

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 19 MAY 2010 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

APOLOGY: Councillor Oliver.

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Acting Head of Planning and Transportation; Development Manager; Roads Development Officer (B Raeburn); Transport Planning Co-ordinator; Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST: Councillor Thomson declared a non-financial interest in item 6 (P27) as she had held discussions with the local residents' association, as a local Member, in relation to the application and consequently would take no part in consideration or discussion of this item of business.

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

- Councillor Carleschi informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/09/0790/PPP and P/10/0072/PPP (minute P24 and P25) as he was sufficiently familiar with the sites.
- Councillor Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0790/PPP, P/10/0072/PPP and P/09/0449/FUL (minute P24, P25 and P26).
- 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 P26) but he would take part in consideration of planning applications P/09/0781/PPP, P/09/0790/PPP and P/10/0072/PPP (minute P23, P24 and P25) as he was sufficiently familiar with the sites.
- Councillor McNeill informed the Committee that, while he had not attended the site visit he would take part in consideration of planning application P/09/0449/FUL (minute P26) as he was sufficiently familiar with the site.
- Councillor Mahoney 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 P26).

P22. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 21 April 2010; and

The Acting Director of Law and Administration Services provided clarification of the decision and associated conditions taken at the Planning Committee on 21 April 2010 in relation to application P/08/1012/OUT (minute 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.

- (b) Minute of Meeting of the Planning Committee On Site held on 4 May 2010.

P23. 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 (CONTINUATION)

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 and an additional Report (circulated) dated 11 May 2010 by the said Director 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.

Councillor Carleschi, seconded by Councillor Constable, moved that the application be refused in accordance with the recommendations in the Report.

By way of an Amendment, Councillor Nicol, seconded by Councillor McLuckie, moved that the application be continued pending consideration of the Local Plan Inquiry Report by Council in June 2010.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 11 Members present, with voting as undernoted :-

For the Motion (4) – Councillors Carleschi, Constable, A MacDonald and Thomson.

For the Amendment (7) – Councillors Buchanan, Lemetti, McLuckie, McNeill, Mahoney, C Martin and Nicol.

Accordingly, **AGREED** to **CONTINUE** consideration of this item of business pending consideration of the Local Plan Inquiry Report to Council in June 2010.

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

P24. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT GREYRIGG RESERVOIRS, CALIFORNIA, FALKIRK FOR MR CHRISTOPHER FERRIE - P/09/0790/PPP (CONTINUATION)

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 and an additional Report (circulated) dated 11 May 2010 by the said Director on an application for planning permission in principle for the development of land for residential purposes on a site extending to 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.

Councillor McLuckie, seconded by Councillor C Martin, moved that the Committee be minded to grant the application in principle, subject to (a) conclusion of a Section 75 Agreement in terms satisfactory to the Director of Development Services in relation to the conveyance to Falkirk Council of such land as is required by the Council to allow it to carry out road junction improvement works at the location of the development; and (b) a flood risk assessment being submitted in terms satisfactory to the said Director. Thereafter, and subject to purification of the foregoing conditions, it shall be remitted to the said Director to grant planning permission subject to (a) a condition limiting the number of housing units to be constructed on the site (expected to be no more than 6); and (b) such other appropriate conditions as determined by the said Director.

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

On a division, 7 Members voted for the Motion and 3 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle, subject to (a) conclusion of a Section 75 Agreement in terms satisfactory to the Director of Development Services in relation to the conveyance to Falkirk Council of such land as is required by the Council to allow it to carry out road junction improvement works at the location of the development; and (b) a flood risk assessment being submitted in terms satisfactory to the said Director. Thereafter, and subject to purification of the foregoing conditions, it shall be remitted to the said Director to grant planning permission subject to (a) a condition limiting the number of housing units to be constructed on the site (expected to be no more than 6); and (b) such other appropriate conditions as determined by the said Director.

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

P25. 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 (CONTINUATION)

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 and an additional Report (circulated) dated 11 May 2010 by the said Director 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 that Committee is **MINDED** to **GRANT** planning permission in principle, subject to the Director of Development Services being satisfied that an appropriate right of access to the development has been secured. On the Director being so satisfied, it shall be remitted to her to grant planning permission subject to such conditions as she shall consider appropriate, which failing the matter will require to be reported to Committee for further consideration.

Councillors Constable and Mahoney left the meeting prior to consideration of the following item of business.

Councillor Carleschi left and returned during consideration of the following item of business.

P26. 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 21 April 2010 (Paragraph P13 refers), Committee gave further consideration to Reports (circulated) dated 17 March and 20 April 2010 by the Director of Development Services and an additional Report (circulated) dated 11 May 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

Councillor McLuckie abstained from making a decision on this item.

AGREED to **REFUSE** planning permission on the ground that the development was detrimental to road safety due to the position of the driveway at the road bend.

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

P27. 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

There was submitted Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for full planning permission, in retrospect, for a partial change of use of the existing shop unit operating as a general store/newsagent to allow limited hot food takeaway sales at 12a Blinkbonny Road, Falkirk.

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

P28. SITING OF THREE CARAVANS FOR USE AS HOMELESS ACCOMMODATION (RETROSPECTIVE) AT GARTH, DENNY, FK6 5HH FOR DIANA FERGUSON & PENNY RITSON (P/09/0624/FUL)

There was submitted Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for the renewal of temporary planning permission, in retrospect, for the siting of three caravans for use as homeless accommodation at a site at Garth Farm, Denny comprising a dwellinghouse, farm and stable buildings, kennels and three caravans.

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

- (1) The 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:-

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

Informative:-

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

P29. 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 F ADRIAN - P/10/0066/FUL

There was submitted Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for full planning permission for the erection of an additional single storey dwellinghouse in the side garden at 2A Pretoria Road, Larbert.

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

P30. ERECTION OF DWELLINGHOUSE ON LAND TO THE EAST OF CARRIGBEG, FALKIRK FOR MR ALAN ROY - P/10/0021/PPP

There was submitted Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for planning permission in principle for the erection of one dwellinghouse on the site of a ruined cottage on land to the east of Carrigbeg, Falkirk and west of the B825.

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

P31. SITING OF TWO STATIC CARAVANS AND FOUR TOURING CARAVANS (RETROSPECTIVE) ON LAND TO THE WEST OF GREENWELLS FARM, BELLEVUE, RUMFORD FOR MICHAEL MCEWAN AND WALTER MCEWAN - P/09/0685/FUL

There was submitted Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for full planning permission, in retrospect, for the siting of two static caravans and four touring caravans to accommodate travelling persons on a brownfield site to the west of Greenwells Farm, Bellevue, Rumford.

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

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

P32. ERECTION OF 99 DWELLINGHOUSES AND FLATTED DWELLINGS AND ASSOCIATED LANDSCAPING AND ROAD AND DRAINAGE INFRASTRUCTURE ON LAND TO THE NORTH WEST OF COCKBURN WORKS, GOWAN AVENUE, FALKIRK FOR KONON LTD - P/07/0518/FUL

There was submitted Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for full planning permission for the erection of 99 dwellings consisting of 12 terraced houses and 87 flatted dwellings with associated access, parking spaces, open space and SUDS infrastructure on vacant industrial land to the north west of Cockburn Works, Gowan Avenue, Falkirk.

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

The Convener agreed a 15 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt.

P33. ERECTION OF FARM SHOP, STABLES, BUNK HOUSE, CHALETs, TOILET BLOCK, FORMATION OF CARAVAN SITE AND ERECTION OF MANAGER'S HOUSE ON LAND TO THE EAST OF BONNYHILL FARM DAIRY, BONNYHILL ROAD, FALKIRK FOR THE DEANSTOUN PARTNERSHIP - P/09/0409/FUL

There was submitted Report (circulated) dated 11 May 2010 by the Director of Development Services on a major application for full planning permission for the erection of a manager's house for the existing farm, a farm shop, horse riding stables, a bunkhouse and chalets for rent, the formation of touring caravans, pitches and associated toilet facilities and infrastructure on land to the east of Bonnyhill Farm, Bonnyhill Road, Falkirk.

AGREED to **CONTINUE** consideration of this item of business to the next Committee meeting to enable factual aspects of the report to be clarified.

P34. CLOSING REMARKS

Following consideration of business on the agenda, the Convener invited the Development Manager to provide updates as detailed below:-

(1) Darnbogue Farm Kennels, Plean.

It was confirmed that the Committee on 4 November 2009 granted temporary planning permission until 30 November 2010 or one calendar year from the date of the decision, whichever was the later, and by that time the use should cease and the buildings and fencing be removed from the site. As part of the approval conditions were attached in relation to the upgrading of Moss Road including access and visibility. Difficulties had arisen in completing this work as the site entrance lies within the boundaries of Stirling Council and there is a conflict in the design standards used by both planning authorities. In addition, the access bellmouth does not lie within the applicant's control. Notwithstanding these issues, it was understood that work on the access was about to commence in implementation of the planning condition. Enforcement action will be taken if there is any further delay in this matter; and

(2) West Carron Landfill, Stenhouse Road, Carron.

Albeit invited to attend this meeting of the Committee, SEPA had advised that they were unable to do so but would be able to attend the following meeting. Members expressed disappointment at the delay. It was therefore agreed that the SEPA representative would be asked to attend a meeting with Members following the next meeting of the Committee on 16 June 2010, which failing a special meeting, to provide information on the enforcement action the organisation was taking. Agreed also that the meeting would be open to all Members with an interest in the matter.

AGENDA ITEM 1(b)

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 31 MAY 2010 commencing at 9.45 a.m.

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

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Mahoney and Nicol.

ATTENDING: Acting Head of Planning and Transportation (for applications P/10/0066/FUL and P/07/0518/FUL); Development Manager (for applications P/10/0021/PPP and P/09/0685/FUL); Development Management Coordinator (D Campbell) (for applications P/10/0066/FUL, P/07/0518/FUL and P/07/0740/FUL); K Collins, Transport Planning Coordinator (for application P/07/0518/FUL); Planning Officer (K Brown) (for application P/09/0685/FUL); Planning Officer (S McClure) (for application P/09/0740/PPP); Roads Development Officer (B Raeburn) (for applications P/10/0021/PPP and P/09/0685/FUL); Roads Development Officer (R Mackenzie); K Swanson, Transport Planning Officer (for application P/07/0518/FUL); Solicitor (K Quin); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: Councillor Thomson declared a non-financial interest in item 6 (P39) as she had held discussions with the local residents' association, as a local Member, in relation to the application and consequently would take no part in consideration of this item of business.

P35. ERECTION OF DWELLINGHOUSE ON LAND TO THE EAST OF CARRIGBEG, FALKIRK FOR MR ALAN ROY - P/10/0021/PPP

With reference to Minute of Meeting of the Planning Committee held on 19 May 2010 (Paragraph P30 refers), Committee gave further consideration to Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for planning permission in principle for the erection of one dwellinghouse on a site of a ruined cottage on land to the east of Carrigbeg, Falkirk and west of the B825.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

Questions were then asked by Members of the Committee.

The Convener read out an email from Councillor Hughes, 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 16 June 2010.

P36. SITING OF TWO STATIC CARAVANS AND FOUR TOURING CARAVANS (RETROSPECTIVE) ON LAND TO THE WEST OF GREENWELLS FARM, BELLEVUE, RUMFORD FOR MICHAEL MCEWAN AND WALTER MCEWAN - P/09/0685/FUL

With reference to Minute of Meeting of the Planning Committee held on 19 May 2010 (Paragraph P31 refers), Committee gave further consideration to Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for full planning permission, in retrospect, for the siting of two static caravans and four touring caravans to accommodate travelling persons on a brownfield site to the west of Greenwells Farm, Bellevue, Rumford.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

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

Questions were then asked by Members of the Committee.

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

The objector highlighted the following issues:-

- That unsuitability of the road for increased traffic movements;
- The damage the access road and burn embankment.
- The road safety issues;
- That sanitation issues should be priority; and
- The possible future intensification of the use of the site.

Questions were then asked by Members of the Committee.

The Committee thereafter visited the road junction at Penders Gardens in the vicinity of the objector's home to view the traffic issues.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 16 June 2010.

P37. 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 F ADRIAN - P/10/0066/FUL

With reference to Minute of Meeting of the Planning Committee held on 19 May 2010 (Paragraph P29 refers), Committee gave further consideration to Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for full planning permission for the erection of an additional single storey dwellinghouse in the side garden at 2A Pretoria Road, Larbert.

The Convener introduced the parties present.

The Development Management Co-ordinator (D Campbell) outlined the nature of the application.

Mrs Adrian, 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 16 June 2010.

P38. ERECTION OF 99 DWELLINGHOUSES AND FLATTED DWELLINGS AND ASSOCIATED LANDSCAPING AND ROAD AND DRAINAGE INFRASTRUCTURE ON LAND TO THE NORTH WEST OF COCKBURN WORKS, GOWAN AVENUE, FALKIRK FOR KONON LTD - P/07/0518/FUL

With reference to Minute of Meeting of the Planning Committee held on 19 May 2010 (Paragraph P32 refers), Committee gave further consideration to Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for full planning permission for the erection of 99 dwellings consisting of 12 terraced houses and 87 flatted dwellings with associated access, parking spaces, open space and SUDS infrastructure on vacant industrial land to the north west of Cockburn Works, Gowan Avenue, Falkirk.

The Convener introduced the parties present.

The Development Management Co-ordinator (D Campbell) outlined the nature of the application.

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

Mr McKerrell, on behalf of Grahamston, Middlefield and Westfield Community Council, an objector, was heard in relation to the application.

Councillor Meiklejohn, an objector and local Member, was heard in relation to the application.

The objectors highlighted the following issues:-

- The site access being solely from Gowan Avenue, and potential traffic congestion resulting from the development;
- The overlooking, overshadowing, traffic congestion, building heights and ownership of Boyd Lane; and
- The vehicular access and traffic congestion.

Questions were then asked by Members of the Committee.

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

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 16 June 2010.

P39. 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

With reference to Minute of Meeting of the Planning Committee held on 19 May 2010 (Paragraph P27 refers), Committee gave further consideration to Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for full planning permission, in retrospect, for a partial change of use of the existing shop unit operating as a general store/newsagent to allow limited hot food takeaway sales at 12a Blinkbonny Road, Falkirk.

The Convener introduced the parties present.

The Development Management Co-ordinator (D Campbell) outlined the nature of the application.

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

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

The Committee noted the petition of letter in support of the proposal although no representative was in attendance.

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

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

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

Ms Findlay, on behalf of Bantaskine Tenants and Residents' Association, an objector, was heard in relation to the application.

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

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

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

Mr Anderson, on behalf of Falkirk High School, an objector, was heard in relation to the application.

The objectors highlighted the following issues:-

- The cooking odours emanating from the premises;
- The increased litter and traffic (pedestrian and vehicular);
- The use could encourage unhealthy eating habits amongst children due to close proximity of schools,
- The refusal of previous similar applications;
- The retrospective nature of the application and that the premises had already been operating and serving hot food;
- That no material changes had occurred since the last application for a hot food takeaway;
- That Planning Enforcement Officers had been involved with the previous and existing owners in relation to the selling of hot food;
- That there was no parking facility at the shop units and the congestion problems;
- The increase in noise, loitering and anti social behaviour particularly amongst young people at night;
- That Falkirk High School was endeavouring to keep encourage pupils to remain within the school at break times and promote healthy eating;
- The other sandwich shops and hot food premises within a one mile radius of Blinkbonny Road, and that there was no requirement for another facility;
- That the premises would detract from the environment in a residential area; and
- The wrong message given to school children in the nearby school on healthy eating as promoted by the Scottish Government.

Questions were then asked by Members of the Committee.

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

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 16 June 2010.

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL A905 STIRLING – EDINBURGH
(VARIOUS JUNCTIONS/ACCESSES) (PROHIBITION OF
SPECIFIED TURNS ORDER) 2009**
Meeting: PLANNING COMMITTEE
Date: 16 June 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 This report seeks a decision on the making of the above named order, proposed under the Road Traffic Regulation Act 1984. The order seeks to implement turning prohibitions intended to improve road safety on the dual carriageway section of the A905 between Bowtrees interchange and South Bellsdyke roundabout. The extent of the proposed prohibition is shown in the attached plan.

2. BACKGROUND

- 2.1 The effect of the proposed order is to close the existing gaps in the central reservation. Currently, these gaps form cross-roads with direct accesses to the land in each side, and provide opportunities not only for crossing directly across 4 high speed traffic lanes, but also for U-turning, neither of which manoeuvres are desirable in road safety terms on a high speed road.
- 2.2 An objection to the above proposed order has been lodged on the grounds that the restriction would negate the only remaining crossing point between North Bellsdyke Farm and the Bowtrees Roundabout and, as such, will create a blighting effect on the agricultural ground to the west of the A905. The objection refers mainly to the issue of compensation rather than the prohibition itself. The objection has not been withdrawn and the matter, therefore, falls to be considered by Members.

3. JUSTIFICATION

- 3.1 The Design Manual for Roads and Bridges, Volume 6, Section 2, national road design advice indicates that vehicles using a direct access to a dual carriageway should always turn left.

- 3.2 The Design Manual for Roads and Bridges, Volume 6, Section 1, current national design standards emphasises the importance of keeping crossings in the central reservation to an absolute minimum to maintain safety. They state “only in exceptional circumstances should movements across the central reserve be permitted to and from direct vehicular accesses.” It is difficult to imagine any exceptional circumstance other than one in which there is no reasonable alternative route from land on one side of the dual carriageway, to the other.
- 3.3 Upgrade works to the M876 provided an additional roundabout at the north end of the dual carriageway section of the A905. This in turn, along with South Bellsdyke Roundabout, provides a suitable alternative route along the A905 without the need for cross lane manoeuvres. This alternative route is 2.2km in length.

4. TRAFFIC DATA/ACCIDENT STATISTICS

- 4.1 In the ten year period between 1999 and 2008, there were ten personal injury accidents on the approximately 1km length of dual carriageway involved. Five of these were classed as serious, the other five as slight.
- 4.2 Two of the serious accidents involved a vehicle using the central reservation gap access to the Powfoulis Hotel. (Central reservation gap subsequently closed in April 2008 as part of the M876 upgrading works.)
- 4.3 Two of the slight accidents involved vehicles crossing the central reservation at other locations
- 4.4 In the 10 year period between 1999 and 2008, 50% of accidents on the stretch of the A905 between Bowtrees Interchange and South Bellsdyke Roundabout were in the fatal/serious category. Scottish national statistics identify that for all major roads in Scotland the 10 year average for the fatal/serious category in the period ending in 2008 is 22%.

5. CONSULTATION

- 5.1 Consultation was carried out in accordance with 'The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999. In line with these regulations, the following bodies were consulted prior to commencement of the order making process:
- The Freight Transport Association;
 - Central Scotland Fire and Rescue Service;
 - The Road Haulage Association;
 - Central Scotland Police; and
 - NHS Forth Valley.

Notices were posted on site and legal notice placed in the Falkirk Herald.
No adverse comments were received from any of the above organisations.
The only objection received is that referred to para. 2.2

Central Scotland Police responded indicating that they have “no objections or adverse comments to make in respect of the proposals”.

6. FINANCIAL IMPLICATIONS

- 6.1 Legal advice is that compensation payments are not payable to adjacent land owners in these circumstances when making a Traffic Regulation Order in terms of the Road Traffic Regulation Act 1984.

7. RECOMMENDATIONS

Members are asked to consider the terms of the report including the objection and determine whether the order should be made.

.....
Director of Development Services

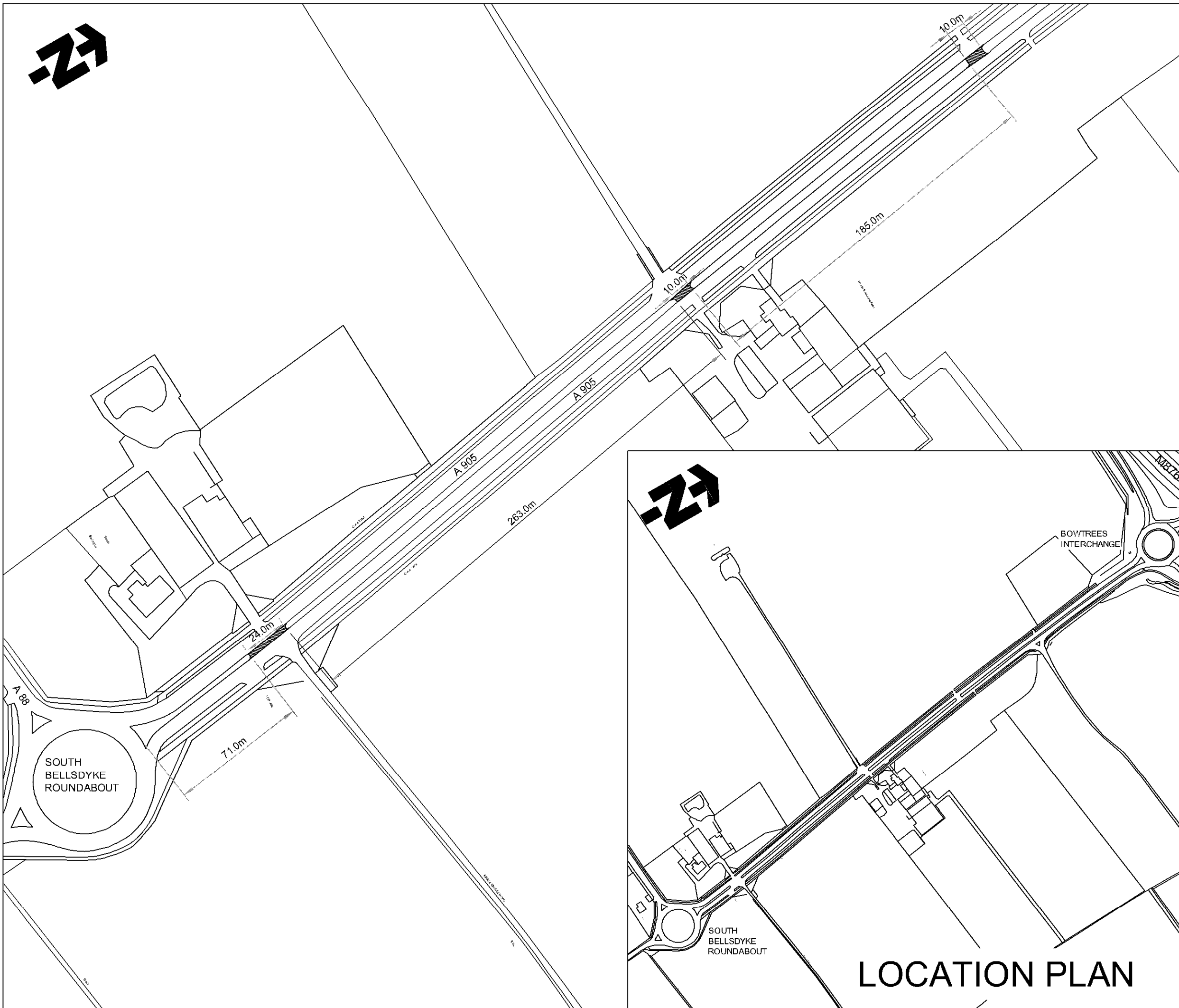
Date: 8th June, 2010


Contact Officer: *Russell Steedman* *Tel: 4830*

BACKGROUND PAPERS

- Draft Traffic Regulation Order (TRO)
- Consultation responses
- Letters of objection and correspondence.

Any person wishing to inspect the background papers listed above should contact Russell Steedman on 01324 504830.



KEY:
 **GAP TO BE CLOSED**

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



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

PROJECT

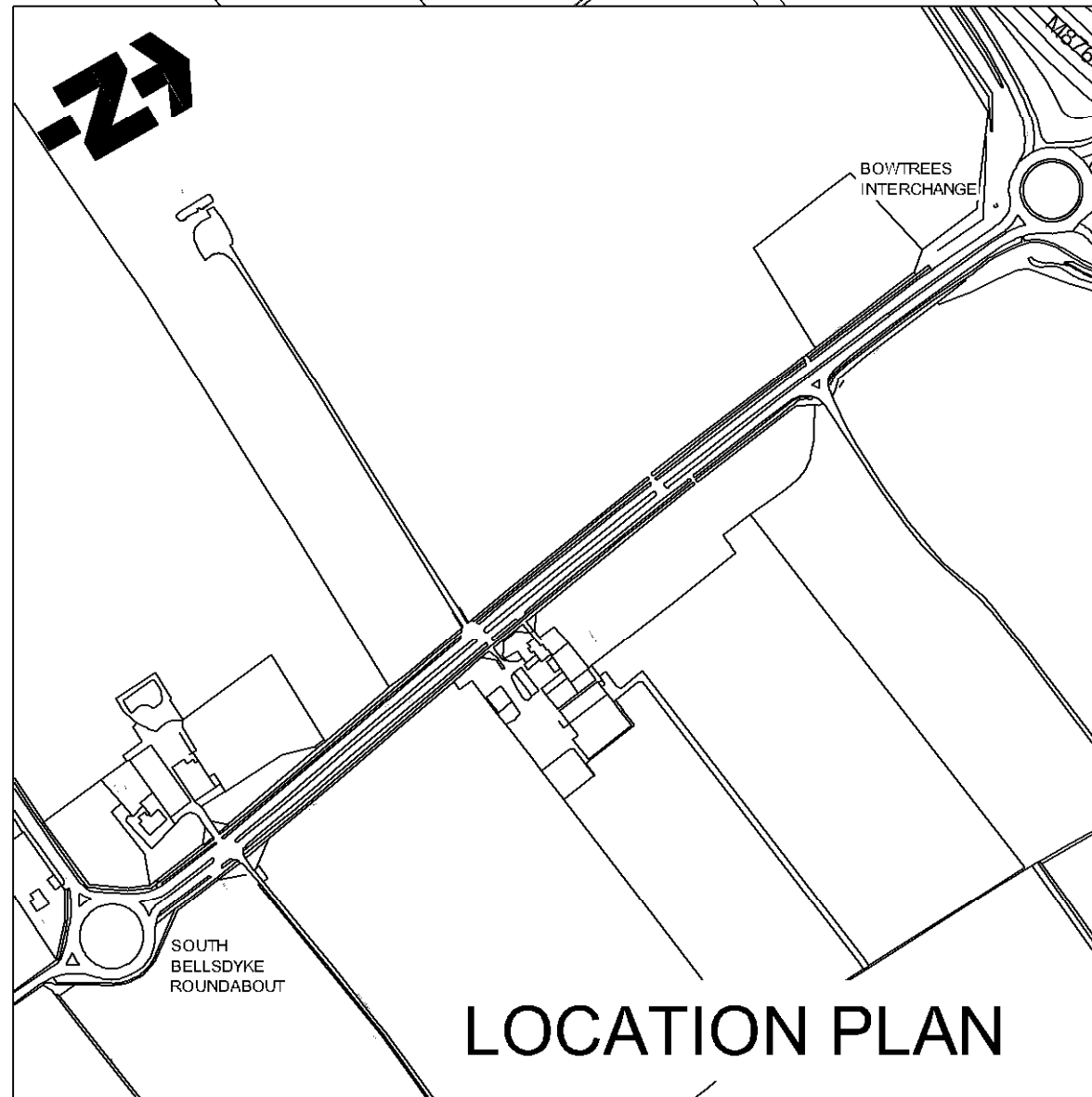
A905 BOWTREES INTERCHANGE TO
SOUTH BELLSDYKE ROUNDABOUT

DRAWING

PROPOSED GAP CLOSING UP TO
PREVENT RIGHT TURN MANOEUVRE

DRAWN	DATE	
JA	25/05/09	
CHECKED	DATE	
RS	25/05/09	
APPROVED	DATE	
RS	25/05/09	

DRAWING NO.
20090525/JA/JA



LOCATION PLAN

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR
DISABLED PERSONS)(No 561) ORDER 2010**
Meeting: PLANNING COMMITTEE
Date: 16th JUNE 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 This report seeks a decision on the making of The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No 561) Order 2009, the purpose of which is to reserve a parking space in Gilsay Court, Hallglen for disabled persons. In terms of the council's Scheme of Delegation, this decision requires to be made by Committee as objections have been received to the making of the order. In terms of the relevant legislation, the authority requires to consider all objections made, and not withdrawn, before making the order.

2. BACKGROUND

- 2.1 Falkirk Council currently provides on-street parking spaces in residential areas, enforceable by virtue of a Traffic Regulation Order, for people with a disability who are in receipt of a Blue Badge and who meet the criteria as laid down in the Disabled Persons' Parking Place (Scotland) Act 2009 (the 2009 Act).
- 2.2 It should be noted that although a disabled parking place is marked as a result of an application by an individual, any person who displays a blue badge on their vehicle may park in the bay.
- 2.2 An application for a disabled person's parking space was received from a resident of Gilsay Court, Hallglen.
- 2.3 On receipt of an application for a disabled bay, the 2009 Act requires Falkirk Council to decide whether it is possible to identify a suitable street parking place from which there is convenient access to the applicant's address. An assessment of Gilsay Court identified that any of the parking spaces in the parking area outside house numbers 3, 5 and 7 Gilsay Court (shown on attached plan drg number CR/001) would be suitable for allocating a parking place. In terms of road safety and congestion, there are no issues which would prevent a disabled bay being provided in any parking bay in this parking area.
- 2.4 The applicant for the bay has asserted that the most convenient location of a proposed disabled bay for them is as indicated on the attached plan drg number CR/001.

3. PROPOSAL

- 3.1 Following the necessary checks against the criteria laid down in the 2009 Act, the statutory procedure for promoting a Traffic Regulation Order was instigated.
- 3.2 Appropriate notices of intention were posted on-street and in the local press in the prescribed manner.

4. CONSULTATION

- 4.1 One objection was received, and has not been withdrawn following explanatory correspondence. The objection was made by another resident of Gilsay Court.
- 4.2 The basis of the objection received was that the provision of a disabled parking space as proposed in the Traffic Regulation Order would increase the distance the objector had to walk to their front door. The objector states that they claim incapacity benefit.
- 4.3 The objector states that they park in the parking places outside house numbers 3, 5 and 7. However, the nearest parking bay to the objector's front door is located at the parking places outside the flats numbered 20, 26 and 32. The proposed location of the disabled person's parking space is as close to the applicants front door as it can be.
- 4.4 The objector has also stated that they intend to apply for a disabled parking space however, to date no application has been received. It is not known whether the objector meets the criteria laid down in the 2009 Act.

5.0 CONCLUSION

- 5.1 The purpose of Falkirk Council's policy and of this particular order is to provide a parking space for a disabled person who meets the requirement of impaired mobility and has difficulties parking near their house.
- 5.2 The applicant for whom this order was promoted meets the current assessment criteria for obtaining a disabled person's parking space.

6.0 RECOMMENDATIONS

- 6.1 **Members are asked to consider the terms of the report including the objection and determine whether the order should be made.**

.....
Director of Development Services

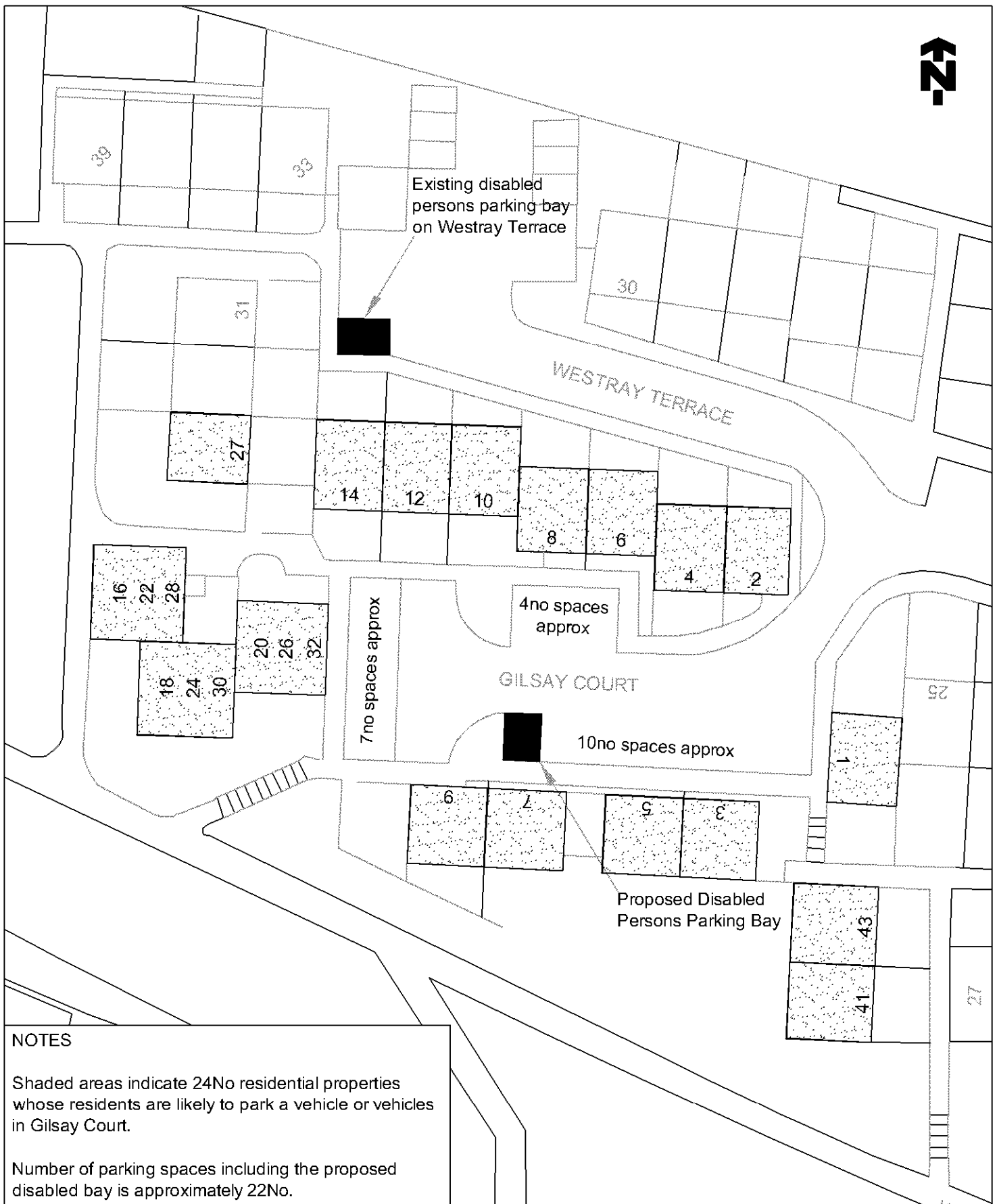
Date: 26 May 2010

Contact Officer: Duncan Gardner, Network Officer Tel: Ext 4836

LIST OF BACKGROUND PAPERS

1. The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No 561) Order 2009
2. Consultation responses
3. Letters of objection and correspondence

Anyone wishing to inspect the background papers can contact Russell Steedman on ext 4830 or Duncan Gardner ext 4836.



NOTES

Shaded areas indicate 24No residential properties whose residents are likely to park a vehicle or vehicles in Gilsay Court.

Number of parking spaces including the proposed disabled bay is approximately 22No.

REVISIONS AND ISSUES

NO	DATE	BY	DETAILS

PROJECT

DISABLED PERSONS
PARKING PLACE

DRAWING

GILSAY COURT
HALLGLEN



Falkirk Council

Development Services (Roads)

Engineering Design

Abbottford House, David's Loan

Falkirk FK2 7Y2

Tel: 01324 504950 Fax: 01324 504850

Director: Rhona Gelsior

SCALE

1:500@A4

DRAWN

DEHG

DATE

17/05/10

CHECKED

DEHG

DATE

17/05/10

APPROVED

DEHG

DATE

17/05/10

DRAWING NO.

CR/001

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: 16 June 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 (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 the 19 May 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 the 31 May 2010.
2. At the site meeting, it was highlighted to members that applications had previously been submitted for the unit at 12A Blinkbonny Road, for a Change of Use of all of the unit to a hot food takeaway. These applications plus one appeal to the Scottish Government had been refused. It was clarified that these were not by the current owner, and the application before the Committee was for a partial Change of Use.
3. The concerns of the Road Development Unit were discussed in relation to the lack of parking and delivery bays surrounding the grouping of shops of which the site forms part. It was noted that there is a high level of on-street parking at the location, and due to the road layout and nearby junction, a use which would generate significant additional traffic would be likely to exacerbate the existing situation.
4. The applicant and agent spoke in support of the proposal and stated that hot food sales were an important but ancillary part of the business, and that the use did not exacerbate existing problems.

5. Objectors, including residents representatives of the Bantaskine Residents Association, adjacent businesses and the Head Teacher of Falkirk High School were also heard in relation to the concerns. This included the previous history of refusals for hot food uses, on street parking, vehicle movements and road safety, noise disturbance and anti social behaviours, adverse impact on the amenity of the area, litter, adours, and use of the premises by pupils of Falkirk High School.
6. Local Members Councillor John Patrick and Councillor Georgie Thomson were heard in support of the concerns of the objectors.
7. **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.

.....
Director of Development Services

Date: 8 June 2010

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.
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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).

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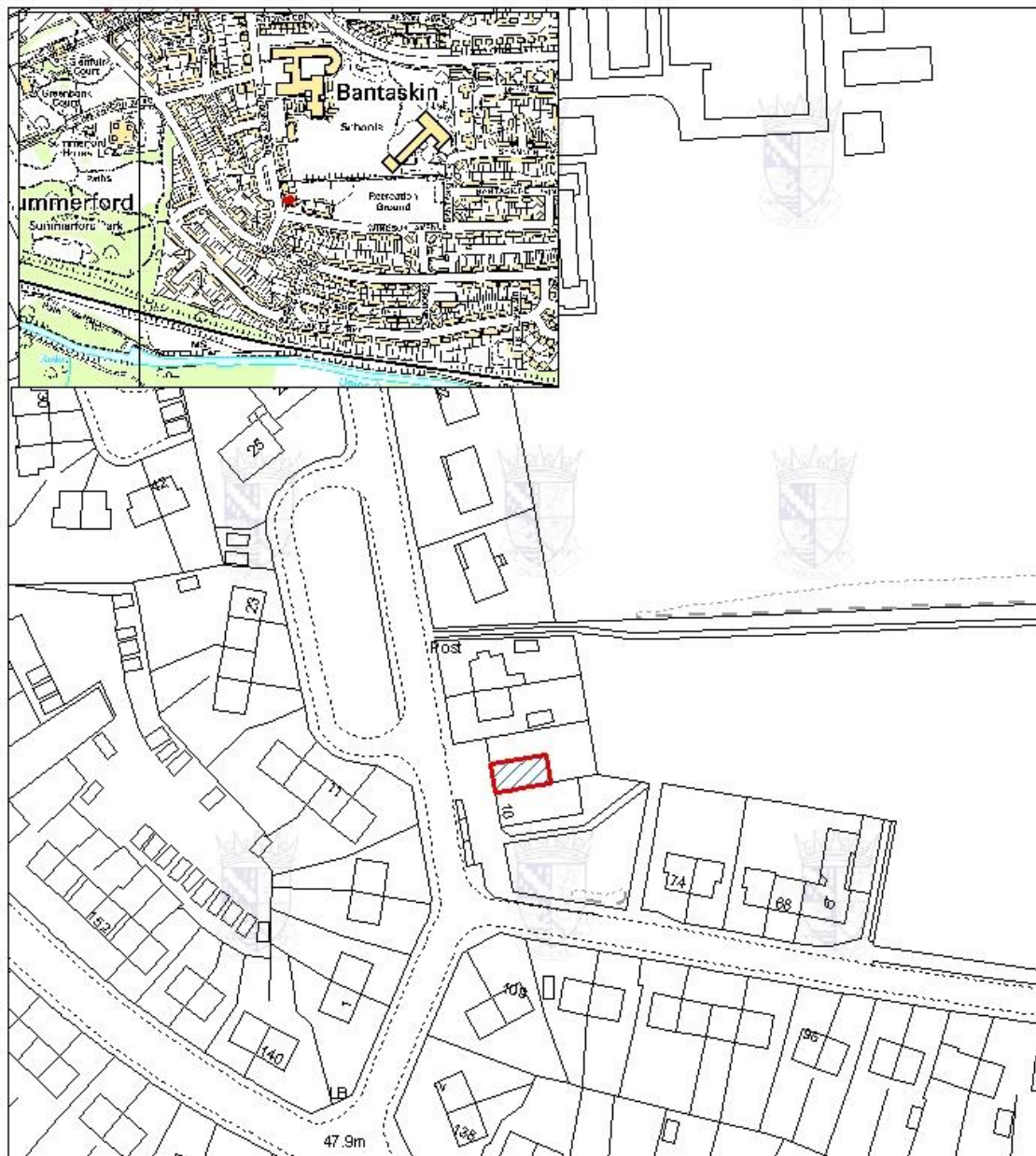
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0740/FUL

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 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: 16 June 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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall this application was considered at the meeting of the Planning Committee on 19 May 2010 (copy of report appended) when it was decided to undertake a site visit prior to determination of the application. This visit took place on 31 May 2010.
2. At the site visit the applicant and agent spoke in support of the application and stated that in their view there would be adequate garden ground to serve the existing and proposed dwellinghouse. It was also submitted that the proposed dwellinghouse was comparable to other developments within the surrounding area.
3. Local Member Councillor Tom Coleman was heard in relation to the proposal and stated that in his view it was compliant with policy and was similar to other recent developments within the vicinity.
4. It should be noted that following the site visit, the applicant was indicated that, if Members considered it to be appropriate, she would be willing to amend the design of the proposed dwellinghouse to reduce its height and footprint.
5. No matters were raised which would amend the original recommendation to refuse planning permission.

6. RECOMMENDATION

6.1 It is therefore recommended that the Committee refuse planning permission 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.

.....
Director of Development Services

Date: 8 June 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).

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).

P/10/0066/FUL

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



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FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE EAST OF CARRIGBEG, FALKIRK, FOR MR ROY - P/10/0021/PPP
Meeting: PLANNING COMMITTEE
Date: 16 June 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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 19 May 2010 (copy of previous report appended), when it was agreed to continue the application to undertake a site visit. This visit took place on 31 May 2010.
2. Members viewed the site from the proposed access point off a narrow rural road to the south-west of the proposed dwellinghouse. Members also viewed the site of the proposed dwellinghouse, which is centred on the footprint of an existing ruin known at Muirhead.
3. In support of the application, the applicant acknowledged the countryside location and planning policy context, and that he had no justification to demonstrate the need for a dwellinghouse in this location other than that he and his family lived locally and that an opportunity had arisen with the landowner to purchase the application site. He also cited other similar examples of new housing development in the countryside in the locality.
4. The applicant also confirmed that he had no plans to develop further any additional residential development other than one dwellinghouse for his family on the site of Muirhead ruin. He also confirmed his intention to re-use as much of the existing stone in the proposed construction of the new dwellinghouse. Following a question from members, the restoration to one dwellinghouse only on the site could be conditioned and therefore remove the need for an appropriate legal agreement. A condition in terms of tree protection to ensure a number of the existing trees are retained with appropriate new planting could also be appropriately conditioned.
5. Members also took the opportunity to view alternate access locations from the B825. However, it should be noted that any such new access and associated access road would be likely to require a new planning application as it would be outwith the current application site boundary.

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

7. 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.

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For Director of Development Services

Date: 8 June 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).

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.



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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.

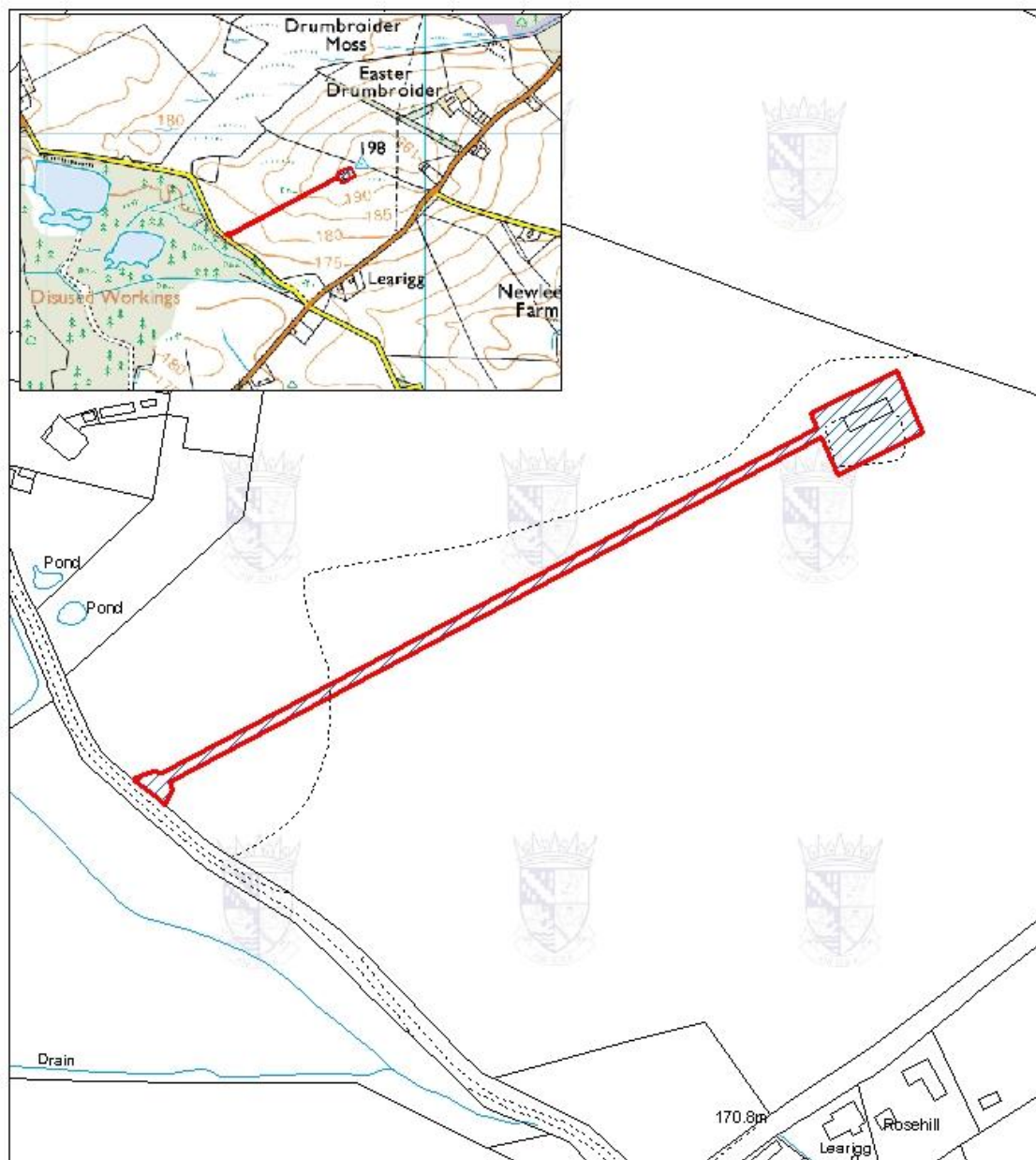
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

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: 16 June 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Maddiston

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this planning application was originally considered at the meeting of the Planning Committee on 19 May 2010 (copy of previous report appended) when it was agreed to continue the planning application for a site visit. This visit took place on 31 May 2010.
2. Following a brief summary of the proposal by the Development Manager, the applicant's representative spoke in support of the proposal and emphasized the benefits of this particular location for a development of this nature and in particular the secluded nature of the site. The agent also advised that the applicants are willing to provide further screening of the site along the main frontage with the access road and right of way.
3. A local resident in attendance, Mr Scott, raised concerns in relation to road traffic issues at Bellevue, Rumford and stated that he felt these issues would be exacerbated by the proposed development and subsequent increase in traffic. Officers from the Roads Development Unit advised that, due to the small scale nature of the development proposed, any impact on the surrounding road network would be negligible. Mr Scott also drew attention to a previous refusal of a proposed development at the end of Bellevue on road safety grounds. A search of the planning history does not support this statement however, as the only previous refusal in this area was for the erection of 4 dwellinghouses, F/93/0524, which was refused on the grounds that it was contrary to the urban limit and countryside policies of the Development Plan.
4. No matters were raised which would amend the original recommendation to grant planning permission subject to conditions.

5. RECOMMENDATION

5.1 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.

.....
Director of Development Services

Date: 8 June 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).

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

.....
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

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 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: 16 June 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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 19 May 2010 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. This visit took place on 31 May 2010.
2. At the site visit Members viewed the site and the proposed access via Gowan Avenue. Plans showing the proposed design and layout were viewed.
3. The applicant's agent outlined the background to the application, including consideration of alternative layouts and designs which had been amended, with a resultant reduction in the number of dwellings proposed. He also referred to suggested alternative site access routes via Boyd Street and Bryson Street, and explained that these were not viable due to land ownership issues. It was noted that Boyd Street is only adopted in part.
4. The re-routing and stopping-up of Gowan Lane, to provide a safe walking and cycling link to the canal, was discussed. It was confirmed that a stopping-up order would be required in this regard, and it is considered that a condition be attached to any permission granted.
5. It was also clarified that the reference to the payment of a sum to secure future education provision at St Francis Primary School should read "Bainsford Primary School". This has been corrected in this update report.

6. Following the site meeting, a condition in relation to the approval of final details of surface water drainage and sustainable urban drainage proposals and design calculations has been added.
7. It was also clarified that the proposed landscaping, including the proposed play area and art wall, were considered to be acceptable. Representatives of the Grahamston, Middlefield and Westfield Community Council were heard in relation to their concerns regarding access to the site via Gowan Avenue. Reference was also made to levels of congestion and on-street parking in the surrounding area.
8. Local Members Provost Reid, Councillor Alexander and Councillor Meiklejohn spoke in relation to their concerns about the potential traffic impacts from the proposed development on the surrounding area, which presently experiences high levels of congestion, the height of the proposed flatted dwellings and the proposed housing mix were also referred to.

9. RECOMMENDATION

- 9.1 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 Bainsford 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.**

- 9.2 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 details of the stopping-up of Gowan Lane, with a timescale for its implementation, have been submitted and approved by the Planning Authority.
- (6) 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.
- (7) 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.
- (8) Development shall not begin until surface water drainage and sustainable urban drainage proposals and design calculations have been submitted and approved by the Planning Authority.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.
- (3-5) To safeguard the interests of the users of the highway.
- (6, 7, 12) To safeguard the environmental amenity of the area.
- (8) To ensure the appropriate drainage infrastructure is provided.
- (9, 10, 11) 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.

.....
For Director of Development Services

Date: 8 June 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).

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:-
 - vi. Type and location of play equipment, seating, fences, walls and litter bins.
 - vii. Surface treatment of the play area proposals for the implementation/phasing of play area in relation to the construction of houses on the site.
 - viii. Landscape planting and phasing details.
 - ix. Proposed public artwork to be located adjacent to the Forth and Clyde Canal.
 - x. 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

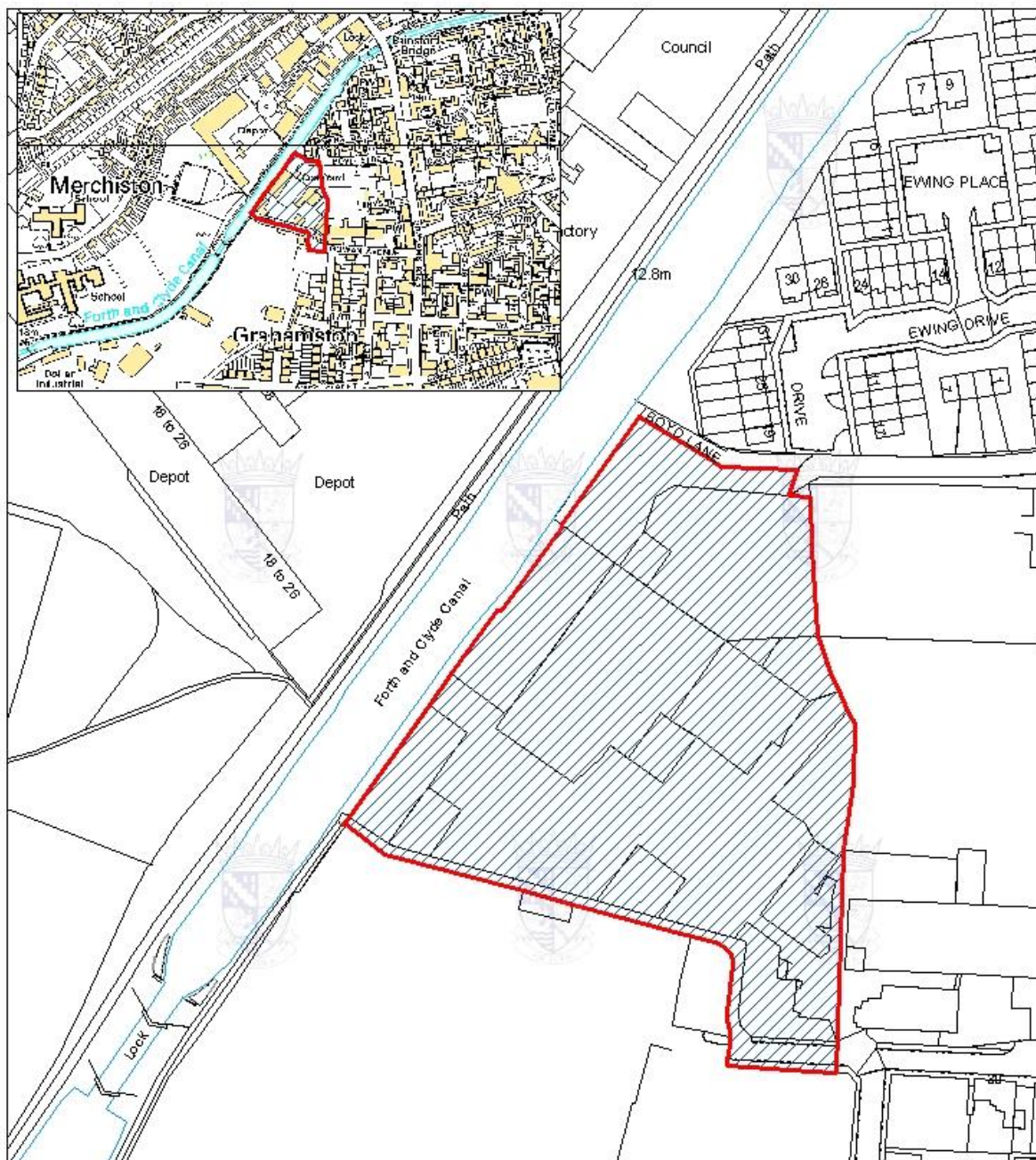
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for Allan Finlayson (Senior Planning Officer).

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 NORTH OF GREENRIGG FARM, BONNYHILL ROAD, FALKIRK FOR THE DEANSTOUN PARTNERSHIP – P/09/0409/FUL

Meeting: PLANNING COMMITTEE

Date: 16 June 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 operation of land at the existing Greenbank and Rough Castle Farms, a farm shop, horse riding stables, a bunkhouse and chalets for rent, the formation of touring caravan pitches and associated toilet facilities and infrastructure. The application was submitted before the requirement for applicants to consult the public on major applications.
- 1.2 The application site is located within a rural area in agricultural grazing land to the south of Bonnyhill Road, Tamfourhill, Falkirk.
- 1.3 The application site and surrounding land outwith is collectively referred to as Rough Castle Farm.

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 was 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 dwellinghouse by the management of Rough Castle Farm development and the seasonal occupation of the tourist chalets. The applicant has submitted a business report from an agricultural consultant, demonstrating the requirement for residential accommodation for a farm manager.

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 Rough Castle Farm.
 - (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):

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

.....
Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

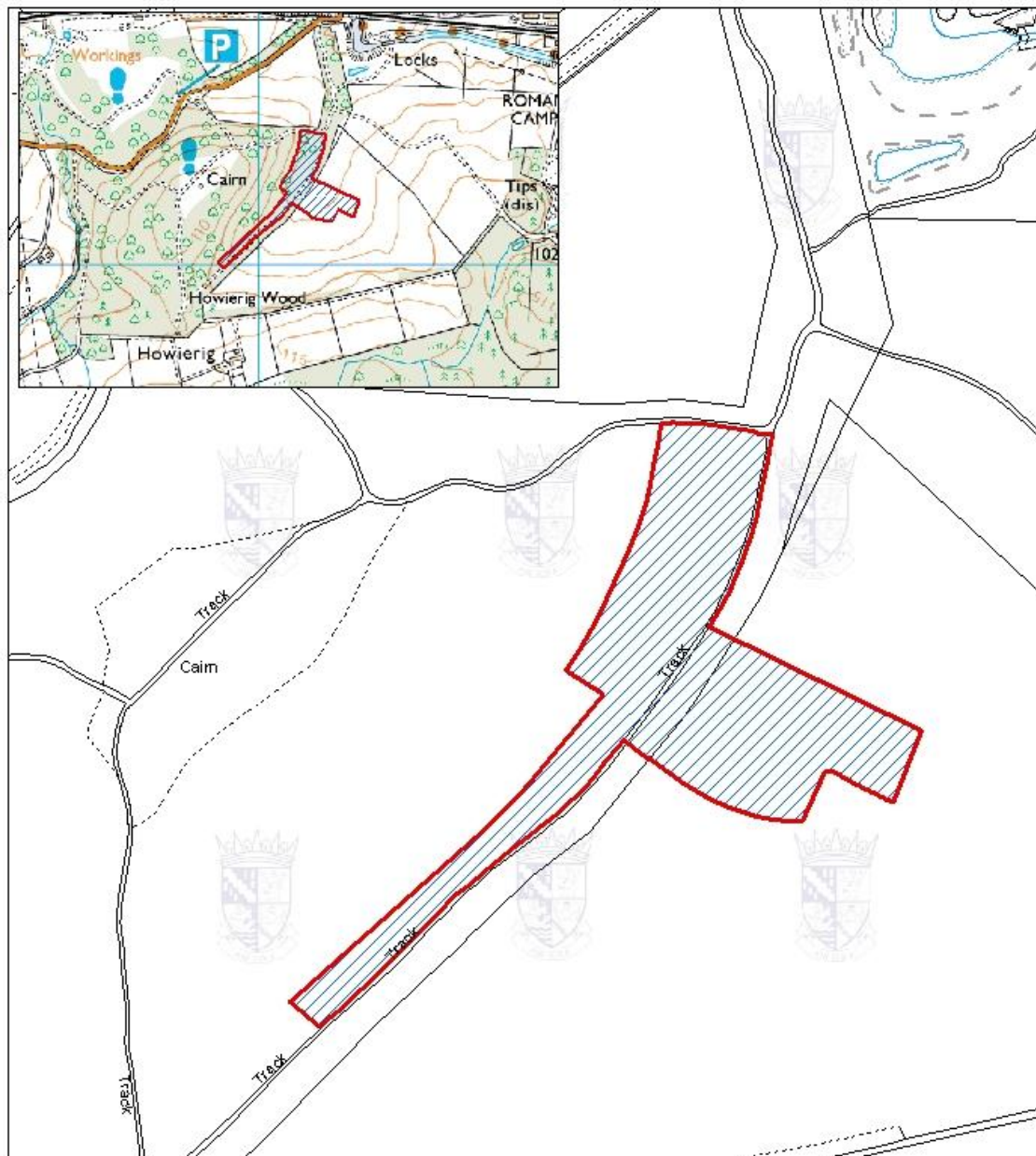
1. Falkirk Structure Plan, 2007.
2. Falkirk Local Plan, 2000.
3. Falkirk Rural Local Plan, 1994.
4. Falkirk Council Finalised Draft Local Plan, 2007.
5. Letter of Representation from Mr Peter Rowe, 16 Dundas Street, Bo'ness EH51 0DG on 25 June 2009.
6. Scottish Planning Policy.

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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FALKIRK COUNCIL

Subject: CHANGE OF USE FROM BUILDERS STORAGE AREA (CLASS 6) TO SALE AND REPAIR OF MOTOR VEHICLES (RETROSPECTIVE) AT MORVEN CONSTRUCTION LTD, GRANARY SQUARE, BANKSIDE, FALKIRK FK2 7XJ FOR MORVEN MOTORCYCLES - P/09/0862/FUL

Meeting: PLANNING COMMITTEE

Date: 16 June 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Bainsford, Langlees and New Carron

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks retrospective planning permission for the change of use from a builders storage area to use for the sale and repair of motor vehicles.
- 1.2 The application site consists of an existing business unit and parking area. The site is located within an established general business and industrial area. The unit is bounded on all sides by similar uses. A motorcycle garage and residential property partially bound the application site to the north.

2. REASON FOR CONSIDERATION BY COMMITTEE

- 2.1 The application has been called in by Councillor Cecil Meiklejohn.

3. SITE HISTORY

- 3.1 F/90/0453 - Change of Use of Storage Area to Builders' Yard and Erection of Offices - granted on 28 June 1990.
- 3.2 F/92/0922 - Alterations and Extension to Premises (Detailed) - granted on 2 December 1992.

- 3.3 F/94/0686 - Part Change of Use of Storage Building to Tyre and Exhaust Centre and Vehicle Hire Premises (Detailed) - granted on 24 October 1994.
- 3.4 F/97/0861 - Erection of 2 Industrial Units and 1 Office Unit (Class 4) (Detailed) - granted on 29 April 1998.
- 3.5 The Environmental Protection Unit received a noise complaint from an adjacent householder on 31 July 2009. The complaint was investigated by Environmental Health Officers. As no noise nuisance could be heard, the householder was advised to contact the Council when a noise nuisance was ongoing, to assess for noise nuisance.
- 3.6 A site visit took place on 14 August 2009 with Environmental Health Officers and a Planning Enforcement Officer present in relation to a change of use at the application site (Ref: ENF/2009/0092). Advice was given to the adjacent householder regarding statutory noise nuisance. No noise nuisance was recorded during the visit.
- 3.7 Two further complaints were received by the Environmental Protection Unit with regard to noise nuisance this year and, on both occasions, the complaints were investigated by an Environmental Health Officer, however no noise nuisance was recorded. The householder advised the Unit that the nuisance had stopped. No recent complaints have been received.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit has advised that sufficient on-site car parking is available to serve the premises.
- 4.2 The Environmental Protection Unit advise that the revving of engines should be kept to a minimum and should not occur outside the building. Any complaint received about noise will be investigated by the Environmental Protection Unit and appropriate action will be taken in terms of the statutory nuisance legislation.
- 4.3 Scottish Water has no objections to the application.

5. COMMUNITY COUNCIL

- 5.1 The Bainsford, Langlees and New Carron Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 Two letters and one email of objection have been received. The salient issues are summarised as follows:
- Complaints have been made to Planning Enforcement and Environmental Protection staff. The source of the nuisance has not improved.
 - The development causes excessive noise and fumes due to the revving of cars and motorcycles.

- Doors and windows on the adjacent residential property cannot be left open due to fumes and noise.
- The adjacent residential property is only 4 metres away from the application site.
- There can be up to 10 cars and 10 motorcycles at the site at any time.
- The development would have an unacceptable impact on privacy of the adjacent property and the garden will be unusable during summer months.

6.2 The email received is from Councillor Meiklejohn. The Councillor objects to the application on the basis of contact with an adjacent householder, who has also objected to the application. Concern is raised in relation to the change of use of the application site for the repair and service of motor bikes and cars, having taken place last year. The change of use has resulted in noise and odour nuisance at the adjacent residential property. The motorbikes have to be revved when being serviced and at weekends there can be more than 20 vehicles. Environmental Protections have verbally confirmed that there is a significant noise nuisance. The Councillor comments that the close proximity of the application site to housing causes a conflict particularly in relation to the volume of vehicles.

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 Falkirk Council Structure Plan are not considered to be relevant.

Adopted Falkirk Local Plan

7a.2 Policy FAL 6.4 'Changes of Use of Other Business and Industrial Land' states:

"Proposed changes of use or redevelopment of other business and industrial land or premises within the Urban Limit but outwith the designated areas covered by Policies FAL 6.1-6.3 will be assessed against economic development, amenity, environmental and traffic considerations."

7a.3 Policy FAL 6.4 'Changes of Use of Other Business and Industrial Land' of the Falkirk Local Plan recognises that there are business and industrial premises, outwith those areas covered by policies FAL 6.1 - 6.3, where there is less justification for safeguarding as part of the industrial land or property supply. Therefore proposals for changes of use of such premises will be considered on their merit, subject to economic development, planning and environmental criteria.

7a.4 The application site is not designated as a business and industrial site within the Falkirk Local Plan. The site is located within a mixed use industrial and business area. The application site comprises a fairly small unit and it is considered that the change of use from a class 6 storage use to the sale and repair of motor vehicles is compatible with surrounding uses. The access, parking and turning facilities are satisfactory, and the proposal would not increase traffic levels to an unacceptable level. Whilst complaints have been received by the Environmental Protection Unit in relation to a noise nuisance at the application site, no noise nuisance has been recorded or witnessed at the site during investigations by the Unit. As such, and noting the business and industrial location of the site, it is considered that the amenity and environment are not considered to be significantly affected as a result of the retrospective proposals. The application accords with policy FAL 6.4.

7a.5 Accordingly, the proposed development accords with the Development Plan.

7b Material Considerations

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

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EP3 - 'Existing Business and Industrial Areas with Potential for Redevelopment' states:

“(1) Within the business and industrial areas with potential for redevelopment identified on the Proposals Map, the Council will consider favourably proposals for comprehensive redevelopment for other uses which:

- are appropriate in terms of the character of the surrounding area;*
- are satisfactory in terms of environmental, access, traffic generation and other detailed considerations; and*
- comply with other Local Plan policies.*

Pending any such redevelopment, use of these sites for Class 4, 5 or 6 development will continue to be supported.

(2) Changes of uses or redevelopment of other business/industrial land or premises within the Urban Limit which are not safeguarded under Policy EP2 may be permitted subject to amenity, environmental, access, traffic generation and other detailed considerations.”

7b.3 The application site is located within an existing business and industrial area with the potential for redevelopment. The application site is not safeguarded under policy EP2 and as such the proposal is acceptable subject to amenity, environmental, access, traffic generation and other detailed considerations. The proposal is compatible with the surrounding area. The access, parking and turning facilities are satisfactory, and the proposal would not increase traffic levels to an unacceptable level. Whilst complaints have been received by the Environmental Protection Unit in relation to a noise nuisance at the application site, an investigation including other site visits by Enforcement and Planning Officers, no noise nuisance has been recorded or witnessed at the site. As such and noting the business and industrial location of the site, it is considered that the amenity and environment are not considered to be significantly affected as a result of the retrospective proposals. The application accords with policy EP3.

7b.4 Policy EP11 - 'Motor Vehicle Showrooms' states:

"Proposals for motor vehicle showrooms will be encouraged to locate within Site ED.FAL7 (Falkirk Gateway) or other business and industrial areas where access, servicing and any associated industrial processes can be accommodated without detriment to residential amenity, the functioning of the local road network or the operation of adjacent businesses. When granting consent for a new motor vehicle showroom, the Council may apply planning conditions preventing changes of use to Class 1 retail use."

7b.5 Policy EP11 encourages motor vehicle showrooms to locate within the Falkirk Gateway or other business and industrial areas. In this instance the access, servicing and use can be accommodated without significant detriment to residential amenity, the road network or adjacent businesses. The application accords with policy EP11.

Consultation Responses

7b.6 The consultation responses are detailed in paragraph 4. The Environmental Protection Unit have confirmed that complaints were received from one householder, however, no noise nuisance was recordable at the site and no enforcement action has been taken. The advice in relation to revving engines only inside the unit and kept to a minimum are noted, however it is considered that a condition of this nature would be unenforceable and unnecessary in terms of planning legislation given the location of the site within a mixed business and industrial area where there will be vehicle noise associated with other existing nearby activities.

Information Submitted in Support of the Proposal

7b.7 The applicant has submitted a letter of support with his application raising the following issues:

- Morven Motorcycles is mainly a bike and car sales business and repair work is a minimal aspect of the business.
- Repairs are normally only carried out on machines for sales and for the occasional customer.
- RPM Motorcycle Repairs is situated next door to the application site and adjacent residential properties and noise heard by a nearby dwelling could be from RPM and not from the application site.
- The applicant would be quite happy for a condition restricting engines running during anti-social hours.
- The use is compatible with the local area and within 100 yards there are the following businesses; ATS Tyre and Exhaust Centre, National Tires, Robinsons Hire Drive, Vanz4Sale, RPM Motorcycles, Skidz Wheels/Tyres/Alarms, Old School Garage, Trolley Jack services, Metal Creations, BnB Car Sales, Spannerz Motor Repairs, Pat McGinley auto Care and Campbell Properties.

Assessment of Public Representation

- 7b.8 Complaints have been made by one householder to Development Management and the Environmental Protection Unit, however, as discussed above, no nuisance has been recordable on site during any of the site visits by Falkirk Council officers.
- 7b.9 No evidence of excessive noise or fumes in association with the business has been found. Complaints about noise and fumes have been investigated by the Environmental Protection Unit or Planning officers.
- 7b.10 Vehicle fumes at the application site and entering the neighbouring residential property have not been witnessed during the various site visits by the Environmental Protection Unit or Planning officers.
- 7b.11 It is accepted that the rear garden area of the adjacent residential property bounds the application site, parking area.
- 7b.12 The number of motor vehicles on site are noted, however Falkirk Councils Roads Development Unit advise that the available parking exceeds the requirements for the size of the unit. Therefore the Roads Development Unit do not object and do not advise of any roads related conditions.
- 7b.13 It is not accepted that the retrospective development impacts on the privacy of the adjacent residential property, as the property is well screened by an existing wall and fence.
- 7b.14 The Environmental Protection Unit have confirmed that complaints have been received from one householder, but there was no recordable nuisance and as such no further action has been taken.

7c Conclusion

- 7c.1 It is considered that the proposal is acceptable development and is in accordance with the Development Plan and emerging District wide Local Plan. The points raised through consultation and representation are noted and addressed in this report. There are no other material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

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

- 1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the premises shall not be used as a Class 1 Retail Use.**

Reason(s):

- 1. To ensure that the Planning Authority can control the future use of the premises.**

Informative(s):

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A and 02.
2. Any complaint received about noise will be investigated by the Environmental Protection Unit and appropriate action will be taken in terms of the statutory nuisance legislation.

.....
Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

1. Adopted Falkirk Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Letter of objection from Mrs Morag Black, 1 Hendry Street, Falkirk FK2 7ND dated 14 December 2009.
4. Email objection from Councillor Cecil Meiklejohn dated 7 February 2010.
5. Letter of objection from Mr and Mrs Miller, 3 Hendry Street, Falkirk FK2 7ND dated 11 March 2010.

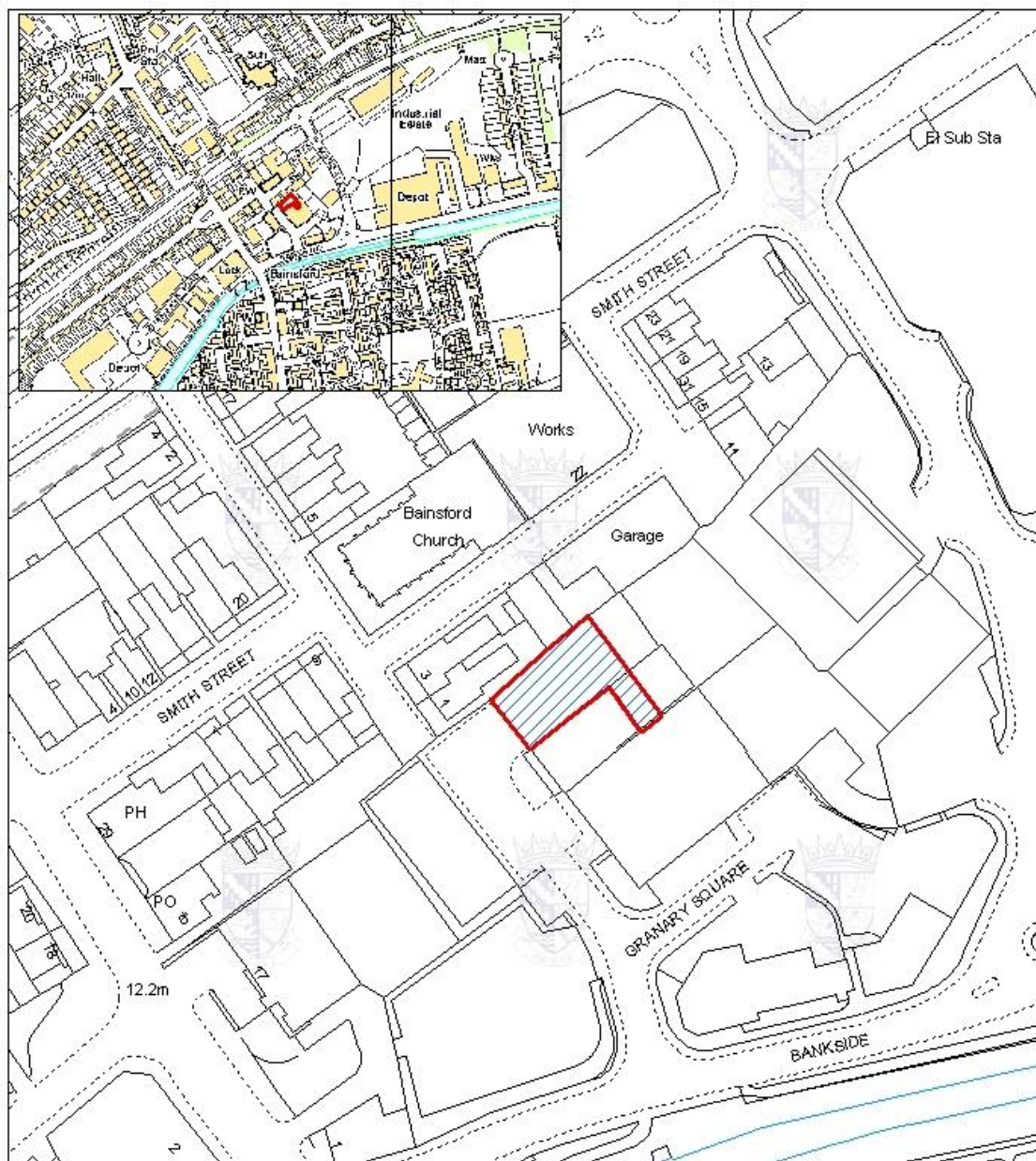
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0862/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 33 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (AMENDMENT TO PLANNING PERMISSION P/07/0809/FUL) AT LAND TO THE WEST OF 23 CHURCH ROAD, CHURCH ROAD, CALIFORNIA FOR DUNDAS ESTATES AND DEVELOPMENT CO LTD – P/10/0082/FUL
Meeting: PLANNING COMMITTEE
Date: 16 June 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Shieldhill and California

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of 33 detached, semi-detached and terraced two storey dwellinghouses and flatted units with access taken from Rosewood Terrace (B8028). The proposed housing is arranged around a central amenity space. The proposed amendment to planning permission P/07/0809/FUL would constitute an increase from 29 to 33 dwellings.
- 1.2 The site is cleared of vegetation in a predominantly residential area to the rear of Church Road. The site is bounded by one and two storey detached and semi-detached residential properties to the south, east and west and agricultural grazing land to the north.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development is contrary to the Development Plan.

3. SITE HISTORY

- 3.1 Previous application ref: F/2002/0537 for outline permission for housing land was granted on 20 August 2003. This permission has established the principle of residential development on the site.

- 3.2 Application ref: 06/0779/OUT renewed the above outline permission and was granted on 29 November 2006.
- 3.3 Application ref: P/07/0127/REM for the erection of 24 dwellinghouses was withdrawn on 14 February 2007.
- 3.4 Application ref: P/07/0514/FUL for the erection of 29 dwellinghouses was withdrawn on 06 August 2007.
- 3.5 Application ref: P/07/0809/FUL for the erection of 29 dwellinghouses was approved on 19 August 2009.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has requested that a contamination land survey be carried out to establish if there is any contamination within the site. This matter can be covered by condition.
- 4.2 The Roads and Development Unit has no objections to the proposed development subject to conditions.
- 4.3 The Transport Planning Unit has no objections subject to the widening of the footway on the east side of Rosemead Terrace and the relocation of an existing bus stop also on Rosemead Terrace. These matters can be covered by condition.
- 4.4 Scottish Water has no objections to the proposed development.
- 4.5 SEPA has no objections to the proposed development.
- 4.6 Education Services has previously requested a contribution of £110,200 to fund educational improvements required as a consequence of the development at schools within the site's catchment area. The applicant has agreed to make this payment which would be secured by means of a Section 69 Legal Agreement. A legal agreement exists to secure £110,200 in this regard in reference to the previous grant of planning permission P/07/0809/FUL. It is recommended that the existing agreement be amended to require an increased total contribution of £119,800 to account for the proposed additional four residential units. The applicant has agreed to this revised contribution.

5. COMMUNITY COUNCIL

- 5.1 The Shieldhill and California Community Council has not made representation.

6. PUBLIC REPRESENTATION

- 6.1 Two letters of representation have been received following the neighbour notification process. These express concerns in relation to overbearance of two storey properties in proximity to one storey existing housing, overlooking, boundary distances, visual impact of two storey housing in the context of the surrounding area, lack of information on finished ground levels and the protection of access to existing properties during construction.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 Policy COM.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.2 As detailed later in this report this site is identified for housing purposes in the Falkirk Council Local Plan Finalised Draft (Deposit Version) and is included as an effective site in the Housing Land Audit 2007/2008 with a capacity of 29 units. The proposal accords with this policy.

- 7a.3 Policy COM.2 'Implementation of Housing Land Requirement' states:

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

- 1 take into account completions since 30th June 2001 and the current effective and established housing land supply;*
- 2 make an assessment of the likely output from windfall and small sites in arriving at the amount of land to be allocated and add to that amount a 10% flexibility allowance;*
- 3 adopt an approach to site selection whereby priority is given to brownfield sites and to sites which enjoy a high level of accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*

- 4 *ensure the housing land allocation is based on the phasing guidelines set out in Schedule COM.1a;*
- 5 *ensure that there are adequate community facilities and physical infrastructure to accommodate the allocation;*
- 6 *ensure that the location, scale, and design of allocated sites is sympathetic to the character of settlements and that significant land releases are accompanied by the preparation of masterplans; and*
- 7 *take into account the location and firm development proposals of business and industrial premises including chemical and petrochemical facilities.*
- 8 *Local Plans will also identify the site or area of search of the general locations listed in Schedule Com.1b taking into account the avoidance of adverse impact on European sites and specific requirements for new social and physical infrastructure."*

7a.4 This policy sets out the criteria to be used in allocating land through the Local Plan process to meet the housing land requirements. The inclusion of the site in the Falkirk Council Local Plan Finalised Draft (Deposit Version) satisfies the terms of this policy

7a.5 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.6 The applicant has agreed to a financial contribution towards educational provision (identified in Schedule Com.5) which is required as a result of the proposed development. The proposal accords with the terms of this policy.

Rural Local Plan

7a.7 The village limit policy of the California Statement in the Rural Local Plan states:-

"The boundary of the village area as defined on the California village map, is regarded as the desirable limit to growths at least for the period of the Local Plan. Accordingly, there will be a presumption against proposals for development which would extend the village area beyond this limit or which would constitute sporadic development in the countryside".

- 7a.8 The application site is outwith the village limits as defined in the Rural Local Plan and accordingly, the proposal does not accord with the Development Plan. However, it is considered that the proposed development is compatible with neighbouring uses and the character of the village and would not constitute sporadic development in the countryside. It is further considered that, on the basis of the two previous grants of outline planning permission, no sustainable policy objections exist that could resist residential development on the site.

7b Material Considerations

- 7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the representations received in so far as they relate to material planning considerations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 The application site lies within the settlement area of California and is identified as a committed Housing Land Audit site HCAL3 with a capacity of 12 units. This application proposes 34 dwellinghouses, this being the number identified in the Housing Land Audit. The narrative in the California Village Statement states that the village contains a primary school, the roll of which has been rising in recent years and capacity may need to be increased. Developer contributions may therefore be required in accordance with Policy SC14.
- 7b.3 The difference in numbers indicated in the Local Plan and those proposed is noted, but, the proposed housing development is compatible with neighbouring uses and the proposals would create an adequate level of residential amenity for both the new dwellinghouses and the surrounding properties. The proposed dwellinghouses would benefit from an acceptable level of private garden ground and would not result in an unacceptable level of overshadowing or overlooking of neighbouring residential properties.
- 7b.4 Policy EQ3 ‘Townscape Design’ states:

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

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

7b.5 The proposed development is compatible with the surrounding area's architectural and townscape character. The site is located adjacent to single and two storey properties. The proposed two storey designs are considered to be compatible with the scale, massing and variety of neighbouring properties.

7b.6 The predominant finishing material in the area is roughcast with a mixture of different roofing finishes visible from the site. Therefore the proposed materials are acceptable in this location.

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

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

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

7b.8 The provision of a financial contribution towards education provision satisfies the terms of this policy.

7b.9 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.10 The proposed financial contribution has been calculated by the Director of Education in accordance with the above and satisfies the terms of this policy.

7b.11 Therefore the proposals accord with the terms of the Falkirk Council Local Plan Finalised Draft.

Representations Received

7b.12 The position of two storey housing in proximity to surrounding housing is consistent with that previously approved in planning permission P/07/0809/FUL. Overbearance is not considered to exist. The applicant's agent has, however, increased the distances from those originally detailed and deleted a terraced dwellinghouse. The increases are considered to be sufficient to address the views of both objectors.

- 7b.13 The proposed two storey housing is acceptable in the context of the surrounding area which includes two storey housing on the plateau of Shieldhill Road. The applicant has architecturally detailed rear elevations and proposed structure landscaping to soften the potentially exposed northern boundaries of the site.
- 7b.14 Existing and proposed ground levels have been provided and these are consistent with adjoining land. Construction access is not proposed from the existing access to which objectors have referred.

7c Conclusion

- 7c.1 The proposal is an acceptable form of development and, although the site lies outwith the settlement area defined by Policy Rural 3 of the Rural Local Plan, the existence of two previous outline permissions and one detailed planning permission have established the acceptability of residential development on the site. The allocation of the site as a committed Housing Land Audit site in the Falkirk Council Local Plan Finalised Draft (Deposit Version) establishes that the site lies within the settlement area now proposed. In addition, the design of development is acceptable in the context of the surrounding area. There are no material planning considerations which would justify the refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is recommended that planning permission be granted subject to the conclusion of an amended Legal Agreement under Section 69 of the Local Government (Scotland) Act 1973 to secure the provision of £119,800 towards education improvements required as a result of the proposed development and, 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) Within 3 months of the date of this permission, details of a carriageway narrowing 30mph marker 'gateway' feature at the position indicated in pink on the approved site layout plan (PL 01.06) shall be submitted for the approval of the Planning Authority. The details shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Area, and installed prior to the occupation of any dwellinghouse on site.
 - (3) 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.
 - (4) a. Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent to any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.

- b. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - c. Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report / validation certificate has been submitted to and approved in writing by the Planning Authority.
 - d. In the event that unexpected contamination is encountered following the commencement of development, all works on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (5) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density programme for completion and subsequent maintenance.
- (6) Prior to the occupation of any dwellinghouse on the site the footway on the east side of the B8028 Rosemead Terrace shall be widened to 2 metres in width, as highlighted in pink on the approved site layout (drawing number (PL)01.06). The works shall be carried out to adoptable standard as defined by the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".
- (7) Development shall not begin until a replacement position for the existing bus stances on the B8028, required as a result of Condition 6 above, has been agreed in writing with the Planning Authority.
- (8) The development shall be implemented in accordance with the approved phasing scheme and the approved landscape scheme for each phase shall be fully implemented by the end of the first planting and seeding season following the occupation of the last house within that phase of the development.
- (9) Access to the proposed parking spaces shall be by means of a standard footway crossing constructed in accordance with Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (10) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the carriageway edge along the full frontage of the site with Rosewood Terrace (B8028).

- (11) Development shall not begin until detailed surface water and flood risk calculations including 1 in 100 and 1 in 200 year storm events as part of a drainage scheme have been submitted to and approved by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (3,5,8) To safeguard the visual amenity of the area.
- (4) To ensure that the ground is suitable for the development.
- (2,6,7,9,10) To safeguard the interests of the users of the highway.
- (11) To ensure that adequate drainage is provided.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15 and 16.

.....
Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of Objection from Mr Stuart Young, Fairhill Cottage, 23 Church Road, California, Falkirk on 22 March 2010.
5. Letter of Objection from Mrs M Dundas, Dumyat, 15 Church Road, California, Falkirk on 16 March 2010.

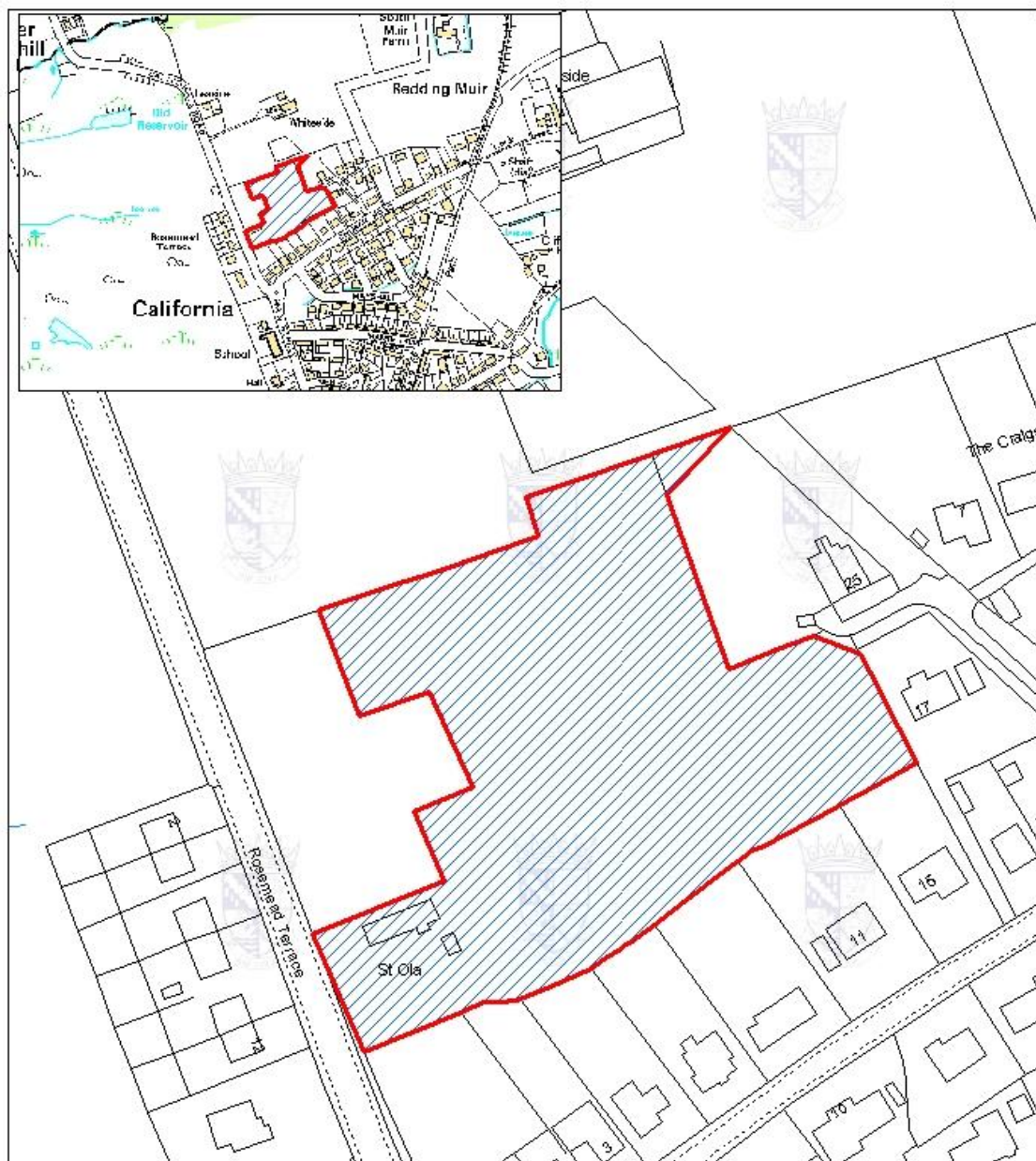
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0082/FUL

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FALKIRK COUNCIL

Subject: ALTERATIONS AND EXTENSION TO DENTAL PRACTICE AT 18 MEEKS ROAD, FALKIRK, FK2 7ES FOR CENTRAL ORTHODONTICS - P/10/0180/FUL

Meeting: PLANNING COMMITTEE

Date: 16 June 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grahamston, Westfield and Middlefield

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located at 18 Meeks Road, Falkirk. The property is a semi-detached stone villa which has been converted to commercial use as a dental practice.
- 1.2 The application site is surrounded by residential properties to the north and east. Commercial property, also converted from a former residential use, exists to the west.
- 1.3 The application is for a proposed extension of the existing building in the rear garden ground of 18 Meeks Road. The building is proposed to be used for the extension of existing commercial use as a dental practice.
- 1.4 The extension (including proposed raised decking) has a proposed ground floor area of approximately 120m² in a rear garden area of approximately 290m². The existing building has a ground floor area of approximately 100m².

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 Change of use of dwellinghouse to dental practice, planning reference F/99/0756, granted on 15 February 2000.
- 3.2 Siting of temporary building to provide additional dental practice accommodation, planning reference 05/0780/FUL, refused on 5 December 2005.
- 3.3 Alterations and extensions to dental practice, planning reference P/09/0542/FUL, refused on 1 December 2009.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that the extension, in respect of commercial floorspace, would require the provision of 8 car parking spaces. No car parking exists at the site nor is any proposed. The Meeks Road public car park exists opposite the site. The Roads Development Unit has advised that if the proposed development were to be approved then a commuted financial payment would be required to address car parking deficiencies resulting from the proposed development.
- 4.2 The Environmental Protection Unit has advised that if the application were to be approved, there is a need for a noise assessment, given the close proximity for housing to the proposed extended commercial use, and a Contaminated Land Assessment, given the proximity of historic potentially contaminative uses.

5. COMMUNITY COUNCIL

- 5.1 The Grahamston, Middlefield and Westfield Community Council has objected to the proposed development on the grounds that the proposal represents further commercialisation of an established residential area, existing car parking is not sufficient to support further commercialisation of Meeks Road, the development would restrict future reversion to private occupancy, the proposed extension would overshadow and dominate surrounding gardens and that a location in Meeks Road is not essential as the majority of patients travel to the practice.

6. PUBLIC REPRESENTATION

- 6.1 Twelve objections have been submitted by occupiers of residential properties in the surrounding area.
- 6.2 The grounds of objection relate to the unsuitability of an extended commercial building within an established residential area and the impact on visual and residential amenity. The proposal is considered to be contrary to Development Plan policy in terms of impact on amenity, noise disturbance, overbearance, and the lack of parking provision. In addition, the civil issue of right of access to construct the extension has been raised.
- 6.3 Twenty-two letters of support have been submitted from patients of the existing practice and a staff member of the applicant's agent.

- 6.4 The grounds of support relate to the need for the practice to expand to serve patients, the modest extension proposed and the existence of car parking in Meeks Road to serve patients attending the practice.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 The proposed development is not of a strategic nature. There are no policies of the Structure Plan that apply.

Falkirk Council Local Plan

- 7a.2 The application site is covered by the Falkirk Local Plan, 2000. Policies FAL 3.1 'Design and Townscape' and FAL 5.8 - 'Non Residential Uses in Housing Areas' apply.

- 7a.3 Policy FAL 3.1 'Design and Townscape' states:

"New development will be required to achieve a high standard of design and amenity, and should contribute positively to the visual quality of the built environment. Proposals should accord with the following principles:

- (i) the siting, layout and density of new development should create an attractive and coherent structure of spaces and built forms which integrates well with the pattern of the local townscape/landscape, and fosters a sense of place;*
- (ii) the design of new buildings should blend with that of the surrounding urban fabric in terms of scale, height, massing, building line, architectural style and detailing;*
- (iii) building materials and finishes should be chosen to reflect those prevailing in, or traditional to, the local area;*
- (iv) opportunities should be taken within the development to incorporate new public spaces, enhance existing ones or create other focal points;*
- (v) existing buildings or natural features which contribute to the local townscape should be retained, where possible, and incorporated as an integral part of the design; and*
- (vi) the contribution to the townscape of important landmarks, skylines and views should be respected."*

- 7a.4 The design of the proposed extension is contrary to the surrounding urban fabric with regards to architectural style and detailing. The scale, height and massing would exceed that of extensions to predominantly residential buildings in the surrounding area. Proposed materials of construction are acceptable.

7a.5 Policy FAL 5.8 'Non Residential Uses in Housing Areas' states:

"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate ancillary services (e.g. surgeries, nurseries and corner shops) will be welcomed where it can be demonstrated that the quality of the residential environment would be safeguarded and access and parking issues can be satisfactorily resolved."

7a.6 The existing commercial use has been established for 10 years with no apparent adverse impacts on residential amenity. The proposed extension, however, is located in the rear garden area and bounded by a number of residential properties. The building would occupy approximately 42% of the existing rear garden area within 1 metre of an adjoining residential property boundary. The position of the building, its size and the type of work carried out are likely to have an impact on the amenity of the surrounding residential environment as a result of noise and intensity of use.

7a.7 The proposed extension, as a result of architectural design, siting in close proximity to existing residential properties and the occupation of approximately 42% of the existing rear garden area is contrary to established townscape character by means of building mass, architectural scale and integration with surrounding existing development.

7a.8 The application site cannot provide the required number of parking spaces to serve the size of commercial premises proposed.

7a.9 Accordingly, the proposal fails to comply with the terms of the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the consultation response from the Roads Development Unit, the views expressed in objections to and support of the proposed development, Falkirk Council's Supplementary Planning Guidance Note 'Residential Extensions and Alterations', the Falkirk Council Local Plan (Finalised Draft) and supporting information submitted by the applicant's agent.

Objections Received

7b.2 The submitted objections are considered as follows:-

- The proposed building is of modern appearance, constructed in traditional materials. The appearance of the building would be incongruous with the established residential character of the area in terms of the size of the extension proposed and the proposed relationship with the existing rear garden areas of adjacent residential properties.
- The acceptance of an extension which occupies such a large percentage of garden area would be unprecedented in the surrounding area. Whilst there are existing commercial uses in the area, none dominate the site to the extent now being proposed.

- The potential impact on established residential amenity is likely to be significant. The existing use is contained within a stone built former dwellinghouse with no obvious external signs of commercial use. The same could not be said of the proposed extension. The operation of potentially noisy dental machinery is likely to have an impact on established levels of residential amenity. This impact would be exacerbated in summer periods with the likely opening of proposed building windows adjacent to residential property boundaries at a time when residents would expect to enjoy their gardens.
- The current commercial use exists comfortably within an established residential area. With the exception of the amenity issues raised by the proposed extension, the principle of commercial use is not considered to compromise the integrity of the predominately residential area. The car parking deficiencies have been identified by the Roads Development Unit.
- The potential for future reversion to residential use is not considered to be prejudiced by the development proposed.
- Concerns of adverse impact on the residential amenity of adjacent property have been substantiated with regards to noise, the proposed building mass and architectural scale in terms of proposed window positioning.

Supporting Representations

7b.3 The supporting comments are considered as follows:

- It is noted that the majority of letters of support come from patients of the dental practice located in areas not immediate to the application site. Other than with respect to car parking and business location, the geographic spread of patients is not considered to significantly impact one way or the other on the application assessment.
- Letters of support for the proposed development have been submitted from residents of Falkirk, Grangemouth, Bo'ness, Bonnybridge, Denny, Cumbernauld and West Lothian. The majority are standardised letters and refer to the importance of the existing dental service to these people. One letter of support from a member of staff from the applicant's agent raises the background to the applicant's need to enlarge the practice and modernise to allow improved access for less able patients. The modest size of proposed extension is raised as is available adjacent car parking.
- The geographical spread of supporting letters indicates that a location in Meeks Road is not essential other than for the convenience of avoiding relocation to alternative premises. It is noted that potentially suitable commercial units with car parking lie vacant on Grahams Road within 200 metres of the application site. The proposed extension has been demonstrated as unacceptable in terms of size and amenity. The existence of other extensions considered by the applicant's agent to be of greater size is considered later in this report in the assessment of additional information.

Consultation Response

- 7b.4 The Roads Development Unit has advised that the required number of car parking spaces for the extension (8) cannot be accommodated on site and that, as a result, a commuted sum to fund alternative transport improvements would be required. This has not been progressed given the concerns of the suitability of the site for the development proposed.

Supplementary Planning Guidance

- 7b.5 Falkirk Council's Supplementary Planning Guidance Note 'Residential Extensions and Alterations' is an appropriate material consideration. The existing commercial use is contained within a one and a half storey former residential building of modest proportions and mainly surrounded by similar properties. Guidance on extensions to residential buildings is intended to achieve acceptable, related extensions with regards to the amenity of surrounding residential properties.
- 7b.6 The proposal can therefore, despite its commercial nature, be assessed against Falkirk Council's Supplementary Planning Guidance Note (SPG) for House Extensions and Alterations.
- 7b.7 The SPG establishes criteria for the relationship of extensions to existing property, the site and its surroundings. These include:
- a. The extension should not exceed 50% of the existing ground floor area (120% proposed).
 - b. No more than 25% of the existing garden ground should be occupied by an extension (42% proposed).
 - c. No side windows should be proposed in habitable rooms.
 - d. Maximum projection of 3.5 metres from rear building line should not be exceeded (12 metres proposed).
- 7b.8 The above criteria apply to 1½ storey extensions which, given the proposed ridge height of the proposed extension are considered appropriate. Points a, b and d are exceeded considerably. In relation to point c, it is noted that the proposed fenestration is through the use of 'Velux' type windows. Also noted is that previous refusals of planning permission referred to concerns of commercial noise from any windows in proximity to the garden boundary of residential properties. The request for a noise survey from the Environmental Protection Unit supports this concern.
- 7b.9 In the context of the SPG, the proposed extension constitutes overdevelopment of the site, is unrelated to the mass and scale of previous extensions to similar properties and would result in potentially adverse impacts on residential amenity.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.10 The Falkirk Council Local Plan (Finalised Draft) affirms the policy position of the extant Falkirk Local Plan through Policy SC7 - Established Residential Areas.

7b.11 Policy SC7 - 'Established Residential Areas' states:

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

7b.12 The proposed extension is considered to introduce an enlargement and intensification of an existing commercial use to such an extent that it would be incompatible with adjacent residential properties in terms of established residential amenity. The proposed extension, albeit to a community dental surgery has not demonstrated that the quality of the surrounding residential environment would be safeguarded. The existing property is not considered suitable for the size of extension proposed and parking cannot be provided.

Supporting Information

7b.13 The applicant's agent has submitted supporting information in the form of a car parking survey and an assessment of previous commercial and residential extensions in order to justify the proposed extension. The car parking survey is noted but does not alter the parking deficiencies of the proposed development as identified by the Roads Development Unit in their consultation response.

7b.14 The information submitted relating to previous extensions to commercial and residential properties in the area indicates extensions within rear garden areas of: 27% (doctors' surgery), 23% (office premises) and 15%, 11% and 10% (residential properties). The proposed extension (including raised decking) would occupy 42% of the rear garden ground. This size of extension proposed would be unprecedented in the area whether for commercial or residential use. In the cases of previous extensions to doctors' surgery and office accommodation these sites provide 16 and 13 car parking spaces respectively. No parking is proposed in this application.

7c Conclusion

7c.1 The proposed extension is contrary to the terms of the extant and emerging Development Plan. It is considered that the proposed building could not operate without adverse impact on established residential amenity and that the position within the rear garden ground and size of extension proposed are contrary to the established townscape character of the surrounding area. Required car parking cannot be provided within the site.

7c.2 The additional information submitted in support of the proposed extension is not considered to provide material considerations which would outweigh Development Plan policy and amenity concerns or the requirement for car parking.

8. RECOMMENDATION

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

- (1) The use, design and location of the proposed building would adversely impact on established residential amenity and the proposal is therefore contrary to Policy FAL 5.8 of the Falkirk Local Plan.**
- (2) The proposed size of extension and the extent to which it would occupy in the existing rear garden area are contrary to the established townscape character of the surrounding area, and the proposal is therefore contrary to Policy FAL 3.1 of the Falkirk Local Plan.**
- (3) The proposal would result in an extension and intensification of an existing use to the extent that it would be incompatible with the residential amenity of the area and required car parking cannot be provided. The proposal is therefore contrary to Policy SC7 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).**

Informative(s):-

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

.....
Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan 2000
2. Falkirk Council Finalised Draft Local Plan, 2007
3. Letter of Support from Mr Jon Newey, 9 Friars Way Linlithgow EH49 7AQ dated 31 March 2010
4. Letter of Representation from Orme Business and Property Law F.T.A.O. Alan S M Orme, Director 20 Meeks Road Falkirk FK2 7ES dated 19 April 2010.
5. Letter of Objection from Mrs Agnes Russell, 3 Alma Street Falkirk FK2 7HB dated 20 April 2010.
6. Letter of Objection from Kathleen M Rutherford, Lyndhurst 16 Meeks Road Falkirk FK2 7ES dated 19 April 2010.

7. Letter of Support from Mr Scrimgeour, 39 Alma Street Falkirk FK2 7HD dated 28 April 2010.
8. Letter of Support from Ms Maureen Colborn, 23 Holly Avenue Stenhousemuir Larbert FK5 4DN dated 4 May 2010.
9. Letter of Support from Mr McBride, 51 Alma Street Falkirk FK2 7HE dated 4 May 2010.
10. Letter of Support from Mrs L Greenaway, 48 Russel Street Falkirk FK2 7HS dated 23 April 2010.
11. Letter of Objection from Mr and Mrs J Davies, 4 Russel Street Falkirk FK2 7HX dated 17 April 2010.
12. Letter of Objection from Mr Tommy Cockburn, 2 Alma Street Falkirk FK12 7HB dated 18 April 2010.
13. Letter of Objection from Ms Susan Crawford, 2(b) Russel Street Falkirk FK2 7HX dated 19 April 2010.
14. Letter of Objection from Mrs Angela Reid, 2A Russel Street, Falkirk FK2 7HX dated 18 April 2010.
15. Letter of Support from Elizabeth Craig, 20 Newlands Road Grangemouth FK3 8NX dated 20 April 2010.
16. Letter of Objection from Mr Gordon Smith, 10 Russel St Falkirk FK2 7HX dated 20 April 2010.
17. Letter of Support from Susan Monson, 49 Henryson Crescent Larbert FK5 4GH dated 13 April 2010.
18. Letter of Objection from James and Rosina Connelly, 7 Alma Street Falkirk FK2 7HB dated 21 April 2010.
19. Letter of Support from C Bouman, 41 Beaumont Drive Carron Falkirk FK2 8SN dated 14 April 2010.
20. Letter of Objection from Grahamston, Middlefield and Westfield Community Council FAO Ray M Bruce (Secretary) 26 Alma Street Falkirk FK2 7HD dated 20 April 2010.
21. Letter of Support from Anne Gardner, 2 Hanlon Gardens Rumford Falkirk FK2 0US dated 19 April 2010.
22. Letter of Support from Muhammad Rashid, 7 Killin Drive Polmont Falkirk FK2 0QQ dated 19 April 2010.
23. Letter of Support from Mr Mark Dunsmore, 5 Knowepark Road Stoneyburn West Lothian EH47 8EA dated 19 April 2010.
24. Letter of Support from Mr Rick MacLeod, 28 Cherry Avenue Abronhill Cumbernauld G67 3BG dated 19 April 2010.
25. Letter of Support from Mr Malcolm Millar, 21 Bonhard Way Bo'ness EH51 9RF dated 19 April 2010.
26. Letter of Support from Avril Millree, 146 Windsor Road Falkirk FK1 5DF dated 19 April 2010
27. Letter of Support from Anne Munro, 72 Beaully Court Grangemouth FK3 0JQ dated 19 April 2010.
28. Letter of Support from Mr Ronald Ferguson, Seabegs Place Farmhouse 3 Seabegs Place Bonnybridge FK4 2BY dated 19 April 2010.
29. Letter of Support from Miss Aimee McPheat, 22 Haig Street Grangemouth FK3 8QF dated 19 April 2010.
30. Letter of Support from Mrs Tracey Burton, 34 Halidon Avenue Cumbernauld G67 4FB dated 19 April 2010.
31. Letter of Support from Mrs Burrell, 20 Watson Street Falkirk FK2 7EX dated 22 April 2010.
32. Letter of Support from Mr Laird, 54 Watson Street Falkirk FK2 7HA dated 22 April 2010.
33. Letter of Support from Mrs Day, 21 Watson Street Falkirk FK2 7HA dated 30 April 2010.
34. Letter of Support from Lesley Todd, 4 Douglas Avenue Airth Falkirk FK2 8GF dated 29 April 2010

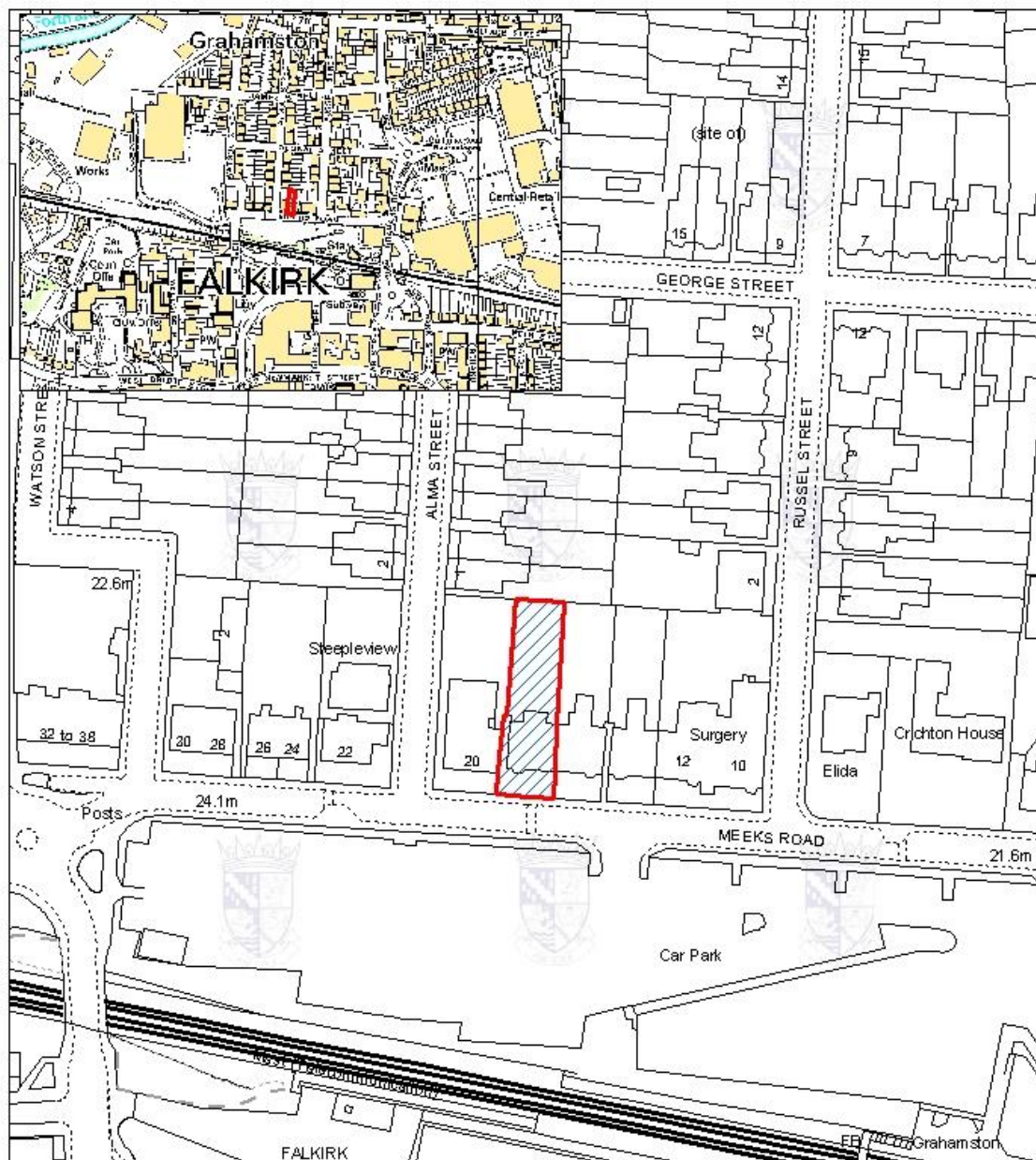
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0180/FUL

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



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FALKIRK COUNCIL

Subject: CHANGE OF USE OF FORMER INDUSTRIAL LAND TO FORM
TRANSFER STATION AT LAND TO THE WEST OF 2 HILLVIEW ROAD,
HILLVIEW ROAD, HIGH BONNYBRIDGE (RETROSPECTIVE) FOR
ANGUS BRAIDWOOD - P/09/0397/FUL

Meeting: PLANNING COMMITTEE

Date: 16 June 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 is for a local development and seeks detailed retrospective planning permission for the change of use of industrial land to form a waste transfer station.
- 1.2 The application site is accessed by a private road off Hillview Road, High Bonnybridge. The site is bounded to the east by a vehicle scrap yard, to the west by open countryside and to the north by the main Edinburgh-Glasgow railway line. To the north of the railway line is housing. The topography of the area is undulating and rises from north to south. The nearby housing is at a lower level than the application site. Mature woodland to the south frames the site.
- 1.3 The use of the site as a waste transfer station involves the processing, recycling and storage of inert material arising from demolition, construction and excavation operations. The types of material likely to be processed and recycled include brickwork, concrete, stone, timber, steelwork, soil and sub-soil. The material is delivered to the site, separated, crushed and screened where appropriate, stored and made available for either sale or further disposal.
- 1.4 The scale of the operation varies and is influenced at present by the economic downturn reducing the demand for processed and recycled material. In recent times, three excavators and a mobile crusher have operated on the site. However, at the time of writing of this report operations had ceased. The mobile crusher is transported to the site on average 2 to 3 times per year and the route used is Beam Road, Lochgreen Road and Slamannan Road. A mobile screener is transported to the site to grade material when required. The vehicles used for transporting materials are 32 Tonne lorries and the number of movements depends on demand. Prior to ceasing of operations, the operator's own vehicles averaged 20 to 30 trips per week in total.

- 1.5 The application site sits at two levels and there are four stockpile areas which are accessed by a site road. The crusher is moved around the site according to the area where the processing is taking place. There is a defined segregation area where mixed waste is sorted for sale or processing. There is a small compound of structures in the south west corner which are used as an office, a toilet and for storage. There is a line of mature trees and an earth bund on or near the southern boundary of the site.
- 1.6 The operator (JR Masterton and Son (Demolitions) Ltd) has its offices and yard at Boyd Street, Falkirk, and the site at High Bonnybridge. The operator has advised that it is looking to relocate and operate fully from one site. Accordingly, the operator would be content with temporary planning permission to authorise continued operation until the intended relocation.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 Temporary planning permission (ref: F/97/0320) was granted in January 1998 for the change of use of industrial land to form a transfer station. This permission expired on 30 November 2001 and no further planning permission has been granted to use the site for this purpose. It is understood that the transfer station has continued to operate since the expiry date of the permission, therefore it is unauthorised development.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that vehicle movements associated with the operation would appear to be low, based on the information submitted with the application, and that it has no record of any complaints having been received regarding the impact of traffic associated with the site. An upgrade of the surfacing and visibility at the access junction is requested.
- 4.2 The Environmental Protection Unit has advised that it has carried out an assessment of noise produced at the site involving the operation of a crushing plant and excavators. The assessment was undertaken in accordance with BS4142:1997 (Method for rating industrial noise affecting mixed residential and industrial areas) and noise measurements were obtained from the garden areas of dwellings within Reilly Gardens. The results indicated that the difference between the background noise level and the measured noise level is of marginal significance, when the crushing plant is operating where it was sited at the time of assessment (at the lower site level, between two existing stockpiles). These stockpiles provide a noise barrier between housing in the area. Should complaints of excessive noise nuisance be received by the Environmental Protection Unit, investigations would be carried out and appropriate action taken within the terms of the relevant environmental legislation. In addition, the Environmental Protection Unit has requested the submission of a contaminated land assessment.

- 4.3 SEPA has advised that the development would appear to conform to the National Waste Strategy as it provides for waste recycling and supports the principle of shifting the emphasis away from landfilling. SEPA has also advised that there is a valid Waste Management License for the site, the site is inspected on a monthly basis and it has not received any nuisance complaints in connection with this site. Trade effluent, other foul drainage and surface water run-off requires authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) and any storage of oils must comply with the general requirements of the Water Environment (Oil Storage) (Scotland) Regulations 2006.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council for this area.

6. PUBLIC REPRESENTATION

- 6.1 Eighty-eight objections to the application have been received. The concerns raised in these objections can be summarised as follows:

- The site became more active in Spring 2009.
- The height and visual impact of the stockpiles.
- Noise from the processing plant, machinery and vehicles.
- Burning of material.
- Dust and dirt nuisance.
- Long operating hours.
- Proximity to housing (Reilly Gardens).
- Existing high levels of traffic in the area.
- Local roads are inadequate for large vehicles (e.g. HGV's).
- Serious effect on local road network.
- Danger for pedestrians/inadequate footpaths in the area.
- The previous planning conditions have not been complied with.
- Neighbours were not notified.
- No consultation with local residents.
- Depreciation in house values.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

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.”*

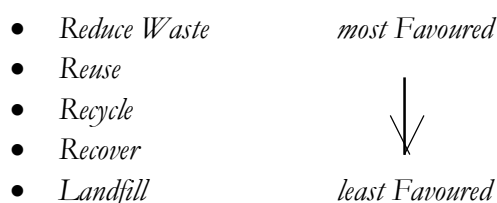
7a.2 The application site lies outwith the urban limits, within the countryside, as defined in the adopted Bonnybridge and Banknock Local Plan. With reference to the terms of Policy ENV 1, the waste transfer station does not inherently require a countryside location and it does not represent a form of agricultural diversification. The development is therefore contrary to this policy.

7a.3 Policy ENV.11 ‘General Approach to Waste Management’ states:

“Provision will be made for a range of waste management facilities which will adequately treat the waste generated in the area and assist in meeting any specific regional waste management needs identified by the National Waste Strategy and any subsequent Regional Waste Strategy, subject to the following general principles:

- (1) *A general presumption in favour of new facilities which support the aims of the ‘Waste Hierarchy’ (see Figure 2) in shifting the emphasis away from landfilling of waste towards other options including; waste minimisation, re-use of materials, re-cycling and recovery of waste materials.*

Fig. 2: The Waste Hierarchy



- (2) *The treatment of waste as close as possible to the area in which it is generated.*

- (3) *The minimisation of the impact on the local environment and the amenity of communities through the selection of appropriate sites and adoption of best operational practices.*

The preferred location for new waste management facilities will be within or adjacent to existing waste management sites or alternatively within general industrial areas.”

- 7a.4 The waste transfer station is considered to support the National Waste Strategy as it involves the re-use, recycling and recovery of materials and supports the aims of the Waste Hierarchy to shift the emphasis away from landfilling. It therefore accords with this aspect of the policy. The site lies within an historical industrial area, which is indicated in the policy as a preferred location for waste management facilities. However, with regard to part (3) of the policy, it is recognised that the operation has the potential to impact on the local area. However, whilst the proximity of the site to housing is acknowledged, it is considered that compliance with the requirements of the Waste Management License and the imposition of appropriate conditions on any grant of planning permission would mitigate the impacts of the development to acceptable limits. The Waste Management License controls the operational aspects of the development in accordance with an approved Working Plan, the quantity and type of waste treatment, the hours of operation and sources of pollution e.g. dust and mud on roads.
- 7a.5 Subject to compliance with the conditions of the Waste Management License and any grant of planning permission, the development is considered to accord with this policy.

Adopted Bonnybridge and Banknock Local Plan

- 7a.6 As detailed in paragraph 7a.2, the application site lies outwith the urban limits, within the countryside, under the adopted Bonnybridge and Banknock Local Plan. Accordingly the countryside policies of the adopted Rural Local Plan apply, as noted below.

Adopted Rural Local Plan

- 7a.7 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.8 This policy generally presumes against new development in the countryside except in limited circumstances. In this instance it is considered that none of these circumstances are satisfied. Whilst circumstance (4) provides for industrial development where there is an overriding national or local need and a rural site is the only suitable location, no evidence has been presented to suggest that this would be the case here. The development is therefore contrary to this policy.

7a.9 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.10 Prior to the operator establishing the waste transfer station in the late 1990's, the application site formed part of a redundant brickworks. Under Policy Rural 8, the change of use of industrial land located in the countryside for historical reasons will generally be considered favourably, provided the criteria of Policy Rural 1 is satisfied. However, for the reasons detailed in Paragraph 7a.8, Policy Rural 1 is not complied with. Accordingly, the development is also contrary to Policy Rural 8.

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

7b Material Considerations

7b.1 The material planning considerations in respect of the application are National Planning Policy and Guidance, the Falkirk Council Local Plan Finalised Draft (Deposit Version), the planning history for the site, the consultation responses, the representations received and impacts on amenity.

National Planning Policy and Guidance

7b.2 Scottish Planning Policy (February 2010) states that the Scottish Government has adopted zero waste as a goal. Towards that end, the reuse and recycling of material is promoted, in accordance with the Waste Hierarchy. Scottish Planning Policy recognises that a significant increase in the number, range and type of waste management installations will be required. It states that the 'proximity principle' requires waste to be dealt with as close as possible to where it is produced. The waste transfer station subject to this application is considered to be broadly supported by Scottish Planning Policy as it provides for recycling and reuse and therefore reduces the need for landfilling. In addition, the site lies on the outskirts of an urban area, close to potential sources of waste.

- 7b.3 Scottish Planning Policy indicates that a 100 metre buffer may be appropriate between new facilities such as recycling facilities and sensitive receptors (for example, housing), whilst recognising that appropriate buffer zones will depend on the specific characteristics of the site. In this instance, the application site lies approximately 23 metres to the south of housing at Reilly Gardens, at a higher level, although the intervening land use is the main Edinburgh to Glasgow railway line, which provides a context within which to consider potential noise nuisance.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.4 The application site lies outwith the urban limits, within the countryside, and adjoins a Business and Industry Retention Area under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

- 7b.5 Policy EQ19 - 'Countryside' states:

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

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

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

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

- 7b.6 Within the terms of this policy, the development requires assessment against Policy EP5 (Business and Industrial Development in the Countryside).

- 7b.7 Part 2 of the policy seeks to ensure that development that meets the relevant countryside policy criteria has no adverse impact of the character of the countryside. In this instance, the area has an industrial character given the former brickworks use of the land and the adjoining scrap yard use. The main issue in relation to this policy is the visual impact of the development. The stockpiles at the site are visible from certain vantage points given that the site is elevated. However, the site is partially screened by existing trees and an earth bund along or adjacent to the southern boundary and the stockpiles do not break the skyline as they are framed by mature tree planting to the south. Subject to the stockpiles being restricted to an appropriate height and the provision of adequate screening, the visual impact on the area would be acceptable.

- 7b.8 Subject to compliance with Policy EP5, the development is considered to accord with this policy.

7b.9 Policy EP5 'Business and Industrial Development in the Countryside' states:

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

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

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

7b.10 Circumstance (3) of this policy is relevant as it provides for the reuse of existing industrial land in the countryside where the scale and nature of the activity is compatible with the location. In this instance, the waste transfer station reuses a former brickworks in an historical industrial area. Concerns in relation to the scale and nature of the operation are raised in objections. However, it is considered that impacts associated with the operation can be controlled to acceptable limits by compliance with the conditions of the Waste Management License and any grant of planning permission. Subject to compliance with such conditions, the development is considered to accord with this policy.

Planning History

7b.11 The planning history for the site is set out in Section 3 of this report. As detailed, temporary planning permission (ref: F/97/0320) was granted in January 1998. This permission expired on 31 November 2001 and the use has continued unauthorised since that time.

7b.12 The reason that the permission was temporary was due to concerns raised by the Roads Unit at the extra traffic that would be generated, particularly as the roads in the area are restricted in width, substandard in alignment and passage is difficult due to various bridges. Temporary permission was granted to ensure monitoring of the land use and the traffic problems perceived by the Roads Unit. As detailed in paragraph 4.1 of this report, the Roads Development Unit has advised that vehicle movements associated with the operation would appear to be low, based on the information submitted with the application, and that it has no record of any complaints having been received regarding the impact of traffic associated with the site.

Consultation Responses

- 7b.13 The consultation responses are summarised in Section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions of any grant of permission. The applicant has agreed to undertake upgrade works at the access junction, with the detail being subject to the approval of this Planning Authority. At the time of writing of this report, a contaminated land assessment had been submitted and was being considered by the Contaminated Land Officer. Any outstanding matters in relation to the contaminated land assessment could be the subject of a condition of any grant of permission.
- 7b.14 SEPA has advised that it regularly inspects the site, and has not received any complaints in connection with the operation of the site. However, SEPA has been made aware of the large number of objections to the planning application. The site has a valid Waste Management Licence.

Impact on Amenity

- 7b.15 It has been recognised in this report that the waste transfer station has the potential to impact on the local area. As evidence of this, a significant body of objection has been received from local residents. The concerns raised in these objections have been summarised in Section 6 and they include concerns with the visual impact of the stockpiles, noise emanating from plant and machinery, the operating hours and dust and dirt nuisance.
- 7b.16 As detailed in paragraph 4.2 of this report, the Environmental Protection Unit has carried out a noise assessment and is satisfied that the noise generated by the site crusher at its location at the time of assessment is of marginal significance taking into account background noise levels. At the time of assessment, the crusher was operating between two stockpiles which acted as a noise barrier. However, the crusher is mobile and therefore may operate from other parts of the site where noise is not mitigated by existing stockpiles and noise impacts may be of greater significance. Accordingly the applicant will be required to provide a suitable acoustic barrier between the crusher and the noise sensitive premises (dwellinghouses) at all times of operation at all locations on the site. The details regarding this could be the subject of a condition of any grant of permission. If the crusher is not behind a suitable bund or stockpile, a portable acoustic barrier may be considered.
- 7b.17 The visual impact of the development has been assessed in paragraph 7b.7 of this report. Subject to the provision of adequate screening and a restriction on the height of the stockpiles, the visual impact can be adequately mitigated. The temporary permission granted in 1998 (ref: F/97/0320) restricted the height of the stockpiles to 5 metres, however this height has been exceeded at times. However, taking account of the lower level of the northern part of the site, and the proposal for an enhanced bund, it is considered that a stockpile height to 7.5 metres at the lower level would not cause any undue visual impact. At the higher level, it is considered that a 5 metre height restriction should apply. The overall development does not break the skyline and is no higher than other development in the immediate area.
- 7b.18 Whilst objectors have raised concerns at the hours operated on the site, the operator has advised that these hours accord with the restrictions under the previous planning permission and the Waste Management License. These hours are Monday to Friday 07.30am to 18.30pm, Saturday 08.30am to 17.00pm and Sunday 11.00am to 16.00pm. These hours are considered to safeguard amenity to acceptable limits as they are restricted to daytime and are more restrictive at weekends.

- 7b.19 Dust nuisance is controlled by the terms of the Waste Management License. The license requires the site to be sprayed with water or otherwise treated to prevent or suppress airborne dust in dry weather or whenever necessary. In that regard the applicant has advised that the mobile crusher is fitted with a water fed dust suppression system. Compliance with the license condition would mitigate the potential for dust nuisance. However, it is appreciated that it may not be practicable to prevent dust nuisance at all times, given the proximity of housing downwind of the prevailing wind. However, SEPA has advised that it has not received any nuisance complaints in relation to the operation.

Representations Received

- 7b.20 The concerns raised in the representations have been summarised in Section 6 of this report. In response to these concerns, the following comments are considered to be relevant:
- It is understood that the site became more active in Spring 2009 in response to concerns by SEPA that the levels on the site were being permanently raised. The increase in activity was to process and stockpile material to restore the original levels.
 - Concerns in relation to visual impact, noise, dust and hours of operation have been discussed in detail in this report.
 - A condition of the Waste Management License prohibits the burning of any material within the boundaries of the site. SEPA should be notified of any such incidents.
 - The Roads Development Unit has not raised any concerns regarding traffic impacts based on the information submitted with the application and has no record of any traffic related complaints.
 - It is a legitimate course of action to address a breach of planning control by applying for retrospective planning permission.
 - All neighbours to the application site were notified of the application in accordance with statutory requirements.
 - The impact of development on property values is not a material planning consideration.

7c Conclusion

- 7c.1 This application, for the change of use of former industrial land to a waste transfer station, does not accord with the Development Plan, for the reasons detailed in this report. However, it is considered there are material considerations to outweigh the terms of this Plan in this instance. The site lies within an historical industrial area and its current use as a waste transfer station is longstanding and until recently would appear to have been operating at a relatively small scale and without complaint, albeit as an unauthorised development since November 2001. It is understood that an increase in activity in Spring 2009 was in order to reinstate the original site levels to address concerns by SEPA. In addition, it is considered that compliance with the conditions of the Waste Management License and any grant of planning permission would mitigate impacts on the local area to acceptable limits.

- 7c.2 It is, however, acknowledged that the site lies in close proximity to a residential area and, given the nature of the operation and the operator's stated intention to relocate, it may be appropriate to consider further temporary permission in order to review the acceptability of permanent use of the site having regard to activity levels and any associated impacts on the local area. Accordingly, temporary planning permission is recommended.

8. RECOMMENDATION

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

- (1) This permission shall be valid for a limited period until 30 June 2012 and, at the end of that time, unless a further permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition in accordance with a restoration plan approved in writing by this Planning Authority.
- (2) At all times of operation of the crusher, an acoustic barrier shall be provided between the crusher and noise sensitive premises (dwellinghouses) in accordance with details to be approved in writing by this Planning Authority prior to operation of the crusher at each respective location.
- (3) The existing tree screen indicated on approved plan 02B shall be retained for the lifetime of the development hereby approved.
- (4) No material shall be stored in excess of 5 metres in height above existing ground level in stockpile area 1 and no material shall be stored in excess of 7.5 metres in height above existing ground level in stockpile areas 2, 3 and 4.
- (5) No work shall be carried on within the site outwith the hours of Monday to Friday 07.30am to 18.30pm, Saturday 08.30am to 17.00pm and Sunday 11.00am to 16.00pm.
- (6) Within 3 months of the date of this permission, a Contaminated Land Assessment shall be submitted to and approved in writing by this Planning Authority. Any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and timescale, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (7) Within 3 months of the date of this permission, the access road entrance shall be surfaced in a manner to ensure that no loose material or surface water is discharged onto the public road, in accordance with details approved in writing by this Planning Authority.
- (8) Within 3 months of the date of this permission, a visibility splay of 2.4 metres x 215 metres shall be provided in both directions of the access road entrance unless alternative provision for visibility is agreed in writing by this Planning Authority. Within the approved splay, there shall be no obstruction to visibility over 1 metre in height above carriageway level.

Reason(s):

- (1) The proposal is not considered to be a suitable form of permanent development.
- (2-5) To safeguard the amenity of the area.
- (6) To ensure the ground is appropriately remediated.
- (7-8) 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 reference number(s) 01 and 02B.
- (2) Trade effluent, other foul drainage and surface water run-off require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) and any storage of oils must comply with the general requirements of the Water Environment (Oil Storage) (Scotland) Regulations 2006.

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Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

- | | | | |
|-----|---|--|----------------|
| 1. | Approved Falkirk Council Structure Plan. | | |
| 2. | Adopted Bonnybridge and Banknock Local Plan. | | |
| 3. | Adopted Rural Local Plan. | | |
| 4. | Scottish Planning Policy (February 2010). | | |
| 5. | Falkirk Council Local Plan Finalised Draft (Deposit Version). | | |
| 6. | Letter of Objection from Jean Fettes | 4 Reilly Gardens Bonnybridge FK4 2BB | 18 August 2009 |
| 7. | Letter of from Mr and Mrs A Easton | 68 Reilly Gardens Bonnybridge FK4 2BB | |
| 8. | Letter from John Park | | 31 July 2009 |
| 9. | Letter of Objection from Mr & Mrs Pennington | 78 Reilly Gardens Bonnybridge FK4 2BB | 10 August 2009 |
| 10. | Letter of Objection from Mrs Anne Russell | 72 Reilly Gardens High Bonnybridge FK4 2BB | 30 July 2009 |
| 11. | Letter of Objection from Janet & Allan Mclelland | 80 Reilly Gardens High Bonnybridge FK4 2BB | 2 August 2009 |
| 12. | Letter of Objection | 86 Reilly Gardens Bonnybridge FK4 2BB | 20 August 2009 |

	from Mr Craig McWilton		
13.	Letter of Objection from Alfred Hargreaves	40 Reilly Gardens High Bonnybridge Bonnybridge FK4 2BB	8 March 2010
14.	Letter of Objection from Mr James Aitken	48 Reilly Gardens High Bonnybridge Bonnybridge FK4 2BB	6 August 2009
15.	Letter of Objection from Mr Frank Fettes	2 Reilly Gardens High Bonnybridge Bonnybridge FK4 2BB	30 July 2009
16.	Letter of Objection from Mrs Anne Russell	72 Reilly Gardens High Bonnybridge FK4 2BB	30 July 2009
17.	Letter of Objection from Mr John Lees	76 Reilly Gardens High Bonnybridge FK4 2BB	2 August 2009
18.	Letter of Objection from Miss Gloria Graham	39 Reilly Gardens Bonnybridge FK4 2BB	4 August 2009
19.	Letter of Objection from Mr Thomas Owens	35 Reilly Gardens, High Bonnybridge, Bonnybridge FK4 2BB	3 August 2009
20.	Letter of Objection from Joseph McGuire	62 Reilly Gardens Bonnybridge FK4 2BB	3 August 2009
21.	Letter of Objection from Mr Bill Jarvie	34 Reilly Gardens, High Bonnybridge, Bonnybridge FK4 2BB	3 August 2009
22.	Letter of Objection from Mr Chris and Diane Geraghty	88 Reilly Gardens, High Bonnybridge, FK42BB	3 March 2010
23.	Letter of Objection from Mrs Anne Russell	72 Reilly Gardens, High Bonnybridge, FK4 2BB	30 July 2009
24.	Letter of Objection from Mrs Anne McVeigh	38 Church Street, High Bonnybridge, Bonnybridge FK4 2AZ	28 July 2009
25.	Letter of Objection from Mr William Upton	21 Reilly Gardens, High Bonnybridge, FK4 2BB	30 July 2009
26.	Letter of Objection from Mr Robert Armstrong	90, Reilly Gardens, High Bonnybridge FK4 2BB	3 August 2009
27.	Letter of Objection from John Park		20 August 2009
28.	Letter of Objection from Mr and Mrs Tortora		6 August 2009
29.	Letter of Objection from Mr Hugh Brown	54 Reilly Gardens Bonnybridge FK4 2BB	4 March 2010
30.	Letter of Objection from Christine Brown	Churchview 87 Broomhill Road High Bonnybridge Bonnybridge	16 March 2010
31.	Letter of Objection from Mr Steve Tortora	92 Reilly Gardens Bonnybridge FK4 2BB	3 March 2010
32.	Letter of Objection from Ms Kathleen N'Oustra	3 Reilly Gardens Bonnybridge FK4 2BB	3 March 2010
33.	Letter of Objection from Mr Stephen Deans	27 Reilly Gardens Bonnybridge FK4 2BB	12 March 2010
34.	Letter of Objection	5 Reilly Gardens Bonnybridge FK4 2BB	5 March 2010

from Mr Hugh McNair

35.	Letter of Objection from Margaret and Stanley Thorburn	1 Reilly Gardens Bonnybridge FK4 2BB	5 March 2010
36.	Letter of Objection from Alex and Margaret Bryson	14 Reilly Gardens Bonnybridge FK4 2BB	5 March 2010
37.	Letter of Objection from Sharon Kiloh	11 Reilly Gardens Bonnybridge FK4 2BB	5 March 2010
38.	Letter of Objection from Mr and Mrs John and Elizabeth Boyd	30 Reilly Gardens Bonnybridge FK4 2BB	8 March 2010
39.	Letter of Objection from Mr and Mrs Drennan	16 Reilly Gardens Bonnybridge FK4 2BB	9 March 2010
40.	Letter of Objection from Mr William Regan	52 Reilly Gardens Bonnybridge FK4 2BB	9 March 2010
41.	Letter of Objection from Mr Ian Wilkie	56 Reilly Gardens Bonnybridge FK4 2BB	9 March 2010
42.	Letter of Objection from Mr Frank Walton	48A Broomhill Road High Bonnybridge Bonnybridge FK4 2AY	17 March 2010
43.	Letter of Objection from Mr Richard Green	14 Lochinvar Place High Bonnybridge Bonnybridge FK4 2BL	17 March 2010
44.	Letter of Objection from James & Wilma Casey	15 Lochinvar Place High Bonnybridge Bonnybridge FK4 2BL	17 March 2010
45.	Letter of Objection from Jean Rutherford	63 Broomhill Road High Bonnybridge Bonnybridge FK4 2AT	17 March 2010
46.	Letter of Objection from Gwen Rae	42 Reilly Gardens Bonnybridge FK4 2BB	17 March 2010
47.	Letter of Objection from Deborah Rosiek	10 Lochinvar Place High Bonnybridge Bonnybridge FK4 2BL	17 March 2010
48.	Letter of Objection from Barbara Binnie	34 Millar Place Larbert Falkirk FK2 8QB	17 March 2010
49.	Letter of Objection from Graeme Healy	4 Lochinvar Place High Bonnybridge Bonnybridge FK4 2BL	17 March 2010
50.	Letter of Objection from Mrs Douglas	53 Broomhill Road High Bonnybridge Bonnybridge FK4 2AT	17 March 2010
51.	Letter of Objection from Claire Guyan	59 Broomhill Road High Bonnybridge Bonnybridge FK4 2AT	17 March 2010
52.	Letter of Objection from Liz Douglas	Lyndeen Cottage 61 Broomhill Road High Bonnybridge Bonnybridge	17 March 2010
53.	Letter of Objection from Mrs Alton	Lyndeen Cottage 61 Broomhill Road High Bonnybridge Bonnybridge	17 March 2010
54.	Letter of Objection from Martin Guyan	59 Broomhill Road High Bonnybridge Bonnybridge FK4 2AT	17 March 2010
55.	Letter of Objection from Sally & Alex Spiers	75 Broomhill Road High Bonnybridge Bonnybridge FK4 2AT	17 March 2010
56.	Letter of Objection from May Fallon	36 Reilly Gardens Bonnybridge FK4 2BB	23 March 2010
57.	Letter of Objection from Robert &	4A Church Street High Bonnybridge Bonnybridge FK4 2AZ	23 March 2010

Margaret Anderson

58.	Letter of Objection from Anton Mayer	12 Reilly Gardens Bonnybridge FK4 2BB	23 March 2010
59.	Letter of Objection from Brian & Anne McVeigh	38 Church Street High Bonnybridge Bonnybridge FK4 2AZ	23 March 2010
60.	Letter of Objection from Herbert Brown	15 Reilly Gardens Bonnybridge FK4 2BB	11 March 2010
61.	Letter of Objection from Christine Stuart	29 Reilly Gardens Bonnybridge FK4 2BB	10 March 2010
62.	Letter of Objection from Mr David Reid	66 Reilly Gardens Bonnybridge FK4 2BB	10 March 2010
63.	Letter of Objection from Ms Kelly Harris	38 Millar Place Bonnybridge FK4 2AR	24 March 2010
64.	Letter of Objection from L C Rice	13 Lochinvar Place High Bonnybridge Bonnybridge FK4 2BL	24 March 2010
65.	Letter of Objection from Mr Ernie Hannigan	70 Reilly Gardens High Bonnybridge FK4 2BB	2 March 2010
66.	Letter of Objection from Mr Adam Baird	17 Reilly Gardens Bonnybridge FK4 2BB	3 March 2010
67.	Letter of Objection from Mr James Lapsley	33 Reilly Gardens Bonnybridge FK4 2BB	3 March 2010
68.	Letter of Objection from Mrs A F Owens	35 Reilly Gardens Bonnybridge FK4 2BB	3 March 2010
69.	Letter of Objection from Ms Jacqueline Wright	82 Reilly Gardens Bonnybridge FK4 2BB	
70.	Letter of Objection from Mrs A Duncan	23 Reilly Gardens Bonnybridge FK4 2BB	3 March 2010
71.	Letter of Objection from Mr A Dunsmore	31 Reilly Gardens Bonnybridge FK4 2BB	15 March 2010
72.	Letter of Objection from Mr Stuart Irving	3 Lochinvar Place High Bonnybridge Bonnybridge FK4 2BL	16 March 2010
73.	Letter of Objection from Mrs Ann Irving	3 Lochinvar Place High Bonnybridge Bonnybridge FK4 2BL	16 March 2010
74.	Letter of Objection from Mrs A Campbell	71 Broomhill Road High Bonnybridge Bonnybridge FK4 2AT	16 March 2010
75.	Letter of Objection from Mr and Mrs Peebles	81 Broomhill Road High Bonnybridge Bonnybridge FK4 2AT	16 March 2010
76.	Letter of Objection from Ms Margaret Mulligan	48B Broomhill Road High Bonnybridge Bonnybridge FK4 2AY	16 March 2010
77.	Letter of Objection from Mr and Mrs Nugent	7 Millar Place Bonnybridge FK4 2AR	16 March 2010
78.	Letter of Objection from Mr and Mrs Lucy	11 Lochinvar Place High Bonnybridge Bonnybridge FK4 2BL	16 March 2010
79.	Letter of Objection from Eleanor McCutcheon	69 Broomhill Road High Bonnybridge Bonnybridge FK4 2AT	18 March 2010

80.	Letter of from Michelle McCourt & Steven McCaughey	64 Reilly Gardens Bonnybridge FK4 2BB	18 March 2010
81.	Letter of Objection from Samantha Mayer	30 Millar Place Bonnybridge FK4 2AR	18 March 2010
82.	Letter of Objection from Mr David Cochran	38 Reilly Gardens Bonnybridge FK4 2BB	22 March 2010
83.	Letter of Objection from David N Turner	37 Reilly Gardens Bonnybridge FK4 2BB	25 March 2010
84.	Letter of Objection from Mr William Fettes	4 Reilly Gardens Bonnybridge FK4 2BB	4 March 2010
85.	Letter of Objection from Mr and Mrs Adams	8 Reilly Gardens Bonnybridge FK4 2BB	4 March 2010
86.	Letter of Objection from Mr Frank Fettes	2 Reilly Gardens Bonnybridge FK4 2BB	4 March 2010
87.	Letter of Objection from R & A Fagan	22 Reilly Gardens Bonnybridge FK4 2BB	4 March 2010
88.	Letter of Objection from Mr Alexander Sleith	20 Reilly Gardens Bonnybridge FK4 2BB	4 March 2010
89.	Letter of Objection from Mr John Ellis	74 Reilly Gardens High Bonnybridge Falkirk FK4 2BB	3 March 2010
90.	Letter of Objection from Mr Robert Craig	Grange Cottage 50 Broomhill Road High Bonnybridge Bonnybridge	19 March 2010
91.	Letter of Objection from Miss J Ellis	77 Broomhill Road High Bonnybridge Bonnybridge FK4 2AT	19 March 2010
92.	Letter of Objection from Derek and Margaret Duff	18 Millar Place Bonnybridge FK4 2AR	19 March 2010
93.	Letter of Objection from Thomas Hoy	89 Broomhill Road High Bonnybridge Bonnybridge FK4 2AT	19 March 2010

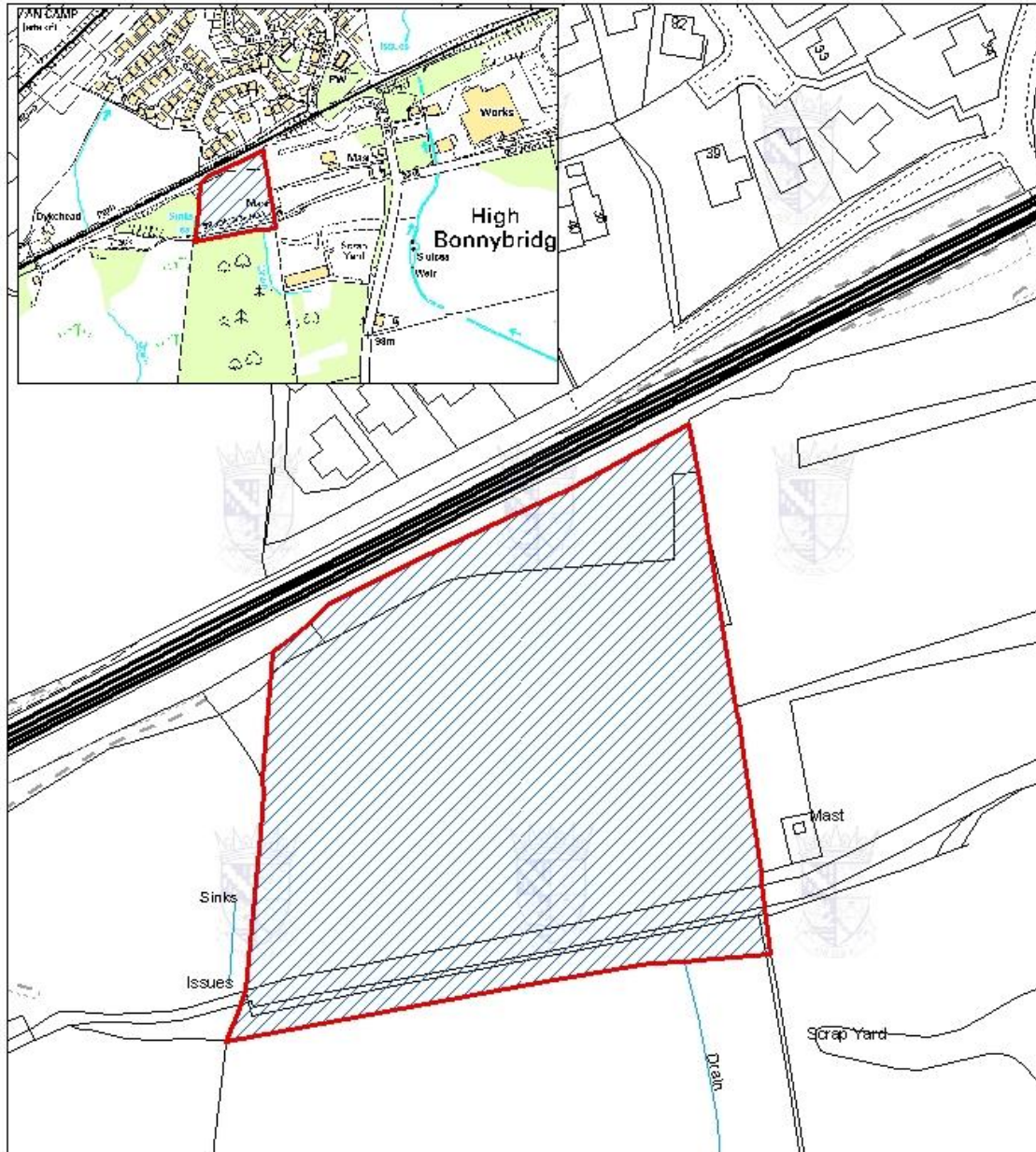
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0397/FUL

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FALKIRK COUNCIL

Subject: CHANGE OF USE OF (CLASS 1) TO HOT FOOD TAKE AWAY AT 102 GLASGOW ROAD, FALKIRK, FK1 4HR FOR MR MOHAMMED QADIR - P/10/0127/FUL

Meeting: PLANNING COMMITTEE

Date: 16 June 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: Gavin Clark (Assistant Planning Officer) ext. 4704

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed planning application proposes the change of use of a shop unit to a hot food takeaway. The proposed works include installation of ventilation flues and formation of 6 car parking spaces to the rear of the premises. The unit was previously used as a general store but is currently vacant.
- 1.2 The application site forms part of a single storey detached building, part of which would appear to have been formerly used as a dwellinghouse. The unit is located on the junction of Glasgow Road and Watling Street and is located opposite the former Wrangler Factory Site.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 Application F/98/0233 was granted planning permission on the 5 August 1998. For a part change of use of a shop to form hot-food takeaway, alterations to the building and installation of a flue (Detailed).
- 3.2 Application F/98/0611 was granted advertisement consent on the 9 February 2000. For the display of illuminated advertisements.

- 3.3 Application F/98/0778 for the display of illuminated advertisements. was withdrawn on the 4 June 1999.
- 3.4 Application P/10/0157/ADV for the display of illuminated advertisements was recently granted without prejudice to the determination of this application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has assessed the application in terms of road safety and parking requirements and has no objections to the proposal.
- 4.2 The Environmental Protection Unit have requested further information in relation to the cooking odour extraction system, including the filter and its location on the building, and measures employed to control noise emissions from any extraction or ventilation systems.

5. COMMUNITY COUNCIL

- 5.1 The Camelon and District Community Council has not made comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 One letter of objection has been received following the neighbour notification process. The issues raised are summarised as follows:

- Poor upkeep and general appearance of the property
- Lack of parking facilities
- Noise
- Health
- Odours
- Anti-Social Behaviour
- General need for an additional hot-food takeaway
- Concern over children's safety

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no policies in the Falkirk Council Structure Plan relevant to the determination of this application.

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 Environmental Protection Unit have requested further information be provided to include detailed specifications of the proposed cooking odour extraction system and information indicating measures employed to control noise emissions from any extraction or ventilation systems. It is considered that these matters can be covered by conditions.

- 7a.4 It is not considered that the proposal would have any adverse impact to the degree that would justify refusal of the application.

- 7a.5 The Roads Development Unit have assessed the proposal and is satisfied that the proposal would be acceptable in terms of road safety and parking requirements.

- 7a.6 Accordingly, the proposed development accords with the Development Plan.

7b Material Considerations

- 7b.1 The material planning considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the representations received and the planning history of the site.

The Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EP9 - 'Food And Drink ' states:

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

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

7b.3 Policy EP9 affirms the position of the Falkirk Local Plan, the proposal therefore accords with the terms of this policy.

7b.4 The proposal is considered to be in accordance with the terms of the Falkirk Council Local Plan (Finalised Draft) Deposit Version).

Representations Received

7b.5 The poor upkeep, and general appearance of the property is not a material planning consideration, however, it is considered that the current property would be vacant property that would be brought to beneficial use as a result of this proposal.

7b.6 Satisfactory off-street parking provision is proposed with 6 parking spaces.

7b.7 Noise and smell issues can be covered by planning condition, with further information to be submitted to, and approved by the Planning Authority. However if complaints were to be received regarding noise or odour nuisances the Environmental Protection Unit would be obliged to investigate and take action as necessary.

7b.8 The establishment of drinking dens, general need for a hot-food takeaway and other concerns are not considered to be material planning considerations.

Planning History

7b.9 It is noted that Planning permission was granted on the 5th August 1998 for a partial change of use of shop to form hot-food takeaway, alterations to the building and installation of a flue. The principle of an, albeit, limited hot food use has been established at this location. It is however unclear when such use was last undertaken.

7c Conclusion

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

8. RECOMMENDATION

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

- (1)** The development to which this permission relates must be begun within three years of the date of this permission.
- (2)** Prior to the approved use being open to the general public, detailed specifications of the cooking odour extraction system, including filters and its proposed location on the external facade of the property shall be submitted to the Planning Authority. For the avoidance of doubt, the approved use shall not open to the public until written approval of these details has been given and the approved cooking odour extraction system has been installed.
- (3)** Prior to the approved use being open to the public, details of the proposed measures to control noise emissions from any extraction or ventilation systems shall be submitted to the Planning Authority for approval. For the avoidance of doubt, the approved use shall not open to the public until these details have been submitted and approved.

Reason(s):

- (1)** To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2)** To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
- (3)** To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

.....
Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Letter of objection received from Mr Lawson Hamilton Ramsay, 106 Glasgow Road, Camelon, Falkirk, FK1 4HR on 20 April 2010.

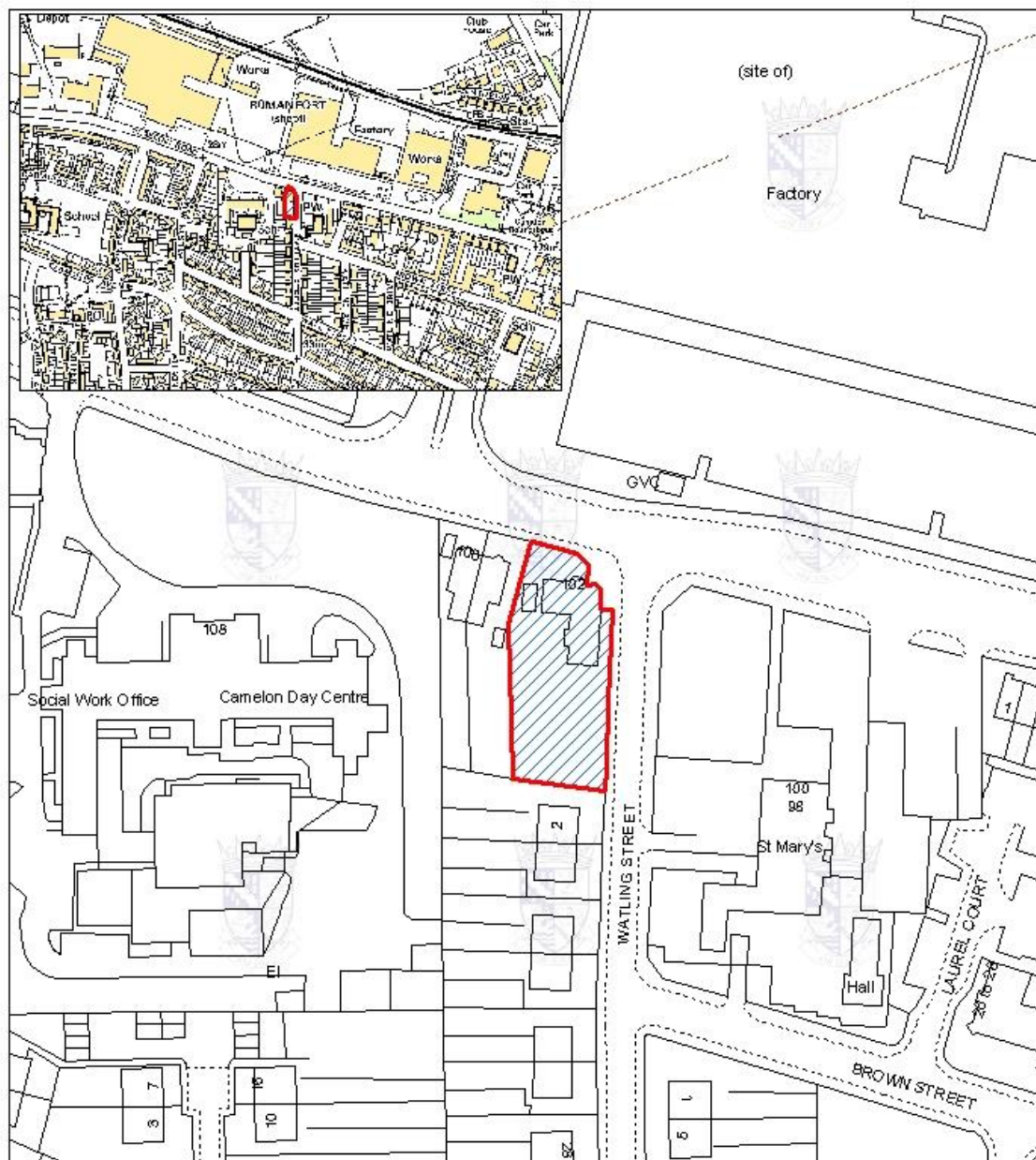
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark (Assistant Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0127/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 TEMPORARY RESIDENTIAL ACCOMMODATION
(EXTENSION OF TIME TO CONDITION 2 OF PLANNING
PERMISSION 06/1116/FUL) AT LAND AT WHINNIE MUIR WOOD WEST
OF TORWOOD HEAD COTTAGE, LARBERT FOR MR RAYMOND
MCCLURG - (P/10/0302/VRC)**

Meeting: PLANNING COMMITTEE

Date: 16 June 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 This application seeks to alter the terms of a planning condition imposed on planning application ref 06/1116/FUL - Change of Use of wetland pond to class 11 (Assembly and Leisure) Fishery, erection of temporary residential unit and storage building and formation of access road and car park – Granted 05 June 2007 – at Whinnie Muir Wood, Torwood.
- 1.2 The applicant originally received a 3 year time period for the temporary residential unit and the current proposal seeks to extend the time period for a further 3 years.
- 1.3 The applicants' agent, in a supporting letter, considers that, while the formation of the fishery is now established and operational, with all other elements of the planning permission also complied with, the site security still necessitates the presence of the fishery manager on a full time basis.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 05/0422/FUL – formation of wetland pond – withdrawn 06 September 2005.
- 3.2 05/0853/FUL – formation of wetland pond – granted 31 July 2006.
- 3.3 06/1116/FUL – change of use of wetland pond to class 11 (assembly and leisure) fishery, erection of temporary residential unit and storage building and formation of access road and car park – granted 05 June 2007.
- 3.4 P/09/0519/FUL – erection of dwellinghouse – refused 5 March 2010

4. CONSULTATIONS

- 4.1 No consultations undertaken.

5. COMMUNITY COUNCIL

- 5.1 Larbert, Stenhousemuir and Torwood Community Council neither objects nor supports the planning application, although comment as to why there is a need for an extension and what the long-term plans are for the site.

6. PUBLIC REPRESENTATION

- 6.1 Application advertised in the Falkirk Herald 20 May 2010 – No premises on neighbouring land.
- 6.2 No comments received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no issues of a strategic nature arising in relation to the application.

Rural Area Local Plan

7a.2 Policy RURAL 1 'New Development in the Countryside' states:

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

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

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

7a.3 In this instance, the presence of the caravan does not constitute housing development in that the caravan is temporary in nature and capable of being moved on expiration of a stipulated timescale. In addition, while the applicant contends that the structure is required in association with site security, the planning service has advised that site security may be achieved by means other than a permanent occupation of the premises and that any continuance of the manager located on-site is at the owners' preference rather than necessity. This was conveyed to the agent by letter dated 21 May 2010.

7a.4 The siting of the caravan is fairly discreet and does not give rise to concerns regarding visual amenity.

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

7b Material Considerations

7b.1 The matters subject to consideration are the policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit version) and the points raised through consultation.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

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

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

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

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

7b.3 The retention of the caravan within the current location does not give rise to concerns regarding visual amenity and is merely considered an ancillary element to the commercial fishery operation.

7b.4 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.5 In terms of this policy, associated built development will be limited to that which is directly ancillary to the activity (e.g clubhouses, changing facilities, parking). However, the proposed caravan is temporary in nature and is able to be removed after a finite date has been set. The planning authority recognizes that it is the applicants’ preference to employ an on-site manager for security reasons but does not recognize that the on-site manager is an essential element to the function of the commercial fishery. However, given that it is understood that the applicant intends to change the management approach to the fishery by allowing public access, it is considered not unreasonable to allow a managers presence on the site to facilitate this change in operation – albeit for a temporary period.

Points Raised Through Consultation

- 7b.6 The applicant proposes to extend the time period for the presence of the caravan for a period of 3 years, to facilitate site security. The long-term plans for the fishery site as a whole cannot be determined through the evaluation of the current application, which is solely for the continued presence of a caravan on the premises.

7c Conclusion

- 7c.1 It is considered that extending the time period for the existing caravan on site would not create any issues of visual amenity or nuisance, nor should it be perceived that the planning authority acknowledges that a full-time occupation of the site is essential for the operation of the commercial fishery. For the avoidance of doubt and without prejudice to any future planning applications, it is recognized that the presence of a manager is at the applicants’ discretion for security purposes and no information has been submitted contending that the fishery requires a permanent supervisor for management purposes.
- 7c.2 The continued presence of the caravan on site does not establish that the fishery merits a full-time presence on the site nor justifies any potential approach for a dwellinghouse.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-
- (1) **Consent is limited to the period ending on 1st June, 2013 at which date the temporary structure shall be removed and the land restored to the satisfaction of the Planning Authority.**

Reason(s):-

- (1) The proposal is not considered to be 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 online reference number(s) 1.

.....
Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

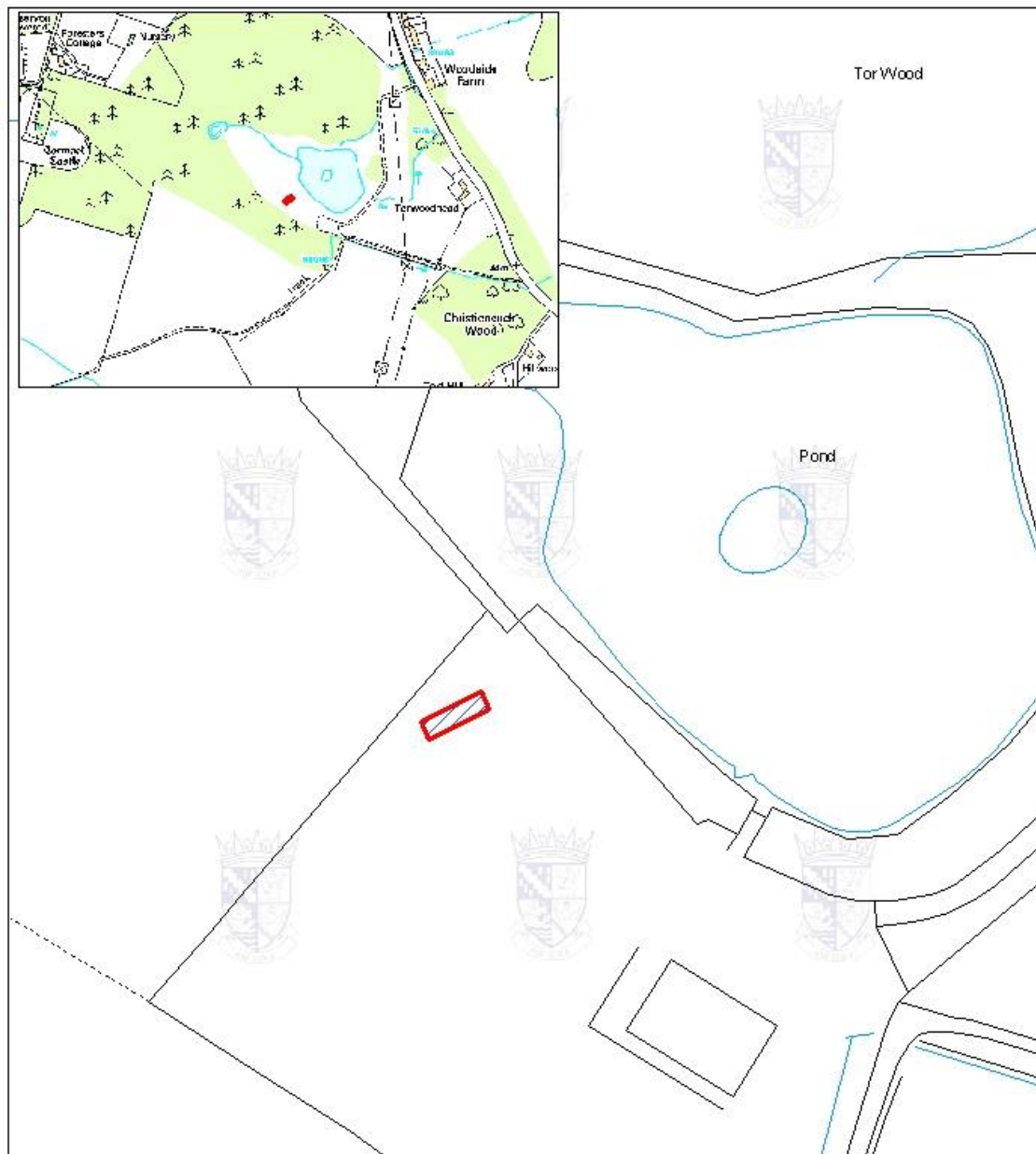
1. Falkirk Council Structure Plan
2. Rural Area Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

Planning Committee

Planning Application Location Plan **P/10/0302/VRC**

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FALKIRK COUNCIL

Subject: CHANGE OF USE FROM DWELLINGHOUSE TO DAY CARE CENTRE
AT 6 MUIRHEAD ROAD, STENHOUSEMUIR, LARBERT, FK5 4HZ FOR
ALANMART LTD – P/10/0002/FUL

Meeting: PLANNING COMMITTEE

Date: 16 June 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Larbert, Stenhousemuir and Torwood

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks permission to change the use of an existing dwellinghouse at 6 Muirhead Road, Stenhousemuir, to a day care centre.
- 1.2 The application site lies within the south east corner of a residential cul-de-sac accessed from Muirhead Road. The site is surrounded to the north, south, east and west by housing. An existing day care centre lies to the north west, it is this day centre which seeks to expand to the site under consideration.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Called in by Councillor Craig Martin.

3. SITE HISTORY

- 3.1 F/2004/1225 – Erection of day care centre now in operation to the north west of the application site.
- 3.2 F/2004/1226 – Erection of four dwellinghouses, one of which is the subject of the current application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised of concerns in relation to car parking, access and vehicle turning.
- 4.2 The Environmental Protection Unit has no objections.

5. COMMUNITY COUNCIL

- 5.1 The local Community Council did not comment.

6. PUBLIC REPRESENTATION

- 6.1 Seven objections have been received in relation to the proposed development. The grounds of objection relate to adverse impact on residential amenity with regards to noise, privacy, incompatibility of commercial use in a residential area, access suitability, traffic generation and inadequate parking.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 The proposed development is not of a strategic nature. There are no policies of the Falkirk Council Structure Plan that apply.

Larbert and Stenhousemuir Local Plan

- 7a.2 Policy LAR 10 - 'Non Housing Uses in Residential Areas' states:

"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate ancillary services (e.g. surgeries, nurseries and corner shops) will be welcomed where it can be demonstrated that the quality of the residential environment would be safeguarded."

7a.3 The application site lies within the urban limit as defined in the Larbert and Stenhousemuir Local Plan. Policy LAR 10 'Non Residential Uses in Housing Areas' seeks to prevent uses incompatible with residential character and amenity. This application raises concerns with regard to the close proximity of adjacent residential uses within a restricted cul-de-sac arrangement. The proposal is considered likely to have an adverse impact on residential amenity with regards privacy, noise and traffic generation and does not, therefore, accord with Policy LAR 10.

7a.4 Policy LAR 32 - 'Roads and New Development' states:

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

7a.5 LAR 32 'Roads and New Development' requires parking provision commensurate with development proposals. The applicant's agent had indicated that the required number of spaces could be accommodated within the site area. The arrangement of these spaces is, however, convoluted and would occupy all of the existing front garden area. The potential introduction of commercial traffic and associated parking overspill with pedestrian/vehicle conflict within a small residential cul-de-sac are considered to be contrary to Policy LAR 32.

7a.6 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), responses to consultation and the assessment of submitted objectors.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy SC7 - 'Established Residential Areas' states:

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

7b.3 Policy SC7 'Established Residential Areas' affirms the policy position expressed in Policy LAR 10 of the adopted Local Plan. The proposed development is considered to be contrary to Policy SC7 on the grounds that the installation of a commercial use would be incompatible with the residential cul-de-sac in which the site is located. Satisfactory parking, access and vehicle turning cannot be provided and whilst the proposal would extend on existing community facility, the quality of the existing residential environment could not be safeguarded.

Responses to Consultation

- 7b.4 The Roads Development Unit has advised that the site access road was approved as an access to a small residential development. The access is of a shared surface arrangement with no defined boundaries. The impacts of commercial traffic movement within this residential area is not considered to be in the interests of road safety.

Assessment of Public Representation

- 7b.5 Concerns over the impact of the proposed development on surrounding amenity have, in part, been demonstrated. The existing day care centre to the north west of the site has operated without significant impact on the residential amenity of surrounding housing. The existing day care centre benefits, however, from a direct access from Muirhead Road and dedicated parking, acceptably arranged in a courtyard with dedicated car parking spaces.
- 7b.6 The application under consideration seeks to extend the existing day care use into a small cul-de-sac directly serving two dwellinghouses with the vehicular access passing the rear garden area of another dwellinghouse. The cul-de-sac entrance is directly adjacent to the driveways of existing housing on Muirhead Road.
- 7b.7 The internal arrangement of the cul-de-sac is predominantly hard landscaping with a limited vehicle turning area. An increase in the amount of traffic and parked cars would have an adverse impact on residential amenity within the cul-de-sac and adversely affect the visual appearance of the private residential space. In addition, the operation of a commercial use within a small residential cul-de-sac setting is considered likely to result in adverse impacts on existing residential amenity by means of noise and privacy.
- 7b.8 The applicant's agent has advised that no commercial traffic would use the site access, instead using the car parking of the existing day care centre. This, however, could not be successfully controlled by planning condition.
- 7b.9 The Roads Development Unit shares the concerns of objectors with regards to increased traffic generation, parking and restricted site access.

7c Conclusion

- 7c.1 The proposed development is not considered to accord with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) for the reasons detailed in this report. The points raised through consultation and representation are addressed in this report. There are no material considerations to justify setting aside the terms of the Development Plan and the application is therefore recommended for refusal.

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee refuse the application for the following reasons:-

- (1) The proposed development is contrary to Policy LAR 10 of the Larbert and Stenhousemuir Local Plan in that the residential amenity of the surrounding residential area is likely to be adversely affected by means of noise, traffic generation and the proposed development could introduce these impacts within a residential cul-de-sac to an unacceptable extent.
- (2) The proposed development is contrary to Policy LAR 32 of the Larbert and Stenhousemuir Local Plan in that the likely increase in vehicular traffic and conflict with existing residential use is not considered suitable for a private access cul-de-sac with limited parking and turning areas.

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.

.....
Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Larbert & Stenhousemuir Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of Objection from Mr & Mrs S Laird, 4 Muirhead Road Stenhousemuir Larbert FK5 4HZ on 5 February 2010
5. Letter of Objection from Mr & Mrs P Moodie, 2 Muirhead Road Stenhousemuir Larbert FK5 4HZ on 2 February 2010
6. Letter of Objection from Mr & Mrs A Watson, 523 King Street Stenhousemuir Larbert FK5 4JT on 2 February 2010
7. Letter of Objection from Mrs Laurie Lee Moodie, 2 Muirhead Road Stenhousemuir FK5 4HZ on 1 February 2010
8. Letter of Objection from Gair & Gibson, Hope Street Falkirk FK1 5AS on 5 February 2010
9. Letter of Objection from Mr Steven Mitchell, 5 Lochaber Drive Stenhousemuir Larbert FK5 4LX on 5 February 2010

10. Letter of Objection from Muirhead Buchanan Solicitors, 8 Allan Park Stirling FK8 2QE on 3 February 2010

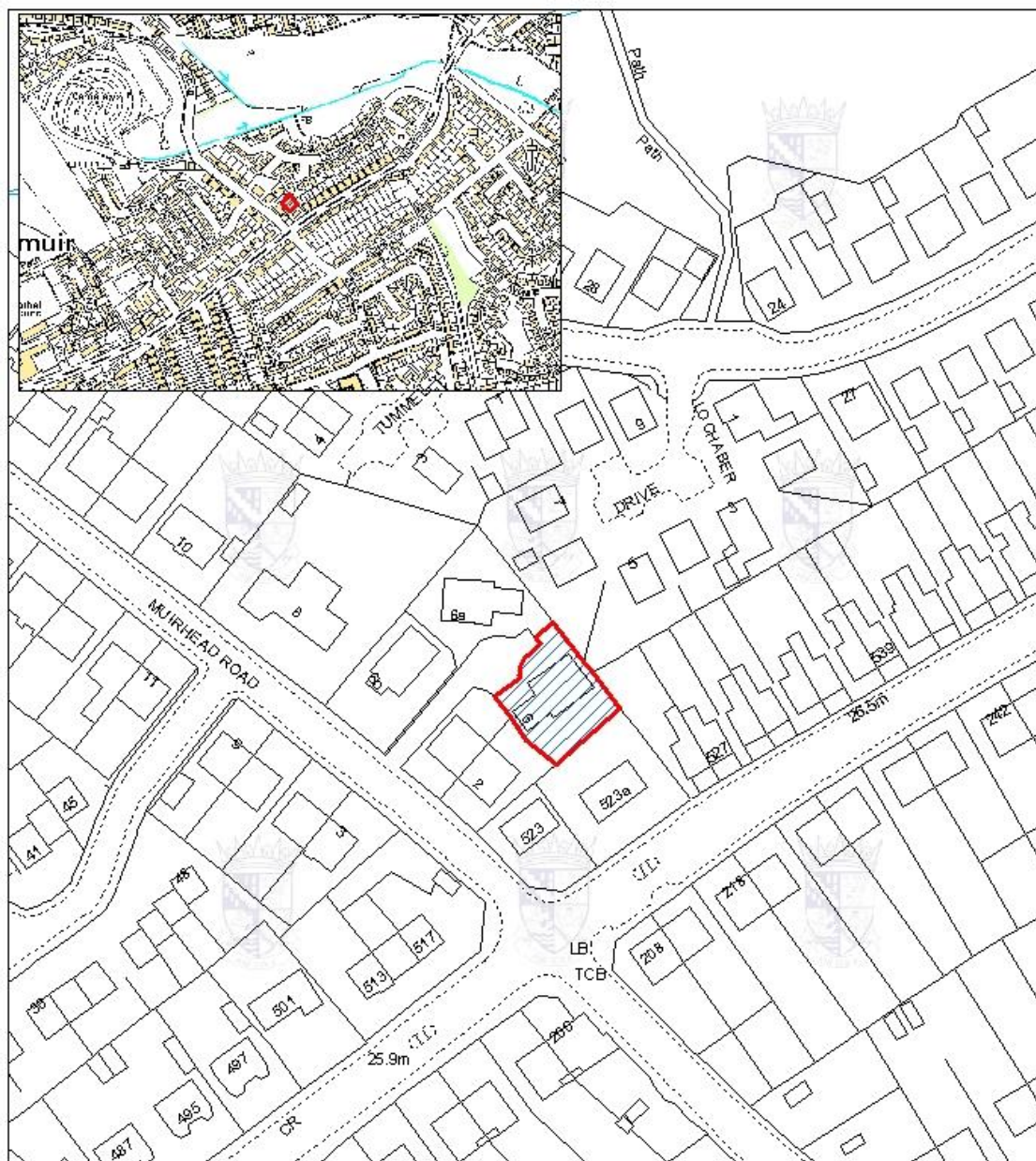
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0002/FUL

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FALKIRK COUNCIL

Subject: ACCESS ROAD FOR CONSTRUCTION AND MAINTENANCE OF CANAL HUB AT LAND TO THE NORTH OF WEST MAINS INDUSTRIAL ESTATE, FALKIRK FOR THE HELIX TRUST – P/10/0293/FUL

Meeting: PLANNING COMMITTEE

Date: 16 June 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grangemouth

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposal under consideration is for the construction of a new road to the existing Carron sea lock (Lock 2) on the Forth and Clyde Canal where it meets the Carron river. The proposed road is to allow improved access to Lock 2 for maintenance and the construction of a new canal hub as part of the wider Helix regeneration proposals.
- 1.2 An access to the existing Lock 2 passes through West Mains Industrial Estate to the south east of the application site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Falkirk Council is a partner in the Helix proposals to which this application relates.

3. SITE HISTORY

- 3.1 There are no relevant planning applications within the last ten years at the site.

4. CONSULTATIONS

- 4.1 Falkirk Council Roads Development Unit has no objections on the basis that the proposed road is not intended to be adopted for use by the public and is to facilitate access to and maintenance of the Forth and Clyde Canal.

- 4.2 The Falkirk Council Environmental Protection Unit has advised of planning conditions to require contaminated land investigation.
- 4.3 Falkirk Council Transport Planning Unit has no objections to the proposed access and maintenance road on the condition that access is, by planning condition and physical barrier, restricted to avoid public vehicular access. In addition details of alternative pedestrian access is required and, if future public vehicular access is proposed, the road will be required to be upgraded to adoptable standard prior to public use.
- 4.4 Falkirk Council Emergency Planning Unit has noted the proposed development and has no objections.
- 4.5 Transport Scotland has no objections to the proposed development.
- 4.6 British Waterways has no objections.
- 4.7 Historic Scotland has no objections to the proposal.
- 4.8 SEPA has no objections to the proposed development.
- 4.9 Scottish Water has no objections.
- 4.10 Scottish Natural Heritage (SNH) has expressed no objections to the proposed development but have advised of further protected species investigations that the applicant would have to conduct.
- 4.11 The Scottish Rights of Way Society has no objections.
- 4.12 Central Scotland Police has no objections.
- 4.13 Scottish Power has no objections.
- 4.14 Scottish Gas Networks has no objections.
- 4.15 Ineos Manufacturing has no objections.
- 4.16 BP (Grangemouth) has no objections.
- 4.17 Shell (Grangemouth) has no objections.
- 4.18 Assessment of the proposed development under the HSE PADHI+ consultation process has resulted in a “do not advise against” the proposed development.

5. COMMUNITY COUNCIL

- 5.1 The Grangemouth Community Council has not made representation.

6. PUBLIC REPRESENTATION

6.1 No representation has been received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Structure Plan

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

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

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

7a.2 Policy ECON 7 is supportive of the proposal in that the purpose of the road is to access the Forth and Clyde Canal which is a strategic location for tourism.

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

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

7a.4 The access road requires a location in the countryside in order to access the existing and proposed Canal hub.

7a.5 Policy ENV.2 ‘Green Belt’ states:

“There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting, and avoid prejudicing future proposals for landscape enhancement and countryside recreation.

The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.”

7s.6 The proposed access road does not compromise the aims of Policy ENV 2 with regards to the coalescence of settlements, their landscape setting or future landscape enhancement.

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

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

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

- 7a.8 The application is submitted with a supporting Environmental Statement and survey information. The submitted statement and information provides details on;
- Impact on and mitigation for loss of woodland.
 - Soil re-use or disposal.
 - Location and capacity of SUDs ponds to accept surface water.
 - Information on the water source to existing ponds and how the new road may affect this source.
 - Proposals for future landscaping works such as woodland planting, tree planting along the road edge, embankment planting, restoration proposals and a maintenance schedule.
- 7a.9 In addition, impacts on existing ecological qualities of the West Mains Wildlife Site have been considered. Information has been provided in relation to:-
- Justification of the assessment of the magnitude and significance of environmental impacts and detailed survey information on any protected species.
 - Detailed quantification of the extent of potential negative impacts on existing wildlife habitats.
 - Anticipated timing of habitat removal or disturbance.
 - Protected mammal species surveys outwith the application site boundary and how potential construction or post construction activity will impact on the wider habitat area.
 - Analysis of potential impacts of noise, pollution, contaminated water run off, litter, increased human activity, traffic and light pollution on the wildlife site and how construction work will be managed to limit or avoid impacts.
- 7a.10 In view of the above submitted information the proposal has adequately demonstrated that no impact or a minor manageable impact will occur on the West Mains Wildlife Site and the proposal is considered to comply with Policy ENV. 3 of the Falkirk Structure Plan. Planning conditions requiring environmental risk assessment, construction method statement and restoration proposals will however be required.

Falkirk Local Plan

- 7a.11 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.12 The application site lies outwith the defined urban limit of Falkirk. The new road requires such a location, however, given the need to serve the existing Canal. The proposed road will not result in an extension to the urban limit.

7a.13 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.14 Hard and soft landscaping details have not been provided. The only area within the site which would be landscaped is the grassed verge of the proposed road. Specification of this grass seeding and compensatory landscaping outwith the site can be required by planning condition.

7a.15 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.16 The proposed road incorporates a two metre footpath.

7a.17 Policy FAL 3.9 'Environmental Improvements' states:

"The Council will seek to promote programmes of environmental improvement in the following priority areas, as resources permit:

- (i) Falkirk Town Centre and the local shopping centres;*
- (ii) major transport routes;*
- (iii) the Green Belt and other urban fringe areas;*
- (iv) the canal network in association with the Millennium Link;*
- (v) public parks and open spaces;*
- (vi) areas of need under the Community Urban Regeneration Programme; and*
- (vii) existing industrial areas. "*

7a.18 The proposal will assist in the future regeneration and environmental improvement of the Canal as part of the wider Helix project.

7a.19 Policy FAL 3.14 'Sites of Archaeological Interest' states:

"In order to protect and conserve archaeological and historic features of significance and their settings:

- (i) there will be a presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological or historic interest and their settings;*
- (ii) archaeological sites where development is permitted will be excavated and recorded. The Council supports Historic Scotland's policy to seek developer funding for any necessary excavation, recording and publication works; and*
- (iii) the Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice. "*

7a.20 The proposed development will not affect the Forth and Clyde Canal as a Scheduled Ancient Monument. On this basis, Historic Scotland has no objections to the proposed development.

7a.21 Policy FAL 4.1 'Green Belt' states:

"There will be a presumption against new development in the areas of designated Green Belt indicated on the Policies, Proposals and Opportunities Map, with the exception of development required for farming and forestry, and appropriate recreation and tourism purposes that require a countryside location. Other types of development such as telecommunications and temporary uses, including mineral and landfill activity, may be acceptable provided that:

- (i) a Green Belt location is essential; and*
- (ii) there is no serious detrimental impact on the character of the Green Belt.*

Temporary uses will only be permitted where these operate within a clearly limited timescale, and where landscape improvements are obtained. In general proposals which strengthen the function of the Green Belt and enhance its character and landscape qualities will be encouraged.

In accordance with the provisions of S.D.D Circular 25/1985 "Development in the Countryside and Green Belts", the Council strongly supports the principle of the Green Belt:

- a. To separate the main settlements of the Council area;*
- b. To provide areas for countryside recreation (excluding such urban forms as hotels, time-share and holiday villages);*
- c. To provide a clear segregation of urban and rural uses;*
- d. To enhance the landscape adjacent to built up areas; and*
- e. To provide a corridor for essential services."*

7a.22 A Green Belt location is essential given the requirement to access the existing canal.

7a.23 Policy FAL 4.3 ‘Nature Conservation’ states:

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

- (i) there will be an overriding presumption against development which would be likely to adversely affect Natura 2000 sites, designated or proposed under the EC Habitats and Wild Birds Directives, wetlands of international importance designated under the Ramsar Convention, existing or proposed Sites of Special Scientific Interest, or sites which support species protected by specific legislation;*
- (ii) development likely to affect Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation, wildlife corridors and other sites considered to be of regional or local nature conservation value will not be permitted unless it can be demonstrated that that there will be no damaging impact upon the habitats and species concerned;*
- (iii) where development is to be approved which could affect any site of significant nature conservation value, appropriate measures will be required to conserve, as far as possible, the site’s nature conservation interest and to provide for replacement habitats or features where damage is unavoidable;*
- (iv) in partnership with relevant interests, the Council will develop management proposals to conserve the nature conservation interest and enhance the biodiversity of sites of local value; and*
- (v) the Council will designate Local Nature Reserves as appropriate, in consultation with communities, local wildlife groups and statutory bodies.*

Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications.”

7a.24 For the reasons outlined in paragraph 7a.9 on this report in assessment of Structure Plan Policy ENV.3 ‘Nature Conservation’, the applicants supporting Environmental Statement provides acceptable information on the, assessment and mitigation of potential impacts on flora and fauna. On this basis the application is considered to comply with policy FAL 4.3.

7a.25 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.26 The proposed road will result in a loss of trees that contribute to the existing West Mains Wildlife Area. The accompanying Environmental Supporting Statement and further information quantifies the loss and provides details of mitigation measures. For this reason the proposed development is considered to comply with Policy FAL 4.4. Hard and soft landscaping details have not been provided. The only area within the site which would be landscaped is the grassed verge of the proposed road. Specification of this grass seeding and compensatory landscaping outwith the site can be required by planning condition.

7a.27 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.28 The proposed development does not affect any asserted rights of way. The proposal severs, however, an existing informal footpath along a disused railway embankment. Planning conditions can require the implementation of path links to address this severance and to provide additional footpath links.

7a.29 Policy FAL 4.8 'Watercourses' states:

"The Council recognises the importance of Falkirk's rivers, burns and canals and their banks in terms of landscape, recreation and nature conservation, and will seek to improve the recreational usage and overall quality of these watercourses. Accordingly:

- (i) there will be a general presumption against development where it is likely to increase pollution or have a detrimental impact upon the water quality, aquatic and riparian ecosystems or recreational amenity of watercourses. Development likely to adversely affect groundwater or major aquifers will not normally be permitted;*
- (ii) in new developments, innovative methods of surface water disposal and treatment will be encouraged in consultation with the Scottish Environment Protection Agency (SEPA). The Council supports the source control and passive treatment measures recommended by SEPA, and outlined in its 'Guide to Surface Water Best Management Practices'; and*
- (iii) there will be a general presumption in favour of proposals to improve the use of water courses and their banks for appropriate recreation or to enhance their habitat value.*

Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications."

7a.30 The submitted Environmental Supporting Statement provides sufficient detail on the potential impacts on wetland ponds within the adjacent West Mains Wildlife Area. On this basis the proposal is considered to comply with Policy FAL 4.8.

7a.31 Policy FAL 4.9 'Flooding' states:

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

7a.32 There is no recognised risk of flooding at the site. SEPA and Falkirk Council's Roads Development Unit have no objections in this regard.

7a.33 Policy FAL 6.7 'Major Hazard Consultation Zones' states:

"Within Major Hazard Consultation Zones, as identified on the Policies, Proposals and Opportunities Map, there will be a general presumption against development where future users or occupants would significantly add to the number of people exposed to the existing risks in the area."

7a.34 The proposed development has resulted in a 'do not advise against' response from the HSE PADHI+ consultation process. Consultation responses from Ineos, Shell and B.P. who have infrastructure in the vicinity of the site have confirmed no objections to the proposal.

7a.35 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.36 The proposed access road is not proposed to be adopted by Falkirk Council. In this respect construction to adoptable standards is not required. The access road is for construction of canal hub improvements as part of the wider Helix project and maintenance of the existing canal hub. A Transport Assessment has not been considered necessary given the purpose for which the road is required.

7a.37 Policy FAL 9.2 'Tourism' states:

"The Council will encourage tourism-related development in Falkirk and will support proposals which enhance the quality and diversity of tourism infrastructure and attractions, subject to other Local Plan policies and proposals. Particular emphasis will be placed on the development of the following key themes and attractions:

- (i) the Town Centre;*
- (ii) Callendar House, Park and Wood;*
- (iii) the Canal Network/Millennium Link;*
- (iv) Roman heritage at Roughcastle/Tamfourhill; and*
- (v) industrial heritage."*

7a.38 The proposed road will enable the construction of Canal hub improvements in the Helix project and these improvements will encourage tourism at the Forth and Clyde Canal.

7a.39 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.40 The proposed road will allow future construction of Helix improvements to the Canal and facilitate associated recreational and tourism benefits.
- 7a.41 In general terms the Development Plan is supportive of the proposed access improvements to the canal hub. The principle of the proposed development is generally compliant with the Development Plan. Further information is however required in relation to environmental risk assessment, construction methodology, restoration proposals and path linkages. The submission of this information can be required by planning conditions.
- 7a.42 The proposed development therefore fully accords with Structure Plan and Local Plan policies.
- 7a.43 Accordingly, the proposal accords with the development plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the Falkirk Local Plan Finalised Draft (Deposit Version), the relevant responses to consultation and the applicant's submitted Environmental Supporting Statement and associated information.
- 7b.2 The proposed development has been assessed in terms of the following policies of the Falkirk Local Plan Finalised Draft (Deposit Version).
- 7b.3 Policy EQ4 - 'Landscape Design' states:

"Development proposals should include a landscape framework which enhances the development and assists integration with its surroundings. The landscape scheme should:

- (1) Be informed by the surrounding landscape;*
- (2) Retain and incorporate existing vegetation, natural and cultural features where they contribute to the amenity and biodiversity of the site, with provision for replacement planting where removal is authorised;*
- (3) Integrate with strategies for the provision of open space, pedestrian access, and sustainable urban drainage systems on the site;*
- (4) Promote biodiversity, including the use of native tree and plant species (see Policy EQ25);*
- (5) Incorporate robust structure planting to provide structure in larger developments, and screen the edge of developments where necessary;*
- (6) Incorporate street trees and informal open space planting to assist in structuring and unifying streets and spaces;*
- (7) Incorporate high quality hard landscaping, including surface materials, boundary enclosures and street furniture which are robust and complement the development; and*
- (8) Demonstrate that satisfactory arrangements have been made for the future maintenance and management of all landscaped areas."*

7b.4 Policy EQ16 ‘Sites of Archaeological Interest’ states:

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

7b.5 Policy EQ19 - ‘Countryside’ states:

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

7b.6 Policy EQ20 - ‘Green Belt’ states:

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

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

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

7b.7 Policy EQ24 ‘Ecological Sites and Features’ states:

- “(1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers)..*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse effect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site’s natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.”*

7b.8 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.9 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.10 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.11 Policy EQ29 'Outdoor Access' states:

- (1) *The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network 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.12 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.13 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.14 Policy EP17 - ‘Canals’ states:

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

- (1) The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the Local Plan;*
- (2) The protection and enhancement of the operational capacity of the canals*
 - for recreational use, including the maintenance of navigation and the provision of infrastructure and amenities for a wide range of canal users;*
 - for freight use, including the development of any necessary freight transfer facilities;*
- (3) The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) for nature conservation reasons; and*
- (4) Appropriate canal-side development which*
 - is compatible with the broad objectives, policies and key development opportunities set out in the Council’s ‘Canal Corridor Development Framework’;*
 - is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, mooring points and slipways;*
 - achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping;*
 - incorporates measures to ensure that there is no detriment to the canal water environment; and*
 - accords with other Local Plan policies including Policy ST12 (Flooding;*
 - ensures there is no detriment to the structural stability of the canal.”*

7b.15 Policy EP18 - ‘Major Hazards’ states:

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

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

7b.16 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.17 Policy ST11 - 'Sustainable Urban Drainage' states:

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

7b.18 Policy ST12 - 'Flooding' states:

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

7b.19 The above policies of the Falkirk Local Plan Finalised Draft (Deposit version) affirm the policies of the Falkirk Local Plan and support the principle of the proposed development.

7b.20 The proposed development is considered to comply with all relevant policies. As noted in paragraph 7a.41 of this report further information is required to ensure satisfactory implementation of the proposal development.

7b.21 The assessment of consultation responses has identified the need for the formation of path links between the A9 Distribution Road and the retained railway embankment, and between the A9 and the proposed car park along the desire line formed from the southern end of the existing canal bridge to the Helix site.

7b.22 Conditions are required to ensure appropriate environmental risk assessments, construction methodology, restoration proposals, detailed landscaping proposals, contaminated land assessment and the restriction of public access from the site.

7c Conclusion

7c.1 The Development Plan supports the proposed development on the basis that it is an integral and necessary component of the canal hub and the Helix project which are themselves appropriate developments in the Green Belt and consistent with the Development Plan's objectives for Falkirk and the Canal corridor.

7c.2 Additional information can be required by planning condition to ensure the acceptable implementation of the development in the context of the adjacent West mains Wildlife Site.

7c.3 there are no material considerations which would outweigh the Development Plan and justify the refusal of planning permission.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) Prior to the commencement of any works on site, an environmental risk assessment shall be submitted for the assessment and written approval of the Planning Authority. The assessment shall provide task specific analysis and management of environmental risks to the West Mains Wildlife Site including control and/or mitigation measures for any risk identified.**
- (3) Prior to the commencement of any works on site, a detailed restoration plan for the application site and adjacent West Mains Wildlife Site shall be submitted for the assessment and written approval of the Planning Authority.**
- (4) Prior to the commencement of any works on site, a construction methodology statement detailing the prevention of silt and surface water contaminants from entering the West Mains Wildlife Site ponds and protection of natural habitats during construction shall be submitted for the assessment and written approval of the Planning Authority.**
- (5) Prior to the commencement of any works on site, the findings of a survey of bird breeding and nesting sites and the assessment of potential construction impacts and, if necessary, mitigation measures shall be submitted for the assessment and written approval of the Planning Authority.**
- (6) Prior to the commencement of any works on site, details of the location, design and specification of a path link from the A9 distributor road to the existing southern Forth and Clyde Canal towpath shall be submitted for the assessment and written approval of the Planning Authority.**
- (7) Prior to the commencement of any works on site, details of physical measures to restrict public pedestrian and vehicular access to the approved Canal construction and maintenance access road shall be submitted for the assessment and written approval of the Planning Authority.**
- (8) a. Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere and also identify any potential risks to human health, property, the water environment or designated ecological sites.**

- b. Where contamination (as defined by Part 11A of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- c. Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- d. 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 commence without the prior written approval of the Planning Authority.

Reason(s)

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the West Mains Wildlife Site is not adversely affected by the proposed road.
- (3) To ensure that any environmental impacts on the West Mains Wildlife Site are restored to an acceptable standard.
- (4) To protect and control construction impacts on the West mains Wildlife Area.
- (5) To ensure that impact on bird nesting and breeding sites is avoided.
- (6) To allow improved pedestrian access to the canalside.
- (7) To prevent public access to the site.
- (8) To ensure that potential ground contamination is assessed and mitigated.

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, 05, 06, 07, 08, 09, 10, 11 and 12.

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Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Local Plan Finalised Draft (Deposit Version)

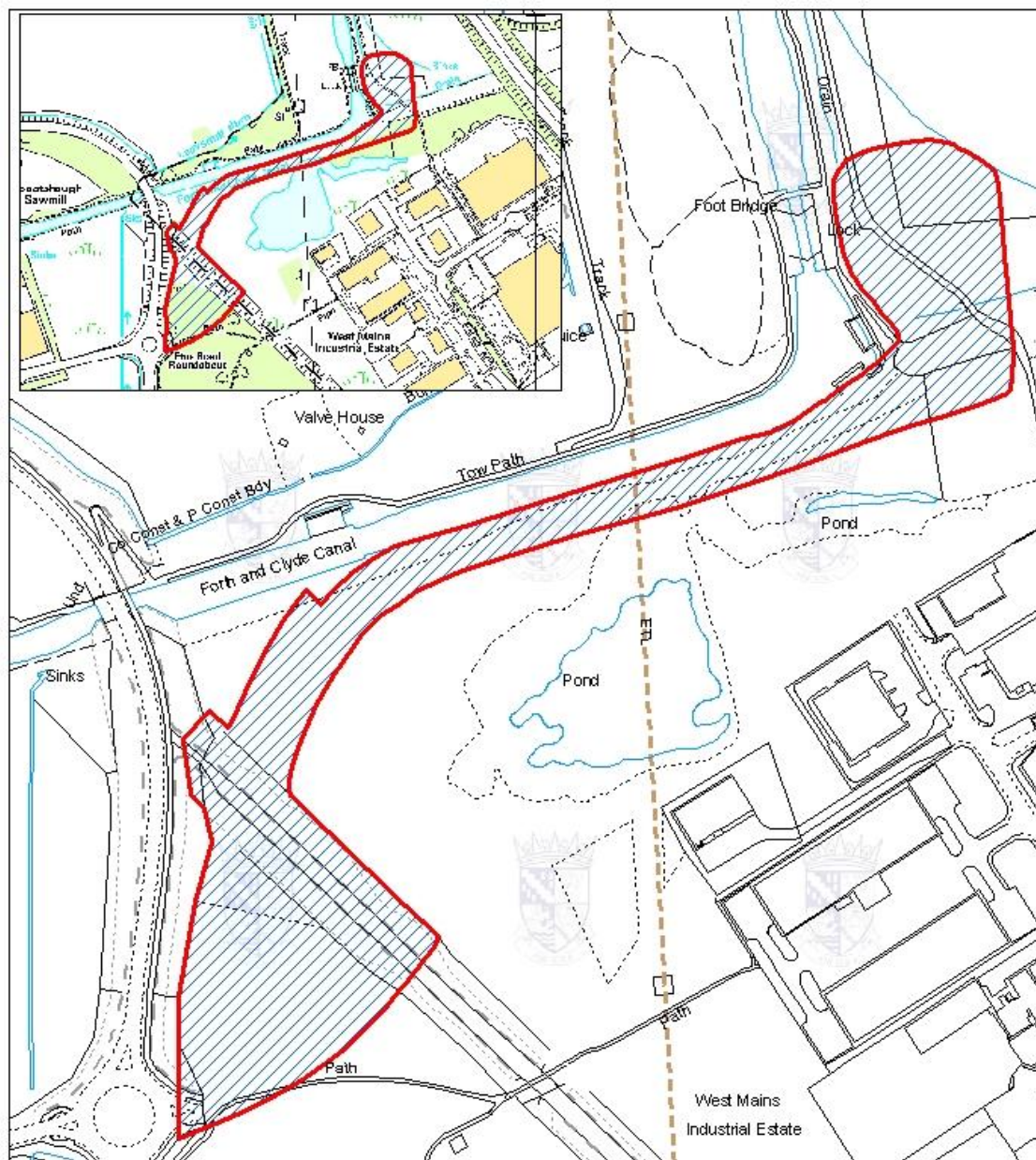
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0293/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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