch Street Larbert FK5 3AA
17 March 2009
208. Letter of Objection from Owner/Occupier
1 James Croft Drive Falkirk FK1 5UB
17 March 2009
209. Letter of Objection from Owner/Occupier
58 Battock Road Brightons Falkirk FK2 0TS
17 March 2009
210. Letter of Objection from Owner/Occupier
34 Learmonth Street Falkirk FK1 5AG
17 March 2009
211. Letter of Objection from Owner/Occupier
34 Learmonth Street Falkirk FK1 5AG
17 March 2009
212. Letter of Objection from Owner/Occupier
32 Kettilstoun Crescent Linlithgow West Lothian EH49 6PR
17 March 2009
213. Letter of Objection from Owner/Occupier
18 Pelstream Avenue Stirling FK7 0BE
17 March 2009
214. Letter of Objection from Owner/Occupier
12 Cotton Vale Dalziel Park Motherwell ML1 5NL
17 March 2009
215. Letter of Objection from Owner/Occupier
Nanaimo 5 Godfrey Crescent Larbert FK5 3LQ
17 March 2009

216. Letter of Objection from Owner/Occupier
5 Broomside Place Larbert FK5 3EF
17 March 2009
217. Letter of Objection from Owner/Occupier
135 Rosebank Avenue Falkirk FK1 5JR
17 March 2009
218. Letter of Representation from A M Zuill
30 Camelon Road Falkirk FK1 5SH
24 March 2009
219. Letter of Representation from Ronald M Melville
16 Broomhill Avenue Larbert FK5 3EH
24 March 2009
220. Letter of Representation from R H M Dillon
St Magdalenes Linlithgow EH49 6AQ
24 March 2009
221. Letter of Representation from D A Anderson
42 Souillac Drive Denny FK6 5HE
24 March 2009
222. Letter of Representation from J Russell Morrison
8 Ochilview Court Larbert FK5 4FJ
24 March 2009
223. Letter of Representation from Mrs Helen Stevenson
5 Dunnottar Drive Stenhousemuir Larbert FK5 4TE
24 March 2009
224. Letter of Objection from Mr Brian Raeburn
Witsend 20 Beech Crescent Larbert FK5 3EY
24 March 2009
225. Letter of Representation from Mrs M Purves
6 Richmond Drive Brightons Falkirk FK2 0HJ
24 March 2009
226. Letter of Representation from Duncan Adams
13 Ronaldshay Crescent Grangemouth FK3 9JH
24 March 2009
227. Letter of Representation from Mrs M Macnair
Flat 2 44 Grahams Road Falkirk FK1 1HR
24 March 2009
228. Letter of Representation from Janet Bell
Toscaig Larbert FK5 4SH
24 March 2009
229. Letter of Representation from Duncan Whyte
4 Victoria Crescent Kilsyth Glasgow G65 9BJ
24 March 2009
230. Letter of Representation from Barbara McLeod
40 Armour Mews Larbert FK5 4FF
24 March 2009
231. Letter of Representation from Douglas Herd
5 Learmonth Street Falkirk FK1 5AG
24 March 2009
232. Letter of Representation from Brian Gibbs
35 Cringate Gardens Bannockburn FK7 8PP
24 March 2009
233. Letter of Representation from Rona Fish
31 Fulmar Crescent Larbert FK5 4FW
24 March 2009
234. Letter of Representation from Graham Barrow
28 Castle Drive Airth Falkirk FK2 8GD
24 March 2009
235. Letter of Representation from C B MacDonald
3 Abbots Moss Drive Falkirk FK1 5UA
24 March 2009

236. Letter of Objection from Mr Fraser Falconer
23/3 Silvermills West Silvermills Lane Edinburgh EH3 5BF
15 April 2009
237. Letter of Objection from Mark Dinnoek
8 Comely Park Gardens Falkirk FK1 1QU
29 April 2009
238. Letter of Objection from Ian Borthwick
C/o Glenbervie Golf Club Larbert FK5 4SJ
20 March 2009
239. Letter of Representation from D C Chisholm
15 Ercall Road Brightons Falkirk FK2 0RL
15 May 2009
240. Letter of Representation from Wilson Galloway
16 Rowallan Gardens Broomhill Glasgow G11 7LJ
3 April 2009
241. Letter of Representation from Mr Andrew J Maxwell
Heatherdale 6 Queen's Crescent Falkirk FK1 5JL
3 April 2009
242. Letter of Representation from Mr John Yarnell
12 Ochilview Court Larbert FK5 4FJ
3 April 2009
243. Letter of Representation from Mr Alistair Baird
101 Binniehill Road Balloch Cumbernauld G68 9DT
3 April 2009
244. Letter of Representation from G Morrow
5 Barassie Crescent Westerwood Cumbernauld G68 0HP
3 April 2009
245. Letter of Representation from R C Forsyth
10A Arnothill Falkirk FK1 5RZ
16 March 2009
246. Letter of Representation from Mr Philip-J B L Penfold
Auchenbowie Stirling FK7 9QW
25 March 2009
247. Letter of Representation from Mr Ian MacFarlane
Lynwood Quarry Brae Brightons Falkirk
25 March 2009
248. Letter of Representation from Dr Robert G Law
12 Clifford Road Stirling FK8 2AQ
25 March 2009
249. Letter of Representation from Mr David Matheson
13 Springfield Drive Falkirk FK1 5HW
25 March 2009
250. Letter of Representation from Mr Grant Sneddon
14 Lochmaben Drive Stenhousemuir Larbert FK5 4UT
25 March 2009
251. Letter of Representation from J C Mathieson
12 Garden Terrace Falkirk FK1 1RL
25 March 2009
252. Letter of Representation from Mr David C Wilson
1 Hodge Street Falkirk FK1 5AA
25 March 2009
253. Letter of Representation from Mr John Anderson
57 Laxdale Drive Head Of Muir Denny FK6 5PR
25 March 2009
254. Letter of Representation from Mr Dick Sandeman
1 Kingseat Place Falkirk FK1 5PF
7 April 2009
255. Letter of Representation from Mr Graham Mathewson
27 Randolph Road Stirling FK8 2AP
18 March 2009

256. Letter of Representation from Owner/Occupier
57 Carronvale Road Larbert FK5 3LG
18 March 2009
257. Letter of Representation from Owner/Occupier
12 Glenochil Road Falkirk FK1 5LT
18 March 2009
258. Letter of Representation from Owner/Occupier
17 Alexander Avenue Falkirk FK2 9BJ
18 March 2009
259. Letter of Representation from Mr Keith Drummond
45 Laxdale Drive Head Of Muir Denny FK6 5PR
18 March 2009
260. Letter of Representation from I Drummond
45 Laxdale Drive Head Of Muir Denny FK6 5PR
18 March 2009
261. Letter of Representation from Marilyn Bates
The Haven Slamannan Road Falkirk FK1 5LF
18 March 2009
262. Letter of Representation from Owner/Occupier
13 Learmonth Street Falkirk FK1 5AG
18 March 2009
263. Letter of Representation from Mr Walter Falconer
Thornholm 4 Godfrey Crescent Larbert FK5 3LQ
18 March 2009
264. Letter of Representation from Mr Gordon Addison
Sunnybrae Blackston Road Avonbridge Falkirk
18 March 2009
265. Letter of Representation from Owner/Occupier
Park House Main Street Brightons Falkirk
18 March 2009
266. Letter of Objection from Owner/Occupier
Stewartville 13 Lennox Avenue Stirling FK7 9AG
18 March 2009
267. Letter of Representation from Owner/Occupier
The Haven Slamannan Road Falkirk FK1 5LF
18 March 2009
268. Letter of Representation from Owner/Occupier
Bonnywood House 25 Fergusson Grove Bonnybridge FK4 1PU
18 March 2009
269. Letter of Objection from Owner/Occupier
11 Inch Colm Avenue Larbert FK5 4FP
18 March 2009
270. Letter of Representation from Owner/Occupier
23 Neilson Street Falkirk FK1 5AQ
18 March 2009
271. Letter of Representation from Owner/Occupier
36 Russel Street Falkirk FK2 7HS
18 March 2009
272. Letter of Representation from R Chandrachud
Elms 12 Camelon Road Falkirk FK1 5RX
23 March 2009
273. Letter of Representation from Gordon McIntosh
62B Allanfauld Road Cumbernauld G67 1HB
23 March 2009
274. Letter of Objection from R S Bell
Toscaig Larbert FK5 4SH
23 March 2009
275. Letter of Representation from William Arthur
70 Anson Avenue Falkirk FK1 5JE
23 March 2009

276. Letter of Representation from Alex T Bell
15 Bonnytown Avenue Linlithgow EH49 7JR
23 March 2009
277. Letter of Representation from Owner/Occupier
36 Russel Street Falkirk FK2 7HS
18 March 2009
278. Letter of Representation from Lynn Matheson
Torwood Maddiston Road Brightons Falkirk
18 March 2009
279. Letter of from William Batchelor
Castlehill Cottage 70 Falkirk Road Larbert FK5 3AH
19 March 2009
280. Letter of from Alistair McGibbon
2 Pirleyhill Gardens Falkirk FK1 5NB
19 March 2009
281. Letter of Objection from R Halliday
14 Hillhead Drive Falkirk FK1 5NG
19 March 2009
282. Letter of Objection from Anne McCreath
4 Pleasance Court Falkirk FK1 1BF
19 March 2009
283. Letter of Objection from John W Craig
The Grange Maddiston Road Brightons Falkirk
19 March 2009
284. Letter of Objection from P.M. Richards
36 Colonsay Avenue Polmont Falkirk FK2 0UZ
19 March 2009
285. Letter of Objection from Alexander E. Murrison
8 Frobisher Avenue Falkirk FK1 5JQ
19 March 2009
286. Letter of Objection from Eileen M. Murrison
8 Frobisher Avenue Falkirk FK1 5JQ
19 March 2009
287. Letter of Objection from Brian W. Falloner
Inverwoods Larbert FK5 4SH
19 March 2009
288. Letter of Objection from George Riddell
3 Carronvale Road Larbert FK5 3LZ
19 March 2009
289. Letter of Objection from P. Fairbairn
2 Carrickstone View Westerwood Cumbernauld Glasgow
19 March 2009
290. Letter of Objection from Karen McLachlan
East Wing Ryland Lodge Perth Road Dunblane FK15 0WY
19 March 2009
291. Letter of Objection from Gavin Stevenson
3 Park Avenue Brightons Falkirk FK2 0JA
19 March 2009
292. Letter of Objection from William A French
26 Broomhill Avenue Larbert FK5 3EH
19 March 2009
293. Letter of Objection from Joyce E. French
26 Broomhill Avenue Larbert FK5 3EH
19 March 2009
294. Letter of Objection from John Laird
11 Westfield Kincardine Alloa FK10 4PN
19 March 2009
295. Letter of Objection from June Laird
11 Westfield Kincardine FK10 4PN
19 March 2009

296. Letter of Representation from Maria Cassidy
Greystones 13 Blairdenon Crescent Falkirk FK1 5PE
23 March 2009
297. Letter of Representation from James Patrick
61 Polmont Road Laurieston Falkirk FK2 9QS
23 March 2009
298. Letter of Representation from James Beveridge
Muirbrig Muirhall Road Larbert FK5 4EW
23 March 2009
299. Letter of Representation from Robert McDonald
Romar Quarry Brae Brightons Falkirk
23 March 2009
300. Letter of Representation from James Bruce
12 MacDonald Court Larbert FK5 4FR
23 March 2009
301. Letter of Representation from Stuart M Duggie
82 Oxbang Road Grangemouth FK3 9ER
23 March 2009
302. Letter of Representation from A J Smith
31 Callander Drive Larbert FK5 3ES
16 March 2009
303. Letter of Representation from Mr James K Marven
2 Woodside Grove Larbert FK5 3HG
16 March 2009
304. Letter of Representation from Mr Tom Hannah
2 Armour Mews Larbert FK5 4FF
16 March 2009
305. Letter of Representation from Mr Iain McKenzie
Prospect House Sunnyside Road Brightons Falkirk
16 March 2009
306. Letter of Representation from Mr Robert D McKee
9 Reid Place Larbert FK5 4GP
30 March 2009
307. Letter of Representation from Mr Norman Coleman
44 Glengarry Crescent Falkirk FK1 5UE
30 March 2009
308. Letter of Representation from Mr David MacNair
Flat 2 44 Grahams Road Falkirk FK1 1HR
30 March 2009
309. Letter of Representation from Mr Robert S Towers
20 Moffat Avenue Carronshore Falkirk FK2 8TB
30 March 2009
310. Letter of Representation from D Stewart
4 Glenorchil View Auchterarder PH3 1LU
30 March 2009
311. Letter of Representation from R K Niven
37 Burnhead Road Larbert FK5 4AZ
30 March 2009
312. Letter of Representation from Mr Andrew Gardiner
1 Forrester Gait Torwood Larbert FK5 4TB
30 March 2009
313. Letter of Representation from Elizabeth McKee
9 Reid Place Larbert FK5 4GP
30 March 2009
314. Letter of Objection from Larbert, Stenhousemuir & Torwood Community Council
C/o 92 Stirling Road Larbert FK5 4NF
27 March 2009
315. Letter of Representation from Mr David Webster
30 Hayford Mills Cambusbarron Stirling FK7 9PN
16 March 2009

316. Letter of Representation from Mr Paul Moscardini
34 Russel Street Falkirk FK2 7HS
16 March 2009
317. Letter of Representation from Mr Trevor Cunningham
Bellevue 27 Camelon Road Falkirk FK1 5RU
16 March 2009
318. Letter of Representation from A D Downie
14 Logie Drive Larbert FK5 4EA
16 March 2009
319. Letter of Representation from Mr Thomas Wilson
9 Alloway Wynd Larbert FK5 4FE
16 March 2009
320. Letter of Representation from Mr Robert C Gillespie
Freshfield 4 Fairhaven Terrace Reddingmuirhead Falkirk
16 March 2009
321. Letter of Objection from Elizabeth M. Miller
Thornton Polmont Road Polmont Falkirk
19 March 2009
322. Letter of Objection from Gordon Sutherland
Elmbank 16 Hodge Street Falkirk FK1 1BN
19 March 2009
323. Letter of Objection from Gordon Allan
46 Achray Drive Falkirk FK1 5UN
19 March 2009
324. Letter of Objection from C.M. Ball
8 Glenochil Road Falkirk FK1 5LT
19 March 2009
325. Letter of Objection from Thomas Pickett
Valette 4 Gartcows Avenue Falkirk FK1 5QJ
19 March 2009
326. Letter of Objection from H. F. Matheson
19 James Smith Avenue Maddiston Falkirk FK2 0FP
19 March 2009
327. Letter of Objection from Tom A. Bruce - Jones C.B.E.
C/O James Jones _ Sons Ltd. Broomage Avenue Larbert FK5 4NQ
19 March 2009
328. Letter of Objection from G Burrowes
2 Hazel Crescent Dunipace Denny FK6 6LN
19 March 2009
329. Letter of Objection from Leslie A. Goodchild
4 Battock Road Brightons Falkirk FK2 0TT
19 March 2009
330. Letter of Objection from Jim Johnston
Kyalami Glen Road Torwood Larbert
19 March 2009
331. Letter of Objection from Dr. Donald B. McNichol
501 King Street Stenhousemuir Larbert FK5 4HX
19 March 2009
332. Letter of Objection from Allan M Henderson
32 Lomond Court Condorrat Cumbernauld G67 4JQ
26 March 2009
333. Letter of Objection from Jack A McNicol
Craigruie Glen Road Dunblane FK15 0DS
26 March 2009
334. Letter of Objection from H Busby
3 Knights Way Stoneywood Denny FK6 5HG
26 March 2009
335. Letter of Objection from William McFarlane
3 Kettil Stoud Grove Linlithgow EH49 6PP
26 March 2009

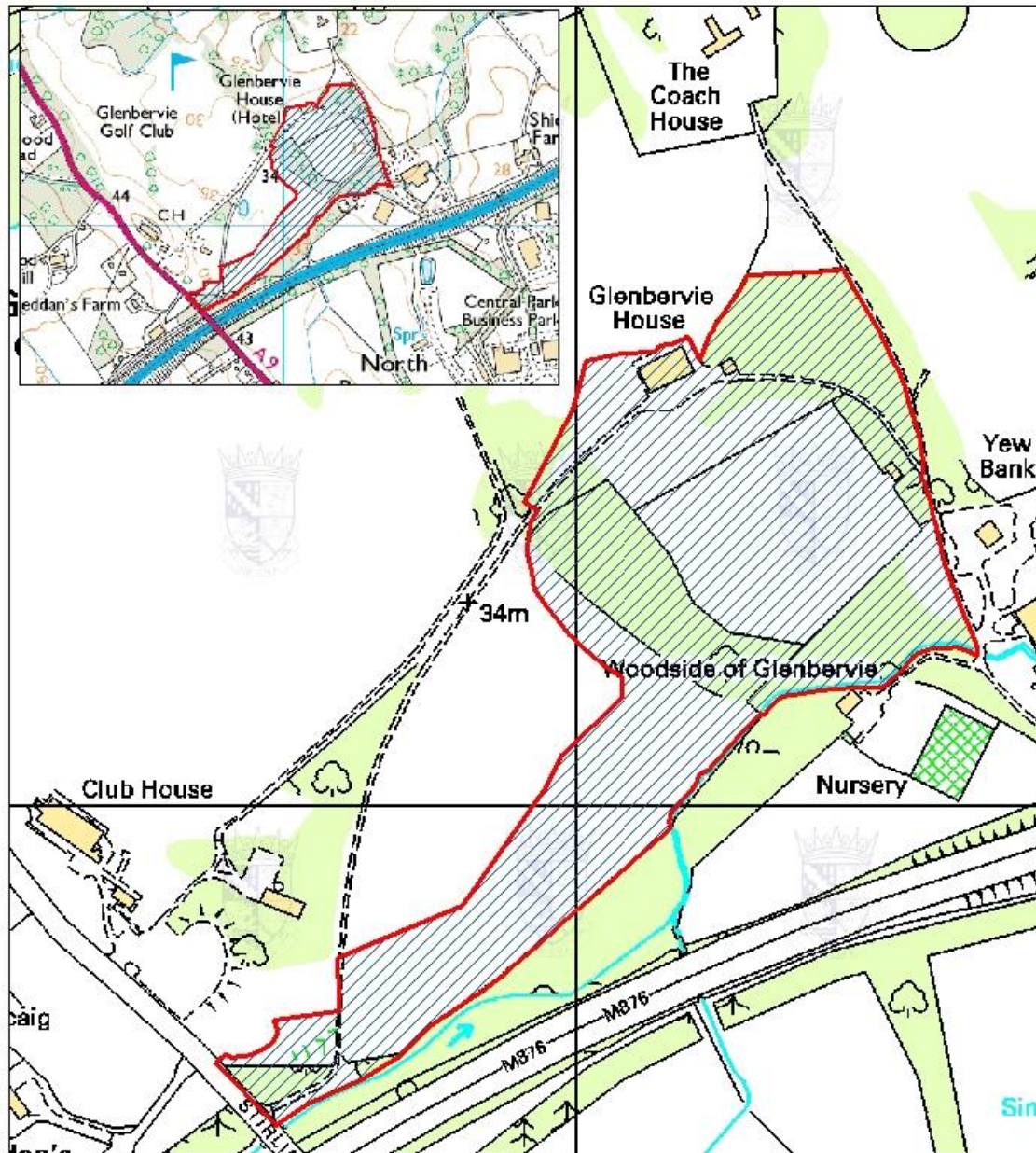
336. Letter of Objection from Dr Brendan T McGuckin
46 Major's Loan Falkirk FK1 5QG
26 March 2009
337. Letter of Objection from Stuart Bodman
22 Lawrence Court Larbert FK5 4FS
26 March 2009
338. Letter of Objection from Mrs Margo A Main
112 Larbert Road Bonnybridge FK4 1EP
26 March 2009
339. Letter of Objection from Douglas Main
112 Larbert Road Bonnybridge FK4 1EP
26 March 2009
340. Letter of Objection from Beverley Mungo
Islay Craigend Road Condorrat Glasgow
26 March 2009
341. Letter of Objection from Robert A Holland
44 Polmont Park Polmont Falkirk FK2 0XT
26 March 2009
342. Letter of Objection from William Millier
6 Centurion Way Falkirk FK2 7YH
26 March 2009
343. Letter of Objection from Gordon L C Whyte
Glen Etive 115 Waggon Road Brightons Falkirk
26 March 2009
344. Letter of Objection from Joseph McKee
6 Dunnottar Drive Stenhousemuir Larbert FK5 4TE
26 March 2009
345. Letter of Objection from G T Campbell
The Muirlands 71 Bellsdyke Road Larbert FK5 4EQ
26 March 2009
346. Letter of Objection from H M M Johnston
Broompark 1 Main Street Brightons Falkirk
26 March 2009

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504707 and ask for Donald Campbell (Development Management Co-ordinator).

Planning Committee

Planning Application Location Plan P/08/1012/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: DEVELOPMENT OF LAND FOR RESIDENTIAL DEVELOPMENT AT PARKHALL FARM, VELLORE ROAD, MADDISTON, FALKIRK, FK2 0BN FOR MAGHERA DEVELOPMENTS - P/09/0483/OUT

Meeting: PLANNING COMMITTEE

Date: 24 March 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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This outline, major, planning application proposes that an area of farmland measuring approximately 7.5 ha, partially occupied with farm buildings and residential properties and accessed from Vellore Road, be developed for residential purposes.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 A further outline application in this area is currently being considered by Falkirk Council (P/09/0527/OUT – development of land for residential purposes – land to east of Toravon Lodge, Vellore Road). A further application P/09/0457/OUT was considered by the Planning Committee on 27 January 2010 where the Committee was minded to grant planning permission for affordable housing subject to the conclusion of a legal agreement, further consultation with SEPA, SNH, financial contributions to play provision and education provision and clarification sought in respect of the housing to be for social and affordable housing. The potential cumulative impact of these developments may impact on the policies and performance of the Development Plan and emerging Falkirk Council Local Plan. For this reason both applications have been put forward for Committee consideration.

3. SITE HISTORY

- 3.1 Three previous applications for the erection of single dwellinghouses and associated ancillary development within this site, (Ref. P/09/0361/OUT, P/09/0362/OUT and P/09/0363/OUT), were appealed to the Scottish Government Directorate for Planning and Environmental Appeals (DPEA) on the grounds of non-determination within the statutory time period. These appeals were dismissed by the DPEA on 27 November 2009 on the grounds that the applications were contrary to Development Plan policies referring to new development in the countryside and outwith urban limits.

4. CONSULTATIONS

- 4.1 Scottish Environment Protection Agency has made no comment to date.
- 4.2 Scottish Natural Heritage (SNH) has 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 otter and has cited water voles and badger as other species of importance that need to be considered.
- 4.3 The Transport Planning Unit has 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.
- 4.4 Scottish Water has no objections.
- 4.5 The 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.
- 4.6 The Roads Development Unit has no objections. However the Unit has 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 on adjacent sites.
- 4.7 Education Services has objected to this application due to capacity issues and increased pressure on schools in the area. Should, however, planning permission be granted, a developer contribution towards Education Services is advised. This contribution would total £3,800 per house and would be used towards capacity related investment at Maddiston Primary, Braes High and St Mungo's High Schools.

5. COMMUNITY COUNCIL

- 5.1 Maddiston Community Council has made no comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 2 letters of objection and 1 letter of support have been received. The salient issues are summarised below.

- 6.2 The two letters of objection to the current proposal identify issues in relation to the Development Plan policies, impact on the Maddiston Site of Importance for Nature Conservation (SINC), wildlife, flooding, land ownership, traffic, residential amenity, water and sewerage concerns. The other letter is in support of the proposal on economic and national planning grounds.

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.

- 7a.3 Policy COM.3 'Special Needs and Affordable Housing' states:

"The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs."

- 7a.4 The application site is located within an area identified as having a shortfall in affordable housing provision, and as such in this location, 25% of any housing on the site should be safeguarded for affordable housing.

- 7a.5 It is noted that the application site is in a countryside location and that the proposed development does not accord with Policy ENV.1 detailed above. It is also noted that the application site is not identified in the Polmont and District Local Plan as a housing land opportunity or as a suitable site for special needs and affordable housing. Furthermore, the applicant has not proposed to develop any portion of the site for affordable or special needs housing.

- 7a.6 The proposed development does not accord with Policy COM3.

7a.7 Policy COM.5 ‘Developer Contributions’ states:

“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”

7a.8 This policy sets out the Development Plan framework for seeking developer contributions to mitigate the impacts of development proposals. In this instance, should planning permission in principle be granted a developer contribution towards education provision should be sought based on the advice of Education Services and the Council’s approved Supplementary Planning Guidance “Education and New Housing Developments”. A contribution towards open space provision is not considered to be necessary in this instance. The application site and proposed development is of a size that would allow sufficient space for on-site provision. Should the Planning Committee be minded to grant planning permission in principle on-site open space provision standards could be conditioned and detailed within any subsequent planning application for approval of reserved matters.

7a.9 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.10 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 ENV.3 of the Falkirk Council Structure Plan.

7a.11 Policy TRANS.3 'Transport Assessment' states:

"Proposals which could result in a significant increase in travel demand will be required to submit a Transport Assessment and where appropriate a Green Transport Plan. These should demonstrate how the impact of the development on the surrounding traffic network can be minimised and how other modes of travel rather than the car will be encouraged."

7a.12 It is considered that the proposed development would result in a significant increase in traffic demand. It is noted that no Transport Assessment has been submitted. It has not, therefore, been possible to fully assess the impact of the proposed development on the transport network.

7a.13 The proposed development does not accord with Policy TRANS.3.

7a.14 Accordingly, the proposed development does not accord with the Falkirk Council Structure Plan.

Polmont and District Local Plan

7a.15 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.16 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 Policy POL 11.1 of the Polmont and District Local Plan.

7a.17 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.18 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.19 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.20 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.21 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.22 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.

Rural Local Plan

7a.23 Policy RURAL 2 'Village Limits' states:

"That the boundary of the village areas as indicated on the Village Maps is regarded as the desirable limit to the growth of the villages at least for the period of the Local Plan. Accordingly, there will be a general presumption against proposals for development which would either extend the village areas beyond this limit or which would constitute undesirable sporadic development in the countryside."

7a.24 The proposed development would result in undesirable sporadic development in the countryside, and as such the proposed development does not accord with Policy Rural 2.

7a.25 Accordingly, the proposed development does not accord with the Rural Local Plan.

7a.26 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).
- Supplementary Planning Guidance “Education and New Housing Developments”.
- Scottish Planning Policy.
- Responses to Consultation.
- Assessment of Public Representations.
- Additional information from applicants following the recent Committee decision on P/09/0457/OUT.

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 The proposed development would result in an expansion of Maddiston Village beyond the village limit identified in the Development Plan. Furthermore, it is noted that the proposed development is not considered to be essential to the pursuance of agriculture, horticulture or forestry or the management of a business for which a countryside location is essential. The proposed development does not accord with Policy SC3 of the Plan, detailed in sections 7b.5-7b.6 of this report, which is included in the criteria detailed in table 3.3 of the Plan which, in turn, is referred to in Policy EQ19.

7b.4 The proposed development does not accord with Policy EQ.19.

7b.5 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.6 Policy SC3 affirms the position of the Polmont and District Local Plan, and therefore the proposal does not accord with Policy SC3 ‘Housing Development in the Countryside’.

7b.7 Policy SC4 ‘Special Needs and Affordable Housing’ states:

“For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:

- (1) Provision of general needs social rented houses;*
- (2) Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) Provision of shared equity or shared ownership housing*

Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy.”

7b.8 It is noted that housing development proposals in the Polmont and District area require to provide 25% as special needs or affordable housing for developments of 60 units or more. Whilst final unit numbers for this site are unknown, an indicative capacity of approximately 80 units means that the 25% figure is appropriate in this instance. The application does not at present propose any portion of affordable housing.

7b.9 The proposed development does not accord with Policy SC4.

7b.10 Policy EQ22 'Landscape and Visual Assessment' states:

"Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area."

7b.11 The applicants have submitted supporting information including indicative layouts and designs, in order to demonstrate that the site can accommodate the scale of development proposed. In principle, it is considered that the application site could absorb a housing development, however full design details would require to be assessed in order to fully satisfy this policy. As this is an outline application, it is not considered that this can be achieved at this stage.

7b.12 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

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

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

7b.13 It is noted that no part of the site is affected by any Tree Preservation Order and, as the current application is for outline planning permission, there is no detailed layout available at this stage. The indicative layout submitted appears to have very little impact on the existing trees and vegetation on the site. With this in mind, it is considered that the current proposal broadly complies with the terms of this policy.

7b.14 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.15 Policy EQ24 affirms the position of the Polmont and District Local Plan, and therefore the proposal does not accord with Policy EQ24 'Ecological Sites and Features'.

7b.16 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.17 It is noted that no drainage strategy has been submitted in respect of the proposed development. It is not, therefore, possible to assess whether drainage in association with the proposed development would meet best practice in terms of sustainable drainage and whether sufficient flood attenuation measures can be put in place.

7b.18 The proposed development does not accord with Policy ST11.

7b.19 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.20 Policy ST12 affirms the position of the Polmont and District Local Plan. The applicant has not provided the required information, and therefore the proposal does not accord with Policy ST12.

7b.21 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.22 Policy ST7 affirms the position of the Polmont and District Local Plan. The applicant has not provided the required information, and therefore the proposal does not accord with Policy ST7.

7b.23 The emerging Falkirk Council Local Plan Finalised Draft (Deposit Version) supports the policies set out in the existing Falkirk Council Structure Plan and Polmont and District Local Plan covering this site and described earlier in this report. The proposed development is contrary to most of the relevant terms of this document.

Supplementary Planning Guidance "Education and New Housing Developments"

7b.24 The Falkirk Council approved supplementary guidance note provides guidance on the implementation of Development Plan policies relating to developer contribution to education provision and explains the reasoning and the technical basis upon which impacts on schools are judged. Should planning permission in principle be granted, a developer contribution of £3,800 per dwellinghouse should be secured in accordance with this guidance and the advice of Education Services as set out in paragraph 4.7.

Scottish Planning Policy

- 7b.25 It is noted that the aim of the Scottish Government's approach to housing is to provide a range of tenures at sites which are accessible to good transport links and community amenities. Local authorities are required to formulate strategies to meet these needs. It is considered that the majority of housing land requirements will be met within or adjacent to existing settlements. This, however, requires to be part of a strategy. In planning terms, the Development Plan sets out the strategy in order that development can be promoted in a structured manner and co-ordinated with infrastructure improvements and availability of community facilities and services.
- 7b.26 It is noted that the proposed development does not accord with the Development Plan and would be additional to housing land which has been identified by means of such a structured and co-ordinated Development Plan process.
- 7b.27 It is not considered that the proposed development accords with the strategic approach promoted in the Scottish Planning Policy which requires to be implemented through the Development Plan process.

Responses to Consultation

- 7b.28 The consultation responses received have raised a number of concerns and have resulted in the request by consultees for significant levels of additional information to be provided. The applicant has been made aware of these responses and the probable recommendation to refuse permission. However, this information has not been formally requested by the planning authority in light of the weight given to the policy assessment and the recommendation to refuse planning permission.

Assessment of Public Representations

- 7b.29 The points raised by each letter of representation in relation to national and local policy, flooding, wildlife, traffic, water and sewerage are all noted and addressed elsewhere in this report. Issues in respect of land ownership are not material planning considerations and it is considered that issues in relation to residential amenity would be better addressed at the time of any detailed application instead of the current outline application.

Additional Considerations Following Recent Committee Decision

- 7b.30 Following the decision by the Planning Committee on application P/09/0457/OUT in January 2010 that it was minded to grant application P/09/0457/OUT, the applicants for the current application felt that the context for consideration of this application had now changed. In light of these circumstances, a letter dated 26 February 2010 was received from the applicant's agent in support of the proposals.
- 7b.31 The applicants contend that the recent decision on P/09/0457/OUT should remove any major reason to refuse the current application as they feel the Planning Committee has clearly signaled its support for housing development in this area. In fact, the recent decision by the Planning Committee was in the context of social/affordable housing and other factors, and does not set a general precedent for further development. The application should be determined upon its own merits.

- 7b.32 The applicants have intimated that they are happy to supply any studies/information on habitats/flood risk that is required and have advised that they would be willing to phase the development should the Committee feel that this was appropriate. The phasing suggested implies a partial approval on the front field which has an approximate capacity of around 30 units and is similar in size to application P/09/0457/OUT. Committee should bear in mind however that the application site currently before Committee consists of boundaries larger than merely this front field, and as such any approval would relate to the site as a whole. Irrespective of potential phasing, the proposed development does not accord with the Development Plan and is unacceptable at this time.

7c Conclusion

- 7c.1 The proposal is contrary to the terms of the Falkirk Council Structure Plan, adopted Polmont and District Local Plan and the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version). There are no material planning considerations that warrant an approval of planning permission in these circumstances. If, however, the Committee were minded to approve this application, it would be subject to referral to Scottish Ministers in regard to potential objections from 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 unplanned 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, Policy Rural 2 - Village Limits of the Rural 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 will safeguard the ecological importance of the Maddiston SINC and other potential habitats for European Protected Species, as such the proposal is contrary to the terms of Policy ENV 3 - Nature Conservation of the Falkirk Council Structure Plan, 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 TRANS.3 - Transport Assessments of the Falkirk Structure Plan, 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).
- (5) The application site is not identified in the Polmont and District Local Plan, either as a housing land opportunity or as a site suitable for special needs and affordable housing. Furthermore, the applicant does not propose to develop any portion of the application site for special needs or affordable housing. The proposed development does not therefore accord with Policy COM.3 of the Falkirk Council Structure Plan 'Special Needs and Affordable Housing' or Policy SC4 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) 'Special Needs and Affordable Housing'.
- (6) There has been no drainage strategy submitted in respect of the proposed development. It has not therefore been possible to assess whether drainage in association with the proposed development would meet best practice in terms of sustainable drainage and whether sufficient flood attenuation measures can be put in place. The proposed development does not therefore accord with Policy ST11 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) 'Sustainable Urban Drainage'.

Informative(s):

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

.....
pp Director of Development Services

Date: 18th March 2010

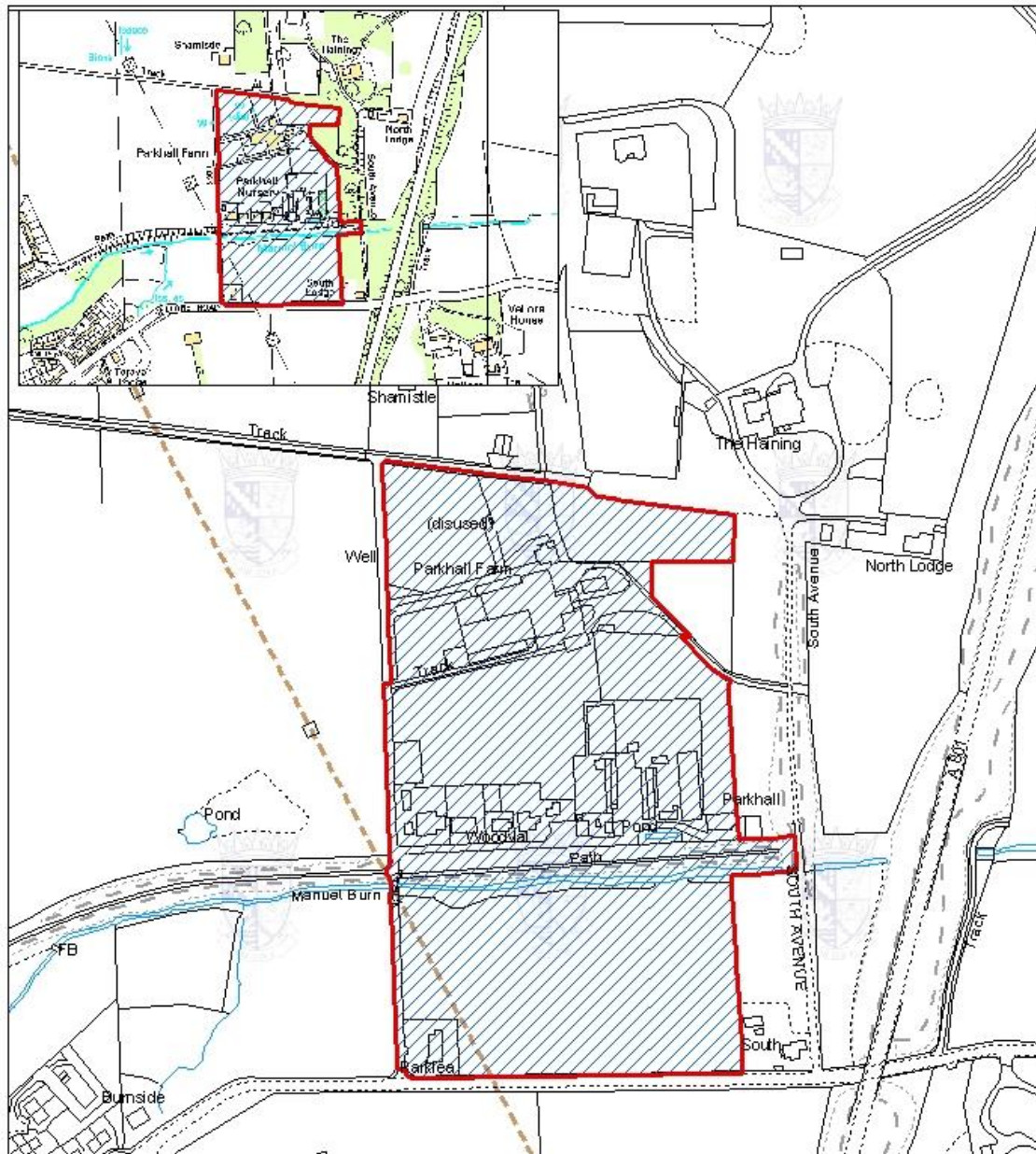
LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Polmont and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Supplementary Planning Guidance “Education and New Housing Developments”.
5. Scottish Planning Policy.
6. Letter of objection received from Manor Forrest LTD, F.A.O Fiona Stewart, Atrium House, Callendar Boulevard, Falkirk on 10 August 2009.
7. Letter of support received from James Barr Ltd, Atholl Exchange, 6 Canning Street, Edinburgh, EH3 8EG on 10 September 2009.
8. Letter of objection received from Mr & Mrs T Millar, The Haining, Vellore Road, Maddiston, Falkirk on 27 July 2009.

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

P/09/0483/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: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT LAND TO THE EAST OF TORAVON LODGE, VELLORE ROAD, MADDISTON FOR ECOSSE HOMES – P/09/0527/OUT

Meeting: PLANNING COMMITTEE

Date: 24 March 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Maddiston

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located on the south side of Vellore Road, Maddiston. The application site measures 6.7 hectares in area, is a major application and is split into two parts by Manor Wynd, Maddiston. The main part of the application site is located on the east side of Manor Wynd between Vellore Road to the north and Toravon Homes housing development Phase 1 to the south. The smaller part of the site is located on the west side of Manor Wynd.
- 1.2 The application site slopes downwards from south to north. There is an existing line of trees across the site from south to north. There is also a derelict agricultural shed at the north part of the site.
- 1.3 This application proposes that the site be developed for residential development. The application is accompanied by a supporting statement and indicative layout plan. It is estimated that up to 120 units could be constructed at the site, 50% of which the applicant proposes could be special needs units and affordable housing. The remainder of the residential units would be for private sale, including properties designed to provide work/live units.
- 1.4 The application is accompanied by a landscape impact assessment and additional supporting statements.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Another similar outline application in this area is currently being considered by Falkirk Council. Both this application, and application P/09/0483/OUT are outline applications for sites outwith the settlement boundary as identified in the Development Plan, and have not been identified as housing opportunities. The potential cumulative impact of these developments may impact upon the policies and performance of the Development Plan and the emerging Falkirk Council Local Plan. For this reason both applications have been put forward for Committee consideration.

3. SITE HISTORY

- 3.1 Planning application F/2004/0081 was refused planning permission on 15 December 2004 in respect of the development of the site for housing purposes (Outline). This decision was the subject of an appeal to Scottish Ministers. The appeal was dismissed on 8 February 2006.
- 3.2 It was noted that the application site was considered as a housing opportunity in the public local inquiry into the second review of the Polmont and District Local Plan. The Reporter gave full consideration to the issues of land use, urban regeneration, landscape impact, impact on settlement character, nature consideration, school provision, local services and public transport. The Reporter's overall conclusion was that the site should *"be deleted from the proposals and opportunities noted in the Local Plan review and should be deleted from the proposals map"*. The Reporter gave significant weight to the issue of landscape impact in terms of which he concluded that *"the development of housing on this site would represent a significant intrusion into open countryside, in an area of sensitive landscape character, and should be avoided unless there are insufficient more suitable greenfield opportunities available in the Local Plan area"*.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that access, which is not of adoptable standard, to a substantial part of the site would be by means of a private road leading from Vellore Road, and that taking access from this private road would not accord with Council standards until it is adopted. It is noted, however, that the private road currently services 135 existing dwellinghouses to the south of the application site and is to be brought up to adoptable standard by a developer.
- 4.2 The Roads Development Unit has also advised that, in order to fully assess the proposal, a flood risk assessment and drainage strategy is required. No flood risk assessment or drainage strategy has been submitted.
- 4.3 Furthermore, it is advised that the vehicular access at the south side of the site, as shown on the indicative layout plan, would not meet Council standards in terms of geometry or distance from adjacent junctions.
- 4.4 The Environmental Protection Unit has advised that a contaminated land assessment is required in respect of the site. It is, however, advised that this issue could be addressed by condition.

- 4.5 Education Services has objected to the proposed development. The site falls within the catchment areas of Maddiston Primary School, St Andrews RC Primary School, Braes High School and St Mungo's RC High School. The local primary school has recently been extended to meet ongoing, and projected, growth in the area. Any further unplanned growth, which is not currently projected, would put the school under considerable pressure. Furthermore, the proposal would significantly increase the pressure on Braes High School. Should, however, planning permission in principle be granted, a developer contribution should be secured towards education provision at Maddiston Primary School, Braes High School and St Mungo's High School. The contribution which should be sought is calculated at £3,800 per dwellinghouse. This is based on a development potential of 120 dwellinghouses.
- 4.6 The Transport Planning Unit has advised that a Transport Assessment is required in order that the proposed development can be assessed. It is noted that a Transport Assessment has not been submitted.
- 4.7 Scottish Water has not raised any objection to the proposed development.
- 4.8 The Scottish Environment Protection Agency has raised concerns in terms of the treatment of foul waste and the treatment of surface water run-off. It is noted that no drainage strategy has been submitted.
- 4.9 Scottish Natural Heritage has raised no objection. It is advised that existing trees at the site should be protected and that development of the site should not adversely affect the existing right of way adjacent to the eastern boundary of the site.

5. COMMUNITY COUNCIL

- 5.1 Maddiston Community Council has objected to the proposed development on the following grounds.
- 5.2 Phase 1 of the Toravon housing development, adjacent to the south, has not yet been completed.
- 5.3 The proposed access shown on the indicative plan at the south side of the site is not adequate in terms of position and geometry. Furthermore, the indicative plan shows a footpath at only one side of this access, highlighting the lack of space available to form this access.
- 5.4 Manor Wynd has an existing drainage and flooding problem. The proposal would make this problem worse.
- 5.5 There is not sufficient local community amenities and services to service the proposed development.
- 5.6 There is not sufficient school capacity to service the proposed development.
- 5.7 The access road to the site is not adopted by the Council.
- 5.8 The application site lies outwith the urban limit as detailed in the Development Plan and is contrary to the policies of the Development Plan.

- 5.9 The proposal would result in an unacceptable loss of greenfield land which significantly contributes to the character of the area.
- 5.10 Trees which should have previously been planted at Manor Wynd have not been planted.
- 5.11 Any houses built at the south side of the site could compromise the privacy of adjacent dwellinghouses to the south and block daylight to these dwellinghouses.
- 5.12 It is not clear from the indicative plan if existing trees at the site are to be retained.
- 5.13 The application site comprises steep sloping land. It is not clear if the site can be adequately drained, and if there would be a risk of flooding, as a result of the proposal.
- 5.14 A previous planning application for a similar development at the site was refused planning permission and a subsequent appeal against that decision was dismissed.

6. PUBLIC REPRESENTATION

- 6.1 A total of 55 letters of objection have been received. In addition to the issues raised by Maddiston Community Council, the following concerns have been raised.
- Dwellinghouses adjacent to the south side of the site would experience a significant loss of views to the north.
 - Existing houses would lose value.
 - There is over capacity in the housing market.
 - Traffic noise in the area would increase.
 - The proposal would have an adverse impact on wildlife at the site.
 - The proposed development is detrimental to the visual amenity of the area.
 - The proposed development would not create a defensible boundary to the settlement envelope.
 - There is not adequate water and electricity supply to service the proposed development.
 - The land between Nos. 7 and 9 Manor Wynd is not owned by the applicant.
- 6.2 A total of 3 petitions of support for the proposed development have been received which are signed by 73 people from Maddiston, Redding, Laurieston, Larbert, Stenhousemuir, Bo'ness and Linlithgow.

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 It is not considered that a countryside location is essential for the proposed development. The proposed development does not constitute agricultural diversification.

7a.3 The proposed development does not accord with Policy ENV.1.

7a.4 Policy COM.3 ‘Special Needs and Affordable Housing’ states:

“The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs.”

7a.5 It is noted that the applicant proposes that 50% of the proposed housing would consist of affordable and special needs dwelling units. Policy COM.3 stipulates, however, that Local Plans should identify suitable sites for special needs and affordable housing. It is noted that the application site is in a countryside location and that the proposed development does not accord with Policy ENV.1, detailed above. Furthermore, it is noted that the application site is not identified in the Polmont and District Local Plan as either a housing land opportunity or a suitable site for special needs and affordable housing.

7a.6 The proposed development therefore does not accord with Policy COM.3.

7a.7 Policy COM.5 ‘Developer Contributions’ states:

“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”

7a.8 This policy sets out the Development Plan framework for seeking developer contributions to mitigate the impacts of development proposals. In this instance, should planning permission in principle be granted a developer contribution towards education provision should be sought based on the advice of Education Services and the Council's approved Supplementary Planning Guidance, "Education and New Housing Development". A contribution towards open space provision is not considered to be necessary in this instance. The application site and proposed development is of a size that would allow sufficient space for on-site provision. Should the Planning committee be minded to grant planning permission in principle on-site open space provision standards could be conditioned and detailed within any subsequent planning application for approval of reserved matters.

7a.9 Policy TRANS.3 ‘Transport Assessment’ states:

“Proposals which could result in a significant increase in travel demand will be required to submit a Transport Assessment and where appropriate a Green Transport Plan. These should demonstrate how the impact of the development on the surrounding traffic network can be minimised and how other modes of travel rather than the car will be encouraged.”

7a.10 It is considered that the proposed development would result in a significant increase in traffic demand. It is noted that no Transport Assessment has been submitted. It has not, therefore, been possible to fully assess the impact of the proposed development on the transport network.

7a.11 The proposed development does not accord with Policy TRANS.3.

7a.12 Accordingly, the proposed development does not accord with the Falkirk Council Structure Plan.

Polmont and District Local Plan

7a.13 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.14 It is noted that the application site lies outwith the Maddiston settlement boundary, as identified in the Local Plan, and therefore constitutes a "countryside" location. It is not considered that the proposed development is absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location.

7a.15 The proposed development does not accord with Policy POL 11.1.

7a.16 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.17 It is noted that the application is for a major development proposal. Under the terms of Policy POL 6.4 the applicant is required to submit a Transport Impact Assessment.

7a.18 It is noted that no Transport Impact Assessment has been submitted. It has not therefore been possible to assess fully the impact of the proposed development on the transport network.

7a.19 The proposed development does not accord with Policy POL 6.4.

7a.20 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.21 It is noted that there has been no flood risk assessment submitted. It has not therefore been possible to assess fully whether there would be a significant risk of flooding.

7a.22 The proposed development does not accord with Policy POL 8.8.

7a.23 Accordingly, the proposed development does not accord with the Polmont and District Local Plan.

Rural Local Plan

7a.24 Policy RURAL 2 'Village Limits' states:

"That the boundary of the village areas as indicated on the Village Maps is regarded as the desirable limit to the growth of the villages at least for the period of the Local Plan. Accordingly, there will be a general presumption against proposals for development which would either extend the village areas beyond this limit or which would constitute undesirable sporadic development in the countryside."

7a.25 The proposed development would result in an extension to the Maddiston Village Limit as identified in the Rural Local Plan.

7a.26 The proposed development does not accord with Policy Rural 2.

7a.27 Accordingly, the proposed development does not accord with the Rural Local Plan.

7a.28 Accordingly, the proposed development does not accord with the Development Plan.

7b Material Considerations

7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Supplementary Planning Guidance Note "Affordable Housing", Supplementary Planning Guidance Note "Education and New Housing Development", Scottish Planning Policy (SPP), Planning Advice Note (PAN) 74 "Affordable Housing", issues raised by Maddiston Community Council, letters of objection, the petitions of support and consultation responses.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 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.3 It is not considered that the proposed residential development is essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential.

7b.4 The proposed development does not involve the rehabilitation of former residential properties or the conversion of a farm or other buildings.

7b.5 The proposed development does not constitute an infill opportunity within the envelope of an existing group of residential buildings.

7b.6 The proposed development does not accord with Policy SC3.

7b.7 Policy SC4 ‘Special Needs and Affordable Housing’ states:

“For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:

- (1) Provision of general needs social rented houses;*
- (2) Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) Provision of shared equity or shared ownership housing*

Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy.”

7b.8 It is noted that housing development proposals in the Polmont and District area require to provide 25% as special needs or affordable housing for developments of 60 units or more.

7b.9 The proposed development accords with Policy SC4.

7b.10 Policy EQ22 ‘Landscape and Visual Assessment’ states:

“Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area.”

7b.11 It is noted that the application is supported by a landscape and visual assessment. The submitted report concludes that the development would successfully integrate into the local landscape and that landscape mitigation measures would enhance the local environment.

7b.12 It is considered, however, that the development of the site would have a significant landscape impact, changing the character of Vellore Road, and introducing built development on a prominent north facing slope which forms an important part of the countryside setting of Maddiston. The decision of the Reporter in respect of the Polmont and District Local Plan second review, detailed in section 3.2 of this report, is noted and is a relevant consideration.

7b.13 It is not considered that the current landscape setting is capable of absorbing the proposed development without detriment to the visual landscape and countryside setting of Maddiston.

7b.14 The proposed development does not accord with Policy EQ22.

7b.15 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

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

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

7b.16 It is noted that the western section of the smaller section of the application site is subject to a Tree Preservation Order (TPO). It is noted that the application is for outline planning permission and that there is no detailed layout available at this stage. The indicative layout, however, would indicate that some trees subject to the TPO would be removed as a result of the proposal. This would also have an adverse impact on the setting of the remainder of the TPO.

7b.17 The proposed development does not accord with Policy EQ26.

7b.18 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.19 The Transport Planning Unit has advised that a Transport Assessment is required in order to assess the impact of the proposed development on the transport network.

7b.20 It is noted that no Transport Assessment has been submitted. It is not therefore possible to assess whether the proposal would have an adverse impact on the transport network.

7b.21 The proposed development does not accord with Policy ST7.

7b.22 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.23 It is noted that no drainage strategy has been submitted in respect of the proposed development. It is not therefore possible to assess whether drainage in association with the proposed development would meet best practice in terms of sustainable drainage and whether sufficient flood attenuation measures can be put in place.

7b.24 The proposed development does not accord with Policy ST11.

7b.25 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.26 It is noted that no flood risk assessment has been submitted. It has not therefore been sufficiently demonstrated that any flood risk can be adequately managed both within and outwith the site.

7b.27 The proposed development does not accord with Policy ST12.

7b.28 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.29 The proposed development would result in an expansion of the Maddiston Village Limit. Furthermore, it is noted that the proposed development is not considered to be essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. The proposed development does not accord with Policy SC3 of the Plan, as detailed in sections 7b.2 – 7b.6 above, which is included in the criteria detailed in table 3.3 of the Plan, which, in turn, is referred to in Policy EQ19.

7b.30 Accordingly, the proposed development does not accord with Policy EQ19.

7b.31 Accordingly, the proposed development does not accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Supplementary Planning Guidance "Affordable Housing"

7b.32 It is noted that for large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular, there will be a requirement to provide special needs and affordable housing. Furthermore, it is noted that the applicant proposes to provide 50% special needs and affordable housing, which exceeds the current standard of 25% in the Polmont and District area for developments in excess of 60 dwelling units.

7b.33 It is also noted, however, that the proposed development lies outwith the Maddiston Village Limit and does not accord with Policy ENV.1 of the Falkirk Structure Plan "Countryside and Protected Areas" and Policy POL.11.1 of the Polmont and District Local Plan "New Development in the Countryside". It is not considered that the offer of an increased level of special needs and affordable housing would justify setting aside the terms of the Development Plan and the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version).

Supplementary Planning Guidance "Education and New Housing Developments"

7b.34 The Falkirk Council approved supplementary guidance note provides guidance on the implementation of Development Plan Policies relating to developer contribution to education provision and explains the reasoning and the technical basis upon which impacts on schools are judged. Should planning permission in principle be granted, a developer contribution of £3,800 per dwellinghouse should be secured in accordance with this guidance and the advice of Education Services as set out in paragraph 4.5.

Scottish Planning Policy

- 7b.34 It is noted that the aim of the Scottish Government's approach to housing is to provide a range of tenures at sites which are accessible to good transport links and community amenities. Local authorities are required to formulate strategies to meet these needs. It is considered that the majority of housing land requirements will be met within or adjacent to existing settlements. However, this requires to be part of a strategy. In planning terms, the Development Plan sets out the strategy in order that development can be promoted in a structured manner and co-ordinated with infrastructure improvements and availability of community facilities and services.
- 7b.35 It is noted that the proposed development does not accord with the Development Plan and would be additional to housing land which has been identified by means of such a structured and co-ordinated Development Plan process.
- 7b.36 It is not considered that the proposed development accords with the strategic approach promoted in the Scottish Planning Policy which requires to be implemented through the Development Plan process.

Planning Advice Note 74 "Affordable Housing"

- 7b.37 PAN 74 advises that the Development Plan should set out the means of delivering affordable housing and indicate the likely nature and scale of other contributions expected from each development.
- 7b.38 It is noted however that the proposed development does not accord with the Development Plan. The proposal to include affordable housing does not justify a departure from the Development Plan.

Issues Raised by Maddiston Community Council and Letters of Objection

- 7b.39 Issues relating to Phase 1 of the Toravon housing development are noted. These issues are not, however material considerations to this application.
- 7b.40 The consultation response of the Roads Development Unit in respect of roads and access issues are noted.
- 7b.41 Issues relating to drainage and flooding are noted. It is also noted that there has been no drainage strategy or flood risk assessment submitted.
- 7b.42 Issues relating to community facilities and services are noted. Also noted is the requirement to allocate housing land through a structured and co-ordinated Development Plan process as detailed in section 7b.32 – 7b.34 of this report.
- 7b.43 The consultation response of Education Services is noted in terms of school roll issues.
- 7b.44 Comments relating to the Development Plan are noted.
- 7b.45 Comments relating to the loss of Greenfield land are noted. Section 7a of this report "the Development Plan" is also noted.

- 7b.46 Issues relating to tree planting which has not taken place are noted. These issues are not, however, relevant to this application.
- 7b.47 Issues relating to privacy and daylighting could be addressed in the preparation of a detailed layout.
- 7b.48 Issues relating to protection of existing trees can be addressed by condition.
- 7b.49 The planning history of the site is noted in Section 3 of this report.
- 7b.50 Property value is not a material planning consideration.
- 7b.51 Loss of view is not a material planning consideration.
- 7b.52 Housing market issues are not a material planning consideration.
- 7b.53 Issues relating to noise are noted. It is also noted that the Environmental Protection Unit has raised no objections in terms of noise.
- 7b.54 Issues relating to wildlife are noted. It is also noted that Scottish Natural Heritage has raised no objections.
- 7b.55 Issues relating to visual amenity are noted. It is noted from sections 7b.10 – 7b.14 of this report that it is not considered that the current landscape setting is capable of absorbing the proposed development without detriment to the visual landscape and countryside setting of Maddiston.
- 7b.56 A defensible eastern boundary could be created in the preparation of a detailed layout.
- 7b.57 There is no evidence to support the view that there is not adequate electricity or water supply to service the proposed development.

Supporting Statements

- 7b.58 The applicant has submitted supporting statements which can be considered in two parts.
- 7b.59 Firstly, the applicant takes the view that any additional information which has been requested through the consultation process is not necessary at the planning permission in principle stage, and could be addressed by conditions.
- 7b.60 Additional information which has been requested and has not been submitted includes a flood risk assessment, a drainage strategy and a transport assessment. It is not considered that these issues can be addressed by condition. Sections 7b.18 – 7b.28 of this report are noted.
- 7b.61 Secondly the applicant considers that there is support for setting aside the Development Plan in this case, and granting planning permission in principle, as housing allocation in the Development Plan has failed to provide sufficient numbers of housing units built on the ground to meet housing demand.

- 7b.62 In relation to the Polmont sub area of the Development Plan, the applicant takes the view that there are sites which:
- (a) Have been identified as housing opportunities for many years and have not been subject to planning applications or
 - (b) Have been granted planning permission but have not been developed.
- 7b.63 Furthermore the applicant takes the view that the Development Plan process has failed to provide any special needs or affordable housing in the Polmont area.
- 7b.64 The applicant estimates that the deficiency in numbers of dwellinghouses built, in relation to numbers projected is a minimum of 150 units. The 110-120 units expected as a result of the proposed development would address the deficiency in numbers.
- 7b.65 The applicant considers that the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version) reflects the provision of the Development Plan and will similarly fail to address housing need, particularly in respect of special needs and affordable housing.
- 7b.66 The applicant's view that the Development Plan has failed, and that the emerging Falkirk Council Local Plan will fail, to provide adequate housing opportunities both in terms of general tenure and affordable housing/special needs, is not supported. It is considered that the Development Plan is robust in terms of the identification of appropriate housing opportunity sites and in the provision of a range of houses as part of a structural and co-ordinated strategy.
- 7b.67 The Development Plan process remains the appropriate means by which to ensure the provision of housing where it is most needed and to ensure it is provided in conjunction with the appropriate infrastructure and availability of amenities. It is not considered that there is any failure in the Development Plan process which would merit a departure from the Development Plan in this case.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan or the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 It has not been possible to assess the proposed development fully as no transport assessment, flood risk assessment or drainage strategy has been submitted.
- 7c.3 The indicative layout plan submitted in support of the application does not demonstrate that the proposed access to the site meets the standards of provision required.
- 7c.4 Information submitted in support of the application would suggest that trees protected by a Tree Preservation Order would be removed.
- 7c.5 There are no material considerations which would justify a departure from the Development Plan.

- 7c.6 It is noted that, should Members be minded to grant planning permission in principle, the application would be required to revert to the Director of Development Services to address the issue of securing a developer contribution towards education provision and any matters arising from a Transport Assessment. Furthermore, it is noted that SEPA has objected to the proposed development. The application would therefore be required to be referred to Scottish Ministers.

8. RECOMMENDATION

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

- (1) A countryside location is not essential for the proposed development. The proposed development is not essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. Furthermore, the proposed development would extend the Maddiston Village Limit beyond its existing boundary. The proposed development does not, therefore, accord with Policy ENV.1 of the Falkirk Council Structure Plan 2007 “Countryside and Protected Areas”, Policy POL 11.1 of the Polmont and District Local Plan “New Development in the Countryside”, Policy EQ19 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) “Countryside” and Policy RURAL 2 of the Rural Local Plan “Village Limits”.**
- (2) The application site is not identified in the Polmont and District Local Plan, either as a housing land opportunity or a site suitable for special needs and affordable housing. The proposed development does not, therefore, accord with Policy COM.3 of the Falkirk Council Structure Plan “Special Needs and Affordable Housing”.**
- (3) Information submitted in support of the application would suggest that trees protected by a Tree Preservation Order would be removed as a result of the proposed development and therefore the appearance of the trees protected by the Tree Preservation Order would be affected. The proposed development does not therefore accord with Policy EQ 26 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) “Trees Woodland and Hedgerows”.**
- (4) There has been no flood risk assessment submitted in respect of the proposed development. It has not been demonstrated whether there would be a significant risk of flooding and whether any flood risks can be managed both within and outwith the application site. The proposed development does not therefore accord with POL 8.8 of the Polmont and District Local Plan “Flooding” or Policy ST12 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) “Flooding”.**

- (5) There has been no Transport Assessment submitted in respect of the proposed development. It has not therefore been possible to assess whether the proposed development would have an adverse impact on the transport network. The proposed development does not therefore accord with TRANS.3 of the Falkirk Council Structure Plan “Transport Assessment”, Policy POL 6.4 of the Polmont and District Local Plan “Roads and New Development” or Policy ST7 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) “Transport Assessments”.
- (6) There has been no drainage strategy submitted in respect of the proposed development. It has not therefore been possible to assess whether drainage in association with the proposed development would meet best practice in terms of sustainable drainage and whether sufficient flood attenuation measures can be put in place. The proposed development does not therefore accord with Policy ST11 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) “Sustainable Urban Drainage”.

Informative(s)

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

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pp Director of Development Services

Date: 18 March 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Polmont and District Local Plan
3. Rural Local Plan.
4. Falkirk Council Local Plan Finalised Draft (Deposit Version).
5. F/2004/0081.
6. Scottish Planning Policy.
7. Supplementary Planning Guidance "Education and New Housing Development"
8. Supplementary Planning Guidance "Affordable Housing".
9. Planning Advice Note 74 "Affordable Housing".
10. Letter of Objection from Mr Grant McMillan, 29 Fowler Crescent Maddiston Falkirk FK2 0BZ received on 14 August 2009
11. Letter of Objection received from Mr Grant McMillan, 1 Cairneymount Avenue Maddiston Falkirk FK2 0AT on 14 August 2009
12. Letter of Objection received from Fiona Hague, 29 Fowler Crescent Maddiston Falkirk FK2 0BZ on 14 August 2009.
13. Letter of Objection received from Mr Robert McDonald, 26 Fowler Crescent Maddiston Falkirk FK2 0BZ on 14 August 2009.
14. Letter of Objection received from Y Honeyman, 2 Fowler Crescent Maddiston Falkirk FK2 0BZ on 14 August 2009.
15. Letter of Objection received from Mr Steven Grant , 20 Fowler Crescent Maddiston Falkirk FK2 0BZ on 14 August 2009.
16. Letter of Objection received from Debbie McDonald, 26 Fowler Crescent Maddiston Falkirk FK2 0BZ on 14 August 2009.
17. Letter of Objection received from Frances Newns, 21 Oak Hill View Maddiston Falkirk FK2 0DB on 14 August 2009.
18. Letter of Objection received from Mr and Mrs Baillie, 5 Oak Hill View Maddiston Falkirk FK2 0DB 14 August 2009.
19. Letter of Objection received from A Millar, 5 Heather Grove Maddiston Falkirk FK2 0BB on 13 August 2009.
20. Letter of Objection received from Owner/Occupier, 22 Fowler Crescent Maddiston Falkirk FK2 0BZ on 13 August 2009.
21. Letter of Objection received from Mr Paul Mercer, 1 Fowler Crescent Maddiston Falkirk FK2 0BZ on 13 August 2009.
22. Letter of Objection received from Linda Holleran, 11 Manor Wynd Maddiston Falkirk FK2 0AP on 13 August 2009
23. Letter of Objection from Mr Hutchson, 8 Heather Grove Maddiston Falkirk FK2 0BB on 13 August 2009.
24. Letter of Objection received from Mrs Lindsey Squire, 2 Heather Grove Maddiston Falkirk FK2 0BB on 13 August 2009.
25. Letter of Objection received from Susan and John Rogers, 2 Manor Wynd Maddiston Falkirk FK2 0AP on 13 August 2009.
26. Letter of Objection received from Mrs Diane Walker, 3 Heather Grove Maddiston Falkirk FK2 0BB on 13 August 2009.
27. Letter of Objection received from Owner/Occupier, 9 Heather Grove Maddiston Falkirk FK2 0BB on 13 August 2009.
28. Letter of Objection received from Mrs Nicola Gibson, 10 Manor Wynd Maddiston Falkirk FK2 0AP on 13 August 2009.
29. Letter of Objection received from Sally Ibbotson, 12 Manor Wynd Maddiston Falkirk FK2 0AP on 13 August 2009.

30. Letter of Objection received from Ria Marshall, Toravon Manor Manor Wynd Maddiston on 13 August 2009.
31. Letter of Objection received from Alan Wallace, 8 Fowler Crescent Maddiston Falkirk FK2 0BZ on 13 August 2009.
32. Letter of Objection received from Ian Hannah, 14 Fowler Crescent Maddiston Falkirk FK2 0BZ on 13 August 2009.
33. Letter of Objection from Mr Stuart Hunter, 5 Manor Wynd Maddiston Falkirk FK2 0AP on 12 August 2009.
34. Letter of Objection received from Mrs Lynda Hunter, 5 Manor Wynd Maddiston Falkirk FK2 0AP on 12 August 2009.
35. Letter of Objection received from Mr and Mrs Gilchrist, 24 Fowler Crescent Maddiston Falkirk FK2 0BZ on 27 August 2009.
36. Letter of Objection received from Mr Tom Pitt, 21 Fowler Crescent Maddiston Falkirk FK2 0BZ on 27 August 2009.
37. Letter of Objection received from Manor Forrest LTD, F.A.O Fiona Stewart Atrium House Callendar Boulevard Falkirk on 10 August 2009.
38. Letter of Objection received from Mstr Ethan French, 1 Oakhill View, Vellore Road, Maddiston, Falkirk FK20DB on 11 August 2009.
39. Letter of Objection received from Mr & Mrs Wilson, 15 Oak Hill View Maddiston Falkirk FK2 0DB on 3 August 2009.
40. Letter of Objection received from Mr C M Fowler, 7 Oak Hill View Maddiston Falkirk FK2 0DB on 19 August 2009.
41. Letter of Objection received from Mrs Janet Lewis, 11 Oak Hill View Maddiston Falkirk FK2 0DB on 10 August 2009.
42. Letter of Objection received from Mrs M McColl, 7 Manor Wynd Maddiston Falkirk FK2 0AP on 10 August 2009.
43. Letter of Objection received from Mr Michael Lewis, 11 Oak Hill View Maddiston Falkirk FK2 0DB on 10 August 2009.
44. Letter of Objection received from Maddiston Community Council, Magdalene Cottage Vellore Road Maddiston Falkirk on 17 September 2009.
45. Letter of Objection received from J Scott, 6 Manor Wynd Maddiston Falkirk FK2 0AP on 6 August 2009.
46. Letter of Objection received from Mr. Stephen French, 1 Oakhill View, Vellore Road, Maddiston FK20DB on 11 August 2009.
47. Letter of Objection received from Mstr. Connor French, 1 Oakhill View, Vellore Road, Maddiston, Falkirk FK2 0DB on 11 August 2009.
48. Letter of Objection received from Mr & Mrs Smith, 9 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
49. Letter of Objection received from Mike & Denise Tierney, 10 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
50. Letter of Objection received from Mr Iain Smith, 19 Oak Hill View Maddiston Falkirk FK2 0DB.
51. Letter of Objection received from Mrs. Wendy French, 1 Oakhill View, Vellore Road, Maddiston FK20DB on 11 August 2009.
52. Letter of Objection received from Owner/Occupier, 15 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
53. Letter of Objection received from Tony Jinks, 28 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
54. Letter of Objection received from Gillian Carter, 19 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.

55. Letter of Objection received from Jack Chapman, 16 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
56. Letter of Objection received from Anne McCabe, 16 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
57. Letter Objection from Russell Binnie, 18 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
58. Letter of Objection received from Mary Kelly, 18 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
59. Letter of Objection received from Derek Powel, 14 Manor Wynd Maddiston Falkirk FK2 0AP on 17 August 2009.
60. Letter of Objection received from Owner/Occupier, 11 Manor Wynd Maddiston Falkirk FK2 0AP on 17 August 2009.
61. Letter of Objection received from Kathleen Body, 3 Manor Wynd Maddiston Falkirk FK2 0AP on 17 August 2009.
62. Letter of Objection received from Jonathan Neale, 12 Oak Hill View Maddiston Falkirk FK2 0DB on 17 August 2009.
63. Letter of Objection received from Mrs Linda Holleran, 11 Manor Wynd, Maddiston, Falkirk FK2 0AP on 26 August 2009.
64. Letter of Objection received from Mr and Mrs Robert Lessels, Toravon Lodge Vellore Road Maddiston Falkirk on 28 August 2009.
65. Letter of Objection received from Fiona & Dave Gorman, 11 Fowler Crescent Maddiston Falkirk FK2 0BZ on 19 August 2009.
66. Letter of Objection received from Diane Taylor, 3 Oak Hill View Maddiston Falkirk FK2 0DB on 19 August 2009.
67. Three petitions of Support with a total of 73 signatories received on 26 January 2010.

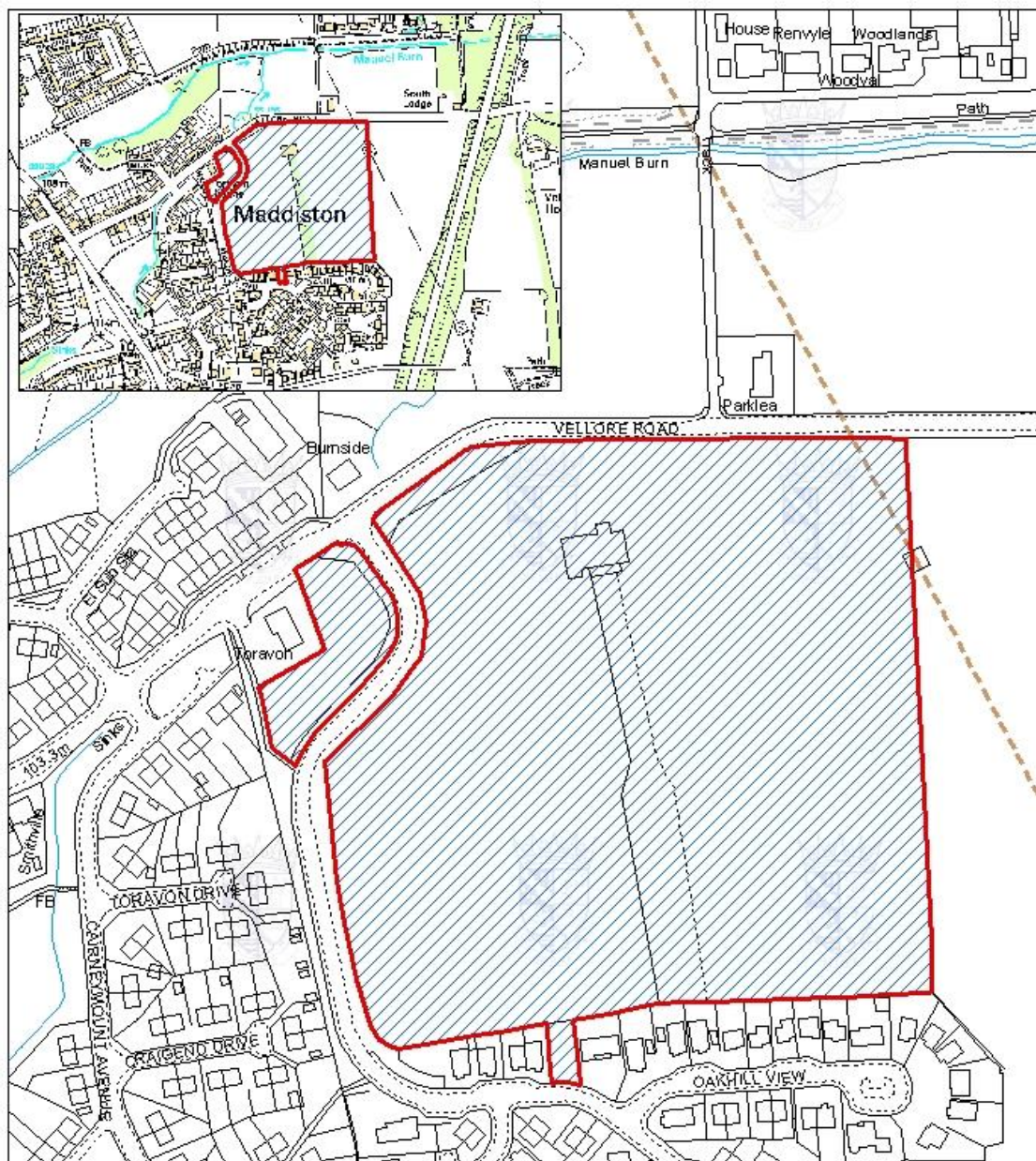
Any person wishing to inspect the background papers listed above should telephone 01324 504757 and ask for David Paterson (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0527/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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