

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 21 APRIL 2010 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

ATTENDING: Director of Development Services; Acting Director of Law and Administration; Acting Head of Planning and Transportation; Development Manager; Development Management Coordinator (D Campbell); Roads Development Officer (C Russell); Transport Planning Officer (K Short); Team Leader, Legal Services (D Blyth); and Committee Officer (A Sobieraj).

DECLARATION None
OF INTEREST:

The Convener agreed a 15 minute recess to allow Members to fully consider the Reports by the Director of Development Services contained within the Supplementary Agenda which had only recently been issued to Members following meetings of the Planning Committee On Site held on 15 and 16 April 2010. The meeting reconvened with all Members present as per the sederunt.

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

- Councillor Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0849/FUL, P/09/0364/FUL and P/09/0449/FUL (minute P9, P10 and P13) but that he would take part in consideration of planning applications P/09/0743/FUL, P/09/0897/FUL and P/08/1012/OUT (minute P11, P12 and P14) as he was sufficiently familiar with the sites.
- Councillor Carleschi informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/09/0849/FUL, P/09/0364/FUL, P/09/0743/FUL, P/09/0897/FUL and P/09/0449/FUL (minute P9, P10, P11, P12 and P13) as he was sufficiently familiar with the sites.
- Councillor A MacDonald informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/09/0449/FUL (minute P13) but that he would take part in consideration of planning applications P/09/0849/FUL, P/09/0364/FUL, P/09/0743/FUL, P/09/0897/FUL and P/08/1012/OUT (minute P9, P10, P11, P12 and P14) as he was sufficiently familiar with the sites.

- Councillor Oliver informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0849/FUL, P/09/0743/FUL and P/09/0449/FUL (minute P9, P11 and P13) but that he would take part in consideration of planning applications P/09/0364/FUL, P/09/0897/FUL and P/08/1012/OUT (minute P10, P12 and P14) 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/09/0849/FUL, P/09/0364/FUL, P/09/0743/FUL, P/09/0897/FUL and P/09/0449/FUL (minute P9, P10, P11, P12 and P13).
- Councillor McNeill informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/09/0849/FUL, P/09/0364/FUL, P/09/0743/FUL and P/09/0449/FUL (minute P9, P10, P11 and P13) but that he would take part in consideration of planning application P/09/0897/FUL (minute P12) as he was sufficiently familiar with the site.
- Councillor Nicol informed the Committee that, while he had not attended the site visit, he would take part in consideration of planning application P/08/1012/OUT (minute P14) as he was sufficiently familiar with the site.

P7. 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.

A further update was provided on the proposal for a joint Working Group and options for monitoring the site. Having been advised of the involvement of SEPA, it was agreed that a representative therefrom would be asked to attend the next meeting of Committee to advise Members about the action they were taking.

P8. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 24 March 2010;
- (b) Minute of Meeting of the Planning Committee On Site held on 30 March 2010;
- (c) Minute of Special Meeting of the Planning Committee held on 30 March 2010;
- (d) Minute of Meeting of the Planning Committee On Site held on 15 April 2010, subject to the addition of apologies from Councillor A MacDonald on the sederunt; and
- (e) Minute of Meeting of the Planning Committee On Site held on 16 April 2010, subject to the addition of apologies from Councillor A MacDonald on the sederunt.

P9. ERECTION OF DWELLINGHOUSE WITH INTEGRATED DOMESTIC GARAGE AT KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA, STIRLING, FK7 7NJ FOR MR GARY PATERSON – P/09/0849/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P199 refers), Committee gave further consideration to Report (circulated) dated 16 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for full planning permission for the erection of a dwellinghouse with an integrated domestic garage at a site currently forming part of the existing Paterson's Garden Buildings site at Kersie Bank, Kersie Terrace, South Alloa.

Councillor C Martin, seconded by Councillor Nicol, moved that the Committee be minded to grant the application subject to a Section 75 Agreement, restricting the use and occupation of the dwellinghouse and to appropriate conditions, on the grounds that the material considerations outlined in the report outweighed the presumption in favour of the Development Plan.

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

On a division, 5 Members voted for the Motion and 3 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission subject to the satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997. The purpose of the agreement will be to restrict occupation of the living accommodation to a person employed in the business. Thereafter, on conclusion of the agreement, to remit to the Director of Development Services to grant planning permission subject to appropriate conditions.

P10. 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 FOR MRS MARY KENNEDY – P/09/0364/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P200 refers), Committee gave further consideration to Report (circulated) dated 16 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for full planning permission, in retrospect, for the use of land to form 6 permanent gypsy/traveller sites, two visitor pitches with facilities for access, parking, fencing, screening and utility units and extending to 1.39 hectares, lying in open countryside to the south of High Bonnybridge.

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

- (1) The application was contrary to Development Plan Policy RURAL 1 and Policies EQ19 and SC4A in the Finalised Draft Local Plan (Deposit Version); and
- (2) The weight of the material considerations was insufficient to overcome the presumption in favour of the Development Plan.

P11. ERECTION OF DWELLINGHOUSE AT CAVALIER INN, CROSS BRAE, SHIELDHILL, FALKIRK FK1 2EQ FOR MR MCMILLAN – P/09/0743/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P203 refers), Committee gave further consideration to Report (circulated) dated 16 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for full planning permission for the erection of a one and a half storey dwellinghouse in the yard/garden area at the rear of the Cavalier Inn public house, Cross Brae, Shieldhill, Falkirk.

Councillor McLuckie, seconded by Councillor Nicol, moved that the application be granted on the basis that the changes from the original application had reduced the height of the building, the site would be excavated and reduced by 6 feet, there was precedent in neighbouring developments and there was sufficient light to the neighbouring properties.

By way of an Amendment, Councillor A MacDonald, seconded by Councillor Thomson, moved that the application be refused in accordance with recommendations in the Report.

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

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

P12. CHANGE OF USE OF SHOP TO CAFÉ, SHOP AND HOT FOOD TAKEAWAY AT 3 PRETORIA PLACE, STATION ROAD, BRIGHTONS FK2 0UF FOR GIANNINO'S RESTAURANT LTD – P/09/0897/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P206 refers), Committee gave further consideration to Report (circulated) dated 17 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for full planning permission for a change of use of an existing vacant shop unit to a café and delicatessen with an element of a hot food takeaway, including the demolition of a previous rear extension and storage area, the formation of a small car parking area and the installation of a ventilation stack on the rear of the property facing south onto this parking area, all located on the ground floor of an existing stone built building two storeys in height at 3 Pretoria Place, Station Road, Brightons, Falkirk and to the south of Polmont railway station.

AGREED to **REFUSE** planning permission on the basis that the proposed development would be detrimental to the amenity of local residents, would have an adverse impact on adjoining land uses, had insufficient parking and would result in congestion to the detriment of road safety.

P13. ERECTION OF DWELLINGHOUSE AT 2 SCOTT AVENUE, POLMONT, FALKIRK, FK2 0PN FOR MR E SOMERVILLE – P/09/0449/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P207 refers), Committee gave further consideration to Report (circulated) dated 17 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for full planning permission for the erection of a two storey detached dwellinghouse located on the southern part of former garden ground at 2 Scott Avenue, Polmont, Falkirk.

AGREED to **CONTINUE** consideration of the application to allow dialogue to take place between the applicant and officers from Development Services on the scale of the house and the close proximity of the driveway access to the road bend.

The Convener agreed a 10 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt.

P14. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P208 refers), Committee gave further consideration to Report (circulated) dated 19 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for outline planning permission (now planning permission in principle) for the alteration and extension to a hotel to provide approximately 200 additional bedrooms, the erection of a spa and leisure facilities, the formation of a new access junction, car parking facilities, associated roads and infrastructure, including a sustainable urban drainage scheme, hard and soft landscaping and woodland planting on a site in the countryside close to the M876 to the south and accessed from the A9 by a single track carriageway leading to the existing Glenbervie House Hotel and 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 the site and is screened by mature woodland.

Councillor Constable, seconded by Councillor A MacDonald, moved that the application be continued to allow a flood risk assessment be undertaken and for further consideration of the application to take place thereafter.

By way of an Amendment, Councillor C Martin, seconded by Councillor Mahoney, moved that the Committee be minded to grant planning permission in principle in accordance with the recommendation in the Report with the proviso that the application for detailed planning permission come back before the Committee.

On a division, 5 Members voted for the Motion and 7 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle in accordance with the recommendation in the Report subject to the understanding that future applications for full consent for the site would be the subject of reports to Committee for consideration.

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

P15. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON LAND TO THE EAST OF AGRICULTURAL HOLDINGS NO 9, KILSYTH ROAD, HAGGS FOR MR DUNCAN – P/10/0064/PPP

There was submitted Report (circulated) dated 13 April 2010 by the Director of Development Services on an application for planning permission in principle for the development of land on a site extending to 1.58 hectares, lying between the settlements of Haggs and Longcroft, for residential purposes.

Councillor Buchanan, seconded by Councillor McLuckie, moved that Committee be minded to grant the application in accordance with the recommendations in the Report.

By way of an Amendment, Councillor Oliver, seconded by Councillor Carleschi, moved that the application be refused on the grounds that it was contrary to the Development Plan and was detrimental to road safety.

On a division, 6 Members voted for the Motion and 4 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle subject to:-

- (a) the satisfactory completion of an agreement in the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the payment of financial contributions towards:-
 - (i) the upgrade of the A80/M80 slip road junction onto A803 Kilsyth Road, calculated at the rate of £800 per unit; and
 - (ii) the provision and upgrade of educational facilities at Denny High School, calculated at the rate of £1,000 per unit; and

- (b) and thereafter on the conclusion of the foregoing matters, remit to the Director of Development Services to grant detailed 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 planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph 2 (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 planning permission in principle; and
 - (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 approval of the last such matter to be approved.
 - (4) The construction and layout of all roads and footways shall comply with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
 - (5) The vehicular access to the site shall be from Kilsyth Road, at a location to be approved in writing by the Planning Authority, and constructed as a bellmouth junction, in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.

- (6) Visibility splays of 4.5 metres x 70 metres shall be provided in both directions of the new vehicular access, within which there shall be no obstruction to visibility above carriageway level.
- (7) There shall be no individual driveway access onto Cumbernauld Road unless otherwise agreed in writing by the Planning Authority. Any provision of driveway access onto Cumbernauld Road shall necessitate the provision of a 2 metre wide footway along the entire site frontage to Cumbernauld Road, constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (8) A pedestrian cycleway link shall be provided from the site to Cumbernauld Road, constructed in accordance with the Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (9) The development shall be carried out in accordance with the recommendations of the Outline SUDs and Surface Water Drainage Strategy prepared by Sir Frederick Snow and Partners Limited, dated October 2009. Before the development commences, design calculations and surface water drainage details, which shall include a Flood Risk Assessment for any watercourse receiving the surface water discharge, shall be submitted to and approved in writing by the Planning Authority.
- (10) 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.
- (11) Before the development commences, a scheme for protecting the proposed dwellinghouses from transportation noise, which shall ensure that the internal levels with the windows closed do not exceed 45 dB daytime and 35 dB night time, when measured as LAeqT, and which includes ventilation measures, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed and maintained in accordance with the approved details.
- (12) The existing mature trees along the Cumbernauld Road boundary shall be retained unless otherwise agreed in writing by the Planning Authority.
- (13) The existing stone wall along the Kilsyth Road frontage shall be made good and relocated where it is required to be removed to accommodate the proposed vehicular access and visibility splays.
- (14) A play facility shall be provided on the site, in accordance with details to be approved in writing by the Planning Authority. The details shall include the type and location of play equipment, seating, fences, walls, litter bins and surface treatment of the play 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 39 of the Town and Country Planning (Scotland) Act 1997.
- (4,6) To safeguard the interests of the users of the public highway.
- (5,7) To safeguard the interests of the users of the public highway and the visual amenity of the area.
- (8) To provide infrastructure to promote sustainable modes of transport, for example, cycling and walking.
- (9) To ensure the provision of adequate and sustainable drainage.
- (10) To ensure the ground is suitable for the proposed development.
- (11) To ensure the occupants of the properties are safeguarded against excessive noise intrusion.
- (12-13) To safeguard the visual amenity of the area.
- (14) To ensure that adequate play facilities are provided.

Informative(s):-

- (1) A travel pack should be provided for each dwellinghouse, advising of the nearest bus services/stop locations, the nearest cycling and walking routes, safer routes to schools and local facilities, etc.
- (2) A fully completed Development Impact Assessment form will require to be submitted to Scottish Water. Capacity at the water and wastewater treatment works is unable to be reserved in advance of formal agreement with Scottish Water.
- (3) Disposal of surface water from the site is required to comply with General Binding Rules (GBR's) 10 and 11 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) (as amended).

P16. ERECTION OF 10 DWELLINGHOUSES, FORMATION OF NEW ACCESS AND ROAD, PROVISION OF OPEN SPACE AND PAVILION, ASSOCIATED INFRASTRUCTURE INCLUDING A SUSTAINABLE URBAN DRAINAGE SCHEME AND LANDSCAPING ON LAND TO THE NORTH OF CASTLEWOOD, GLEN ROAD, TORWOOD FOR MACLAREN PARK DEVELOPMENTS LTD – P/09/0781/PPP

There was submitted Report (circulated) dated 13 April 2010 by the Director of Development Services on an application for planning permission in principle for the

erection of ten dwellinghouses, the formation of a new access and road, the provision of open space and a pavilion, associated infrastructure including a sustainable urban drainage scheme and landscaping on land, extending to 1.95 hectares, lying towards the north end of the village and consisting of an open field known as MacLaren Park to the north of Castlewood, Glen Road, Torwood.

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

P17. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT GREYRIGG RESERVOIRS, CALIFORNIA, FALKIRK FOR MR CHRISTOPHER FERRIE – P/09/0790/PPP

There was submitted Report (circulated) dated 13 April 2010 by the Director of Development Services on an application for planning permission in principle for the development of land for residential purposes on a site extending 0.4 hectares, and bounding the road junction between the B8028 and the C53 Boxton Road incorporating a mini roundabout, at Greyrigg Reservoirs, California, Falkirk.

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

P18. SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT SCHOOL HOUSE, WELLPARK TERRACE, BONNYBRIDGE FK4 1LR FOR MR DAVID MANGAN – P/10/0072/PPP

There was submitted Report (circulated) dated 13 April 2010 by the Director of Development Services on an application for planning permission in principle for the sub division of rear garden ground and the erection of an additional dwellinghouse at School House, Wellpark Terrace, 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 TUESDAY 4 MAY 2010 commencing at 9.30 a.m.

PRESENT: Councillors Buchanan, Lemetti, Mahoney, McLuckie, McNeill and Nicol.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Carleschi, A MacDonald, C Martin and Oliver.

ATTENDING: Development Manager; Senior Planning Officer (B Vivian) (for application P/10/0072/PPP); Planning Officer (J Milne) (for application P/09/0781/PPP); Planning Officer (S McClure) (for application P/09/0790/PPP); Roads Development Officer (B Raeburn); Solicitor (K Quin); and Committee Officer (A Sobieraj).

DECLARATIONS None.
OF INTEREST:

P19. SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT SCHOOL HOUSE, WELLPARK TERRACE, BONNYBRIDGE, FK4 1LR FOR MR DAVID MANGAN – P/10/0072/PPP

With reference to Minute of Meeting of the Planning Committee held on 21 April 2010 (Paragraph P18 refers), Committee gave further consideration to Report (circulated) dated 13 April 2010 by the Director of Development Services on an application for planning permission in principle for the sub division of rear garden ground and the erection of an additional dwellinghouse at School House, Wellpark Terrace, Bonnybridge.

The Convener introduced the parties present.

The Senior Planning Officer (B Vivian) outlined the nature of the application.

Mr Mangan, 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 19 May 2010.

P20. ERECTION OF 10 DWELLINGHOUSES, FORMATION OF NEW ACCESS AND ROAD, PROVISION OF OPEN SPACE AND PAVILION, ASSOCIATED INFRASTRUCTURE INCLUDING A SUSTAINABLE URBAN DRAINAGE SCHEME AND LANDSCAPING AT LAND TO THE NORTH OF CASTLEWOOD, GLEN ROAD, TORWOOD FOR MACLAREN PARK DEVELOPMENTS LTD – P/09/0781/PPP

With reference to Minute of Meeting of the Planning Committee held on 21 April 2010 (Paragraph P16 refers), Committee gave further consideration to Report (circulated) dated 13 April 2010 by the Director of Development Services on an application for planning permission in principle for the erection of ten dwellinghouses, the formation of a new access and road, the provision of open space and a pavilion, associated infrastructure including a sustainable urban drainage scheme and landscaping on land, extending 1.95 hectares, lying towards the north end of the village and consisting of an open field known as MacLaren Park to the north of Castlewood, Glen Road, Torwood.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

Ms Antonelli, an associate of the applicant's agent, was heard in support of the application.

Mr Sweeney, an associate of the applicant's agent, was heard in support of the application.

Mr Talbot, a supporter, was heard in relation to the application.

Mr Garoll, a supporter, was heard in relation to the application.

Mr Fotheringham, a supporter, was heard in relation to the application.

Mr Foster, a supporter, was heard in relation to the application.

The supporters highlighted the following issues:-

- The new hospital would increase housing demand;
- The desirability as a residential area and integration with the existing settlement;
- The lack of high quality niche residential development within the central area;
- The exclusive nature of the housing with sustainable design principles and an attractive village environment;
- The creation of a more robust and effective 'rounding off' of the village boundary as an infill site;
- The strong precedent of housing development outwith the village limit;
- The vitality and visibility of the village by attracting new residents;
- The development would not result in a significant increase in village size; and
- The application represented an effective housing site (based on criteria outlined in SPP3 and Structure Plan Policy COM.2).

Mrs O'Rourke, an objector, was heard in relation to the application.

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

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

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

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

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

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

The objectors highlighted the following issues:-

- The road safety, access issues and the increased traffic on Glen Road all detrimental to highway safety;
- That the site was outwith the urban limits for Torwood, contrary to the Local Plan and outwith its boundary;
- That Torwood was an ancient hamlet and not a village and was unique;
- That the application was contrary to Policy RURAL 1 and 2 of the Rural Local Plan and backland development;
- That the site was arable land;
- That there was no requirement for more housing, no existing amenities within the village and was further piecemeal development;
- The detrimental effect on the character of the area, the amenity of residential neighbours and the loss of privacy;
- The unwarranted precedent should permission be granted;
- The importance of open space, wildlife preservation, the rural character of Torwood, the protection of mature trees and soft woodland at and near the site;
- That presence of mine workings on the site;
- The application site is not a 'gap' suitable for development;
- The high height of the properties, restricted light and loss of views;
- That no consultation took place with the local community;
- The issues of current flooding on Glen Road during rainfall;
- That the letters of support were not factual; and
- There is a high voltage overhead line within the site and no arrangements/costs have been agreed to remove/amend the provision.

The Convener read out an email from Councillor Coleman, as local Member for the area, 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 19 May 2010.

P21. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT GREYRIGG RESERVOIRS, CALIFORNIA, FALKIRK FOR MR CHRISTOPHER FERRIE – P/09/0790/PPP

With reference to Minute of Meeting of the Planning Committee held on 21 April 2010 (Paragraph P17 refers), Committee gave further consideration to Report (circulated) dated 13 April 2010 by the Director of Development Services on an application for planning permission in principle for the development of land for residential purposes on a site extending 0.4 hectares, and bounding the road junction between the B8028 and the C53 Boxton Road incorporating a mini roundabout, at Greyrigg Reservoirs, California, Falkirk.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

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

Ms Begg, having submitted a letter of representation, was heard in relation to the application.

The objectors highlighted the following issues:-

- The development was contrary to the Local Plan and would result in road safety problems;
- That the site was greenfield and not brownfield;
- The site had been refused at appeal by the Scottish Government Reporter;
- The major impact the appearance of the site and surrounding area;
- The effect on privacy of the adjoining property;
- The lack of clarity on the number of properties to be placed on the site;
- The past problems with the water pipe supply and impact from additional dwellings;
- That no information was provided on detail of works to demolish the site and the noise and traffic problems; and
- That the adjacent junction was known as an accident black spot with wideranging road safety issues.

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 19 May 2010.

FALKIRK COUNCIL

Subject: ERECTION OF 10 DWELLINGHOUSES, FORMATION OF NEW ACCESS AND ROAD, PROVISION OF OPEN SPACE & PAVILION, ASSOCIATED INFRASTRUCTURE INCLUDING A SUSTAINABLE URBAN DRAINAGE SCHEME AND LANDSCAPING AT LAND TO THE NORTH OF CASTLEWOOD, GLEN ROAD, TORWOOD FOR MACLAREN PARK DEVELOPMENTS LTD – P/09/0781/PPP

Meeting: PLANNING COMMITTEE

Date: 19 May 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne (Senior Planning Officer) Ext, 4815

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 21 April 2010 (copy of previous report attached), when it was agreed to continue the application to undertake a site visit. This visit took place on 4 May 2010.
2. Members viewed the application site and heard representation from various parties and the following matters are noted:
 - (i) The representation from Gordon and Isabel Lawton is considered an objection to the application, not in support. The administrative error in the background papers does not affect the accuracy of the total number of representations received, nor the number of objections acknowledged.
 - (ii) The recommendation within the Report of Inquiry to the Falkirk Council Local Plan Finalised Draft (Deposit Version) that the application site is suitable for development is noted. However, the recommendations within the Report of Inquiry have yet to be considered and determined by Falkirk Council.
 - (iii) The current application seeks to secure the principle of development on the site, and matters relating to design and layout, including potential storey heights and finished ridge levels, of any development is a matter of conjecture at this point. However, both the applicant and the Report of Inquiry suggest a capacity of 10 units on the site.

- (iv) The tree belt outwith the application site is however within the control of the applicant and it is intended that this element would be included in any landscape management plan should permission be granted.

3. No matters were raised which would amend the original recommendation to refuse planning permission.

4. RECOMMENDATION

4.1 It is therefore recommended that the Planning Committee refuse the planning application for the following reasons:-

- (1) 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 EQ19 – Countryside – in that the proposal represent new development in the countryside for which there is no justification.

Informative(s):

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



pp.....
Director of Development Services

Date: 11.05.10

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan
2. Adopted Rural Local Plan
3. Scottish Planning Policy (February 2010)
4. Letter of objection from Gordon & Isabel Lawton, Hollings Cottage Glen Road Torwood Larbert FK5 4SN on 16 November 2009
5. Letter of Objection from SP Energy Networks, Riccarton Mains Road, Currie, Edinburgh EH14 5AA on 24 November 2009
6. Letter of Support from Owner/Occupier, 293 St Georges Road, Glasgow on 10 December 2009
7. Letter of Support from Louise Robertson, 47 Eglintoun Road, Stewarton, KA3 3JA on 10 December 2009

8. Letter of Support from Owner/Occupier, Barraston House, Bridge Of Weir, Renfrewshire on 10 December 2009
9. Letter of Support from Barrie McFarlane, Cartref, 15 Gardrum Gardens, Shieldhill, Falkirk on 10 December 2009
10. Letter of Support from Andrea Murray, 55 Blackhill Gardens, Summerston, Glasgow G23 5NE on 10 December 2009
11. Letter of Support from Simon Speddy, 108 Andrew Paton Way, Hamilton ML3 0GB on 10 December 2009
12. Letter of Support from Susan Warnock, 47 MacTaggart Road, Seafar, Cumbernauld, Glasgow on 10 December 2009
13. Letter of Support from Mrs Catherine Taggart, 3 Gateside Avenue, Kilsyth G65 9BW on 10 December 2009
14. Letter of Support from Gary Smith, 30 Campbell Drive, Larbert FK5 4PR on 10 December 2009
15. Letter of Support from Miss P Curran, 187 Curzow Street, Glasgow G20 9EU on 10 December 2009
16. Letter of Support from J Buchan, 24 Castle View, Airth, Falkirk FK2 8GE on 10 December 2009
17. Letter of Support from Alanna Gardner, 23 Longdyke Place, Carronshore, Falkirk FK2 8TD on 10 December 2009
18. Letter of Support from Emma McKendrick, 52 Blenheim Place, Stenhousemuir, Larbert FK5 4PT on 10 December 2009
19. Letter of Support from Sarah Govan, 79 Carrongrange Gardens, Stenhousemuir, Larbert FK5 3DU on 10 December 2009
20. Letter of Support from Ross McGuire, 6 Blenheim Place, Stenhousemuir, Larbert FK5 4PT on 10 December 2009
21. Letter of Support from Rhys Perry, 10 Old Bellsdyke Road, Larbert FK5 4EE on 10 December 2009
22. Letter of Support from Owner/Occupier, 18 The Grange, Brightons, Falkirk FK2 0SS on 10 December 2009
23. Letter of Support from Ross Cook, 39 Douglas Avenue, Airth, Falkirk FK2 8GF on 10 December 2009
24. Letter of Support from Owner/Occupier, 61 Venachar Road, Falkirk FK1 5UP on 10 December 2009
25. Letter of Support from L McLaughlin, 22 Keith Street, Kincardine FK10 4ND on 10 December 2009
26. Letter of Support from S Alexander, 17 Fulmar Crescent, Larbert FK5 4FW on 10 December 2009
27. Letter of Support from Lorraine McLaren, 7 Cannock Grove, Glenboig, North Lanarkshire ML5 2TL on 10 December 2009
28. Letter of Objection from Alison Neilson, Willowdene, Glen Road, Torwood, Larbert on 23 November 2009
29. Letter of Objection from Mr and Mrs J Bell, Netherlee, Glen Road, Torwood, Larbert on 24 November 2009
30. Letter of Support from Mark Wright, 34 Glebe Road, Kincardine, Fife FK10 4QB on 10 December 2009
31. Letter of Support from Alana Tocher, 14 Roughlands Crescent, Carronshore, Falkirk FK2 8BY on 10 December 2009
32. Letter of Support from Samantha Darrien, 83 Windsor Road, Falkirk FK1 5HB on 10 December 2009

33. Letter of Support from Ruth Thomson, 9 Robert Bruce Court, Larbert FK5 4HP on 10 December 2009
34. Letter of Support from Emma Hutchison, 33 Forbes Crescent, Larbert FK5 3LX on 10 December 2009
35. Letter of Support from David Cowan, 3 - 4 Falkirk Road, Larbert FK5 3AF on 10 December 2009
36. Letter of Support from Melissa Tocher, 14 Roughlands Crescent, Carronshore, Falkirk FK2 8BY on 10 December 2009
37. Letter of Support from Kirsty Linton, 3 Barleyhill, Bonnybridge FK4 1AH on 10 December 2009
38. Letter of Support from Jennifer Hutchison, 33 Forbes Crescent, Larbert FK5 3LX on 10 December 2009
39. Letter of Support from Arron Paterson, 9 Acorn Crescent, Larbert FK5 3LT on 10 December 2009
40. Letter of Support from Lori Carthew, 19 Tantallon Drive, Carron, Falkirk FK2 8DJ on 10 December 2009
41. Letter of Support from Ashley MacAlister, 51 Ferguson Drive, Denny FK6 5AF on 10 December 2009
42. Letter of Support from Scott Meldrum, 18 Beaumont Drive, Carron, Falkirk FK2 8SN on 10 December 2009
43. Letter of Support from Laura Wallace, 31 Forbes Crescent, Larbert FK5 3LX on 10 December 2009
44. Letter of Support from Craig Hamilton, 14 Roughlands Crescent, Carronshore, Falkirk FK2 8BY on 10 December 2009
45. Letter of Support from Campbell McIntosh, 1 Brodick Place, Falkirk FK1 4SE on 10 December 2009
46. Letter of Support from Adam Powers, 2 Carrongrove Road, Carron, Falkirk FK2 8NX on 10 December 2009
47. Letter of Support from Allan Greaves, 30 Portal Road, Grangemouth FK3 8SP on 10 December 2009
48. Letter of Support from Steven Tweedie, 63 Dundas Street, Grangemouth FK3 8BX on 10 December 2009
49. Letter of Support from Michael Strachan, 89 James Street, Stenhousemuir, Larbert FK5 3HR on 10 December 2009
50. Letter of Support from Scott Morris, Halleys Yard, Earnbank Road, Crieff PH7 3HL on 10 December 2009
51. Letter of Support from Chris Thomas, 19/1 Comely Bank Terrace, Edinburgh EH4 4AT on 10 December 2009
52. Letter of Support from Owner/Occupier, 44 Frederick Street, Edinburgh EH2 1EX on 10 December 2009
53. Letter of Support from S Meldrum, 18 Beaumont Drive, Carron, Falkirk FK2 8SN on 10 December 2009
54. Letter of Support from Owner/Occupier, 17 Tam O'Shanter Drive, Cowie, Stirling FK7 7DA on 10 December 2009
55. Letter of Support from Allan Imrie, BSc, MRICS, Allied Surveyors PLC 1 Clarendon Place, Stirling FK8 2QW on 10 December 2009
56. Letter of Support from Signature Illegible on 10 December 2009
57. Letter of Support from K Mcfarlane, 18 Callander Drive, Larbert FK5 3ES on 10 December 2009
58. Letter of Support from L McEwan, 11 Murray Row, Cowie, Stirling FK7 7DR on 10 December 2009

59. Letter of Support from Owner/Occupier, 29 Kings Place, Rosyth, Dunfermline KY11 2RU on 10 December 2009
60. Letter of Support from Geraldine Brown, 97 Cedar Road, Abronhill, Cumbernauld G67 3AS on 10 December 2009
61. Letter of Support from Rhona & Grier Edmead, 10 Willow Grove, Menstrie, Clackmannanshire FK11 7DQ on 10 December 2009
62. Letter of Support from Mrs M McPhee, 10 Netherby Road, Airth, Falkirk FK2 8LQ on 10 December 2009
63. Letter of Support from Mr J McPhee, 10 Netherby Road, Airth, Falkirk FK2 8LQ on 10 December 2009
64. Letter of Support from TradStocks, F.A.O Peter Stewart, Dunaverig, Thornhill, Stirling on 9 December 2009
65. Letter of Support from Gary Paterson, Kersie Bank, Kersie Terrace, South Alloa, Stirlingshire on 10 December 2009
66. Letter of Support from Greig Denham, 22 Cadder Court, Gartcosh G69 8FB on 10 December 2009
67. Letter of Support from Allied Surveyors, Stirling Office, 1a Clarendon Place, Stirling FK8 2QW on 8 December 2009
68. Letter of Objection from Larbert, Stenhousemuir & Torwood Community Council, C/o Norvia, 92 Stirling Road, Larbert FK5 4NF on 8 December 2009
69. Letter of Support from P Fotheringham, on 10 December 2009
70. Letter of Support from S Fotheringham, Torlene, Glen Road, Torwood, Larbert on 10 December 2009
71. Letter of Support from Mark Wells, on 10 December 2009
72. Letter of Support from G Wells on 10 December 2009
73. Letter of Support from David Innes, on 10 December 2009
74. Letter of Support from Signature Illegible on 10 December 2009
75. Letter of Support from M Anderson, King Robert Hotel, Glasgow Road, Stirling FK7 OLJ on 10 December 2009
76. Letter of Support from Michael Tamburrini, 1 Tarduff House, Falkirk FK2 0BS on 10 December 2009
77. Letter of Support from Des Martin, 20 Victoria Road, Paisley PA2 9PT on 10 December 2009
78. Letter of Support from Owner/Occupier, 8 Thrums Gardens, Bishopbriggs G64 1DQ on 10 December 2009
79. Letter of Support from Christine MacDonald, Flat 2/2 35 Plean Street, Glasgow G14 0YH on 10 December 2009
80. Letter of Support from James McGuire, 6 Aurs Glen, Barrhead on 10 December 2009
81. Letter of Support from Catherine Noble, 40 Cambridge Road, Renfrew PA4 0SR on 10 December 2009
82. Letter of Support from Owner/Occupier, 93A Glasgow Road, Dumbarton G82 IRE on 10 December 2009
83. Letter of Support from Stephen Docherty, 5 Braehead Crescent, Duntocher, Clydebank G81 6PF on 10 December 2009
84. Letter of Support from F Smith, 14 Fairfield Avenue, Bonnybridge FK4 1LU on 3 December 2009
85. Letter of Support from E McGovern, 74 Linden Avenue, Stirling FK7 7PT on 3 December 2009
86. Letter of Support from Marc Wilson, 14 Main Street, Clackmannan FK10 4JA on 3 December 2009
87. Letter of Support from Elizabeth Crawford, 74 South Green Drive, Airth, Falkirk FK2 8JR on 3 December 2009

88. Letter of Support from C Burns, 40 Alexander Street, Airdrie ML6 0BA on 3 December 2009
89. Letter of Objection from Gordon Millar, Rowandale, Glen Road, Torwood, Larbert on
90. Letter of Objection from Yvonne Weir, Larbert, Stenhousemuir & Torwood Community Council, C/o 92 Stirling Road, Larbert FK5 4NF on 3 December 2009
91. Letter of Support from Audrey Jackson, 16c Primrose Street, Alloa Clacks on 10 December 2009
92. Letter of Support from Lynche Cobain, 28 Cromwell Road, Falkirk FK1 1SF on 10 December 2009
93. Letter of Support from D Mcleod, 5a Ochil Crescent, Stirling FK8 1QJ on 3 December 2009
94. Letter of Objection from James Paton, Wallacebank, Glen Road, Torwood, Larbert on 19 November 2009
95. Letter of Objection from Mr Alan Mackay, Woodhaven, Glen Road, Torwood FK5 4SN on 3 November 2009
96. Letter of Support from Lee Drummond, 72 Elphinstone Crescent, Airth, Falkirk FK2 8JX on 3 December 2009
97. Letter of Support from S J Dow, 81 Cleuch Drive, Alva FK12 5NY on 3 December 2009
98. Letter of Support from L Rice, 27 Gowanhill Gardens, Stirling FK8 1SG on 3 December 2009
99. Letter of Support from Owner/Occupier, 3 Caledonian Place, Dunblane FK15 9AF on 3 December 2009
100. Letter of Support from Owner/Occupier, 81 Cleuch Drive, Alva FK12 5NY on 3 December 2009
101. Letter of Support from Claire Watt, 3 Caledonian Place, Dunblane FK15 9AF on 3 December 2009
102. Letter of Support from Andy Hair, 3 Caledonian Place, Dunblane FK15 9AF on 3 December 2009
103. Letter of Support from Molly Hair, 3 Caledonian Place, Dunblane FK15 9AF on 3 December 2009
104. Letter of Support from M Gilfillan, 2 Wallace Street, Bannockburn FK7 8JG on 3 December 2009
105. Letter of Support from George Talbot, 146 Alloa Road, Stenhousemuir, Larbert FK5 4HQ on 10 December 2009
106. Letter of Support from Brendan Hutton, 12 Sainford Crescent, Falkirk FK2 7QF on 3 December 2009
107. Letter of Support from Steven Murray, 8 Cadzow Avenue, Bo'ness EH51 9BJ on 10 December 2009
108. Letter of Support from Gillian Fowler, 43 Ferguson Drive, Denny FK6 5AF on 10 December 2009
109. Letter of Support from Roslyn Gurr, 16 Silver Street, Kincardine FK10 4NS on 10 December 2009
110. Letter of Support from R M Allan, "Castlevue", 6 Quarry Road, Cambusbarron, Stirling on 10 December 2009
111. Letter of Support from James Davidson, 4 The Grange, Perceton, Irvine KA11 2EU on 10 December 2009
112. Letter of Support from Stuart Christie, 3 Avon Court, Falkirk FK1 2QB on 10 December 2009
113. Letter of Support from Mr Crisanto Bautista, 74 Kersiebank Avenue, Grangemouth FK3 0NA on 10 December 2009
114. Letter of Support from Josefina Bautista, 74 Kersiebank Avenue, Grangemouth FK3 0NA on 10 December 2009
115. Letter of Support from Dr John Weir, The Coach House, Glenbervie, Larbert FK5 4SJ on 10 December 2009

116. Letter of Support from Martin Gill, 12 Rothesay Place, Edinburgh EH3 7SQ on 10 December 2009
117. Letter of Support from Owner/Occupier, 75 Dunlop Street, Glasgow G1 4SX on 10 December 2009
118. Letter of Support from Jean Rattray, 24 Ferry Court, Stirling FK9 5GJ on 3 December 2009
119. Letter of Support from Janice Mcleod, 24 Ferry Court, Stirling FK9 5GJ on 3 December 2009
120. Letter of Support from Joanna Landan, 24 Ferry Court, Stirling FK9 5GJ on 3 December 2009
121. Letter of Support from Steven Mcleod, Glenbervie House, Larbert FK5 4SJ on 3 December 2009
122. Letter of Support from Greta Hill-Lyons, Hirer Unit C Coalburn Road, Bothwell on 3 December 2009
123. Letter of Support from Kirsteen Binnie, 5 Meadow Court, Dunipace, Denny FK6 6JU on 3 December 2009
124. Letter of Support from Mr Campbell, 15 Vale Grove, Stirling FK9 5NS on 3 December 2009
125. Letter of Support from Frances Boyle, 3 Avonlea Drive, Polmont, Falkirk FK2 0QJ on 3 December 2009
126. Letter of Support from M Morrison, 20 Queen's Crescent, Falkirk FK1 5JL on 3 December 2009
127. Letter of Support from W E Morrison, 20 Queen's Crescent, Falkirk FK1 5JL on 3 December 2009
128. Letter of Support from Jacqui Harrower, 3B Ledi View, Cornton, Stirling FK9 5BY on 3 December 2009
129. Letter of Support from Anne Hardie, 14 Stance Place, Larbert FK5 4FA on 3 December 2009
130. Letter of Support from J Bell, 48 Jackson Avenue, Grangemouth FK3 8JU on 3 December 2009
131. Letter of Support from Jerry Foster, 51 Old Doune Road, Dunblane, Perthshire FK15 9BX on 3 December 2009
132. Letter of Support from Kathryn Foster, 51 Old Doune Road, Dunblane, Perthshire FK15 9BX on 3 December 2009
133. Letter of Support from Ann Marie Miller, 48 Carronbank Crescent, Denny FK6 6JF on 3 December 2009
134. Letter of Support from Morag Dow, 38 Delph Wynd, Laurel Bank, Tullibody CLACKS on 3 December 2009
135. Letter of Support from Linda Russell, 10 Falkland Place, Stenhousemuir Larbert FK5 4LR on 3 December 2009
136. Letter of Support from Owner, Occupier, 97 Craigview, Sauchie, Alloa FK10 3HE on 3 December 2009
137. Letter of Support from Roslyn Colston, 4 Roman Way, Bo'ness EH51 0NZ on 3 December 2009
138. Letter of Support from Heather Gunn, 26 Graham Terrace, Airth, Falkirk FK2 8LG on 3 December 2009
139. Letter of Support from Carol-Ann Rattray, 63 Stirling Road, Fallin, Stirling FK7 7JP on 3 December 2009
140. Letter of Support from Petria Cougan, 46 Meadowpark Road, Bathgate EH48 2SJ on 3 December 2009
141. Letter of Support from Philip Hawkins, 35 Lorne Street, Edinburgh EH6 8RW on 3 December 2009
142. Letter of Support from Daniel Dunsmore, 1 Roman Road, Kirkintilloch G66 1DY on 3 December 2009
143. Letter of Support from Gloria Stewart, Clan House, Ayr Road, Loganswell, Glasgow on 3 December 2009

144. Letter of Support from Kate Macdonald, 22 Canmore Drive, Stenhousemuir, Larbert FK5 4LA on 3 December 2009
145. Letter of Support from Owner/Occupier, 73 Muirhead Road, Stenhousemuir, Larbert FK5 4JB on 3 December 2009
146. Letter of Support from John Quinn, 25 Chalton Road, Bridge Of Allan, Stirling FK9 4DX on 3 December 2009
147. Letter of Support from Darren Landan, 5a Ochil Crescent, Stirling FK8 1QJ on 3 December 2009
148. Letter of Support from Laura Mcleod, 6 Ramsay Place, Stirling on 3 December 2009
149. Letter of Support from Alan Mcleod, 6 Ramsay Place, Stirling on 3 December 2009
150. Letter of Support from M Taylor, 5a Ochil Crescent, Stirling FK8 1QJ on 3 December 2009
151. Letter of Support from Joss Taylor, 5a Ochil Crescent, Stirling FK8 1QJ on 3 December 2009
152. Letter of Support from Lynne Mcleod, 5a Ochil Crescent, Stirling FK8 1QJ on 3 December 2009
153. Letter of Support from Louie Davey, Glenbervie House, Larbert FK5 4SJ on 3 December 2009
154. Letter of Support from Owner/Occupier, 31 Overtoun Road, Parkhall, Clydebank G81 3RG on 10 December 2009
155. Letter of Support from Karen Roberts, 53 Foxbar Road, Paisley PA2 0AZ on 10 December 2009
156. Letter of Support from S Phillips, 71 Biggar Road, Deland, Motherwell on 10 December 2009
157. Letter of Support from Owner/Occupier, 197 St Andrews Drive, Glasgow on 10 December 2009
158. Letter of Support from C Swan, Flat 0/2 5 Devol Crescent, Pollok, Glasgow on 10 December 2009
159. Letter of Support from Miss Catherine Blair, 30 Sir William Wallace Court, Larbert FK5 4GA on 3 December 2009
160. Letter of Support from David Irvine, 13 Greenhorns Well Drive, Falkirk FK1 5HJ on 3 December 2009
161. Letter of Support from Lorraine Archibald, 62 South Green Drive, Airth, Falkirk FK2 8JR on 3 December 2009
162. Letter of Support from Audrey Miller, 141 Spey Court, Braehead, Stirling FK7 7QZ on 3 December 2009
163. Letter of Support from Arlene Flemming, 50 Spey Court, Braehead, Stirling FK7 7QZ on 3 December 2009
164. Letter of Support from Aileen Devine, 41 Morrison Drive, Whins of Milton, Stirling FK7 2RT on 3 December 2009
165. Letter of Support from Mrs M Miller, 14 Spey Court, Braehead, Stirling FK7 7QZ on 3 December 2009
166. Letter of Support from John Miller, 51 Afton Court, Braehead, Stirling FK7 7QZ on 3 December 2009
167. Letter of Support from Dave Purves, 12 Kersehill Crescent, Falkirk FK2 9GH on 3 December 2009
168. Letter of Support from Owner/Occupier, 5 Allanwater Gardens, Bridge Of Allan FK9 4DW on 10 December 2009
169. Letter of Support from Catherine Bell, 1 Dundas Street, Grangemouth FK3 8BX on 10 December 2009
170. Letter of Support from Alan Grant, 9 Gilburn Place, Bo'ness EH51 0BE on 10 December 2009
171. Letter of Support from Owner/Occupier, 78 Lismore Drive, Glenburn, 10 December 2009

172. Letter of Support from Owner/Occupier, 14 Scalpay St Leonards East Kilbride G74 2BU on 10 December 2009
173. Letter of Support from Owner/Occupier, 38 Caledonia Court, Paisley PA3 2LL on 10 December 2009
174. Letter of Support from Joan Adams, 69 Carrongrange Gardens, Stenhousemuir, Larbert FK5 3DU on 10 December 2009
175. Letter of Support from J Anderson, 6 Crawhall Place, Larbert FK5 4GD on 10 December 2009
176. Letter of Support from Steven Burile, Flat 2/2 3 Queen Elizabeth Gardens, Glasgow G5 0UJ on 10 December 2009
177. Letter of Support from Fiona Raymen, 10 Carrongrange Gardens, Stenhousemuir, Larbert FK5 3DU on 10 December 2009
178. Letter of Support from John Dow, 1 Naseby Avenue, Glasgow G11 7JQ on 10 December 2009
179. Letter of Support from Julie Clarke, 30 Campbell Drive, Larbert FK5 4PR on 10 December 2009
180. Letter of Support from Brian Williamson, Tiger Industries Ltd Suite 2 Castle House, 1 Baker Street, on 10 December 2009
181. Letter of Support from John Murray, 10 Bothlyn Crescent, Gartcosh, Glasgow G69 8DA on 10 December 2009
182. Letter of Support from S Snedden, 14 Bomar Avenue, Bo'ness EH51 9PP on 11 December 2009
183. Letter of Support from J Norman, 17 Dalratho Road, Grangemouth FK3 9JE on 21 December 2009
184. Letter of Support from Owner/Occupier, 21 Dundarroch Street, Larbert FK5 3AA on 21 December 2009
185. Letter of Support from Cameron Scott, 61 Oswald Avenue, Grangemouth FK3 9AX on 21 December 2009
186. Letter of Support from Glynis Williamson, 9 Shore Road, Airth, Falkirk FK2 8LH on 21 December 2009
187. Letter of Support from Mr Andrew G Swinton, 42 Wallace Street, Bannockburn FK7 8JG on 22 December 2009
188. Letter of Support from Maxwell Patrick, 40 Criagmore Street, Glasgow G31 1LQ on 15 December 2009
189. Letter of Support from Jayd Johnson, 10 Cuningar Estate, Glasgow G73 1PW on 15 December 2009
190. Letter of Support from Connie Johnson, 10 Cuningar Estate, Glasgow G73 1PW on 15 December 2009
191. Letter of Support from John Johnson, 10 Cuningar Estate, Glasgow G73 1PW on 15 December 2009
192. Letter of Support from William Patrick, 40 Criagmore Street, Glasgow G31 1LQ on 15 December 2009
193. Letter of Support from Chanel Miller, 40 Criagmore Street, Glasgow G31 1LQ on 15 December 2009
194. Letter of Support from Jon Paul Johnson, 10 Cuningar Estate, Glasgow G73 1PW on 15 December 2009
195. Letter of Support from Jane Ann Patrick, 40 Criagmore Street, Glasgow G31 1LQ on 15 December 2009
196. Letter of Support from Steve Miller, 40 Criagmore Street, Glasgow G31 1LQ on 15 December 2009
197. Letter of Support from Jordana Patrick, 25 Calabar Court, Glasgow G73 5RL on 15 December 2009

198. Letter of Support from Susan Van Der Walt, 16 Kinnaird Drive. Stenhousemuir. Larbert FK5 4JN on 18 December 2009
199. Letter of Support from Marinus Van Der Walt, 16 Kinnaird Drive, Stenhousemuir, Larbert FK5 4JN on 18 December 2009
200. Letter of Support from Ross Cameron, on 11 December 2009
201. Letter of Support from Signature Illegible, on 11 December 2009
202. .Letter of Support from Jurgens Van Der Walt, 16 Kinnaird Drive, Stenhousemuir, Larbert FK5 4JN on 18 December 2009
203. Letter of Support from Peter Stewart, Tradstocks Ltd, Dunaverig, Thornhill, Stirling on 17 December 2009
204. Letter of Support from Julie McCourt, 33D Carronvale Road, Larbert FK5 3LG on 17 December 2009
205. Letter of Support from John Cooper, 14 Castle View, Airth, Falkirk FK2 8GE on 17 December 2009
206. Letter of Support from Owner/Occupier, 14 Castle View, Airth, Falkirk FK2 8GE on 17 December 2009

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

FALKIRK COUNCIL

Subject: ERECTION OF 10 DWELLINGHOUSES, FORMATION OF NEW ACCESS AND ROAD, PROVISION OF OPEN SPACE & PAVILION, ASSOCIATED INFRASTRUCTURE INCLUDING A SUSTAINABLE URBAN DRAINAGE SCHEME AND LANDSCAPING AT LAND TO THE NORTH OF CASTLEWOOD, GLEN ROAD, TORWOOD FOR MACLAREN PARK DEVELOPMENTS LTD – P/09/0781/PPP

Meeting: PLANNING COMMITTEE

Date: 21 April 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne (Senior Planning Officer) Ext, 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site lies towards the north end of the village of Torwood and consists of an area of open field, known locally as MacLaren Park.
- 1.2 The site extends to an area of some 1.95 ha and is bounded by Glen Road to the south west, where existing dwellinghouses front the roadway and back onto the application site. To the north, the site is directly abutted by woodland and to the south east, has a shared boundary with existing dwellings. Vehicular access to the site is proposed from Glen Road immediately to the north of a residential property known as 'Castlewood'.
- 1.3 The application seeks to establish the principle of housing development on the site (Planning Permission in Principle), but is accompanied by supporting information relating to the erection of 10 dwellinghouses, including a Design Statement, Planning Statement, Drainage Assessment and Ecology Report. It is submitted by the applicant's agent that the design aims to achieve high quality, low density sustainable development providing attractive and affordable houses which would strengthen the sense of community by providing a heart to the village of Torwood.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 F/2002/0771 – erection of 34 dwellinghouses and associated roads – withdrawn on 07 January 2003.
- 3.2 P/08/0707/FUL – demolition of existing dwellinghouse, erection of new dwellinghouse and formation of house plot – withdrawn on 08 October 2008.
- 3.3 P/08/0912/FUL – erection of dwellinghouse and detached garage – granted on 26 February 2009.
- 3.4 P/09/0507/OUT – erection of 10 dwellinghouses, formation of new access and road, provision of open space and pavilion, associated infrastructure including a sustainable urban drainage scheme and landscaping – withdrawn on 30 October 2009 and superceded by the application which is the subject of this report.

4. CONSULTATIONS

- 4.1 The Roads Development Unit advise that roads and footways in the proposed development would require to be constructed in compliance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. It is also requested that the applicant confirms the Sustainable Urban Drainage Strategy to be employed on site.
- 4.2 Education Services request that, if planning permission were to be granted, a pro-rata contribution of £1,000 per house is made to be used towards resolving anticipated capacity pressures at Larbert High School. They advise that the school is currently nearly full and expected to reach capacity in the next 5-10 years.
- 4.3 Museum Services have made no comment to date.
- 4.4 The Transport Planning Unit advise that the geometry of the vehicular access road and footways, parking provision, junction visibility requirements, junction spacing and lighting should be provided to the satisfaction of the Roads Development Team and in accordance with the current Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- 4.5 Scottish Water does not object to this planning application, however, Scottish Water are unable to reserve capacity at their water and wastewater treatment works in advance of any formal agreement with the developer.
- 4.6 The Environmental Protection Unit advises that a condition addressing potential land contamination should be imposed if planning permission is granted. Noise need not be considered as a determining factor in considering the application.
- 4.7 The Scottish Environmental Protection Agency has referred Falkirk Council to their guidance 'standing advice for small scale local developments'.

5. COMMUNITY COUNCIL

5.1 The Larbert, Stenhousemuir and Torwood Community Council objects to the application on the following grounds:

- There are potential road safety and access issues associated with the development of the site.
- The site is outwith the urban limits for Torwood and is therefore contrary to the Local Plan.

6. PUBLIC REPRESENTATION

6.1 In the course of the application, 203 representations were received and 8 of these objected to the application, the salient issues being summarised below:

- More housing will increase traffic on Glen Road, all to the detriment of highway safety.
- Site is arable land.
- No need for more housing in Torwood.
- No existing amenities within the village.
- The site is outwith boundary of Local Plan.
- Contrary to Policy Rural 1 and 2 of the Rural Local Plan and backland development.
- Application represents further piecemeal development of Torwood.
- The proposed development would be detrimental to character of the area and amenity of residential neighbours in terms of loss of privacy.
- An unwarranted precedent would be set if permission were to be granted.
- Area should be preserved for wildlife and rural character of Torwood retained.
- Mine workings are present on the site.
- The application site is not a 'gap' suitable for development.
- There is a high voltage overhead line within the site and no arrangements/costs have been agreed to remove/amend the provision.

6.2 In addition to the objections 195 letters of support were received, with the following comments:

- Opening of the new hospital will increase housing demand.

- Torwood is a desirable residential area and the proposal would integrate well with the existing settlement.
- Current lack of high quality niche residential development within the central area.
- The proposal would provide exclusive housing guided by sustainable design principles and provide an attractive village environment.
- Development would create a more robust and effective ‘rounding off’ of the village boundary as the site is an infill site, amidst a ‘lane’ formation of houses created over the years.
- Strong precedent of housing development in the area which is outwith the village limit.
- The development would help to maintain the vitality and visibility of the village by attracting new residents.
- The development would not result in a significant increase in village size.
- The application represents an effective housing site (based on criteria outlined in SPP3 and structure plan policy COM.2).

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 site is not of strategic importance and is not included in the list of strategic development opportunities defined within the Falkirk Council Structure Plan.

7a.2 Policy COM.1 ‘Housing Land Allocations’ states:

“The Council will:

- 1 support the phased provision of land for new housing as detailed in Schedule COM.1a to which a flexibility allowance of 10% will be added under Policy COM.2;*
- 2 maintain an effective 5 year supply of the housing land set out in Schedule 1a;*
- 3 review the housing calculations and allocations at intervals of no more than 5 years; and*

- 4 *In delivering the requirement in Schedule Com.1a the Council will support special initiatives for residential led regeneration at the location listed in Schedule Com.1b, provided that action plans and masterplans/ development frameworks are prepared in accordance with the local plan. In particular these must address phasing, social and physical infrastructure provision, the avoidance of adverse impacts on European sites, the removal of significant restraints and land acquisition as appropriate.”*

7a.3 The site is not allocated within the Development Plan for housing purposes and cannot be considered as a ‘windfall’ site. Development Plan policy specifically excludes new housing in the countryside unless accompanied by reasoned justification.

7a.4 Policy COM.4 ‘Rural Communities’ states:

“Within the villages of the Council Area:

1. *development necessary for rural regeneration supported through the Community Planning process will be promoted within the target communities of Avonbridge, Limerigg, Slamannan, Standburn and Whitecross; and*
2. *the continued viability and environmental quality of the other villages will be achieved through the appropriate distribution of the general housing land allocation indicated in Schedule Com.1a and through other initiatives to protect local services.”*

7a.5 No development necessary for rural regeneration has been identified in the Torwood community through Local Plan allocation.

7a.6 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.7 Education Services has requested that, if the application is approved, a financial contribution of £1,000 per house is made towards resolving anticipated capacity pressures at Larbert High School.

7a.8 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.9 The applicant submits that any new development will be afforded a significant degree of open space provision, although it should be noted that the current application seeks permission to establish the principle of development and detailed elements have not been formalised.

7a.10 Policy COM.7 ‘School Provision’ states:

“New housing development will not be permitted unless adequate school capacity is available or will be made available.”

7a.11 Education Services has requested a commuted payment to address current school capacity issues, should the application be approved.

7a.12 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.13 Policy ENV.1 presumes against development in rural locations unless it can be demonstrated that a countryside location is essential. In this instance it has not demonstrated that the site, outwith the Torwood village urban envelope and within a rural location, is essential for development for residential purposes. In terms of Policy ENV.7 – Quality of Development – the applicant has submitted a supporting statement in relation to development quality, but it should be noted that the planning application under consideration seeks to establish the principle of development. Should development quality be a significant material consideration in approving the proposals, this could be secured by means of a Section 75 Legal Agreement or by condition to limit house numbers and ensure that the design aspirations of the development proposed is achieved.

7a.14 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.15 While the current application seeks to secure only the principle of development, the applicant has submitted additional information, restricting the development to 10 units and indicating a high standard of design. However, should the application be granted, these elements could be ensured through a legal agreement or by condition.

Rural Local Plan

7a.16 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.17 Policy Rural 1 advocates a general presumption against new development within the countryside. The site is outwith the village limit of Torwood in a countryside location and no overriding justification for development has been identified.

7a.18 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.19 The approval of the application would extend the growth of Torwood village outwith the defined village limit.

7a.20 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be considered are the Falkirk Council Local Plan Finalised Draft (Deposit Version), National Planning Policies and Guidance, assessment of public representations and the Falkirk Council Local Plan Report of Inquiry.

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 Policy EQ1 can only be referenced on the basis that supporting information has been lodged as background to a planning application seeking to secure the principle of development. The applicant submits that a high standard of design quality can be achieved on the site, should planning permission be granted.

7b.4 Policy EQ19 - ‘Countryside’ states:

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

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

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

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the 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.5 Policy EQ19 clearly states that 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 is subject to separate detailed appraisal. In this instance, the application site is clearly within a countryside location and does not accord with this policy.

7b.6 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.7 Policy SC3 allows for appropriate infill opportunities within the envelope of an existing group of residential buildings. However, the application site is outwith the urban envelope of Torwood and is not considered to represent a ‘gap’ or ‘infill’ opportunity, and the proposal does not accord with this policy.

7b.8 Policy EQ27 - ‘Watercourses’ states:

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

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

7b.9 No issues have arisen which would be considered detrimental to the integrity of watercourses in the area.

7b.10 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.11 The application site not been allocated for housing purposes in the Falkirk Council Local Plan, and the proposal does not accord with this policy.

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 This application seeks to establish the principle of development and the quality of new development would be dependent on further planning applications. If planning permission is granted, the provision of a legal agreement or condition securing limited numbers of units and reflecting design aspirations could be imposed.

7b.14 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.15 Education Services has requested a financial contribution should planning permission be granted.

National Planning Policies and Guidance

7b.16 Scottish Planning Policy (Feb 2010) advocates a plan-led approach for new development in the countryside, supporting prosperous and sustainable communities. The aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to maintain and improve the viability of communities. The SPP does stress that the planning system should be plan led. In this instance, the proposal would not contribute to any improvement in the community beyond the addition of housing units and could lead to an unwarranted precedent for new development outwith the Development Plan process.

Assessment of Public Representations

7b.17 No concerns as to road safety have been raised by consultees.

7b.18 The housing need for the Local Plan area has not shown a deficiency indicating that the site is required for housing purposes.

- 7b.19 The site has not been identified through the Development Plan as being suitable for housing.
- 7b.20 The site is not considered a 'gap' or 'infill' opportunity.
- 7b.21 Any 'rounding off' of the village envelope or introduction of housing development should be Development Plan led.
- 7b.22 The sustainable issues would require to be addressed on the submission of a full or matters subject of conditions application, the current application is to secure the principle of development on the site.

Falkirk Council Local Plan Finalised Draft (Deposit Version) Report of Inquiry

- 7b.23 Members will be aware that a Report of Inquiry has recently been received from Scottish Ministers, seeking to review the emerging Local Plan and provide guidance on policies and allocations. Within this Report, Scottish Ministers advocate the allocation of the MacLaren Park site for housing development, albeit highlighting that the site should have a capacity of around 10 units, with low density, high quality housing controlled by a planning/design brief; that appropriate provision should be made for open space on the site; that the trees around the site should be protected and reinforced by further planting; and that all infrastructure constraints have been overcome. This largely reflects what is contained in the application.
- 7b.24 However, it should also be noted that such considerations cannot presently be weighed as sufficiently material to alter the current recommendation.

7c Conclusion

- 7c.1 The proposal is contrary to well established Structure Plan, Local Plan and emerging Local Plan policies (however, see paragraph 7c.3) as the applicant seeks to develop housing on a site outwith the Torwood village limit and in a rural location and does not provide sufficient justification to set aside such Development Plan policies.
- 7c.2 As the application seeks to obtain the principle of development, any approval of the proposals may not achieve the level of development (10 dwellings) nor envisaged quality of design promoted by the applicant unless secured by legal agreement or condition.
- 7c.3 The recently published Falkirk Council Local Plan Report of Inquiry is a significant material consideration which Members may wish to attach weight to in the determination of this application, bearing in mind that its terms have not yet been formally considered by the Council.

8. RECOMMENDATION

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

- (1) 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 EQ19 – Countryside – in that the proposal represent new development in the countryside for which there is no justification.

Informative(s):

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

Pp

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Director of Development Services

Date: 13 April 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan
2. Adopted Rural Local Plan
3. Scottish Planning Policy (February 2010)
4. Letter of support from Gordon & Isabel Lawton, 16 Kinnaird Drive, Stenhousemuir, Larbert FK5 4JN on 16 November 2009
5. Letter of Objection from SP Energy Networks, Riccarton Mains Road, Currie, Edinburgh EH14 5AA on 24 November 2009
6. Letter of Support from Owner/Occupier, 293 St Georges Road, Glasgow on 10 December 2009
7. Letter of Support from Louise Robertson, 47 Eglintoun Road, Stewarton, KA3 3JA on 10 December 2009
8. Letter of Support from Owner/Occupier, Barraston House, Bridge Of Weir, Renfrewshire on 10 December 2009
9. Letter of Support from Barrie McFarlane, Cartref, 15 Gardrum Gardens, Shieldhill, Falkirk on 10 December 2009
10. Letter of Support from Andrea Murray, 55 Blackhill Gardens, Summerston, Glasgow G23 5NE on 10 December 2009
11. Letter of Support from Simon Speddy, 108 Andrew Paton Way, Hamilton ML3 0GB on 10 December 2009
12. Letter of Support from Susan Warnock, 47 MacTaggart Road, Seafar, Cumbernauld, Glasgow on 10 December 2009
13. Letter of Support from Mrs Catherine Taggart, 3 Gateside Avenue, Kilsyth G65 9BW on 10 December 2009
14. Letter of Support from Gary Smith, 30 Campbell Drive, Larbert FK5 4PR on 10 December 2009
15. Letter of Support from Miss P Curran, 187 Curzow Street, Glasgow G20 9EU on 10 December 2009

16. Letter of Support from J Buchan, 24 Castle View, Airth, Falkirk FK2 8GE on 10 December 2009
17. Letter of Support from Alanna Gardner, 23 Longdyke Place, Carronshore, Falkirk FK2 8TD on 10 December 2009
18. Letter of Support from Emma McKendrick, 52 Blenheim Place, Stenhousemuir, Larbert FK5 4PT on 10 December 2009
19. Letter of Support from Sarah Govan, 79 Carrongrange Gardens, Stenhousemuir, Larbert FK5 3DU on 10 December 2009
20. Letter of Support from Ross McGuire, 6 Blenheim Place, Stenhousemuir, Larbert FK5 4PT on 10 December 2009
21. Letter of Support from Rhys Perry, 10 Old Bellsdyke Road, Larbert FK5 4EE on 10 December 2009
22. Letter of Support from Owner/Occupier, 18 The Grange, Brightons, Falkirk FK2 0SS on 10 December 2009
23. Letter of Support from Ross Cook, 39 Douglas Avenue, Airth, Falkirk FK2 8GF on 10 December 2009
24. Letter of Support from Owner/Occupier, 61 Venachar Road, Falkirk FK1 5UP on 10 December 2009
25. Letter of Support from L McLaughlin, 22 Keith Street, Kincardine FK10 4ND on 10 December 2009
26. Letter of Support from S Alexander, 17 Fulmar Crescent, Larbert FK5 4FW on 10 December 2009
27. Letter of Support from Lorraine McLaren, 7 Cannock Grove, Glenboig, North Lanarkshire ML5 2TL on 10 December 2009
28. Letter of Objection from Alison Neilson, Willowdene, Glen Road, Torwood, Larbert on 23 November 2009
29. Letter of Objection from Mr and Mrs J Bell, Netherlee, Glen Road, Torwood, Larbert on 24 November 2009
30. Letter of Support from Mark Wright, 34 Glebe Road, Kincardine, Fife FK10 4QB on 10 December 2009
31. Letter of Support from Alana Tocher, 14 Roughlands Crescent, Carronshore, Falkirk FK2 8BY on 10 December 2009
32. Letter of Support from Samantha Darrien, 83 Windsor Road, Falkirk FK1 5HB on 10 December 2009
33. Letter of Support from Ruth Thomson, 9 Robert Bruce Court, Larbert FK5 4HP on 10 December 2009
34. Letter of Support from Emma Hutchison, 33 Forbes Crescent, Larbert FK5 3LX on 10 December 2009
35. Letter of Support from David Cowan, 3 - 4 Falkirk Road, Larbert FK5 3AF on 10 December 2009
36. Letter of Support from Melissa Tocher, 14 Roughlands Crescent, Carronshore, Falkirk FK2 8BY on 10 December 2009
37. Letter of Support from Kirsty Linton, 3 Barleyhill, Bonnybridge FK4 1AH on 10 December 2009
38. Letter of Support from Jennifer Hutchison, 33 Forbes Crescent, Larbert FK5 3LX on 10 December 2009
39. Letter of Support from Arron Paterson, 9 Acorn Crescent, Larbert FK5 3LT on 10 December 2009
40. Letter of Support from Lori Carthew, 19 Tantallon Drive, Carron, Falkirk FK2 8DJ on 10 December 2009

41. Letter of Support from Ashley MacAlister, 51 Ferguson Drive, Denny FK6 5AF on 10 December 2009
42. Letter of Support from Scott Meldrum, 18 Beaumont Drive, Carron, Falkirk FK2 8SN on 10 December 2009
43. Letter of Support from Laura Wallace, 31 Forbes Crescent, Larbert FK5 3LX on 10 December 2009
44. Letter of Support from Craig Hamilton, 14 Roughlands Crescent, Carronshore, Falkirk FK2 8BY on 10 December 2009
45. Letter of Support from Campbell McIntosh, 1 Brodick Place, Falkirk FK1 4SE on 10 December 2009
46. Letter of Support from Adam Powers, 2 Carrongrove Road, Carron, Falkirk FK2 8NX on 10 December 2009
47. Letter of Support from Allan Greaves, 30 Portal Road, Grangemouth FK3 8SP on 10 December 2009
48. Letter of Support from Steven Tweedie, 63 Dundas Street, Grangemouth FK3 8BX on 10 December 2009
49. Letter of Support from Michael Strachan, 89 James Street, Stenhousemuir, Larbert FK5 3HR on 10 December 2009
50. Letter of Support from Scott Morris, Halleys Yard, Earnbank Road, Crieff PH7 3HL on 10 December 2009
51. Letter of Support from Chris Thomas, 19/1 Comely Bank Terrace, Edinburgh EH4 4AT on 10 December 2009
52. Letter of Support from Owner/Occupier, 44 Frederick Street, Edinburgh EH2 1EX on 10 December 2009
53. Letter of Support from S Meldrum, 18 Beaumont Drive, Carron, Falkirk FK2 8SN on 10 December 2009
54. Letter of Support from Owner/Occupier, 17 Tam O'Shanter Drive, Cowie, Stirling FK7 7DA on 10 December 2009
55. Letter of Support from Allan Imrie, BSc, MRICS, Allied Surveyors PLC 1 Clarendon Place, Stirling FK8 2QW on 10 December 2009
56. Letter of Support from Signature Illegible on 10 December 2009
57. Letter of Support from K Mcfarlane, 18 Callander Drive, Larbert FK5 3ES on 10 December 2009
58. Letter of Support from L McEwan, 11 Murray Row, Cowie, Stirling FK7 7DR on 10 December 2009
59. Letter of Support from Owner/Occupier, 29 Kings Place, Rosyth, Dunfermline KY11 2RU on 10 December 2009
60. Letter of Support from Geraldine Brown, 97 Cedar Road, Abronhill, Cumbernauld G67 3AS on 10 December 2009
61. Letter of Support from Rhona & Grier Edmead, 10 Willow Grove, Menstrie, Clackmannanshire FK11 7DQ on 10 December 2009
62. Letter of Support from Mrs M McPhee, 10 Netherby Road, Airth, Falkirk FK2 8LQ on 10 December 2009
63. Letter of Support from Mr J McPhee, 10 Netherby Road, Airth, Falkirk FK2 8LQ on 10 December 2009
64. Letter of Support from TradStocks, F.A.O Peter Stewart, Dunaverig, Thornhill, Stirling on 9 December 2009
65. Letter of Support from Gary Paterson, Kersie Bank, Kersie Terrace, South Alloa, Stirlingshire on 10 December 2009
66. Letter of Support from Greig Denham, 22 Cadder Court, Gartcosh G69 8FB on 10 December 2009

67. Letter of Support from Allied Surveyors, Stirling Office, 1a Clarendon Place, Stirling FK8 2QW on 8 December 2009
68. Letter of Objection from Larbert, Stenhousemuir & Torwood Community Council, C/o Norvia, 92 Stirling Road, Larbert FK5 4NF on 8 December 2009
69. Letter of Support from P Fotheringham, on 10 December 2009
70. Letter of Support from S Fotheringham, Torlene, Glen Road, Torwood, Larbert on 10 December 2009
71. Letter of Support from Mark Wells, on 10 December 2009
72. Letter of Support from G Wells on 10 December 2009
73. Letter of Support from David Innes, on 10 December 2009
74. Letter of Support from Signature Illegible on 10 December 2009
75. Letter of Support from M Anderson, King Robert Hotel, Glasgow Road, Stirling FK7 OLJ on 10 December 2009
76. Letter of Support from Michael Tamburrini, 1 Tarduff House, Falkirk FK2 0BS on 10 December 2009
77. Letter of Support from Des Martin, 20 Victoria Road, Paisley PA2 9PT on 10 December 2009
78. Letter of Support from Owner/Occupier, 8 Thrums Gardens, Bishopbriggs G64 1DQ on 10 December 2009
79. Letter of Support from Christine MacDonald, Flat 2/2 35 Plean Street, Glasgow G14 0YH on 10 December 2009
80. Letter of Support from James McGuire, 6 Aurs Glen, Barrhead on 10 December 2009
81. Letter of Support from Catherine Noble, 40 Cambridge Road, Renfrew PA4 0SR on 10 December 2009
82. Letter of Support from Owner/Occupier, 93A Glasgow Road, Dumbarton G82 IRE on 10 December 2009
83. Letter of Support from Stephen Docherty, 5 Braehead Crescent, Duntocher, Clydebank G81 6PF on 10 December 2009
84. Letter of Support from F Smith, 14 Fairfield Avenue, Bonnybridge FK4 1LU on 3 December 2009
85. Letter of Support from E McGovern, 74 Linden Avenue, Stirling FK7 7PT on 3 December 2009
86. Letter of Support from Marc Wilson, 14 Main Street, Clackmannan FK10 4JA on 3 December 2009
87. Letter of Support from Elizabeth Crawford, 74 South Green Drive, Airth, Falkirk FK2 8JR on 3 December 2009
88. Letter of Support from C Burns, 40 Alexander Street, Airdrie ML6 0BA on 3 December 2009
89. Letter of Objection from Gordon Millar, Rowandale, Glen Road, Torwood, Larbert on
90. Letter of Objection from Yvonne Weir, Larbert, Stenhousemuir & Torwood Community Council, C/o 92 Stirling Road, Larbert FK5 4NF on 3 December 2009
91. Letter of Support from Audrey Jackson, 16c Primrose Street, Alloa Clacks on 10 December 2009
92. Letter of Support from Lynehe Cobain, 28 Cromwell Road, Falkirk FK1 1SF on 10 December 2009
93. Letter of Support from D Mcleod, 5a Ochil Crescent, Stirling FK8 1QJ on 3 December 2009
94. Letter of Objection from James Paton, Wallacebank, Glen Road, Torwood, Larbert on 19 November 2009
95. Letter of Objection from Mr Alan Mackay, Woodhaven, Glen Road, Torwood FK5 4SN on 3 November 2009
96. Letter of Support from Lee Drummond, 72 Elphinstone Crescent, Airth, Falkirk FK2 8JX on 3 December 2009
97. Letter of Support from S J Dow, 81 Cleuch Drive, Alva FK12 5NY on 3 December 2009

98. Letter of Support from L Rice, 27 Gowanhill Gardens, Stirling FK8 1SG on 3 December 2009
99. Letter of Support from Owner/Occupier, 3 Caledonian Place, Dunblane FK15 9AF on 3 December 2009
100. Letter of Support from Owner/Occupier, 81 Cleuch Drive, Alva FK12 5NY on 3 December 2009
101. Letter of Support from Claire Watt, 3 Caledonian Place, Dunblane FK15 9AF on 3 December 2009
102. Letter of Support from Andy Hair, 3 Caledonian Place, Dunblane FK15 9AF on 3 December 2009
103. Letter of Support from Molly Hair, 3 Caledonian Place, Dunblane FK15 9AF on 3 December 2009
104. Letter of Support from M Gilfillan, 2 Wallace Street, Bannockburn FK7 8JG on 3 December 2009
105. Letter of Support from George Talbot, 146 Alloa Road, Stenhousemuir, Larbert FK5 4HQ on 10 December 2009
106. Letter of Support from Brendan Hutton, 12 Sainford Crescent, Falkirk FK2 7QF on 3 December 2009
107. Letter of Support from Steven Murray, 8 Cadzow Avenue, Bo'ness EH51 9BJ on 10 December 2009
108. Letter of Support from Gillian Fowler, 43 Ferguson Drive, Denny FK6 5AF on 10 December 2009
109. Letter of Support from Roslyn Gurr, 16 Silver Street, Kincardine FK10 4NS on 10 December 2009
110. Letter of Support from R M Allan, "Castlevie", 6 Quarry Road, Cambusbarron, Stirling on 10 December 2009
111. Letter of Support from James Davidson, 4 The Grange, Perceton, Irvine KA11 2EU on 10 December 2009
112. Letter of Support from Stuart Christie, 3 Avon Court, Falkirk FK1 2QB on 10 December 2009
113. Letter of Support from Mr Crisanto Bautista, 74 Kersiebank Avenue, Grangemouth FK3 0NA on 10 December 2009
114. Letter of Support from Josefina Bautista, 74 Kersiebank Avenue, Grangemouth FK3 0NA on 10 December 2009
115. Letter of Support from Dr John Weir, The Coach House, Glenbervie, Larbert FK5 4SJ on 10 December 2009
116. Letter of Support from Martin Gill, 12 Rothesay Place, Edinburgh EH3 7SQ on 10 December 2009
117. Letter of Support from Owner/Occupier, 75 Dunlop Street, Glasgow G1 4SX on 10 December 2009
118. Letter of Support from Jean Rattray, 24 Ferry Court, Stirling FK9 5GJ on 3 December 2009
119. Letter of Support from Janice Mcleod, 24 Ferry Court, Stirling FK9 5GJ on 3 December 2009
120. Letter of Support from Joanna Landan, 24 Ferry Court, Stirling FK9 5GJ on 3 December 2009
121. Letter of Support from Steven Mcleod, Glenbervie House, Larbert FK5 4SJ on 3 December 2009
122. Letter of Support from Greta Hill-Lyons, Hirer Unit C Coalburn Road, Bothwell on 3 December 2009
123. Letter of Support from Kirsteen Binnie, 5 Meadow Court, Dunipace, Denny FK6 6JU on 3 December 2009
124. Letter of Support from Mr Campbell, 15 Vale Grove, Stirling FK9 5NS on 3 December 2009
125. Letter of Support from Frances Boyle, 3 Avonlea Drive, Polmont, Falkirk FK2 0QJ on 3 December 2009

126. Letter of Support from M Morrison, 20 Queen's Crescent, Falkirk FK1 5JL on 3 December 2009
127. Letter of Support from W E Morrison, 20 Queen's Crescent, Falkirk FK1 5JL on 3 December 2009
128. Letter of Support from Jacqui Harrower, 3B Ledi View, Cornton, Stirling FK9 5BY on 3 December 2009
129. Letter of Support from Anne Hardie, 14 Stance Place, Larbert FK5 4FA on 3 December 2009
130. Letter of Support from J Bell, 48 Jackson Avenue, Grangemouth FK3 8JU on 3 December 2009
131. Letter of Support from Jerry Foster, 51 Old Doune Road, Dunblane, Perthshire FK15 9BX on 3 December 2009
132. Letter of Support from Kathryn Foster, 51 Old Doune Road, Dunblane, Perthshire FK15 9BX on 3 December 2009
133. Letter of Support from Ann Marie Miller, 48 Carronbank Crescent, Denny FK6 6JF on 3 December 2009
134. Letter of Support from Morag Dow, 38 Delph Wynd, Laurel Bank, Tullibody CLACKS on 3 December 2009
135. Letter of Support from Linda Russell, 10 Falkland Place, Stenhousemuir Larbert FK5 4LR on
136. Letter of Support from Owner, Occupier, 97 Craigview, Sauchie, Alloa FK10 3HE on 3 December 2009
137. Letter of Support from Roslyn Colston, 4 Roman Way, Bo'ness EH51 0NZ on 3 December 2009
138. Letter of Support from Heather Gunn, 26 Graham Terrace, Airth, Falkirk FK2 8LG on 3 December 2009
139. Letter of Support from Carol-Ann Rattray, 63 Stirling Road, Fallin, Stirling FK7 7JP on 3 December 2009
140. Letter of Support from Petria Cougan, 46 Meadowpark Road, Bathgate EH48 2SJ on 3 December 2009
141. Letter of Support from Philip Hawkins, 35 Lorne Street, Edinburgh EH6 8RW on 3 December 2009
142. Letter of Support from Daniel Dunsmore, 1 Roman Road, Kirkintilloch G66 1DY on 3 December 2009
143. Letter of Support from Gloria Stewart, Clan House, Ayr Road, Loganswell, Glasgow on 3 December 2009
144. Letter of Support from Kate Macdonald, 22 Canmore Drive, Stenhousemuir, Larbert FK5 4LA on 3 December 2009
145. Letter of Support from Owner/Occupier, 73 Muirhead Road, Stenhousemuir, Larbert FK5 4JB on 3 December 2009
146. Letter of Support from John Quinn, 25 Chalton Road, Bridge Of Allan, Stirling FK9 4DX on 3 December 2009
147. Letter of Support from Darren Landan, 5a Ochil Crescent, Stirling FK8 1QJ on 3 December 2009
148. Letter of Support from Laura Mcleod, 6 Ramsay Place, Stirling on 3 December 2009
149. Letter of Support from Alan Mcleod, 6 Ramsay Place, Stirling on 3 December 2009
150. Letter of Support from M Taylor, 5a Ochil Crescent, Stirling FK8 1QJ on 3 December 2009
151. Letter of Support from Joss Taylor, 5a Ochil Crescent, Stirling FK8 1QJ on 3 December 2009
152. Letter of Support from Lynne Mcleod, 5a Ochil Crescent, Stirling FK8 1QJ on 3 December 2009
153. Letter of Support from Louie Davey, Glenbervie House, Larbert FK5 4SJ on 3 December 2009

154. Letter of Support from Owner/Occupier, 31 Overtoun Road, Parkhall, Clydebank G81 3RG on 10 December 2009
155. Letter of Support from Karen Roberts, 53 Foxbar Road, Paisley PA2 0AZ on 10 December 2009
156. Letter of Support from S Phillips, 71 Biggar Road, Deland, Motherwell on 10 December 2009
157. Letter of Support from Owner/Occupier, 197 St Andrews Drive, Glasgow on 10 December 2009
158. Letter of Support from C Swan, Flat 0/2 5 Devol Crescent, Pollok, Glasgow on 10 December 2009
159. Letter of Support from Miss Catherine Blair, 30 Sir William Wallace Court, Larbert FK5 4GA on 3 December 2009
160. Letter of Support from David Irvine, 13 Greenhorns Well Drive, Falkirk FK1 5HJ on 3 December 2009
161. Letter of Support from Lorraine Archibald, 62 South Green Drive, Airth, Falkirk FK2 8JR on 3 December 2009
162. Letter of Support from Audrey Miller, 141 Spey Court, Braehead, Stirling FK7 7QZ on 3 December 2009
163. Letter of Support from Arlene Flemming, 50 Spey Court, Braehead, Stirling FK7 7QZ on 3 December 2009
164. Letter of Support from Aileen Devine, 41 Morrison Drive, Whins of Milton, Stirling FK7 2RT on 3 December 2009
165. Letter of Support from Mrs M Miller, 14 Spey Court, Braehead, Stirling FK7 7QZ on 3 December 2009
166. Letter of Support from John Miller, 51 Afton Court, Braehead, Stirling FK7 7QZ on 3 December 2009
167. Letter of Support from Dave Purves, 12 Kersehill Crescent, Falkirk FK2 9GH on 3 December 2009
168. Letter of Support from Owner/Occupier, 5 Allanwater Gardens, Bridge Of Allan FK9 4DW on 10 December 2009
169. Letter of Support from Catherine Bell, 1 Dundas Street, Grangemouth FK3 8BX on 10 December 2009
170. Letter of Support from Alan Grant, 9 Gilburn Place, Bo'ness EH51 0BE on 10 December 2009
171. Letter of Support from Owner/Occupier, 78 Lismore Drive, Glenburn, 10 December 2009
172. Letter of Support from Owner/Occupier, 14 Scalpay St Leonards East Kilbride G74 2BU on 10 December 2009
173. Letter of Support from Owner/Occupier, 38 Caledonia Court, Paisley PA3 2LL on 10 December 2009
174. Letter of Support from Joan Adams, 69 Carrongrange Gardens, Stenhousemuir, Larbert FK5 3DU on 10 December 2009
175. Letter of Support from J Anderson, 6 Crawhall Place, Larbert FK5 4GD on 10 December 2009
176. Letter of Support from Steven Burile, Flat 2/2 3 Queen Elizabeth Gardens, Glasgow G5 0UJ on 10 December 2009
177. Letter of Support from Fiona Raymen, 10 Carrongrange Gardens, Stenhousemuir, Larbert FK5 3DU on 10 December 2009
178. Letter of Support from John Dow, 1 Naseby Avenue, Glasgow G11 7JQ on 10 December 2009
179. Letter of Support from Julie Clarke, 30 Campbell Drive, Larbert FK5 4PR on 10 December 2009
180. Letter of Support from Brian Williamson, Tiger Industries Ltd Suite 2 Castle House, 1 Baker Street, on 10 December 2009

181. Letter of Support from John Murray, 10 Bothlyn Crescent, Gartcosh, Glasgow G69 8DA on 10 December 2009
182. Letter of Support from S Snedden, 14 Bomar Avenue, Bo'ness EH51 9PP on 11 December 2009
183. Letter of Support from J Norman, 17 Dalratho Road, Grangemouth FK3 9JE on 21 December 2009
184. Letter of Support from Owner/Occupier, 21 Dundarroch Street, Larbert FK5 3AA on 21 December 2009
185. Letter of Support from Cameron Scott, 61 Oswald Avenue, Grangemouth FK3 9AX on 21 December 2009
186. Letter of Support from Glynis Williamson, 9 Shore Road, Airth, Falkirk FK2 8LH on 21 December 2009
187. Letter of Support from Mr Andrew G Swinton, 42 Wallace Street, Bannockburn FK7 8JG on 22 December 2009
188. Letter of Support from Maxwell Patrick, 40 Criagmore Street, Glasgow G31 1LQ on 15 December 2009
189. Letter of Support from Jayd Johnson, 10 Cuningar Estate, Glasgow G73 1PW on 15 December 2009
190. Letter of Support from Connie Johnson, 10 Cuningar Estate, Glasgow G73 1PW on 15 December 2009
191. Letter of Support from John Johnson, 10 Cuningar Estate, Glasgow G73 1PW on 15 December 2009
192. Letter of Support from William Patrick, 40 Criagmore Street, Glasgow G31 1LQ on 15 December 2009
193. Letter of Support from Chanel Miller, 40 Criagmore Street, Glasgow G31 1LQ on 15 December 2009
194. Letter of Support from Jon Paul Johnson, 10 Cuningar Estate, Glasgow G73 1PW on 15 December 2009
195. Letter of Support from Jane Ann Patrick, 40 Criagmore Street, Glasgow G31 1LQ on 15 December 2009
196. Letter of Support from Steve Miller, 40 Criagmore Street, Glasgow G31 1LQ on 15 December 2009
197. Letter of Support from Jordana Patrick, 25 Calabar Court, Glasgow G73 5RL on 15 December 2009
198. Letter of Support from Susan Van Der Walt, 16 Kinnaird Drive, Stenhousemuir, Larbert FK5 4JN on 18 December 2009
199. Letter of Support from Marinus Van Der Walt, 16 Kinnaird Drive, Stenhousemuir, Larbert FK5 4JN on 18 December 2009
200. Letter of Support from Ross Cameron, on 11 December 2009
201. Letter of Support from Signature Illegible, on 11 December 2009
202. Letter of Support from Jurgens Van Der Walt, 16 Kinnaird Drive, Stenhousemuir, Larbert FK5 4JN on 18 December 2009
203. Letter of Support from Peter Stewart, Tradstocks Ltd, Dunaverig, Thornhill, Stirling on 17 December 2009
204. Letter of Support from Julie McCourt, 33D Carronvale Road, Larbert FK5 3LG on 17 December 2009
205. Letter of Support from John Cooper, 14 Castle View, Airth, Falkirk FK2 8GE on 17 December 2009
206. Letter of Support from Owner/Occupier, 14 Castle View, Airth, Falkirk FK2 8GE on 17 December 2009

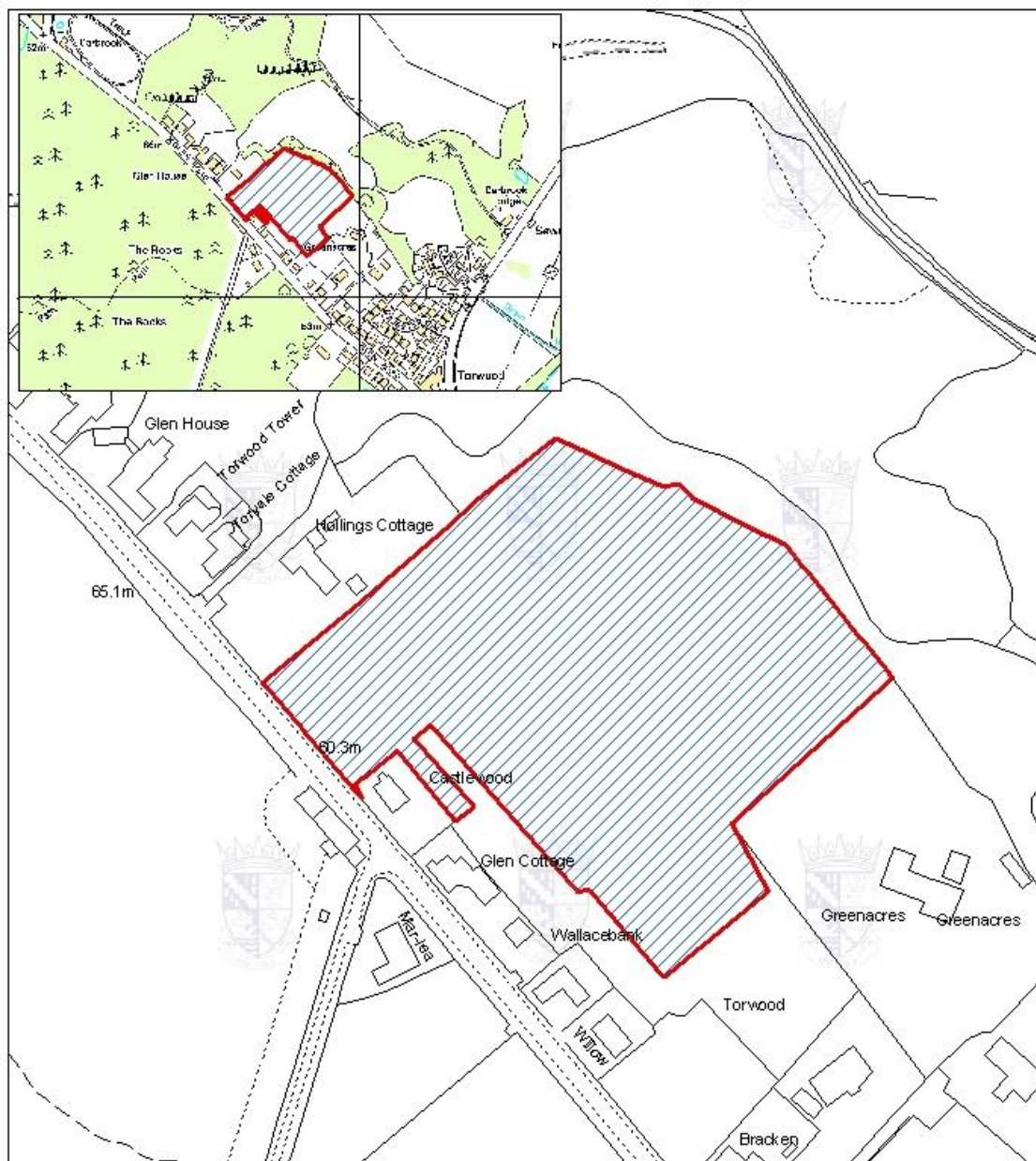
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0781/PPP

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



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FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT
GREYRIGG RESERVOIRS, CALIFORNIA, FALKIRK FOR MR
CHRISTOPHER FERRIE – P/09/0790/PPP
Meeting: PLANNING COMMITTEE
Date: 19 May 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Avonbridge and Standburn

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 21 April 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 4 May 2010.
2. At the site meeting, it was highlighted to Members that there had been several previous applications for dwellings which had been refused at the site, including one at appeal to the Scottish Government. It was reiterated to Members that the current Local Plan policy, in both the adopted and draft versions, did not, in planning policy terms, support this particular location for housing.
3. The concerns of the Roads Development Unit were also highlighted to Members in relation to the adjacent mini-roundabout. The junction has very limited visibility, and the Roads Development Unit would not like to see any further development which would generate additional traffic at this location, unless the junction is upgraded. It was explained at the site meeting that it may be possible to upgrade the junction and create a new roundabout. This, however, would be dependent on land within the site being used to realign the road and create a new roundabout, but it may also require land outwith the site boundary.
4. The site meeting was also attended by the applicant and members of the public. The applicant briefly addressed the meeting to state that he considers the current site to be a brownfield site, and that he would be looking to replace the existing reservoir with dwellings of a design sympathetic to the countryside location. It was estimated by the applicant that an indicative number of 4 to 8 dwellings could be accommodated on the site.

5. Two members of the public also addressed the meeting, both objecting to the proposed use of the land for residential purposes, mainly based on road safety issues in relation to the junction, visual appearance of the proposed re-development of the land and it is against the relevant policy, which has been tested at appeal by the Scottish Government. It was also highlighted to Members that the resident in the farm house adjacent to the site did enquire about buying the land, and would have roofed over the bund to create a storage shed. This would have used the existing walls and had the structure remain intact, creating a minimal visual effect to the surrounding area.
6. Finally, Committee Members viewed the site from the top of the embankment / bund and Members noted that a wall of the bund on one side has been breached. Members were also told that the proposal would be to level the bunds and infill the reservoir to match the existing levels of the surrounding land.

7. RECOMMENDATION

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

- (1) No justification has been provided to demonstrate that the use of the land for residential purposes is absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The proposed development is not considered to be an appropriate form of an infill development. The proposal would be contrary to Policy Rural 1 “New Development in the Countryside” and Policy Rural 8 “Changes of Use in the Countryside” of the Falkirk Council Rural Local Plan, Policy ENV.1 “Countryside and Protected Areas” of the Falkirk Council Structure Plan, Policy EQ19 “Countryside and Policy SC3 “Housing Development in the Countryside”, of the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- (2) The proposed development would not be in the interests of road safety.

Informative(s):

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



Pp

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Director of Development Services

Date: 11 May 2010

LIST OF BACKGROUND PAPERS

1. Letter of representation from Ms Begg, Greyrigg Cottage Falkirk FK1 2JB on 25 November 2009
2. Letter of Objection from Ian and Mhairi Davidson, Balnacree Farm Falkirk FK1 2JB on 24 November 2009
3. Falkirk Council Structure Plan 2004
4. Falkirk Council Rural Local Plan
5. Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT
GREYRIGG RESERVOIRS, CALIFORNIA, FALKIRK FOR MR
CHRISTOPHER FERRIE – P/09/0790/PPP

Meeting: PLANNING COMMITTEE

Date: 21 April 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Avonbridge and Standburn

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site, which extends to 0.4 ha, is located within the countryside and contains a disused covered reservoir and derelict pump house. It is heavily overgrown and enclosed by bunding and fencing. There is a farm steading (Balnacree Farm) adjacent to the site, and a small cottage on the opposite side of the roadway. The site also bounds the road junction between the B8028 and the C53 Boxtou Road, which incorporates a mini-roundabout. This application seeks planning permission in principle for the development of land for residential purposes. No indication of the number of units proposed has been submitted.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 F/2000/0207 – change of use of land to garden centre/nursery and house – withdrawn.
- 3.2 F/2000/0685 – erection of dwellinghouse (detailed) – refused.
- 3.3 F/2001/0823 – erection of dwellinghouse (outline) – refused.
- 3.4 Appeal against refusal of F/2001/0823 – appeal dismissed.

4. CONSULTATIONS

- 4.1 The Roads Development Unit advise that the site is located adjacent to the junction of the B8028 and C53 Boxton Road, which are typical rural roads of restricted width and alignment, and lack of footway provision and lighting. The two roads meet at a mini roundabout with poor visibility, and the Roads Development Unit would not be in favour of any increase in vehicular and pedestrian traffic at this location. For this reason the proposal is not considered favourably by the Roads Development Unit.
- 4.2 Scottish Water have no objections to the proposal.
- 4.3 The Health and Safety Executive does not advise, on safety grounds, against the granting of planning permission in this case.
- 4.4 Shell Chemicals UK Ltd has no objections to the proposal and confirms that no pipelines operated by them within the area will be affected by the proposals.
- 4.5 British Petroleum Grangemouth have no objection to the proposal, and do not operate pipelines in the area.
- 4.6 The Environmental Protection Unit have advised that, if granted permission, a contaminated land report would require to be submitted before works commence on site.

5. COMMUNITY COUNCIL

- 5.1 The Avonbridge and Standburn Community Council has made no representation on the application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 2 contributors submitted letters to the Council. The salient issues are summarised below:
- The proposed development is contrary to the Local Plan.
 - The proposed development would result in road safety problems.
 - The site has already been refused at appeal by the Scottish Government Reporter.
 - Erection of dwellings on the site would impact greatly on the appearance of the site and surrounding area.
 - The objector would not allow any access to provide septic tank/drainage over land in his ownership
 - The privacy of the adjoining property would be adversely affected.
 - It is unclear how many properties are intended to be placed on the site.

- Water pipe supply has been troubled in the past, the addition of extra dwellings may impact on this further.
- No information in relation to how the works to demolish the site would be carried out has been provided and this may be noisy and cause traffic problems.
- No information is provided on the proposed access into the site, the adjacent junction is known as an accident black spot.

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 applicant has not provided any information to demonstrate that a countryside location is essential for this particular proposal, and it would not be considered an appropriate form of agricultural diversification. It is therefore considered that the proposal does not accord with Policy ENV.1.

Rural Local Plan

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

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

1. *Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*

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

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

7a.4 The proposed use of the land for residential purposes has not been demonstrated to be absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The site would also not be considered to be an appropriate infill development, as no clear gap site exists and it would contribute to ribbon/sporadic development. It is therefore considered that the proposal does not accord with Policy Rural 1.

7a.5 Policy RURAL 8 'Changes of Use in the Countryside' states:

"That proposals for changes of use relating to existing industrial, commercial and institutional uses within the countryside will generally be considered favourably, provided that they comply with the criteria outlined in POLICY RURAL 1."

7a.6 The proposal could not be considered a favourable change of use from the existing land use, as this would only be acceptable if the proposal complied with the criteria outlined in Policy Rural 1. As previously stated, the proposal does not accord with Policy Rural 1. Therefore, it is considered that the proposal does not accord with Policy Rural 8.

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

7b Material Considerations

7b.1 The material considerations to be considered are the Falkirk Council Local Plan Finalised Draft (Deposit Version), consultation responses and assessment of public representations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

- “(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- it can be demonstrated that they require a countryside location;*
 - they constitute appropriate infill development; or*
 - they utilise suitable existing buildings.*
- (2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*
- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
 - building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
 - boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

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

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

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
- The operational need for the additional house in association with the business*
 - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
- The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - The restored or converted building is of comparable scale and character to the original building*

- *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*

(3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7b.4 The relevant policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version), can be seen to reinforce and affirm Policies Rural 1 and 8. The proposed site is outwith the urban and village limits within the Local Plan Finalised Draft (Deposit Version). The applicant has not provided any evidence to demonstrate that the residential use would be essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. The proposal does not involve any rehabilitation of former residential properties or conversion of farm or other buildings to residential use. The site could not be considered as an appropriate infill opportunity within the envelope of existing residential buildings, as the development would result in ribbon/sporadic development. It is therefore considered that the proposal does not accord with Policies EQ19 and SC3.

Consultation Responses

7b.5 Roads Development Unit - The response from this Unit is considered to be the most relevant, as additional vehicular and pedestrian traffic would be detrimental to road safety at this location. This is due to the lack of footway provision, lighting and restricted visibility available at the roundabout intersecting the B8028 and C53 Boxton Road. The proposed development would not be in the interests of road safety.

Assessment of Public Representations

7b.6 Through the assessment of the application, it is considered that the proposal is contrary to the Local Plan.

7b.7 The Roads Development Unit has highlighted the issues with regards to the roadways and junction adjacent to the site.

7b.8 The dismissal of the appeal has been taken into account during the assessment of the application.

7b.9 During the assessment of the application, the visual impact of dwellings on the site has been taken into consideration.

7b.10 Access to land outwith the site is a private matter and not a material consideration.

7b.11 The application is only at a stage of establishing the principle of the land for residential use, therefore any impact on neighbouring properties with regards to privacy cannot be fully assessed. At this stage it would not be considered that it would impact on the neighbouring dwellings so far as to warrant refusal of the application.

7b.12 The application is to establish in principle whether the site would be suitable to be developed for residential purposes. If granted, a further application would be required, which would include details including the number of units, layout and access arrangements.

7b.13 Scottish Water has been consulted on the application and has not highlighted any specific issues with the water supply.

- 7b.14 The application is to establish the principle of the site being used for residential purposes, information in relation to the demolition of existing structure would not be required at this stage, and would not necessarily be required within a detailed application. Noise issues in relation to construction would not be a material planning consideration in this case.

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) No justification has been provided to demonstrate that the use of the land for residential purposes is absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The proposed development is not considered to be an appropriate form of an infill development. The proposal would be contrary to Policy Rural 1 “New Development in the Countryside” and Policy Rural 8 “Changes of Use in the Countryside” of the Falkirk Council Rural Local Plan, Policy ENV.1 “Countryside and Protected Areas” of the Falkirk Council Structure Plan, Policy EQ19 “Countryside and Policy SC3 “Housing Development in the Countryside”, of the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- (2) The proposed development would not be in the interests of road safety.

Informative(s):

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

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Director of Development Services

Date: 13 April 2010

LIST OF BACKGROUND PAPERS

1. Letter of representation from Ms Begg, Greyrigg Cottage Falkirk FK1 2JB on 25 November 2009
2. Letter of Objection from Ian and Mhairi Davidson, Balnacree Farm Falkirk FK1 2JB on 24 November 2009
3. Falkirk Council Structure Plan 2004
4. Falkirk Council Rural Local Plan

5. Falkirk Council Local Plan Finalised Draft (Deposit Version)

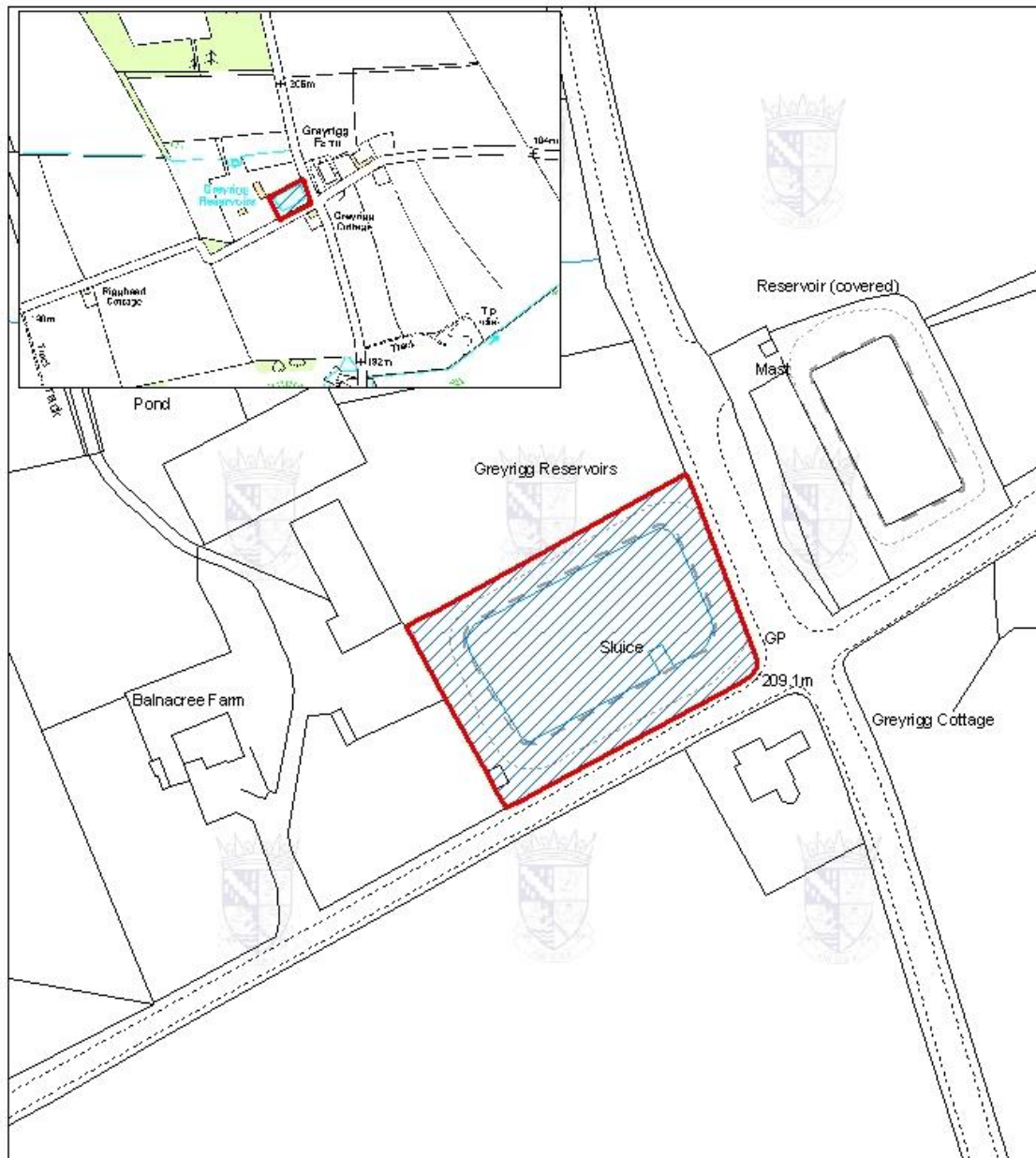
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0790/PPP

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



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FALKIRK COUNCIL

Subject: SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT SCHOOL HOUSE, WELLPARK TERRACE, BONNYBRIDGE, FK4 1LR FOR MR DAVID MANGAN – P/10/0072/PPP
Meeting: PLANNING COMMITTEE
Date: 19 May 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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 21 April 2010 (copy of previous report appended), when it was agreed to continue consideration to allow a site visit to be carried out. This visit took place on 4 May 2010.
2. At the site visit, the planning officer summarised the officer's report and the applicant and Planning Committee Members were heard.
3. The applicant advised that he had received a copy of the consultation responses and was aware of the objection by Corporate and Neighbourhood Services. He queried the meaning of private access, sought clarification of the 18 metre separation rule and suggested that vehicular access from Wellpark Terrace could be an alternative.
4. In response to the applicant's queries, the Roads Officer advised that a private access is one that is not adopted and maintained by the Council. The Development Manager clarified that the 18 metre guideline relates to the distance between facing windows of separate dwellinghouses that are directly opposite each other and its purpose is primarily to protect privacy.
5. In response to queries by Members, the Roads Officer advised that his concerns would be addressed if a right of access could be secured over the adjoining land held by Corporate and Neighbourhood Services. It was confirmed that the end on siting of a dwellinghouse could reduce the need for an 18 metre separation distance. The applicant advised that the new dwellinghouse would be for his daughter. It was noted that vehicular access to the rear of the property from Wellpark Terrace to serve the proposed dwellinghouse would represent backland development.
6. The recommendation contained in the previous report is reiterated. Accordingly:-

7. RECOMMENDATION

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

- (1) The proposed development does not accord with Policy BON.2 of the adopted Bonnybridge and Banknock Local Plan as it has not been demonstrated that a right of access could be secured across adjoining land to serve the application site therefore there is no certainty that in-curtilage car parking could be provided to accord with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (2) The proposed development does not accord with Policies SC2 and SC8 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as (a) the density and disposition of the proposed development does not respect the character of the area and (b) it has not been demonstrated that adequate garden ground could be provided or maintained to serve the existing and proposed dwellinghouses or that adequate privacy would be afforded to both the proposed dwellinghouse and neighbouring properties.



Pp

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Director of Development Services

Date: 11 May 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan
2. Adopted Bonnybridge and Banknock Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Falkirk Council Supplementary Planning Guidance for Housing Layout and Design
5. Letter of Support from Mr Derek McKenzie, Bonnybridge PS, Wellpark Terrace, Bonnybridge, FK4 1LR on 18 February 2010

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

FALKIRK COUNCIL

Subject: SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT SCHOOL HOUSE, WELLPARK TERRACE, BONNYBRIDGE, FK4 1LR FOR MR DAVID MANGAN – P/10/0072/PPP

Meeting: PLANNING COMMITTEE

Date: 21 April 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 planning permission in principle for the erection of an additional dwellinghouse on a residential property.
- 1.2 The application site comprises the rear garden ground of a residential property. The property is flat, contains a single storey dwellinghouse and the rear garden is laid in grass. Access to the property is from Wellpark Road. The rear of the property is bounded by a tarmac area accessed from Fairfield Avenue. The area is predominantly residential in nature, and open space and Bonnybridge Primary School lie to the east and south-east. A public footpath adjoins the property to the west.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

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

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that access to the proposed development would be by means of a private access which is contrary to this Unit's practice. It would need to be demonstrated that a right of access over this land exists to serve the proposed development. It is also advised that in-curtilage parking is required to be maintained for the existing dwellinghouse and provided for the proposed dwellinghouse in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- 4.2 Scottish Water has no objection to the application.
- 4.3 The Environmental Protection Unit has requested the submission of a Contaminated Land Assessment due to the presence of former railway land, a sawmill and other potential sources of land contamination within 250 metres of the site.
- 4.4 Corporate and Neighbourhood Services has objected to the application as it is proposed to access the development over land owned by the Service. The Service considers that such access would prejudice any future use of this land by Falkirk Council.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council for this area.

6. PUBLIC REPRESENTATION

- 6.1 One letter of support has been received advising of no concerns with the proposed development.

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 proposed development does not have any strategic implications therefore the policies of the approved Structure Plan are not relevant.

Adopted Bonnybridge and Banknock Local Plan

- 7a.2 The application site lies within the urban limits as defined in the adopted Bonnybridge and Banknock Local Plan
- 7a.3 Policy BON 2 states:

“That within the urban area uses will generally be acceptable provided they accord with all other relevant District Council policies and standards of provision.”

7a.4 This policy supports urban uses within the urban area provided all relevant Council policies and standards of provision are satisfied. In this instance, the proposed development is, in general terms, a suitable use given the predominantly residential nature of the area. However, it is indicated on the location plan submitted with the application that access would be from a tarmac area adjoining the site to the north. This area is not a public road and it has not been demonstrated that a right of access could be secured across this land to serve the application site. Development in these circumstances is contrary to the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as there is no certainty that in-curtilage car parking could be provided. The proposed development is therefore contrary to 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 the Falkirk Council Local Plan Finalised Draft (Deposit Version), the Council’s Supplementary Planning Guidance for Housing Layout and Design and the consultation responses.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The application site lies within the urban limits as defined in the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 Policy SC2 - ‘Windfall Housing Development Within The Urban / Village Limit’ states:

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

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal.”*

7b.4 This policy supports new housing within the urban limits where certain criteria are satisfied. With reference to criterion (1), the application site is not brownfield land and being garden ground, could be considered a form of urban open space. The proposal is however considered to accord with Policy SC12 (Urban Open Space) as it would not give rise to any material loss of amenity space or impact on land with recreational, ecological or public access interests. With reference to

criterion (2), the proposal would be compatible with neighbouring uses, but there are concerns that the property is not sufficiently large to provide adequate garden ground and afford adequate privacy. It has therefore not been demonstrated that a satisfactory level of residential amenity could be achieved. With reference to criterion (4), there are concerns regarding the proposed access to the site. With reference to criterion (5), the proposed development is considered to be contrary to Policy SC8 for the reasons detailed in this report. The proposed development is considered to accord with criteria (3) and (6). Overall, the proposed development does not accord with this policy.

7b.5 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.6 This policy provides for the erection of additional dwellinghouses within the curtilage of existing properties subject to certain criteria being met. With reference to criterion (1), the density and disposition of the proposed development are out of keeping with the character of the area as there is no existing pattern of developing rear garden ground for housing. With reference to criteria (2) and (3), there are concerns that the property is not sufficiently large to provide adequate garden ground to serve both the existing and proposed dwellinghouses and afford adequate privacy. No information has been submitted to demonstrate that these concerns could be adequately addressed. With reference to criterion (5), concerns have been raised in this report regarding the proposed vehicular access. The proposed development is considered to accord with criteria (4) and (6). Overall, the proposed development does not accord with this policy.

Falkirk Council’s Supplementary Guidance

7b.7 The Council’s Supplementary Planning Guidance for Housing Layout and Design presumes against backland development where there are concerns with the amenity and size of the resulting private gardens (a minimum garden length of 9 metres is required). The guidance also recognises that a minimum distance of 18 metres is required between facing windows of habitable rooms in order to safeguard privacy. In this instance it has not been demonstrated that these standards could be met, therefore it cannot be concluded that the proposed development satisfies this guidance.

Consultation Responses

7b.8 The consultation responses have been summarised in section 4 of this report. The concerns raised by the Roads Development Unit are noted. The request by the Environmental Protection Unit for a Contaminated Land Assessment could be the subject of a condition of any grant of permission.

- 7b.9 Corporate and Neighbourhood Services has objected to the application as it is proposed to access the development over land owned by this Service. It should be noted that granting planning permission does not confer rights over other land. Accordingly, Corporate and Neighbourhood Services could prevent access over its land if there is no existing right of access.

7c Conclusion

- 7c.1 The proposed development is considered to be contrary to the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) for the reasons detailed in this report. In addition, it is not supported by the Council's Supplementary Planning Guidance for Housing Layout and Design. There are no material considerations to justify setting aside the terms of these plans therefore the application is recommended for refusal.

8. RECOMMENDATION

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

- (1) The proposed development does not accord with Policy BON.2 of the adopted Bonnybridge and Banknock Local Plan as it has not been demonstrated that a right of access could be secured across adjoining land to serve the application site therefore there is no certainty that in-curtilage car parking could be provided to accord with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (2) The proposed development does not accord with Policies SC2 and SC8 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as (a) the density and disposition of the proposed development does not respect the character of the area and (b) it has not been demonstrated that adequate garden ground could be provided or maintained to serve the existing and proposed dwellinghouses or that adequate privacy would be afforded to both the proposed dwellinghouse and neighbouring properties.

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Director of Development Services

Date: 13 April 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan
2. Adopted Bonnybridge and Banknock Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Falkirk Council Supplementary Planning Guidance for Housing Layout and Design
5. Letter of Support from Mr Derek McKenzie, Bonnybridge PS Wellpark Terrace Bonnybridge FK4 1LR on 18 February 2010

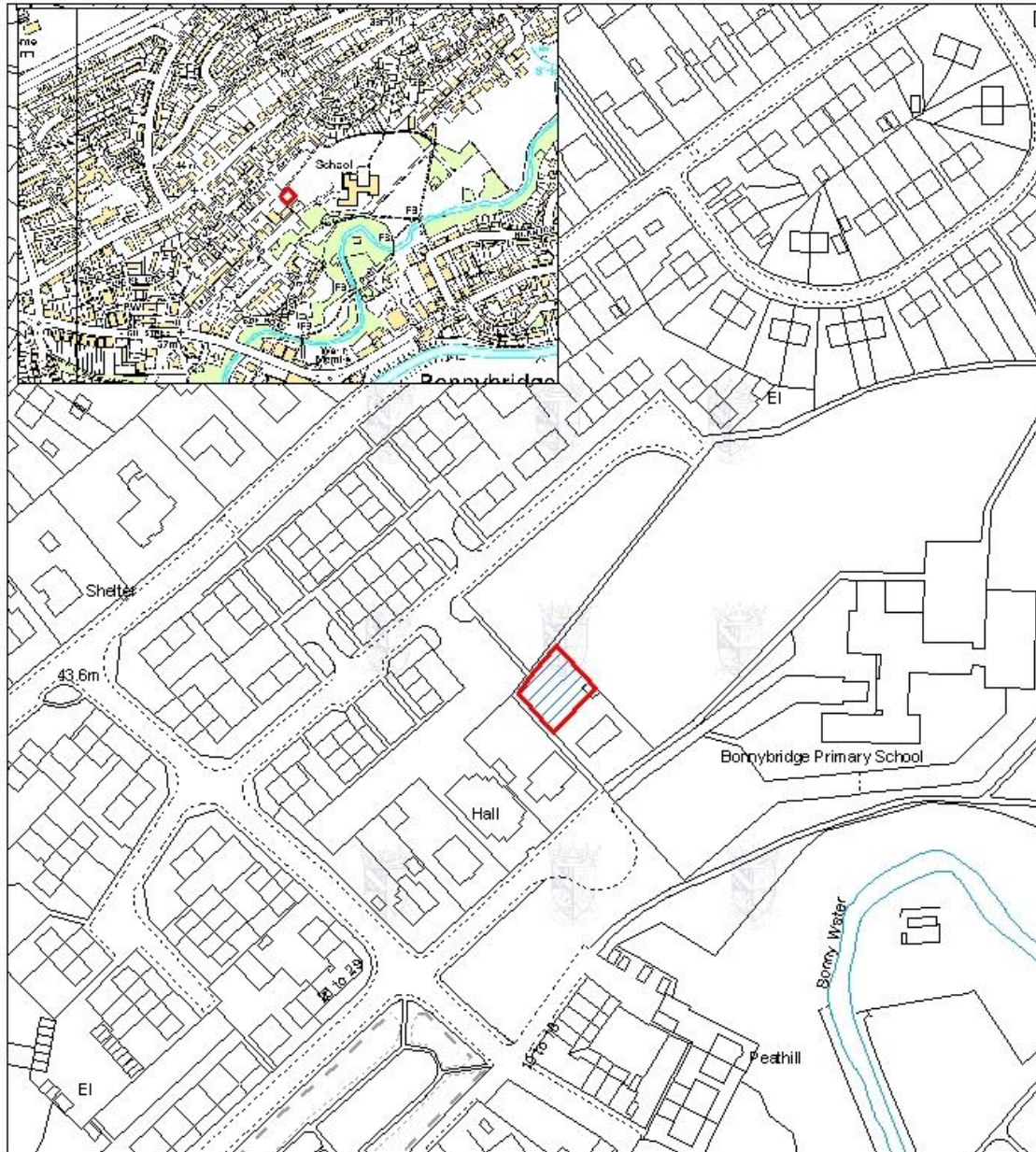
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0072/PPP

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



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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: 19 May 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

UPDATE REPORT FOLLOWING FURTHER CONSIDERATION

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 24 March 2010, when it was agreed to continue the application and undertake a site visit. The application was further considered at the meeting of the Planning Committee on 21 April 2010 following a Committee site visit (copy of report appended). It was agreed at the Planning Committee meeting of 21 April 2010 to continue the application to allow dialogue to take place with the applicant concerning the large scale of the dwellinghouse and the position of the proposed driveway access in relation to the bend on Scott Avenue.
2. Following dialogue with the applicant, a supporting statement has been submitted in response to the continuation of the application. The applicant wishes the application to be considered on the basis of the information previously submitted. The applicant has given the following reasons for taking this decision:-
 - 2.1 Outline planning application P/08/0598/OUT, detailed in the copy report of 21 April 2010, includes indicative information that a 2 storey dwellinghouse could be accommodated at the site. The outline planning consent does not include any condition limiting the design of dwellinghouse at the site in terms of storey height. The applicant has purchased the site on this basis. In any case, the request for a “1½ storey building in a street of mixed and eclectic design is questionable. Of the 7 dwellings (2 under construction) actually on Scott Avenue, 5 are two storey, one is a mix of single storey and two storey and just one is single storey”. Given this mix of dwelling types, the applicant can see “no legitimate reason under applicable planning policy to request the height to be reduced”.

2.2 “The proposal has been assessed by the Council's Roads Department and deemed acceptable in terms of road safety. Again, there is little departure from the access arrangements in the approved outline consent”. “Scott Avenue is at the end of a long cul-de-sac and is essentially used for access only. Vehicle movements are very low”. The applicant proposes that the driveway remain in its current location but, to assist with clear visibility splays, that “no boundary wall or fence is erected to the south of the driveway”. The applicant suggests that the minimal traffic movement encountered during the duration of the Committee site visit is typical.

3. The applicant's reasons for wishing the application to be determined on the basis of information previously submitted are duly noted. It is also noted that any details in respect of storey height in the outline application P/08/0598/OUT are indicative only.
4. The applicant's view that a two storey dwellinghouse at the site would be consistent with the mix of house types at Scott Avenue is considered to be valid.
5. There is no evidence that the position of the driveway, where it is proposed to meet Scott Avenue, would be detrimental to road safety. The consultation response of the Roads Development Unit is noted. Notwithstanding the applicant's request that the Planning Committee give further consideration to boundary treatments, it is considered that condition no. 5 of the recommendation addresses this issue.
7. In conclusion, a valid outline planning permission exists which has established the principle of the development. It is considered that there would be no significant impact on the amenity of adjacent properties at Millfield Drive and that the proposal would fit well into the street scene. Furthermore, it is not considered that there is evidence to support the view that the proposed driveway would be detrimental to road safety.

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 07.

(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 advise.



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pp Director of Development Services
Date: 11/05/10

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).

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: 21 April 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

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 March 2010 (copy of report appended), when it was agreed to continue the application and undertake a site visit. This visit took place on 15 April 2010.
2. The applicant's agent related the extent of the footprint of the proposed dwellinghouse to the footprint of the indicative layout in respect of outline planning permission P/08/0598/OUT (detailed in part 3 of the appended report). Furthermore, the agent outlined the design principles of the proposal, including the provision of rear garden ground, the approach taken to safeguard the amenity and privacy of properties at Millfield Drive, and the design of the proposal in relation to the street scene at Scott Avenue.
3. An objector to the proposed development, together with a representative of a further objector, highlighted concerns that, due to the two storey nature of the design, the proposed dwellinghouse would overlook adjacent properties at Millfield Drive to the extent that the privacy of the residents of these properties would be compromised. Further concerns raised were that the public sewer system is not adequate to service the proposed dwellinghouse, the proposed dwellinghouse does not fit well with the existing street scene at Scott Avenue and that development traffic is likely to cause damage to the private roadway and kerbing at Scott Avenue.
4. Furthermore, concern was also raised by a Member as to whether there was adequate visibility at the proposed driveway entrance.

5. In response to concerns raised, the planning case officer advised that:-
- In respect of the issue of drainage, Scottish Water had raised no objections to the proposal. Furthermore, the applicant has submitted details of a proposed soakaway, which includes porosity tests, which would treat surface water run off. It is noted that the Council's term consultant has advised that surface water drainage provision is satisfactory.
 - The proposed development would not be significantly detrimental to the amenity of properties at Millfield Drive. There is one first floor window in line with the dwellinghouse at no. 11 Millfield Drive. This window is angled, however, to secure the privacy of residents at no. 11. Furthermore, the case officer advised that a day lighting calculation was undertaken to ensure that there would be no significant loss of daylight to no. 11. The existing hedging adjacent to no. 13 Millfield Drive would protect the privacy and amenity of the residents at no. 13. It is noted the proposed dwellinghouse reduces to single storey at the north side of the site adjacent to no. 13.
 - There is a mix of 2 storey, 1 ½ storey and bungalow house types at Scott Avenue. The proposed dwellinghouse would fit well into the street scene and would not look out of place.
 - No objections or concerns were raised by the Roads Development Unit in respect of road traffic as this is a private road. The issue of potential damage to the road way from construction traffic is not a material planning consideration.
6. The Roads Development Coordinator advised that:-
- A condition ensuring that there should be no obstruction to visibility in excess of 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, would ensure sufficient visibility at the driveway entrance. Furthermore, in terms of drainage, it is noted that Scottish Water have taken steps to mitigate a problem in the combined sewer system. It is considered that the combined sewer system can facilitate the foul waste from the proposed development. The Roads Development Officer noted that surface water run off would be treated by a soakaway arrangement and would not be discharged to the combined sewer system.
7. The applicant's agent advised that surface water run off would not be discharged to the combined sewer system and that only foul waste would discharge to the combined sewer. It was again noted that Scottish Water has carried out mitigation to negate a previous problem in the area.
8. In conclusion, a valid outline planning permission exists which has established the principle of the development. It is considered that there would be no significant impact on the amenity of adjacent properties at Millfield Drive and that the proposed development would fit well into the street scene. There is no evidence to support the view that there is not sufficient capacity on the combined sewer system to service the proposal.

9. RECOMMENDATION

It is recommended that Committee approve 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 07.
- (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.

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pp Director of Development Services

Date: 20 April 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).

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 07.**
- (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 advise.**



.....
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: PARTIAL CHANGE OF USE OF EXISTING SHOP TO ALLOW LIMITED HOT FOOD TAKEAWAY SALES (RETROSPECTIVE) AT 12A BLINKBONNY ROAD, FALKIRK, FK1 5DA FOR MR KALEEM RASHID – P/09/0740/FUL

Meeting: PLANNING COMMITTEE

Date: 19 May 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Camelon and District

Case Officer: Stephen McClure Ext, 4702

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is a small shop unit within a row of neighbourhood shops, which is used as a general store/newsagent with a hot food takeaway element within a well established residential area to the south of Falkirk High school. This application seeks to regularise the situation with a planning application for partial change of use of the unit to allow limited hot food takeaway sales. The majority of the shop unit would remain as a newsagent store and there are no planned amendments to the hours of operation.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application has been called to Committee by Councillor Georgie Thomson and Councillor Joe Lemetti.

3. SITE HISTORY

- 3.1 F/96/0331 – change of use of workshop/wholesale unit to 3 shops, one workshop and installation of the shop frontages – granted.
- 3.2 F/96/0905 – part change of use of storage/distribution premises (class 11) to form 2 shops (class 1) and a hot food takeaway (class 3) – appeal dismissed.
- 3.3 F/98/0764 – change of use of workshop/wholesale unit to 3 shops and a workshop and installation of shop frontages – granted.

- 3.4 F/2003/0574 – change of use from shop (class 1) to hot food takeaway – withdrawn.
- 3.5 F/2003/0644 – change of use of shop (sandwich bar) to hot food takeaway – refused.
- 3.6 P/07/0952/FUL – change of use from shop (sandwich bar) to hot food shop – refused.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that the shop units currently have no dedicated parking provision with vehicles having to park on-street. It is suggested that it may be possible to construct parking bays within the front area of the shop units, without which there may be road safety concerns and parking pressures in the surrounding area.
- 4.2 The Environmental Protection Unit have no objections to the proposals, and note that the appliances are effectively domestic rather than commercial.

5. COMMUNITY COUNCIL

- 5.1 The Camelon and District Community Council did not comment.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 19 letters of representation were received. The following salient issues raised are summarised below:
- Cooking odours.
 - Increase in litter.
 - Increased traffic (pedestrian and vehicular).
 - Due to close proximity of schools, the use could encourage unhealthy eating habits amongst children.
 - Given history of previous similar applications, this application should be refused.
 - No material changes have occurred since the last application for a hot food takeaway and this application.
 - Planning Enforcement Officers have been involved with the previous and existing owners in relation to the selling of hot food.
 - If planning permission were to be granted it would give the impression that if you ignore planning enforcement long enough, you will get permission.
 - The applicant has made a bad business decision and is now seeking approval purely on a financial basis.

- There is no parking at the shop units and it can become very congested.
- This proposal will cause an issue with noise (especially if open at night).
- Falkirk High School is trying to keep pupils in at break time and promote healthy eating, this hot food takeaway would be used by pupils.
- There are several sandwich shops and hot food premises within a one mile radius of Blinkbonny Road, and there is no need for another one.
- The use would detract from the environment in a residential area.
- Increased loitering and possible anti-social behaviour, particularly late evening/night.
- The use would send the wrong message to school children in the nearby school with regards to healthy eating, which is being promoted by the Scottish Government.
- A petition letter in favour of the proposals has been submitted with upwards of 150 signatures of support.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Falkirk Local Plan

7a.2 Policy FAL 7.8 'Food and Drink Outlets' states:

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

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

7a.3 The proposal is not for a full change of use of the unit for hot food sales, but for a partial change of use. The unit would continue to operate as a newsagent, with no planned change of operating hours, and therefore it is not considered that noise would be an issue to neighbouring residential dwellings. The unit should also not cause an issue with regards to odours, as the property only requires a domestic fan extraction system, due to the limited amount of hot food prepared/sold within the unit. It is also considered that litter would not be an issue as the use has existed for sometime without issues of this nature arising. The unit is also located in an existing group of neighbourhood shops, and is accessible by pedestrian and vehicular traffic. It is not considered that the partial change of use would generate a significant amount of extra traffic to the unit. Therefore, it is considered that the limited change of use being ancillary to the main use as the newsagents, would not have an adverse impact on the amenity of the adjacent residential properties, or the surrounding area generally. It is therefore considered that the proposal accords with Policy FAL.7.8.

7a.4 Policy FAL 7.10 'Neighbouring Shops' states:

"The Council will support the provision, retention and improvement of neighbourhood shops. Accordingly, it will:

- (i) encourage the provision of neighbourhood shops to serve major new housing developments, and also existing residential areas which have poor access to such facilities; and*
- (ii) promote schemes to improve the condition and viability of local shops within designated areas of need."*

7a.5 The current newsagent/store is providing a service to the residential area, and the current owner has improved the appearance and condition of the unit. As with similar small businesses, the owner wishes to diversify the range of products sold, to keep the operation of the unit viable. The partial change of use would allow this, whilst allowing the unit to remain primarily as a newsagent/store, providing and retaining this neighbourhood shop. It is therefore considered that the proposal accords with Policy FAL 7.10.

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

7b Material Considerations

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

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EP8 - 'Neighbourhood And Rural Shops' states:

"The Council will support the provision, retention and improvement of neighbourhood and rural shops. Accordingly:

- (1) Proposals involving the loss of neighbourhood or rural shops (Class 1) and services (Class 2) which serve an important community function will be only be permitted where the Council is satisfied that the premises are no longer viable for such uses; and*
- (2) The provision of neighbourhood shops to serve major new housing developments and existing residential areas which have poor access to such facilities will be encouraged."*

7b.3 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.4 The relevant policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version), can be seen to reinforce and affirm policies FAL 7.8 and FAL 7.10 of the Falkirk Local Plan. The current unit is located within a small group of neighbourhood shop units, not all of which are occupied. The partial change of use to the unit expands the current offerings and helps to maintain the viability of the newsagents. The partial change of use does not alter the current opening hours which are Monday to Saturday 7.30am to 7.00pm and Sundays 8.00 to 3.00pm. However, the applicant has agreed to restrict the hot food operation from 7.30am to 4.00pm, Monday to Saturday, with no hot food operation on Sundays. This has been covered by an appropriate condition. Therefore, it is not considered that there would be an adverse impact on the amenity of adjacent residential properties or the surrounding area generally, by virtue of noise, disturbance, litter or odours. The unit is within an existing grouping of neighbourhood shop units, which are accessible by pedestrian and vehicular traffic. It is not considered that the proposal would substantially increase the amount of traffic to the unit. It is therefore considered that the proposal accords with Policies EP8 and EP9.

Assessment of Public Representations

7b.5 The Environmental Protection Unit has considered the issue of odour and is satisfied with the current arrangements. Due to the limited amount of hot food to be prepared and sold within the unit, a domestic extraction system is acceptable. This therefore should not lead to odours being an issue to neighbouring units or residential properties. If odours become an issue, the Environmental Protection Unit would investigate under the relevant legislation.

7b.6 The proposals are for a partial change of use to allow limited hot food sales, with the unit remaining primarily as a newsagent/store. It is not considered that the hot food element in this case would exacerbate litter concerns within the area.

7b.7 There is no evidence to indicate that pedestrian and vehicular traffic would increase to an unacceptable level.

7b.8 The eating habits of children within the nearby schools is not a material planning consideration.

7b.9 Each application requires to be assessed on its own merits and the previous history is noted.

- 7b.10 The application which has been submitted is not for a full hot food takeaway as submitted previously, but for a part change of use which would be ancillary to the unit's main use as a newsagent/store. Therefore, there has been a material change to the previous submissions.
- 7b.11 Planning Enforcement officers have been involved with this particular unit on several occasions, and were involved with the current owner and the submission of this application.
- 7b.12 The decision of the applicant to take on the unit or his financial state is not a material planning consideration in this case.
- 7b.13 The group of shop units do not have parking provision and this cannot be addressed through this particular application. It is not considered that the proposed use would increase vehicular traffic to an unacceptable level.
- 7b.14 The main use of the shop unit will remain a newsagent/store, and there are no proposals to change the opening hours.
- 7b.15 There are no restrictions within the area on particular shop classes, the presence of other similar shops within a mile radius is not be a material planning consideration.
- 7b.16 There are no major external changes to the unit and the main use will remain as a newsagents/store, it is therefore not considered that the proposal would effect the residential environment of the area to an acceptable degree.
- 7b.17 Anti-social behaviour is not a material planning consideration.
- 7b.18 A petition with some 150 signatures in support of the application has been submitted.

Additional Planning Considerations

- 7b.19 The Roads Development Unit have stated that there is currently no dedicated parking at the shop units, with vehicles having to park to the front of the units on Blinkbonny Road. This is also the same for service vehicles supplying the units, and there have been complaints in the past about the vehicles stopping on the corner of the nearby junction. In mind of this, it has been suggested by the Roads Unit that parking be created to the front of the units. Without this in place, it is considered by the Roads Unit that persons visiting the unit in vehicles may park in and around the nearby junction creating a road safety hazard and causing additional parking pressure in the surrounding residential area. However, the unit is currently in use, and is located within a group of established neighbourhood shops. The applicant does not have control over the area to the front of the shop unit, or in front of the neighbouring units. It would not therefore be possible for this to be a requirement of a planning condition. In any case it is considered that the provision of additional parking spaces for a partial change of use would be unreasonable and would not satisfy the tests for planning conditions

7c Conclusion

- 7c.1 It is considered that the proposal for a partial change of use to a hot food takeaway is acceptable, is in accordance with Policy FAL 7.8 and FAL 7.10 of the Falkirk Local Plan and Policy EP8 and EP9 of the Falkirk Council Local Plan Finalised Draft (Deposit Version). There are no other material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

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

- (1) The use hereby approved shall be strictly operated in accordance with the apparatus as identified on the approved layout plan (Ref 614 drawing 01 dated September 2009 – Falkirk Council Drawing No 02); the hours of operation for the hot food takeaway are restricted to 7.30am to 4.00pm, Monday to Saturday only.

Reason(s):

- (1) To control the scale and operation of the Development, in the interests of local amenity.

Informative(s):

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

.....
Pp Director of Development Services

Date: 11.05.10

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Petition submitted by applicant's agent with upwards of 150 signatures in favour of the proposal.
4. Letter of objection from Mrs Kaye Findlay, 21 Shannon Drive, Falkirk FK1 5HU on 13 November 2009.
5. Letter of Objection from Mrs B Quinlivan, 17 Blinkbonny Road, Falkirk FK1 5DA on 16 November 2009.
6. Letter of Objection from Mr Joseph Quinlivan, 17 Blinkbonny Road, Falkirk FK1 5DA on 13 November 2009.

7. Letter of Objection from G Angus, 39 Blinkbonny Road, Falkirk FK1 5BY on 20 November 2009.
8. Letter of Objection from Mr Robert Bennett, 1 Blinkbonny Road, Falkirk FK1 5DA on 20 November 2009.
9. Letter of Objection from Mrs Lily Bennett, 1 Blinkbonny Road, Falkirk FK1 5DA on 20 November 2009.
10. Letter of Objection from Anne and Brian Moffat, 22 Blinkbonny Road, Falkirk FK1 5DA on 11 November 2009.
11. Letter of Objection from J Wilson, 11 Blinkbonny Road, Falkirk FK1 5DA on 11 November 2009.
12. Letter of Objection from Mr and Mrs J Seaton, 25 Blinkbonny Road, Falkirk FK1 5DA on 9 November 2009.
13. Letter of Objection from Mr and Mrs M Connelly, 2 Hawthorn Drive, Falkirk FK1 5DH on 9 November 2009.
14. Letter of Objection from Mr Charles Brown, 16, Blinkbonny Road, Bantaskine, Falkirk FK1 5DA on 22 November 2009.
15. Letter of Objection from Falkirk High School, Westburn Avenue, Falkirk FK1 5BZ on 2 December 2009.
16. Letter of Objection from Mrs Zoe Brown, 24 Windsor Road, Bantaskin, Falkirk FK1 5EJ on 9 December 2009.
17. Letter of Objection from Mrs Sandra Brown, 16 Blinkbonny Road, Falkirk FK1 5DA on 12 November 2009.
18. Letter of Objection from Irene and Alex Graham, 14 Blinkbonny Road, Falkirk FK1 5DA on 12 November 2009.
19. Letter of Objection from Mr Callum Brown, 24 Windsor Road, Bantaskine, Falkirk FK1 5EJ on 9 December 2009.
20. Letter of Objection from J Tocher, S & J Incorporated, 12B Blinkbonny Road, Falkirk FK1 5DA on 5 November 2009.
21. Letter of Objection from Shona Brown, S & J Incorporated, 12B Blinkbonny Road, Falkirk FK1 5DA.

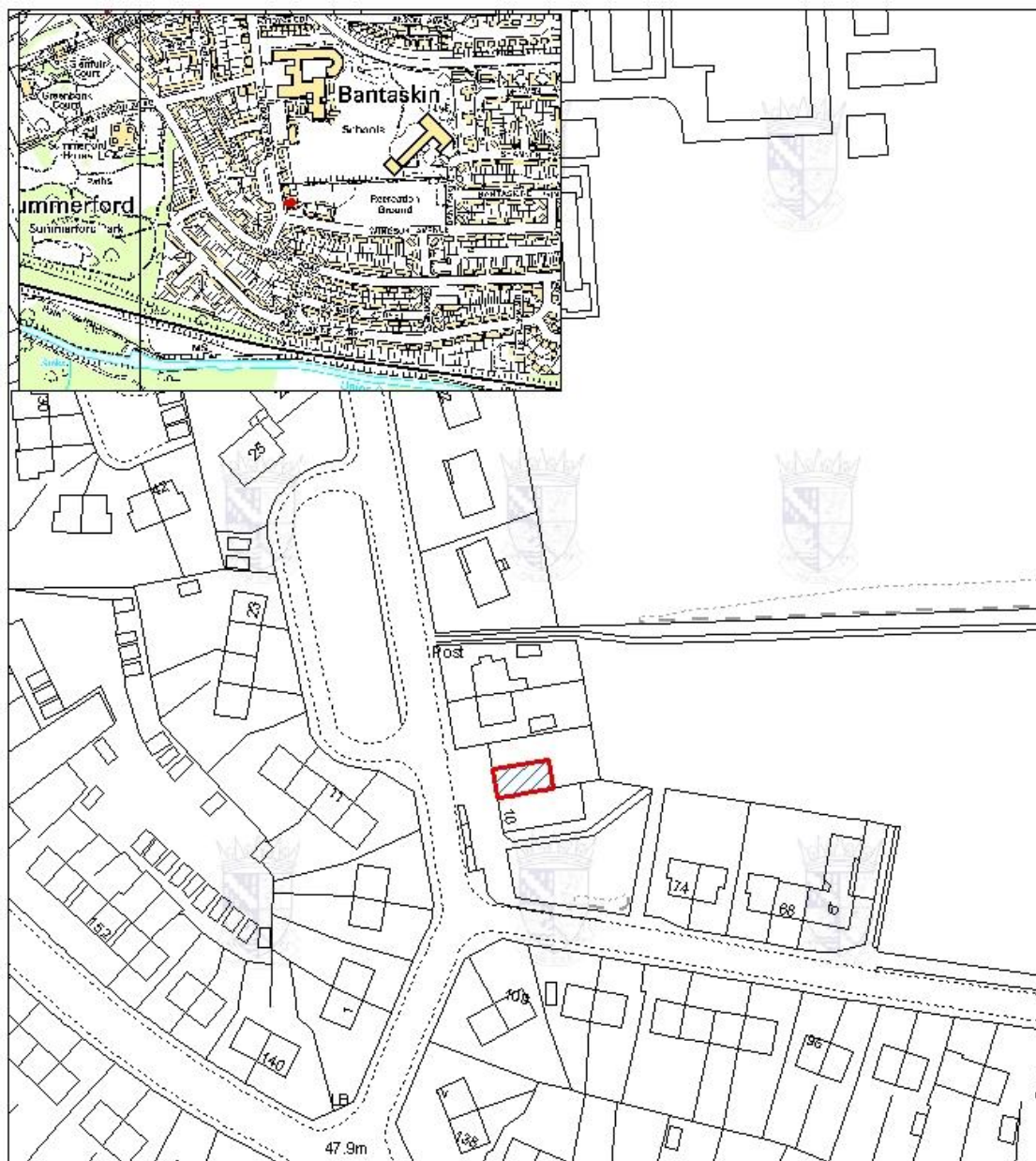
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0740/FUL

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FALKIRK COUNCIL

Subject: SITING OF THREE CARAVANS FOR USE AS HOMELESS ACCOMMODATION (RETROSPECTIVE) AT GARTH, DENNY, FK6 5HH FOR DIANA FERGUSON & PENNY RITSON (P/09/0624/FUL)

Meeting: PLANNING COMMITTEE

Date: 19 May 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Denny and Dunipace

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed retrospective planning permission for the siting of three caravans for use as homeless accommodation.
- 1.2 The application site is located at Garth Farm and comprises a dwellinghouse, farm and stable buildings, kennels and three caravans. The site is screened by existing mature planting. Adjoining land is in the ownership of the applicants.
- 1.3 The applicants have submitted the following supporting information:
 - The existing businesses at Garth Farm include boarding kennels, dog and horse breeding and tenancy of the dwellinghouse and caravans.
 - The provision of accommodation originally started with an agreement with Sacro (Safeguarding Communities, Reducing Offenders). This developed more into working with the homeless as the need became apparent. Some referrals have come from the Council's Social Work Service and Accommodation Resource Centre (ARC).
 - There are up to four tenants in the dwellinghouse and three in the caravans. All tenants have problems procuring accommodation elsewhere.
 - The ARC is involved with most occupants. Most have social, behavioural or minor medical problems.
 - Length of occupancy fluctuates. Most tenancies are short term but some can extend to more than a year.

- The tenants help with the animals as a therapeutic process.

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 Detailed planning permission ref. F/94/0043 was granted for the erection of kennels.
- 3.2 Detailed temporary planning permission ref. F/2001/0670 was granted for the siting of four caravans for use as homeless accommodation.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that the site is accessed via Castlerankine Road, which is a typical rural road of restricted width and alignment which lacks footway and lighting provision. However, the vehicular and pedestrian traffic generated by the development would not have any significant impact on the existing rural road network.
- 4.2 Scottish Water has no objection to the application.
- 4.3 The Environmental Protection Unit has advised that the caravans require a Caravan Site Licence as the operation does not fall within any of the exemptions of the First Schedule of the Caravan Sites and Control of Development Act.
- 4.4 Corporate and Neighbourhood Services (Housing Management, Tenancy Services) has advised that the dwellinghouse is registered as a House in Multiple Occupation (HMO) and is occasionally used by Falkirk Council to provide temporary accommodation to ARC clients. The caravans are not used by ARC, however clients may be advised of their existence which is then a private arrangement with Garth Farm. The HMO and caravans at this property provide valuable accommodation options to help prevent homelessness.

5. COMMUNITY COUNCIL

- 5.1 The Denny and Dunipace Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 One objection has been received to the application, on the following grounds:
- The occupants of the caravans on some occasions cause problems on the narrow country road.

- Concerns regarding the type of people occupying the caravans.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

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

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

7a.2 The application site lies outwith the urban limits, within the countryside, as defined in the adopted Denny and District Local Plan. With reference to the terms of this policy, the subject development does not inherently require a countryside location and it does not represent a form of agricultural diversification. The development is therefore contrary to this policy.

Adopted Rural Local Plan

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

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

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council's "Guide to Tree Planting/Housing Proposals on Slamannan Plateau".*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*

4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

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

7a.4 This policy generally presumes against new development in the countryside except in limited circumstances. Circumstance (3) provides for appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms. In this instance the development (comprising three caravans) lies in close proximity to the dwellinghouse and other buildings, within an area contained by mature planting. Whilst the development does not represent ribbon or sporadic development, it can be considered a form of backland development, and does not occupy a clear gap site within the terms of this policy. Overall, it is not considered to represent appropriate infill development within the terms of this policy. The development is therefore contrary to this policy.

7a.5 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

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

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The application site lies outwith the urban limits, within the countryside, as identified in the 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 This policy indicates that development proposals outwith the urban limits will be subject to the detailed policies for specific uses. The development in this instance is not covered by these detailed policies. Therefore, it will only be permitted where it can be demonstrated that a countryside location is required and constitutes appropriate infill development. These matters have been considered within the terms of Policy ENV.1 of the approved Structure Plan and Policy Rural 1 of the adopted Rural Local Plan. Accordingly, for the same reasons, the development does not accord with the terms of this policy.

Planning History

7b.5 The planning history for the application site is detailed in Section 3 of this report. In December 2005, temporary planning permission (ref. F/2001/0670) was granted for the siting of four caravans for use as homeless accommodation. Temporary permission was granted due to the nature of the development (caravans), such that it was not considered to be a suitable form of permanent development. The temporary permission expired on 31 December 2008.

Consultation Responses

7b.6 The consultation responses are summarised in Section 4 of this report. The Environmental Protection Unit has advised that a Caravan Site Licence is required. The applicants have responded that a license application would be applied for if planning permission is granted. Corporate and Neighbourhood Services (Housing Management, Tenancy Services) has advised that the caravans at Garth Farm provide a valuable accommodation option to prevent homelessness. This is a consideration in support of the application.

Representation Received

7b.7 The concerns raised in the objection to the application are summarised in Section 6 of this report. In response to these concerns, the following comments are considered to be relevant:

- The applicants have advised that the person responsible for causing problems on the road no longer resides at the site.
- The Environmental Protection Unit has advised that it has no record of any complaints having been received in relation to the development.

7c Conclusion

- 7c.1 This application, for the siting of three caravans for use as homeless accommodation, does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version), for the reasons detailed in this report. However, there are material considerations that outweigh the terms of these Plans in this instance. The development is small scale, well screened, contributes to meeting a need for homeless accommodation and in the main would appear to have operated with minimal impact on the local area.
- 7c.2 The applicants have advised that they wish to continue with this project in the immediate future. Accordingly, given the nature of the development (caravans), a further temporary permission is recommended.

8. RECOMMENDATION

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

- (1) This permission shall be valid for a limited period until 30 June 2013 and at that time, unless further permission is granted, the caravans shall be removed from the site and the site re-instated to its original condition.

Reason(s):

- (1) The proposed is not considered a suitable form of permanent development.

Informative(s):

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

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Director of Development Services

Date: 11 May 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan.

3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Letter of Objection received from J Duncan, Wester Garth Denny FK6 5HH on 20 October 2009.

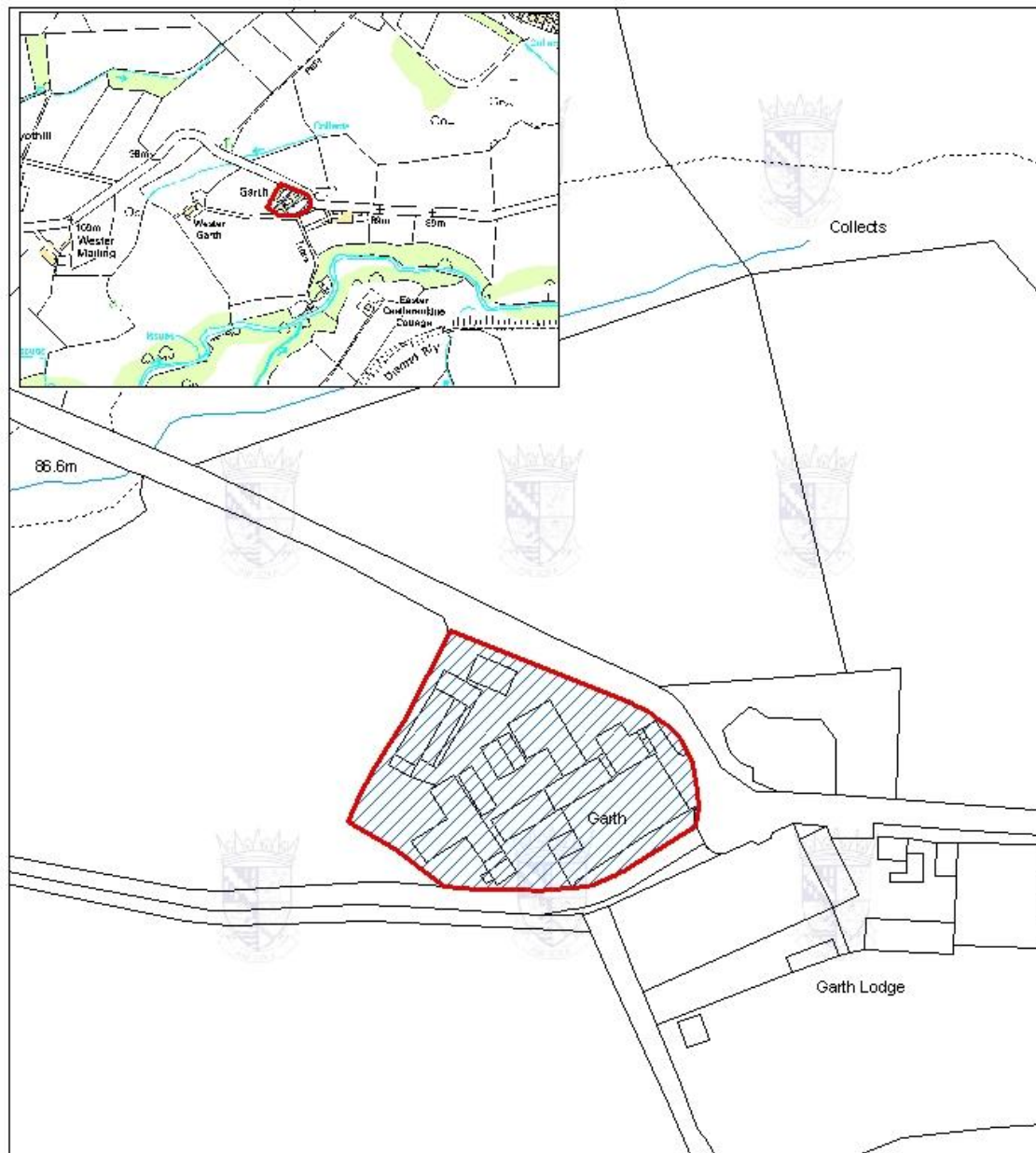
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0624/FUL

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FALKIRK COUNCIL

Subject: SUB-DIVISION OF GARDEN GROUND AND ERECTION OF ONE AND A HALF STOREY DWELLINGHOUSE AT 2A PRETORIA ROAD, LARBERT FK5 4NB FOR MR AND MRS ADRIAN – P/10/0066/FUL

Meeting: PLANNING COMMITTEE

Date: 19 May 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: Julie Seidel (Planning Officer) Ext, 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed planning permission for the erection of an additional dwellinghouse in the side garden of 2A Pretoria Road, Larbert.
- 1.2 The adjacent dwellinghouse to which the site relates is single storey. The application site is currently utilised as garden ground and a domestic garage is present on site. The application site fronts Pretoria Road and is bounded to the east by a bowling green, to the north by residential properties fronting Pretoria Road and to the south by adjacent garden ground.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Tom Coleman.

3. SITE HISTORY

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

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that there is insufficient information accompanying the application to determine the size and layout of the parking areas post development.
- 4.2 Scottish Water has no objection to the application.

- 4.3 The Environmental Protection Unit has requested the submission of a Contaminated Land Assessment due to the presence of a factory, works and other potential sources of land contamination within 250 metres of the site.

5. COMMUNITY COUNCIL

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council have not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 No letters of representation have been received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

- 7a.1 The proposed development does not have any strategic implications and therefore the policies of the approved Structure Plan are not relevant.

Adopted Larbert and Stenhousemuir Local Plan

- 7a.2 The application site lies within the urban limit as defined in the adopted Larbert and Stenhousemuir Local Plan

- 7a.3 Policy LAR 6 'Infill Development and Subdivision of Plots' states:

"Proposals for the erection of additional dwellinghouses within the curtilage of existing properties, or on infill sites will be considered favourably provided that :-

- (i) the scale, design and disposition of the proposed house or houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed house without detrimental impact on the size and function of the existing garden;*
- (iii) the privacy enjoyed by neighbouring residents would be protected;*
- (iv) the proposal will not result in a loss of trees, which would be detrimental to the amenity of the neighbourhood; and*
- (v) the proposal does not constitute backland development (i.e. development of a plot without a road frontage)."*

- 7a.4 Policy LAR 6 aims to promote environmental quality in new residential development. With reference to criterion (1), the scale and design of the proposed house is acceptable and would generally respect the architectural style of surrounding properties. The disposition and density of the proposal would, however, fail to respect the character and settlement pattern of the area. The proposal would fail to achieve a level of residential amenity enjoyed by neighbouring properties, with respect to the size and shape of the application site, and footprint of the proposed dwelling. The overdevelopment of the site may give rise to an unacceptable impact on the amenity of the established residential area. With reference to criteria (2), it is considered the application site would not provide an adequate amount of garden ground for the proposed house, or retained for the original dwelling, in comparison with surrounding properties and the general settlement pattern of the area. With reference to criteria (3) and (4), the proposal would not result in an unacceptable impact on the privacy of neighbouring properties or result in the loss of any trees. With reference to criterion (5), the development does not constitute backland development. On balance, the proposal fails to accord with policy LAR 6.
- 7a.5 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 the Falkirk Council Local Plan Finalised Draft (Deposit Version), the Council's Supplementary Planning Guidance on Housing Layout and Design and the consultation responses.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 The application site lies within the urban limit as defined in the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7b.3 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

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

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal."*

7b.4 Policy SC2 supports new housing within the urban limits where certain criteria are satisfied. With reference to criterion (1), the application site is not brownfield land and, being garden ground, could be considered a form of urban open space. The proposal is, however, considered to accord with Policy SC12 (Urban Open Space) as it would not give rise to any material loss of amenity space or impact on land with recreational, ecological or public access interests. With reference to criterion (2), the proposal would be compatible with neighbouring uses, but there are concerns that the application site is not large enough to provide adequate garden ground for the proposed house nor to retain a reasonable level of garden ground for the existing property. It has therefore not been demonstrated that a satisfactory level of residential amenity could be achieved and as such may impact on the amenity of the established residential area. With reference to criterion (4), there are concerns regarding parking for the proposal and existing dwelling. With reference to criteria (5) and (6), the proposed development is considered to be contrary to Policy SC8 for the reasons detailed in this report and as such conflicts with other Local Plan policy. The proposed development is considered to accord with criteria (3). On balance, the proposed development fails to accord with policy SC2.

7b.5 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.6 This policy provides for the erection of additional dwellinghouses within the curtilage of existing properties subject to certain criteria being met. With reference to criterion (1), the density and disposition of the proposed development are out of keeping with the character of the area. The proposal would fail to achieve a level of residential amenity enjoyed by neighbouring properties, with respect to the size and shape of the application site, and footprint of the proposed dwelling. The overdevelopment of the site may give rise to an unacceptable impact on the amenity of the established residential area. With reference to criteria (2) and (3), there are concerns that the application site is not sufficiently large to provide adequate garden ground to serve both the existing and proposed dwellinghouses. No information has been submitted to demonstrate that these concerns could be adequately addressed. The proposal would afford adequate privacy to adjacent properties. With reference to criterion (5), concerns have been raised in this report regarding parking for the proposal and existing property. The proposed development is considered to accord with criterion (4). The proposal fails to comply with other Local Plan policy and is contrary to criterion (6). On balance, the proposed development fails to accord with policy SC8.

Falkirk Council's Supplementary Guidance

- 7b.7 The Council's Supplementary Planning Guidance for Housing Layout and Design presumes against tandem development where there are concerns with the amenity and size of the resulting private gardens (a minimum garden length of 9 metres is required). The proposed house would only achieve a garden length of approximately 5.3m. In this instance it has not been demonstrated that these standards could be met, therefore it cannot be concluded that the proposed development satisfies this guidance.

Additional Planning Considerations

- 7b.8 The residential area is characterized by flatted dwellings and detached and semi-detached dwellings which front Stirling and Pretoria Road with regular linear plots and a comfortable level of garden ground for the established residential area. The application site is unusual in that the existing dwelling is developed hard onto the boundary with Stirling Road and has a very small front garden of only approximately 2 metres onto Pretoria Road. The only usable garden area for the original dwelling is the side garden.
- 7b.9 The proposal would result in the erection of a dwellinghouse in the side garden of the original dwellinghouse. Off street parking would have to be provided for both properties at the rate of two spaces for the original dwelling and one space for the proposal. The Roads Development Unit have raised concerns that there is insufficient information accompanying the application, to determine the size and layout of the parking area post development. In any event, the requirement for in-curtilage parking should be noted when considering the level of garden ground available post development.
- 7b.10 The proposal would result in the existing garden area being more than halved to accommodate the application site. Taking into account areas of garden which are unusable and the requirement for in-curtilage parking, the usable garden space for the original dwellinghouse, post development, would be less than the footprint of the house. Similarly, the proposed dwelling would have an area of usable garden ground smaller than the footprint of the house. This arrangement of building footprint to garden ground does not reflect the settlement pattern or character of the area and in particular when compared with adjacent properties. It is considered that this overdevelopment of a fairly modest dwellinghouse within the established residential area, may give rise to an unacceptable impact on the amenity of the area.

Consultation Responses

- 7b.11 The consultation responses have been summarised in section 4 of this report. The concerns raised by the Roads Development Unit are noted. The request by the Environmental Protection Unit for a Contaminated Land Assessment could be the subject of a condition of any grant of permission.

7c Conclusion

- 7c.1 The proposed development is considered to be contrary to the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) for the reasons detailed in this report. In addition, it is not supported by the Council's Supplementary Planning Guidance for Housing Layout and Design. There are no material considerations to justify setting aside the terms of these plans and therefore the application is recommended for refusal.

8. RECOMMENDATION

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

- (1) The proposed development is contrary to policy LAR 6 'Infill Development and Subdivision of Plots' of the adopted Larbert and Stenhousemuir Local Plan, Policy SC2 'Windfall Housing Development Within The Urban / Village Limit', policy SC8 'Infill Development and Subdivision Of Plots' of the Falkirk Council Local Plan Finalised Draft (Deposit Version) and Falkirk Council's Supplementary Guidance as the disposition and density of the proposed development would fail to respect the character or settlement pattern of the area and an adequate level of garden ground could not be achieved for the proposal, or retained for the original dwelling. The proposal would represent an overdevelopment of the available site and fail to achieve a satisfactory level of residential amenity.

Informative(s):-

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

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Director of Development Services

Date: 11 May 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan
2. Adopted Larbert and Stenhousemuir Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Falkirk Council Supplementary Planning Guidance for Housing Layout and Design

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/10/0066/FUL

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FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE EAST OF
CARRIGBEG, FALKIRK, FOR MR ROY - P/10/0021/PPP
Meeting: PLANNING COMMITTEE
Date: 19 May 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Avonbridge and Standburn

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to planning permission for the erection of one dwellinghouse in principle at land to the east of Carrigbeg, Falkirk. The application site lies to the west of the B825 within a countryside location.
- 1.2 A ruined cottage, Muirhead, is visible on the site. The footprint of the ruin and partial walls and stone are evident. The application site sits amidst extensive countryside and is partially screened from the B825 by trees. There are no formal or informal paths or roads to the application site.
- 1.3 The applicant has submitted an indicative plan showing vehicular access being taken from a rural road to the west of the application site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Gordon Hughes.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit advise that the proposed access to the site is located at a position with poor forward visibility along Blackston Road (North), a single lane rural road of restricted alignment, that lacks footway and lighting provision and has restricted visibility at a number of locations. The Unit do not encourage any further development at this section of rural road, which could lead to additional vehicular and pedestrian traffic, to the possible detriment of road safety.
- 4.2 Scottish Water has no objections, but do not guarantee a connection to Scottish Water's infrastructure.
- 4.3 The Environmental Protection Unit advise of an informative relating to contamination.

5. COMMUNITY COUNCIL

- 5.1 The Avonbridge and Standburn Community Council have not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, no letters of objection or 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 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 proposed dwellinghouse is not an appropriate form of agricultural diversification. The application therefore does not accord with policy ENV.1.

Rural Local Plan

- 7a.3 The application site lies outwith any urban or village limit, within the countryside under the adopted Rural Local Plan.

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. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 3. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 4. 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.*
- 5. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

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

7a.4 Policy RURAL 1 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 1 and 2. With regard to exception 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 exception 2, the proposed dwellinghouse would not occupy a clear gap in an existing development pattern and would contribute to further sporadic development at this countryside location. The proposed development is therefore not considered to represent appropriate infill development at this location. The application is contrary to policy RURAL 1.

7a.5 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

The material planning considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), National Planning Policies and Guidance, the consultation responses and information submitted in support of the proposal.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.1 The application site lies outwith any urban or village limit, within the countryside under the 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 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.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 Policy SC3 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 exception 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 exception 3, the proposed dwellinghouse would not be sited within the envelope of an existing group of residential buildings and it would contribute towards sporadic development at this countryside location. The proposed dwellinghouse is therefore not considered to represent an appropriate infill opportunity. With regard to exception 2, the proposal does not involve the restoration or conversion of the ruined cottage as Muirhead is not in a reasonable state of repair and does not stand substantially intact. The application does not therefore accord with policy SC3.

National Planning Policies and Guidance

- 7b.6 Scottish Planning Policy (a statement of the Scottish Government's policy on nationally important land use planning matters) 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.

Reponses to Consultation

- 7b.7 The Roads and Development Unit have expressed concern in relation to road safety as a result of poor forward visibility along Blackston Road (North) and an increase in vehicular and pedestrian traffic on the road as a result of the proposal.

Information Submitted in Support of the Proposal

- 7b.8 The applicant has submitted a supporting statement with his application raising the following issues:

- Muirhead is over 100 years old and was last lived in during the 1950s but has since fallen into disrepair. There is a local historical value in retaining a dwelling on this site;
- The applicant wishes to reinstate the building into a family home by building on and extending the footprint to form a 1 and ½ storey dwellinghouse. The proposal would be in keeping with the original structure and surrounding properties. The existing stone would be reused on the external façade of some of the elevations;
- Whilst the proposal may be contradictory to rural policy, as it would constitute new development in the countryside, the development would reinstate an existing building;
- Muirhead provides a focal point on the top of the hill and can be seen for many miles. To rebuild a property on the site would be an improvement to the area;
- The applicant does not have a viable countryside business to justify the proposal;
- There are a number of similar projects within the locality of the application site, applications P/09/0147/OUT and P/09/0225/OUT are of particular note; and
- The applicant has referred to policy EQ8, EQ15 and EQ29 as supporting the development. The applicant also refers to PAN72 and SPP15.

- 7b.9 Falkirk Council's historic aerial photography from the 1940-50s shows Muirhead without a roof and falling into ruin, the Council do not therefore concede that the property was lived in as recently as the 1950s. Building a new house on the site is not considered of any historical value. The comments made in relation to the design and materials of any detailed proposal are noted, however this would be addressed at any detailed application stage. The proposal does not relate to the reinstatement or conversion of an existing building and would result in a new house in the countryside without justification.

- 7b.10 Planning applications P/09/0147/OUT and P/09/0225/OUT relate to planning permission in principle, for the erection of two separate dwellinghouses at Drumboider Moss, a short distance from the application site. In this instance the applications were granted to secure the rehabilitation of contaminated land associated with a former vehicle dismantling yard and to accommodate a gap site. As such the applications were assessed as being in accordance with the Development Plan and planning permission issued. It should be noted that every application is considered on its own merits. In this instance, however, the examples given by the applicant are not comparable with the current proposal and as such are not considered a material planning consideration.
- 7b.11 The applicant has referred to several policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version). Policy EQ8 'Vacant, Derelict and Contaminated Land', gives encouragement to proposals which would result in the recycling of derelict land. The site is not derelict and as such policy EQ8 is not relevant to the assessment of the application. Policy EQ15 'Reuse of Buildings' states the Council's general approach for the retention and reuse of buildings which are of architectural merit and make a contribution to the landscape. The ruin is not considered a building and is of no architectural merit in its current form, policy EQ15 is not relevant. Policy EQ29 'Outdoor Access' seeks to safeguard, improve and extend the network of countryside access routes. There are no formal or informal roads or footpaths to the application site. The ruin effectively sits in an area of extensive countryside and is partially screened from the B825 by trees. The granting of planning permission would not create a new route, other than to the dwellinghouse, and as such policy EQ29 is not relevant to the assessment of the proposal.
- 7b.12 PAN 72 'Housing Development in the Countryside' sets out key design principles for achieving good quality rural housing which respects Scottish landscapes and building traditions. PAN 72 supports the sympathetic restoration of buildings which are structurally sound, largely intact, safely accessible and linked to water and other services. Muirhead is not structurally sound or largely intact, there is currently no safe access or services available; as such the proposal fails to accord with PAN 72. Scottish Planning Policy SPP15 is superseded by Scottish Planning Policy 'a statement of the Scottish Government's policy on nationally important land use planning matters', addressed in section 7b.6 of this report.

7c Conclusion

- 7c.1 The proposed development, for the erection of a dwellinghouse, is considered to be contrary to the Development Plan and the emerging District wide Local 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.
- 7c.2 In this instance it is considered that the weight of material considerations, as detailed in this report, fail to support the application. 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 of the approved Falkirk Council Structure Plan, Policy Rural 1 of the adopted Rural Local Plan and Policy SC3 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.
2. The proposal would result in vehicular access onto a single lane rural road at a position with poor forward visibility, leading to an increase in vehicular and pedestrian traffic, all to the detriment of road safety.

Pp

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For Director of Development Services

Date: 11 May 2010

LIST OF BACKGROUND PAPERS

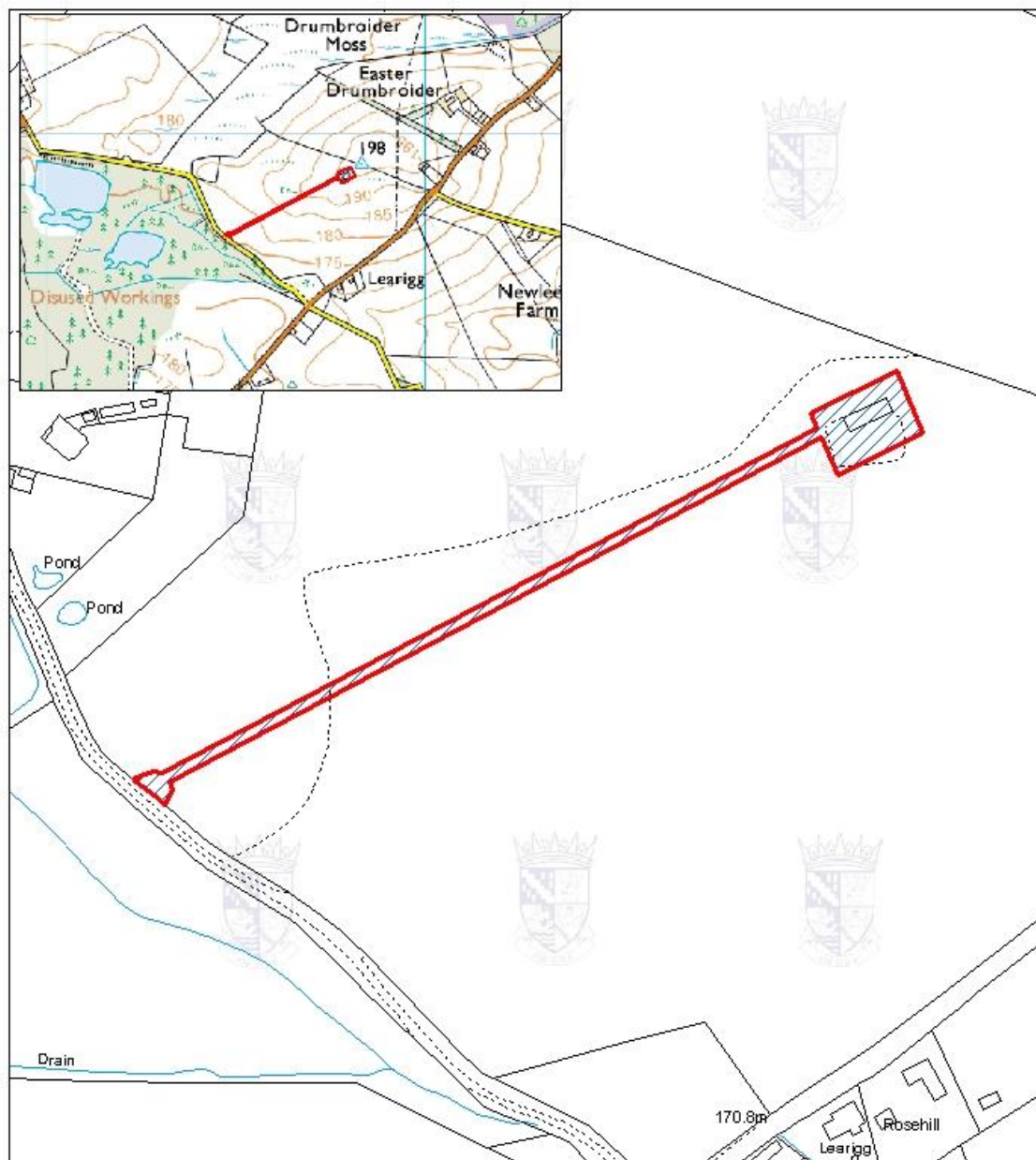
1. Falkirk Council Structure Plan.
2. Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Scottish Planning Policy.

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/10/0021/PPP

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



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FALKIRK COUNCIL

Subject: SITING OF TWO STATIC CARAVANS AND FOUR TOURING CARAVANS (RETROSPECTIVE) AT LAND TO THE WEST OF GREENWELLS FARM, BELLEVUE, RUMFORD FOR MICHAEL MCEWAN AND WALTER MCEWAN – P/09/0685/FUL

Meeting: PLANNING COMMITTEE

Date: 19 May 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 detailed application proposes the siting of a number of residential caravans to accommodate travelling persons on a brownfield site to the west of Rumford. The site is accessed via a farm track which also serves as a public right of way and the site is serviced by a septic tank and mains water supply.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is contrary to the terms of the Development Plan.

3. SITE HISTORY

- 3.1 The site was previously subject to an outline planning application for the development of land for housing purposes (06/0680/OUT), however this application was withdrawn.
- 3.2 The site, whilst not benefiting from planning permission, has been used for a variety of uses in the past. Anecdotal evidence suggests that it has been used in the past as a sawmill, a base for a fencing contractor and a mechanics garage. Prior to the caravans being located here, the site was vacant and derelict.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has assessed the application, including the proposed access via the farm track, in terms of parking, road safety, flooding and drainage and they are satisfied with the proposals in their current form.
- 4.2 The Environmental Protection Unit has requested that the applicant undertakes a standard contaminated land survey. They have not raised any objection to the proposal.
- 4.3 Scottish Water has not objected to the proposal and they have confirmed that there are no public sewers within the vicinity of the application site.
- 4.4 SEPA have no objections to the proposal. SEPA have referred to their standing guidance for sites of this size which supports the usage of a septic tank in areas such as the application site where there is no access to the public sewer.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 3 letters of objection were received following the neighbour notification process. Issues raised include:
- Road not suitable for increased traffic movements.
 - Damage caused to the access road and burn embankment.
 - Road safety.
 - Sanitation issues should be priority.
 - Possible future intensification of the use of 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

Approved Falkirk Council Structure Plan

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

Polmont and District Local Plan

7a.2 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.3 The application site is outwith the urban limits as defined by the Polmont and District 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 proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations relating to this proposal 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 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. This policy was subject to discussion at the recent Falkirk Council Local Plan Public Inquiry and the Reporters have recently concluded in their Final Inquiry Report that this policy should be included within the Falkirk Council Local Plan (this recommendation is subject to consideration by the Council). The application has been assessed against this policy in this report.

Relevant Reports and Guidance

- 7b.4 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.5 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.6 With respect to these criteria, the application site is a reasonable distance from the nearest settlement whilst being sufficiently close for ease of access to local facilities and services.
- 7b.7 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.8 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.

Finalised Draft Falkirk Local Plan Finalised Draft (Deposit Version)

- 7b.9 The application site lies within the countryside under the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7b.10 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.11 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.12 Part 2 of the policy requires the scale, siting and design of development that meets the countryside criteria, to be strictly controlled. In this instance the development is unobtrusive as it is located in a secluded location. The proposed development is small in scale, does not break the skyline and benefits from a large degree of natural screening from existing vegetation and the topography of the land. On balance it is considered the development complies with the terms of this policy.

7b.13 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.14 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 application is considered to accord with the terms of Policy EQ 19.

- 7b.15 Criterion 2 relates to appropriate landscaping to ensure there would be no adverse impact on the character, appearance and amenity of the area. The site is well screened at present due to existing vegetation around the site boundaries and beyond. It is however considered that the main frontage of the site which bounds onto the farm access track and right of way could benefit from additional landscaping to assist in screening the development. This could be adequately achieved by way of a condition attached to any consent given.
- 7b.16 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. The site is not considered to be at risk of flooding.
- 7b.17 The development is considered to be in accordance with the terms of this policy.

Representations Received

- 7b.18 The Roads Development Unit have assessed the proposals and are satisfied that the existing access road is sufficient to serve the development. No concerns have been raised in reference to road safety.
- 7b.19 The upkeep and continued maintenance of the access track is not a material planning consideration, nor are claims in reference to damage caused to private property as a potential result of traffic movements.
- 7b.20 The route of the established right of way running past the front of the application site remains clear and unobstructed by the proposed development.
- 7b.21 Sanitation issues have been assessed and the existing on site septic tank arrangement is considered sufficient to progress this application in line with standard guidance from SEPA. It is considered appropriate to attach an informative to any consent granted requesting that the applicant contacts SEPA directly to discuss the potential longer term drainage options at the site.
- 7b.22 The current application refers to specific numbers of caravans on the site and it is considered appropriate to further control this by way of a suitably worded condition attached to any consent given. Any further increase in the number of caravans at the site would therefore require a further planning application to be submitted thus allowing for a full assessment of the potential impacts of any future intensification on the site.

7c Conclusion

- 7c.1 The development is considered to be contrary to the Development Plan for reasons outlined in this report. However, it is considered that 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. This, in addition to the support given to the proposal in the Falkirk Local Plan Finalised Draft (Deposit Version) policy EQ19 and the proposed policy SC4A, is considered to outweigh the terms of the Development Plan and it is therefore considered that granting planning permission in this instance is entirely appropriate.

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee grant planning permission subject to the following condition(s):

- (1) The number of caravans hereby approved is limited to two static caravans and four touring caravans and the introduction of any further caravans or other residential accommodation on the site will require the submission of a separate planning application.
- (2) Within 6 months of the date of this permission and unless otherwise agreed in writing, full details of additional landscaping, planting and boundary treatments including details of implementation and future maintenance to assist in screening the site shall be submitted to and approved in writing by the Planning Authority.

Reason(s):

- (1) To ensure the potential future intensification and use of the site can be adequately controlled by the Planning Authority.
- (2) To safeguard the visual amenity of the area.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02.
- (2) All drainage shall comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
- (3) 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: 11 May 2010

LIST OF BACKGROUND PAPERS

1. Polmont and District Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Falkirk Council Structure Plan
4. Scottish Planning Policy (February 2010)
5. The Secretary of State's Advisory Committee for Scotland's Travelling People (ACSTP) Guidance Notes for Site Provision for Travelling People (GNSPTP), 1997.
6. The Terms and Recommendations of the ACSTP's Ninth and Final Report of the Advisory Committee on Scotland's Travelling People, 1998-99.
7. Scottish Parliament Equal Opportunities Committee 1st Report 2001, Inquiry into Gypsy Travellers and Public Sector Policies (IGTPSP).
8. Letter of Objection from Mr John H Scott of 27 Bellevue, Rumford, Falkirk, FK2 0AG on 4 March 2010.
9. Letter of Objection from Mrs A Sinclair of 43 Bellevue, Rumford, Falkirk, FK2 0AG on 8 March 2010.
10. Letter of Objection from Elizabeth Galloway of 37 Bellevue, Rumford, Falkirk, FK2 0AG on 9 March 2010.

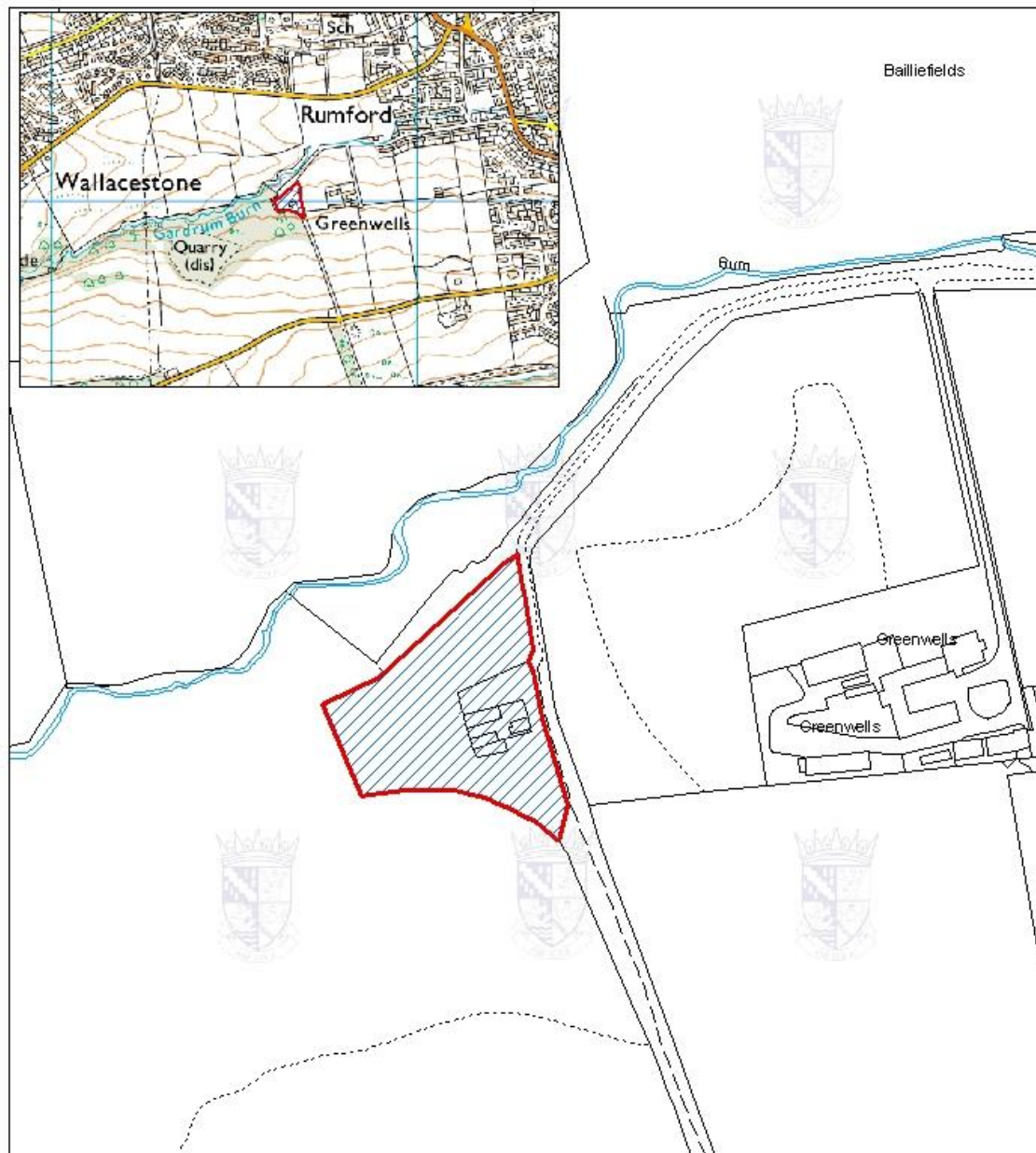
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown (Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0685/FUL

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FALKIRK COUNCIL

Subject: ERECTION OF 99 DWELLINGHOUSES AND FLATTED DWELLINGS ASSOCIATED LANDSCAPING AND ROAD AND DRAINAGE INFRASTRUCTURE (DETAILED) AT LAND TO THE NORTH WEST OF COCKBURN WORKS, GOWAN AVENUE, FALKIRK FOR KONON LTD - P/07/0518/FUL
Meeting: PLANNING COMMITTEE
Date: 19 May 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grahamston, Middlefield and Westfield

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposed development is a major application for the erection of 99 dwellings consisting of 12 terraced houses and 87 flatted dwellings with associated access, parking, open space and SUDS infrastructure. This would be on vacant industrial land to the north of Gowan Avenue, Falkirk.
- 1.2 The proposed housing character and materials of construction are consistent with that of adjacent existing residential development and similar housing developments recently approved adjacent to the Forth and Clyde Canal.
- 1.3 The application site is level and surrounded by an existing residential development to the north, the Forth and Clyde Canal to the west and industrial land to the south and east.

2. REASON FOR CONSIDERATION AT COMMITTEE

- 2.1 The application is potentially contrary to the Development Plan with regards to policies relating to roads infrastructure.

3. SITE HISTORY

- 3.1 No relevant planning history.

4. CONSULTATIONS

- 4.1 Education Services has no objections subject to the requirement for a financial contribution of £181,500 (based on 12 houses and 87 flats) to secure future education provision as a result of the proposed development. The applicant has agreed to provide this contribution. This figure has been reduced from a previous request for £201,300 based on roll projections at that time. The applicant has agreed to the re-direction of the £19,800 reduction to an increased contribution to road improvements.
- 4.2 The Roads Development Unit (RDU) and the Transport Planning Unit (TPU) have both raised concerns about the impact of traffic from the proposed development on the adjacent roads network – most particularly at the junction of B902 Grahams Road/Dalderse Avenue; at the junction of B902 Grahams Rd/Gowan Avenue; and the need for traffic calming features at the northern ends of Alma Street and Russel Street. Whilst their preferred access would be via Boyd Street, the applicant has stated that this option is not currently available.
- 4.3 At one stage, when the applicant proposed to address issues at Dalderse Avenue by also providing linked signals at the Gowan Avenue junction, the two Units raised concerns about potential road safety issues at the Gowan Avenue junction. The applicant then dropped that proposal and demonstrated, by an independent road safety audit, that an improvement to the Dalderse signals (with a more up to date control mechanism which continuously monitors approaching traffic) combined with the existing Gowan Avenue junction would be acceptable.
- 4.4 As an alternative to access via Boyd Street, both RDU and TPU have indicated that they would be prepared to recommend acceptance of a contribution equivalent to the cost of upgrading the Dalderse Avenue signals. As detailed in parts 7a.11 – 7a.13 below, the overall planning assessment is that such contribution should be restricted to £119,800 (which includes the £19,800 referred to in paragraph 4.1 above).
- 4.5 The Environmental Protection Unit has no objections subject to conditions requiring the submission of noise and finalised contaminated land assessment information.
- 4.6 Historic Scotland has no objections to the proposed development which lies adjacent to the Forth and Clyde Canal Scheduled Ancient Monument.
- 4.7 SEPA raised an initial objection on the basis of lack of information relating to Sustainable Urban Drainage (SUDs). This was subsequently removed following receipt of acceptable drainage details.
- 4.8 Scottish Water has no objections.
- 4.9 Central Scotland Police has provided guidance on safety and crime prevention.

5. COMMUNITY COUNCIL

- 5.1 Representation has been received from Grahamston, Middlefield and Westfield Community Council. Concern has been expressed at the proposed site access being solely from Gowan Avenue, and potential traffic congestion resulting from the development.
- 5.2 The Community Council has also requested that the application is discussed in public at a Committee site visit.

6. PUBLIC REPRESENTATION

- 6.1 Two letters of representation have been received. One is an objection from a resident of an adjacent house in Ewing Avenue. The grounds of objection relate to overlooking, overshadowing, traffic congestion, building heights and ownership of Boyd Lane.
- 6.2 The other is a letter of representation advising of concerns relating to vehicular access and traffic congestion.

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 Structure Plan

- 7a.1 The following policies of the Falkirk Structure Plan apply:
- 7a.2 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.3 The proposed development addresses, through developer contributions, direct impacts on education capacity and road junction capacity (see paragraphs 7a.11 to 7a.13 for discussion of the traffic impacts). On the basis of the agreement to contribute to the mitigation of development impacts, the proposal is considered to comply with Policy COM.5.

Falkirk Local Plan

- 7a.4 The application site lies within the established urban limit as identified in the Falkirk Local Plan. The following policies apply:-

- 7a.5 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.6 The site lies within the urban limit and represents acceptable brownfield redevelopment in relation to other Development Plan policies and therefore accords with Policy FAL 2.2.

- 7a.7 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.8 The proposal has reasonable access for pedestrians and cyclists. There are frequent buses on Grahams Road. The proposal therefore accords with Policy FAL 3.3.

- 7a.9 Policy FAL 5.1 ‘New Residential Development’ states:

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

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

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

- 7a.10 The application site is not identified as one of the sites H1 – H28 but is a brownfield site and the proposed residential use is compatible with adjacent residential uses. Satisfactory levels of residential amenity are proposed and the site can be served by existing community uses.
- 7a.11 The proposed access to the site from Grahams Road to Gowan Avenue has not, in view of relevant consultation responses, been demonstrated to be in accordance with established roads guidelines. However, issues of traffic signalisation and junction capacity could be resolved through developer contribution. Upgrading the traffic signals at the junction of B902 Grahams Road/Dalderse Avenue to a more modern system would increase capacity. Officers estimate the cost of the works to be between £195,900 (base value) to £260,100 (worse case). The applicant estimates the cost as £80,000 but this excludes traffic management works during installation and fees (about £85,000, which would bring the total to £165,000).
- 7a.12 Irrespective of the difference in the two estimates, two other factors have to be considered. The Council had intended to upgrade the signals eventually (although the works are not programmed and it is not known when funds would be available) and any request for a developer contribution is subject to a test of reasonableness and proportionality (Circular 1/2010). In addition to contributing to education provision, the applicant has agreed to pay £119,800 towards the signals prior to the 34th residential unit being occupied, i.e. at the beginning of the second phase of the development. The contribution would be index-linked and is reclaimable after 15 years if the signals had not been upgraded by then. On balance, this is considered to be a reasonable approach.
- 7a.13 The proposal does not comply with Policy FAL 5.1 with regard to access from Grahams Road to Gowan Avenue for reasons of junction dimension and visibility. However, these constraints could not be resolved for any development because, to provide junction dimensions and visibility standards that would comply with the Council's standards for new construction, would necessitate the demolition of the 'B' listed Star Inn building. The junction has historically been used by commercial vehicles and industrial uses could recommence at any time without the need for planning permission (although the traffic impact of such uses would be spread throughout the working day, instead of being concentrated more in the peaks, which would be the case with housing). On balance, it is considered that the proposed development accords with Policy FAL 5.1 to the extent that is practical, and in the context of it being a brownfield site and a developer contribution being provided for mitigation of traffic impact.
- 7a.14 Policy FAL 6.3 'Existing Industrial Areas for Improvement' states:
- "Within the industrial areas identified for improvement on the Policies, Proposals and Opportunities Map, the Council will support upgrading, rationalisation and redevelopment to improve their environment, utilisation and economic potential. Changes of use as part of comprehensive redevelopment proposals for these areas may be considered favourably subject to economic development, amenity, environmental and traffic considerations."*
- 7a.15 The proposed change of use from industrial land to residential development adjacent to the Forth and Clyde Canal represents an opportunity for environmental improvement. The proposed development would physically relate to adjacent residential development and improve amenity access to the Canal. In doing so the proposal complies with Policy FAL 6.3.

7a.16 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.17 The proposed level and location of open space proposed is acceptable in the terms of this policy. An area for toddler play is to be provided. In addition, improvements to the canal frontage are proposed which would encourage use of riparian land for amenity purposes. A landscaped courtyard with public artwork is proposed within the development.

7a.18 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.19 The proposed access at Gowan Avenue/Grahams Road does not conform to the standards for new construction in Falkirk Council’s Design Guidelines and Construction Standards for Roads in the Falkirk Area, October 1997, as amended January 2000. However, as stated above in paragraph 7a.13, the proposed arrangement is considered to be broadly acceptable in the context of development impacts, existing junction constraints, contributions from the developer and the brownfield nature of the site. The proposal therefore accords with Policy FAL 8.2.

7a.20 Policy FAL 8.5 ‘Pedestrian Amenity and Traffic Calming’ states:

“The Council will seek to promote a safe and attractive environment for pedestrians in Falkirk. Accordingly, it will:

- (i) support the implementation of measures designed to improve pedestrian safety including footpath/footway improvements, upgrading of streetlighting, provision of improved crossing points where appropriate, and the construction of traffic calming measures; and*
- (ii) ensure that development proposals make satisfactory provision for pedestrian access, safety and convenience, including traffic calming measures where appropriate.”*

7a.21 The proposed developer contributions towards junction improvements at Dalderse Avenue represent an opportunity to improve pedestrian crossing facilities. Traffic calming would be provided before the 34th residential unit is occupied. The proposal therefore accords with Policy FAL 8.5.

7a.22 Policy FAL 9.3 'Canals' states:

"In recognition of the significant recreational, tourism, and ecological potential of the Forth and Clyde Canal and the Union Canal, the Council will:

- (i) support the Millennium Link proposals to open up the canals to through navigation, including the removal of existing obstructions (Proposal LT 8), the restoration of a link between the two canals at Roughcastle (Proposal LT 9) and the extension of the Forth & Clyde Canal to the River Carron (Proposal LT 10); and*
- (ii) support proposals for appropriate canal-related development, particularly for recreation and tourism, where it accords with the Council's 'Canal Corridor Development Framework', there is no adverse impact on the amenity, setting or nature conservation value of the canals, and other Local Plan policies (including those of the Forth & Clyde Canal Local Plan) are satisfied."*

7a.23 The proposed development would improve pedestrian amenity access to the Forth and Clyde Canal and is consistent with this policy and previously approved residential development adjacent to the Forth and Clyde Canal and therefore accords with Policy FAL 9.3.

7a.24 Accordingly, the proposed development complies with land use and design policies and is, on balance, considered to accord with the Development Plan in relation to road capacity.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) April 2007, the views of consultees with regard to road safety and capacity issues and the representations submitted.

7b.2 The Finalised Draft Local Plan identifies the site as within an existing Business and Industrial Area with Potential for Improvement (Policy EP3) and in this regard affirms the policy position expressed in the Falkirk Local Plan.

7b.3 Policies ST2 Pedestrian Travel and Cycling", ST6 "Improving the Road Network, ST7 "Transport Assessments" and ST8 "Transport Safety" of the Falkirk Council Local Plan Finalised Draft (Deposit Version) affirm Policies FAL 8.2 "Roads and New Development" and FAL 8.5 "Pedestrian Amenity and Traffic Calming" of the Falkirk Local Plan with regard to road safety, capacity and construction design.

7b.4 The views of consultees are considered as follows:-

- Education Services has requested a total financial contribution of £181,500 to secure required increases in capacity at schools within whose catchment areas the site lies. The applicant has agreed to the provision of this contribution, to be secured by means of a legal agreement.
- The Environmental Protection Unit, SEPA, Scottish Water, Historic Scotland and Central Scotland Police have no objections.
- The Roads and Development Unit's and Transport Planning Unit's initial objections to the proposed development on the basis of potential concerns relating to junction capacity at Dalderse Avenue/Grahams Road, have been considered and largely addressed by developer contribution, to the extent practicable.

- 7b.5 The development under assessment provides, through developer contribution, the opportunity to improve junction capacity and geometry over that existing in the current road network. It is considered that, on the basis of these improvements, the proposed residential use can be justified in the recommendation to approve planning permission as the concerns of junction capacity can be satisfactorily addressed.
- 7b.6 The applicant has agreed to the provision of a financial contribution of £119,800 towards the upgrading of the B902 Grahams Road/Dalderse Avenue junction. The contribution would contribute significantly to any road network improvements if other funds become available and allow the opportunity for the works to progress earlier than anticipated. An appropriately worded legal agreement can restrict the commencement of relevant stages of development subsequent to the provision of the required junction improvement contribution. In addition, development phasing restrictions can be achieved by legal agreement to limit the transport impact.
- 7b.7 The views of the Community Council and the submitted representations are considered as follows:
- The applicant has submitted a Transport Assessment seeking to confirm that the proposed site access is acceptable and would not compromise traffic flow in the surrounding area. The preferred access and traffic signalling arrangements have been amended following detailed assessment by the Transport Planning Unit. Stage 1 and 2 safety audits have been undertaken seeking to confirm the acceptability of the proposed access arrangements. These issues have been addressed in the assessment of consultation responses from the Roads Development Unit and Transport Planning Unit, in the light of the proposed developer contribution and the brownfield status of the site.
 - The Transport Assessment and proposed junction amendments have been considered in detail. The submitted safety audit, with regards to junction design, and therefore road safety, and the proposed contribution to signal upgrading to accommodate the increase in vehicular traffic arising from the proposed development are considered to have been satisfactorily addressed.
 - The proposed flatted units on the Forth and Clyde Canal have been reduced in height from 4 to 3 storeys. The terraced housing remains at 2 storey height. The proposed buildings are located a minimum of 21 metres from the nearest existing housing which is at 2 storey height. A degree of indirect overlooking will occur onto existing properties in Ewing Drive. The windows proposed on this elevation are the kitchen and bedroom windows for three flats. The minimum window to window distances are approximately 25 metres and exceed the minimum standard of 18 metres.
 - The objection regarding the ownership of Boyd Lane maintains that the pedestrian access over this ground will not be possible. The ownership of Boyd Lane does not affect public right of passage.
 - The proposed development is consistent with the design, density and arrangement of existing residential development adjacent to the application site. The concerns over overlooking, overshadowing and impacts on privacy from residents within these established areas are therefore not substantiated.

7c Conclusion

- 7c.1 The proposed development complies with Development Plan policies with regards to planning policy, land use and architectural design.
- 7c.2 The proposed development complies, on balance, with the Development Plan when considered against policies relating to transport impacts. In this respect the application has been advertised as a development potentially contrary to the Development Plan but, following detailed consideration of roads issues and developer contributions, it is considered to accord with the Development Plan.

8. RECOMMENDATION

- 8.1 It is recommended that Committee indicate they are minded to grant planning permission subject to the successful completion of an appropriate legal agreement requiring:
- (i) the payment of a sum of £181,500 to secure the future education provision as a result of the proposed development at St Mungo's High School and St Francis's Primary School, and
 - (ii) the financial contribution of £119,800 to improve the Dalderse Avenue/B902 Grahams Road junction.
 - (iii) Timescales for the phasing of development in relation to the above developer contributions.
- 8.2 On completion of the legal agreement referred to in paragraph 8.1 above the Committee remit 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 details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
 - (3) Development shall not commence until details of two traffic calming features, to be installed at the northern end of Alma Street and Russel Street, have been submitted to and approved by Falkirk Council. The features shall be designed in accordance with Falkirk Council's "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000" and installed prior to the occupation of the thirty fourth residential unit.
 - (4) All approved traffic calming and road infrastructure works shall be implemented prior to the occupation of approved residential units unless otherwise agreed in writing with the Planning Authority.

- (5) Development shall not begin until an amended contaminated land assessment has been submitted for the approval of the Planning Authority. The amended assessment shall include revisions required in the memorandum from Falkirk Council's Environmental Protection Unit (Ref: 79488) dated 13 May 2008.
- (6) Development shall not begin until a noise survey to determine the effects of existing industrial/commercial activities on the approved residential units has been submitted to the Planning Authority. The survey shall be conducted in accordance with BS 4142 and approved, amended as necessary, by the Planning Authority.
- (7) All approved landscaping works shall be implemented not later than the end of the first planting and seeding season following the occupation of the last residential unit on the development.
- (8) Before development begins a scheme for the provision of the play area and related open space area and other areas of open space/landscaping outwith individual residential plot boundaries, as outlined (drawing ref: 290.01.01b) 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. Details to be submitted include:-
 - i. Type and location of play equipment, seating, fences, walls and litter bins.
 - ii. Surface treatment of the play area proposals for the implementation/phasing of play area in relation to the construction of houses on the site.
 - iii. Landscape planting and phasing details.
 - iv. Proposed public artwork to be located adjacent to the Forth and Clyde Canal.
 - v. Maintenance arrangements for all hard and soft landscaping works.
- (9) All works required for the provision of the play area and open space shall be implemented in accordance with the scheme approved in writing with the Planning Authority by the end of the first planting and seeding season following the occupation of the last residential unit on the development.
- (10) Details of the phasing of the development shall be submitted to the Planning Authority for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3-4) To safeguard the interests of the users of the highway.
- (5-6,10) To safeguard the environmental amenity of the area.
- (7-9) To ensure that adequate landscaping/play facilities are provided.

Informative(s):

- (1) For the avoidance of doubt the approved plans bear our references 01, 02 etc.**
- (2) All drainage should comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.**

Pp

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For Director of Development Services

Date: 11 May 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Finalised Draft Local Plan.
4. Letter of objection from Mr Timothy Sims, 19 Ewing Drive, Falkirk FK2 7LT on 18 June 2008
5. Letter of objection from Grahamston, Middlefield & Westfield Community Council, 26 Alma Street, Falkirk FK2 7HD on 19 July 2007
6. Letter of representation from Councillor Cecil Meiklejohn, Members' Services, Municipal Buildings, Falkirk FK1 5RS on 19 July 2007

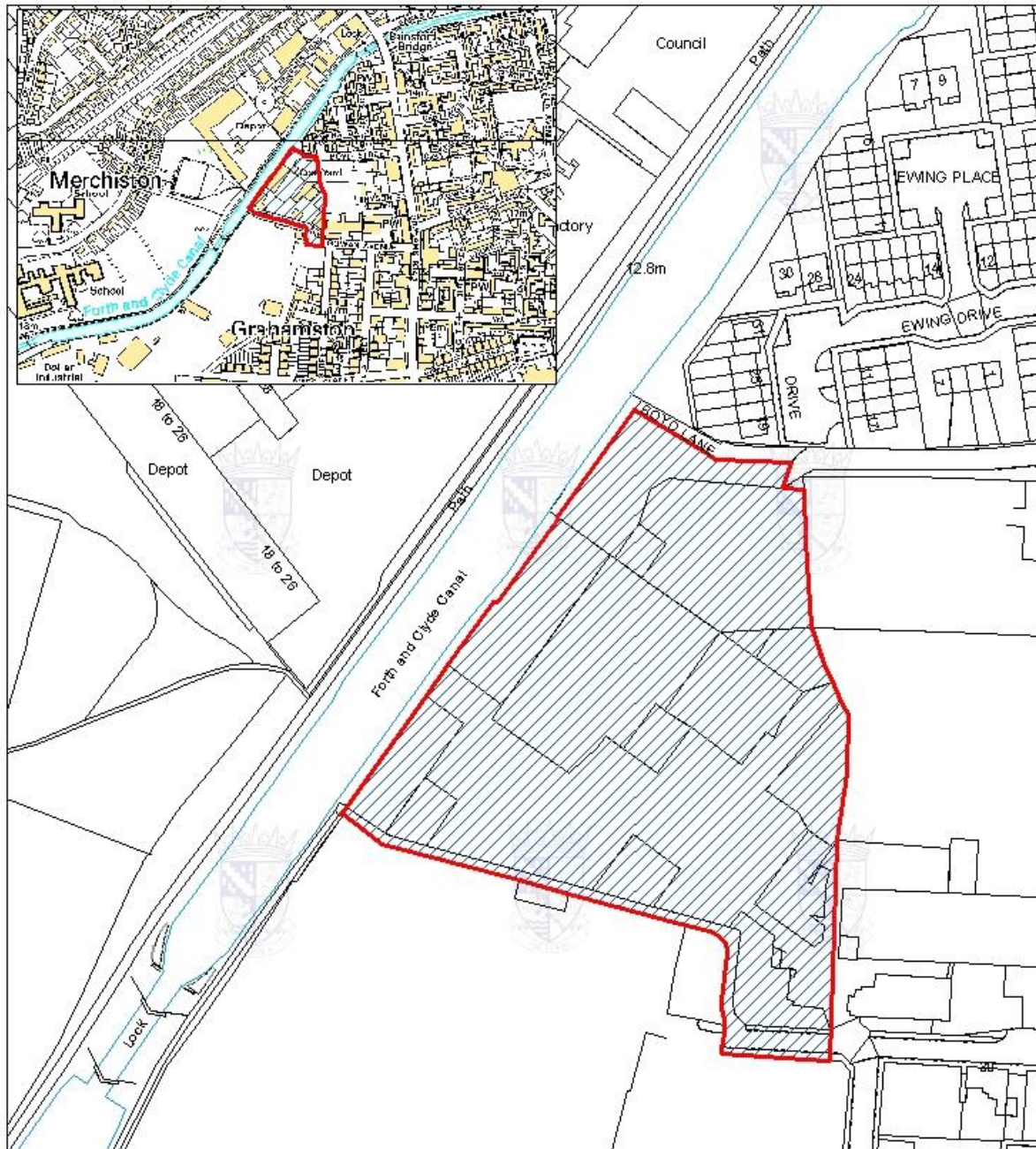
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/07/0518/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 FARM SHOP, STABLES, BUNK HOUSE, CHALETs, TOILET BLOCK, FORMATION OF CARAVAN SITE AND ERECTION OF MANAGER'S HOUSE AT LAND TO THE EAST OF BONNYHILL FARM DAIRY, BONNYHILL ROAD, FALKIRK FOR THE DEANSTOUN PARTNERSHIP – P/09/0409/FUL

Meeting: PLANNING COMMITTEE

Date: 19 May 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: Allan Finlayson (Senior Planning Officer) Ext, 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposal is a major application for the erection of a farm manager's house for the existing Bonnyhill Farm, a farm shop, horse riding stables, a bunkhouse and chalets for rent, the formation of touring caravan pitches and associated toilet facilities and infrastructure.
- 1.2 The application site is located within a rural area in agricultural grazing land to the south of Bonnyhill Road, Tamfourhill, Falkirk and to the east of Bonnyhill Farm dairy.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 A previous outline application (P/08/0717/OUT) for the same development was withdrawn on 10 June 2009.
- 3.2 Temporary planning permission (F/91/0973) for the continuation of opencast mineral workings was granted on 27 August 1992. The site has subsequently been restored to agricultural grazing land.

4. CONSULTATIONS

- 4.1 The Roads Development Unit initially advised that the site is remote from the public road and that the applicant has not clearly indicated how access to the public road will be formed. The demonstration of access to the public road was requested. Additional information on anticipated employee numbers, facilities use and vehicle movements was requested. The applicant has now submitted access details and has provided details of employee numbers, facilities use and vehicle movements. Proposed surface water drainage (SUDs) has been provided and the detailed calculations can be covered by condition. Clarification of the land to which SUDs discharge has been provided.
- 4.2 The Roads Development Unit assessed the information submitted by the applicant in relation to site access and SUDs. The site access is not considered to be acceptable and a revised access position has been identified 70-80 metres west of the current site access. The applicant's agent has confirmed that the formation of a new access at the revised position, to the specification required by the Roads Development Unit, is acceptable to his client. A condition requiring this revised site access can be attached to any grant of planning permission.
- 4.3 Scottish Water has no objections to the proposed development. Requirements for potential network improvements to allow water capacity to the site have been provided to the applicant.
- 4.4 The Environmental Protection Unit has advised of contaminated land conditions to be attached to any grant of planning permission. The site has previously been decontaminated and restored to countryside from a former open cast coal use. Further conditions in this regard are not considered to be necessary. Advice on licensing obligations for caravan site operation has been provided to the applicant.
- 4.5 Community Services (Archaeology) has previously provided comment that the farm manager's house was proposed in the buffer zone of the Antonine Wall World Heritage Site. The amended application currently under assessment has relocated to the house to outwith the buffer zone. The remaining ground is considered to be archaeologically sterile given previous opencast workings.

5. COMMUNITY COUNCIL

- 5.1 The Falkirk South Community Council did not make comment.

6. PUBLIC REPRESENTATION

- 6.1 One letter has been submitted to the Council by a disabled access consultant, requesting that a fold down shower seat and colour coding for the visually impaired is provided in the toilet facilities.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

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

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

7a.2 Policy ENV.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.3 Policy TRANS.1 'Core Path Networks' states:

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

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

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

- 7a.4 Policies ECON.7, ENV.1 and TRANS.1 of the Falkirk Structure Plan support the proposed use for sustainable countryside tourism development which would enable appropriate agricultural diversification and connection with the existing countryside path network.
- 7a.5 The site is covered by Opportunity ENV.5 in the Falkirk Structure Plan which is for tree planting, countryside recreation, and canal and Roman heritage related interpretation as part of the Greenspace initiative. The proposed development promotes these objectives.

Falkirk Local Plan

- 7a.6 Policy FAL 4.2 ‘Falkirk Greenspace Initiative’ states:

“The Council will support and assist the Falkirk Greenspace Initiative, and will oppose development which would prejudice its implementation. Accordingly:

- (i) priority will be given to proposals for woodland planting and management, countryside recreation and access improvements, and the development of areas for nature conservation within the areas identified as Opportunities ENV 1 - 6 on the Policies, Proposals, and Opportunities Map;*
- (ii) priority will be given the creation of a circular route through the Greenspace for pedestrians and cyclists, complemented by secondary routes where appropriate (see Opportunity TRA 5);*
- (iii) developers will be expected to contribute to the Greenspace Initiative by providing tree planting and/or access improvements and creating wildlife habitats in association with new development in urban fringe locations; and*
- (iv) initiatives to encourage community participation in the implementation of Greenspace projects will be supported.”*

- 7a.7 The proposal does not compromise the Falkirk Greenspace Initiative and would result in improved recreational access. Planting and access improvements are proposed.

- 7a.8 Policy FAL 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 Tourism Strategy are particularly welcomed.

- (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.9 The development is considered appropriate for the reason that it requires a rural location and on the basis that the residential occupation of the proposed residential uses are restricted to permanent occupation of the 2 dwellinghouses by the management of Bonnyhill Farm development and the seasonal occupation of the tourist chalets.

7a.10 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.11 The proposed tourism / recreation development accords with policy RURAL 1 for the reasons expressed in paragraph 7a.9.

7a.12 Policy FAL 3.2 'Design and Landscaping' states:

"Development proposals should incorporate appropriate hard and soft landscaping which enhances the character of the development and the local area. The landscaping scheme should:

- (i) respect the setting and character of the development site;*
- (ii) retain, where practical, existing vegetation and natural features such as ponds, wildflower meadows/verges, and scrub;*
- (iii) incorporate structure planting, street trees and informal open space planting, as appropriate to the nature and location of the proposal;*
- (iv) make use of native tree and plant species;*
- (v) incorporate high quality hard landscaping, including surfacing materials, boundary enclosures and street furniture which complement the development and the local townscape; and*
- (vi) demonstrate that satisfactory arrangements have been made for the future maintenance and management of landscaped areas."*

7a.13 The proposal respects the site's landscape setting and character and incorporates acceptable planting proposals which enhance the character of the surrounding area.

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 proposal has no adverse impact on trees, woodland or community partnership initiatives.

7a.16 Policy FAL 4.7 'Footpaths and Rights of Way' states:

"The Council will seek to protect, improve and signpost rights of way and other recognised footpaths. The Council will also seek to encourage the creation of new access routes into the countryside, in co-operation with landowners and other funding agencies."

7a.17 The proposed development would promote new access routes to the countryside.

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 proposal includes acceptable amenity structure planting.

7a.20 Policy RURAL 22 ‘Countryside Access’ states:

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

7a.21 The proposed development would provide additional links to existing countryside paths and provide improved countryside access.

7a.22 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be considered are The Falkirk Council Local Plan Finalised Draft (Deposit Version), summary of public representations and National Policies and Guidance.

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 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.4 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.5 Policy ST1 - 'Core Path Network' states:

"The Council will safeguard and promote the development of the core path network as and when this is defined. Where appropriate, developer contributions to the implementation of the network will be sought."

7b.6 Policy EQ21 - 'Falkirk Greenspace' states:

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

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

7b.7 Policy EQ25 'Biodiversity' states:

"The Council will promote the biodiversity of the Council area and ensure that the aims and objectives of the Falkirk Area Biodiversity Action Plan are promoted through the planning process. Accordingly:

- (1) Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*
- (2) The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in 'The Biodiversity of Falkirk' will be given particular attention in the consideration of development proposals;*
- (3) Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design, having reference to the Supplementary Planning Guidance Note on 'Biodiversity and Development'; and*
- (4) Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued."*

7b.8 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.9 Policy EQ29 ‘Outdoor Access’ states:

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

- 7b.10 The above policies confirm the policy position expressed in the extant Falkirk Local Plan. The proposed development accords with these policies in relation to the countryside, leisure and tourism, path networks, biodiversity, trees and outdoor access. A developer contribution is not considered appropriate in respect of Policy ST1 'Core Path Network' for the reason that the development provides improved linkages to an existing path network.

Summary of Public Representations

- 7b.11 One comment has been made from a disabled access consultant requesting that a fold down shower seat and colour coding for the visually impaired is provided in the toilet facilities. These comments have been forwarded to the applicant.

National Planning Policies and Guidance

- 7b.12 Scottish Planning Policy – A statement of the Scottish Government's policy on nationally important land use planning matters, emphasises Scottish Government's commitment to supporting sustainable economic growth in rural areas within the context of landscape setting and character. The proposed development promotes these objectives.

7c Conclusion

- 7c.1 There is support for countryside recreation/tourism development at the site in the context of Development Plan policy and national planning policies and guidance. The development of the Falkirk Wheel, designation of the Antonine Wall as a World Heritage Site and increased use of the Canal network have previously contributed to this.
- 7c.2 The farm manager's house and chalet development would have to be subject to legal agreement restricting occupancy to staff and tourist use respectively.
- 7c.3 Specific conditions requiring public access improvements and additional landscaping provision are however required.

8. RECOMMENDATION

- 8.1 It is recommended that Committee indicate that they are minded to grant planning permission subject to the satisfactory conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to:
- (a) Ensure the farm manager's house is retained and occupied by a manager for the continued operation of Bonnyhill Farm Dairy.
 - (b) Ensure the approved chalets are occupied for tourism use only and on a seasonal basis.
 - (c) And thereafter on conclusion of the Section 75 Agreement to remit to the Director of Development Services to grant planning permission subject to the following conditions:
- 8.2 On completion of the legal agreement referred to in paragraph 8.1 above, the Committee remit 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 of the date of this permission.
- (2) Within three months of the date of this permission detailed sustainable urban drainage (SUDs) calculations and discharge rates for a 1:200 year storm flood return period shall be submitted for the written approval of this Planning Authority.
- (3) All drainage shall comply with the requirements of the Scottish Environmental Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
- (4) Prior to the occupation of, or initiation of, approved uses a new access road to the site shall be formed to the west of the existing site access on the B816, at a position to be agreed in writing with the Planning Authority. The new access shall take the form of a bellmouth junction of a minimum 6 metres in width for the first 20 metres of length and with a minimum 10.5 metre junction radii.
- (5) Parking facilities shall be provided in accordance with Falkirk Council Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000 and completed prior to occupation of the Development.
- (6) Details of the location and specification for the formation of an additional two vehicle passing places to allow the passing of car and caravan traffic shall be provided for the consideration of the Planning Authority. Development shall not commence until written approval of these details has been provided.

Reason(s):

- (2,3) To ensure that adequate drainage is provided.
- (4,5) To ensure adequate access and parking is provided.
- (6) To safeguard the interests of the users of the highway.

Informative(s):

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

Pp

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Director of Development Services

Date: 11 May 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Structure Plan, 2007.
2. Falkirk Local Plan, 2000.
3. Falkirk Rural Local Plan, 1994.
4. Falkirk Council Finalised Draft Local Plan, 2007.
5. Letter of Representation from Mr Peter Rowe, 16 Dundas Street, Bo'ness EH51 0DG on 25 June 2009.
6. Scottish Planning Policy.

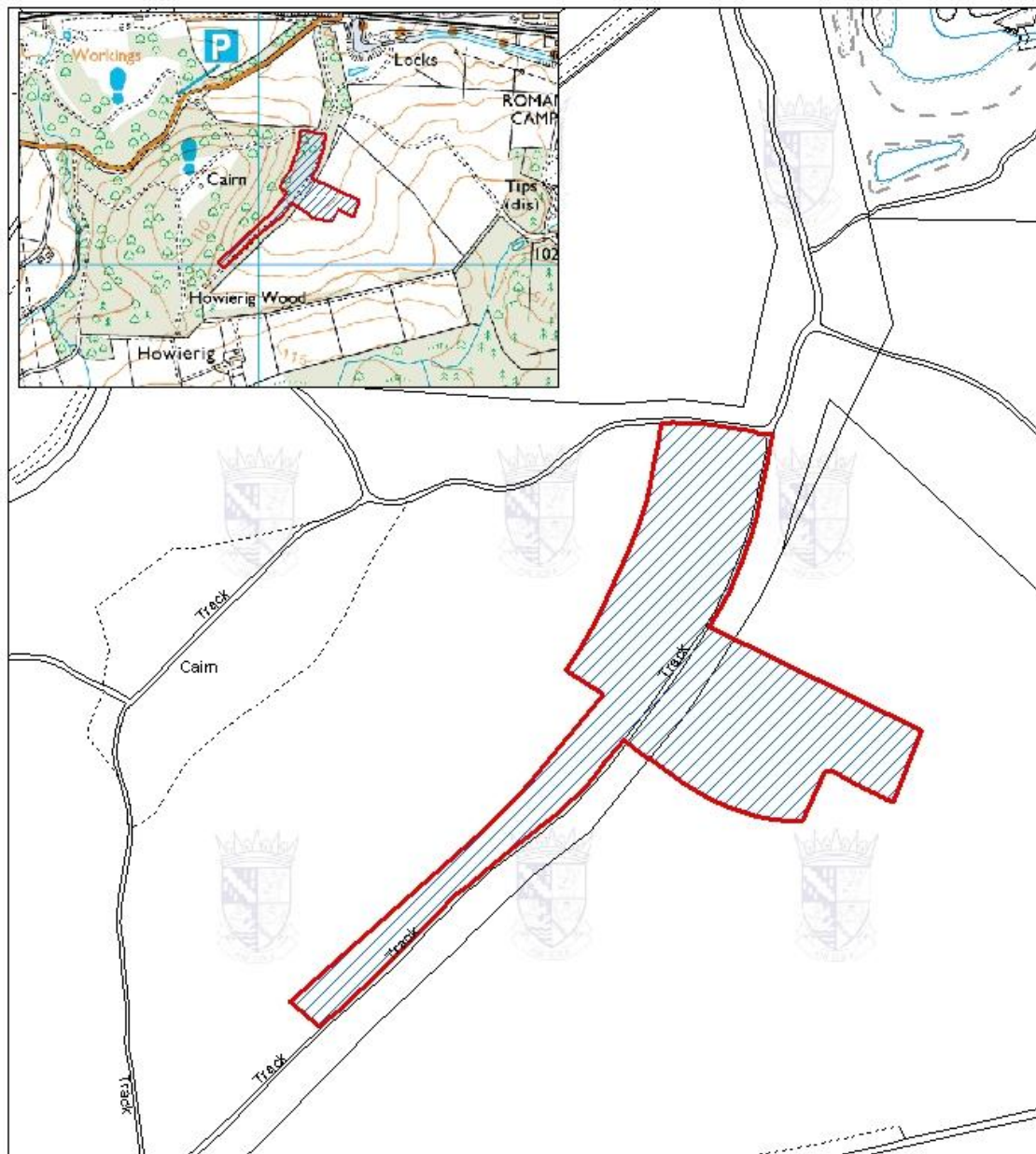
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0409/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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