

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR MIXED USE PURPOSES (RESIDENTIAL, EQUESTRIAN CENTRE & ASSOCIATED PARKING) AT FORRESTER QUARTER, BONNYBRIDGE FK4 2HA FOR MR GEORGE LAWRENCE - P/10/0196/PPP
Meeting: PLANNING COMMITTEE
Date: 22 September 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

**Local Members: Councillor William Buchanan
Councillor Tom Coleman
Councillor Linda Gow**

Community Council: None.

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks planning permission in principle for a mixed use development, comprising an equestrian centre, associated parking and residential accommodation. An indicative plan has been submitted showing two semi-detached dwellinghouses adjacent to the existing house on the east side of Dalnair Road. An indoor riding arena, stables, associated parking and three detached dwellinghouses are shown on the west side of Dalnair Road.
- 1.2 The application site is located within the countryside.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee at the request of Councillor William Buchanan.

3. SITE HISTORY

- 3.1 None of relevance to the application.

4. CONSULTATIONS

- 4.1 The Transport Planning Unit advise that no specific pedestrian, cycling or public transport facilities will be required by the proposal. The Unit advise that the existing road network should be able to cope with the expected level of traffic generated by the proposal.

- 4.2 The Roads Development Unit comment that Dalnair Road is single width and has restricted horizontal and vertical alignment. Limited passing places in the vicinity of the application site are noted. The Unit has road safety concerns and as such advise that planning permission should only be granted if the development is considered to be essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. A flood risk assessment is requested due to the close proximity of the application site to the Skipperton Burn. If the principle of development is accepted then Dalnair road will require to be upgraded to provide passing places, verge, drainage and visibility improvements.
- 4.3 Scottish Water has no objection to the proposal but is unable to reserve capacity in the water and wastewater treatment works.
- 4.4 The Environmental Protection Unit advise of conditions relating to contamination, due to the presence of agricultural land, railway land and other potentially contaminative activities within 250 metres of the application site. Noise is not considered a determining factor.

5. COMMUNITY COUNCIL

- 5.1 The Bonnybridge Community Council did not comment.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, eight letters of objection were received. The salient issues are summarised as follows:
- Dalnair Road is a quiet country road and the increase in traffic would cause a road safety hazard for horse riders and other road users;
 - Dalnair Road already supports Dalnair Stables, Woodchip Stables and E & O Labs;
 - There are no passing places as well as there being blind corners on the access road adjacent to the application site;
 - There are 2 equestrian centres within half a mile of the application site;
 - There would not be enough grazing land for the proposed 18 stables, as one acre of grazing per horse is required;
 - The addition of 5 houses will change the site from greenbelt/farmland to residential;
 - A 40 year old orchard has already been cut down on the site; and
 - Inadequate drainage and sewerage facilities are available to serve the proposals.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

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

7a.2 Policy ENV.1 'Countryside and Protected Areas' of the approved Structure Plan 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 is considered, in principle, that the proposed equestrian centre is appropriate to the rural area and a countryside location is essential. It has not, however, been demonstrated that a countryside location is essential for the proposed residential element of the proposal, comprising five dwellinghouses on the indicative plan. On balance the application fails to accord with policy ENV.1.

7a.3 Policy ECON.7 'Tourism' states:

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

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

7a.4 Policy ECON.7 'Tourism' of the approved Structure Plan states that the Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions. The equestrian centre, in principle, supports and expands the Council's main target markets and as such is supported by policy ECON.7.

Rural Area Local Plan

7a.5 The application site lies outwith any urban or village limit, within the countryside, under the Rural Local Plan.

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

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

1. *Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
2. *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.7 Policy RURAL 1 'New Development in the Countryside' of the adopted Rural Local Plan seeks to protect and conserve the open nature and character of the countryside whilst at the same time encouraging a level of beneficial development appropriate to the rural location. This policy has a general presumption against new development in the countryside except in limited circumstances. In this instance the relevant potential exceptions are Criteria 1, 2, 3 and 4. With regard to Criterion 1, it has not been demonstrated that the proposed residential element is essential to the pursuance of agriculture or any other economic activity requiring a rural location. With regard to Criterion 2, the proposed residential element would not occupy a clear gap in an existing development pattern and would arguably contribute to further sporadic, ribbon development at this countryside location. With regard to Criterion 3, no overriding national or local need for the proposed business development has been claimed or demonstrated. With regard to Criterion 4 it is considered that the equestrian centre, business element of the proposal, represents an economic activity appropriate to a rural location and would accord with the Council's Tourism strategy. However, on balance the proposal is contrary to policy RURAL 1.

7a.8 Policy RURAL 2 'Village Limits' states:

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

7a.9 Policy RURAL 2 'Village Limits' of the adopted Rural Local Plan seeks to prevent ribbon development and intrusion into open countryside. The proposal is not considered to be infill development and as such the proposal would contribute to sporadic, ribbon development in the countryside. The application is contrary to policy RURAL 2.

7a.10 On balance, the proposal does not accord with the Development Plan.

7b Material Considerations

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

- Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as Amended by the Final Proposed Modifications (June 2010)
- National Planning Policies and Guidance
- Information Submitted in Support of the Proposal
- Assessment of Public Representations

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as Amended by the Final Proposed Modifications (June 2010)

7b.2 The application site lies outwith any urban or village limit, within the countryside, under the emerging District wide Local Plan.

7b.3 Policy EQ19 - 'Countryside' states:

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

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

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

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

7b.4 Policy EQ19 'Countryside' of the emerging District wide 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' and Policy EP16 'Leisure and Tourism Development in the Countryside'.

7b.5 Policy SC3 - 'Housing Development In The Countryside' states:

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

- (1) *Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - *The operational need for the additional house in association with the business*
 - *That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - *That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - *That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
 - *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - *The restored or converted building is of comparable scale and character to the original building*
 - *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

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

7b.7 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.8 Policy EP15 'Tourism Development' generally supports tourism development where the proposal supports the strategic tourism priorities set out in the Structure Plan. The equestrian centre, business element of the proposal, would support the tourism strategy and complement the existing pattern of provision in the area. The application is supported by policy EP15.

7b.9 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.10 Policy EP16 'Leisure and Tourism Development in the Countryside' permits leisure and tourism development in the countryside where the use demonstrates a particular need for a countryside location. It is considered that the proposed equestrian centre requires a countryside location and is supported by policy EP16.
- 7b.11 The emerging District wide Local Plan supports the policies set out in the Development Plan, Falkirk Council Structure Plan and Rural Local Plan covering this site and described earlier in this report. The proposed development is contrary to the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Modifications (June 2010).

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' promotes opportunities, through the Development Plan, for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. Planning authorities should apply proportionate standards to access roads to enable small developments to remain viable.
- 7b.13 Scottish Planning Policy promotes the Development Plan as the means by which to identify opportunities for housing and the promotion of economic activity, including developments linked to tourism, in the countryside. In this instance the Development Plan and the emerging District wide Local Plan are considered to provide an appropriate policy framework to support a range of sustainable development opportunities for development in the countryside. The proposed development has been found, in this report, to be contrary to the relevant policies of the Development Plan.

Information Submitted in Support of the Proposal

- 7b.14 The applicant has submitted a letter of support for the proposal as follows:
- The proposal will enable Dalnair Road to be realigned by removing the redundant outbuildings and replacing with two semi-detached dwellinghouses. The new building would be retracted from the road by 2 metres, significantly improving the sight lines of the road and access and egress to the proposed equestrian centre and housing;
 - The proposal is supported by the Government's rural development policies by allowing diversification and growth of the rural economy;
 - The proposal will secure the viability of Forrester Quarter and will offer new full and part time employment in the area; and
 - A group of plots for individually designed houses will support the formation of the new business.

7b.15 The points raised by the applicant's agent are noted. However, these fail to demonstrate the operational need for housing in association with the business, particularly as the business has not yet been established. The applicant was given an opportunity to provide further information to support the proposal or justify its location within the countryside but, to date, further supporting information has not been received.

Assessment of Public Representations

7b.16 The Roads and Development Unit share the concerns of objectors in relation to the quality of the access road and road safety issues;

7b.17 It is accepted that there are other equestrian centres within the locality of the application site, however this is not considered a material planning consideration;

7b.18 The application is in principle, therefore the number of horses and amount of grazing land is indicative only at this stage;

7b.19 The application site is in an area of countryside and the granting of planning permission will not affect the rural designation;

7b.20 There is no requirement for planning permission to fell trees on the site, and

7b.21 The comments in relation to drainage are noted.

7c Conclusion

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

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

8. RECOMMENDATION

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

- (1) The application does not accord with Policy ENV. 1 'Countryside and Protected Areas' of the approved Falkirk Council Structure Plan, Policy Rural 1 'New Development in the Countryside', Policy RURAL 2 'Village Limits' of the adopted Rural Local Plan and Policy SC3 'Housing Development in the Countryside' of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the final Proposed Modifications (June 2010) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouses and is not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.

Informative(s):

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



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For Director of Development Services

Date: 15 September 2010

LIST OF BACKGROUND PAPERS

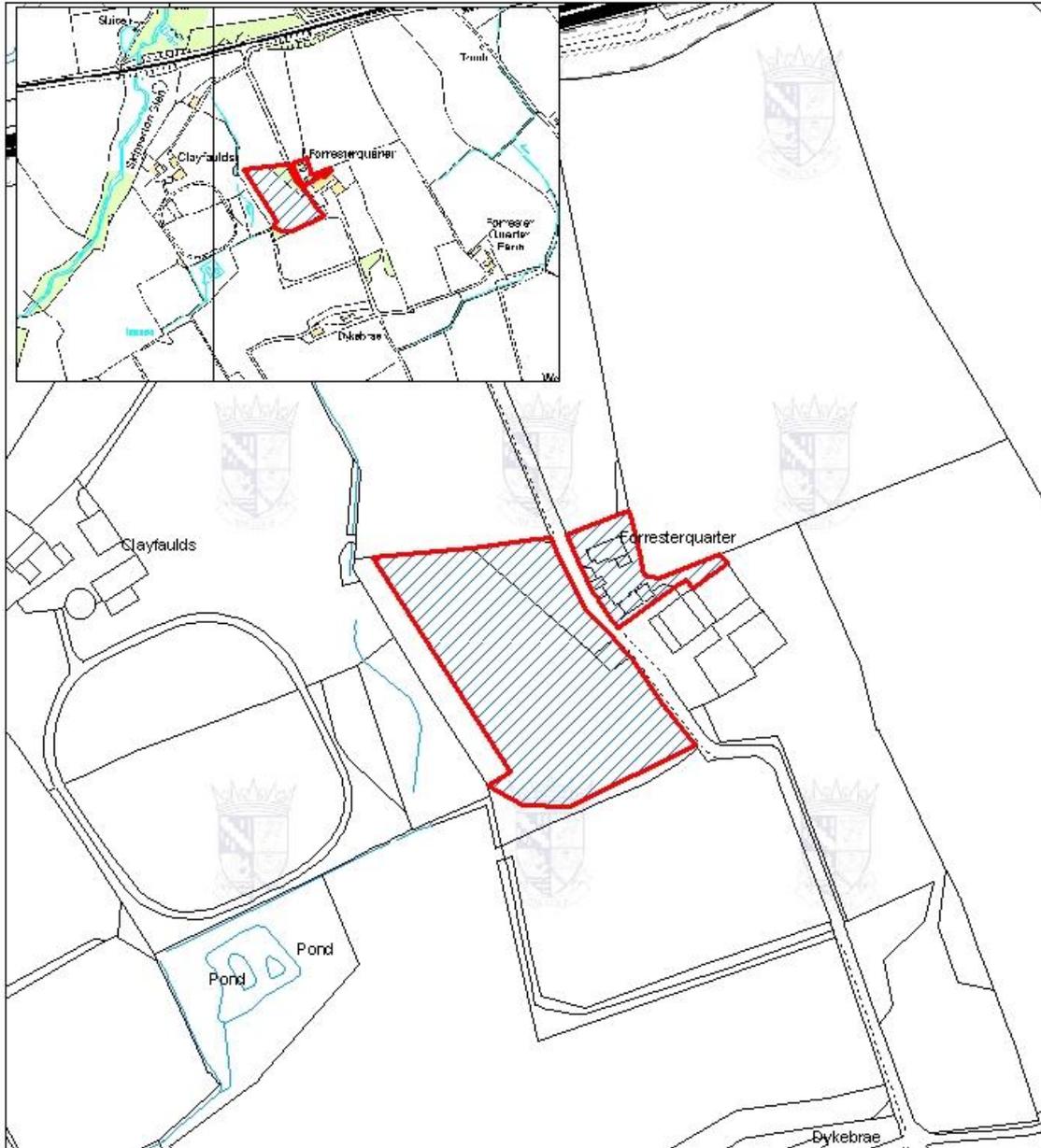
1. Falkirk Council Structure Plan.
2. Rural Area Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Faxed objection received from name illegible, 19 Dunmuir Street, Bonnybridge, FK4 1ER on 7 May 2010.
5. Letter of objection received from Mrs Delissen, West Cottage, High Forrester Quarter Farm, Bonnybridge, FK4 2HA on 6 May 2010.
6. Letter of objection received from Mr McClure, Glenside Cottage, Clayfaulds, Bonnybridge, FK4 2HA on 23 May 2010.
7. Email of objection received from Virginia Lucey of E & O Laboratories Ltd, Burnhouse, Bonnybridge, FK4 2HH on 24 May 2010.
8. Letter of objection received from Mrs Anderson, 24 Reilly Garden, High Bonnybridge, FK4 2BB on 27 May 2010.
9. Letter of objection received from horse owner, Denny, FK3 on 5 June 2010.
10. Letter of objection received from Mr Denholm, Wester Lochdrum Farm, Bonnybridge, FK4 2HA on 5 June 2010.
11. Letter of objection received from Mr McGill, Muir Rig, Bonnybridge, FK4 2HH on 8 June 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/10/0196/PPP

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FALKIRK COUNCIL

Subject: ALTERATIONS AT REAR OF PREMISES TO REMOVE EXISTING GARAGE, FORM NEW ACCESS WITH STEPS AND FORM LOADING BAY AT 3 PRETORIA PLACE, STATION ROAD, BRIGHTONS, FALKIRK, FK2 0UF FOR GIANNI CROLLA – P/10/0558/FUL

Meeting: PLANNING COMMITTEE

Date: 22 September 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Brightons

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the demolition of an existing garage area and the construction of access steps and loading bay doors to serve the storeroom to an existing shop unit. The proposed development is located to the rear of an existing row of shop units within the local centre of Brightons. The proposed access doors and steps will open out onto a small private car park area.
- 1.2 The application site consists of a vacant shop unit which previously accommodated a wine shop. The site has been vacant for a couple of years and has been subject to two separate applications to change the use to a café and restaurant. These applications were refused by Falkirk Council with an appeal also being dismissed for the same development. It is not considered that these previous applications and subsequent decisions have any impact on the current proposal.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application called to Committee by Councillor Steven Jackson

3. SITE HISTORY

- 3.1 P/08/0189/FUL – change of use of shop to café/bistro and hot food takeaway – refused 02 February 2009 – subsequent appeal dismissed on 02 July 2009.

- 3.2 P/09/0897/FUL – change of use of shop to café, shop and hot food takeaway – refused 21 May 2010.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objections.
- 4.2 The Environmental Protection Unit has no objections.

5. COMMUNITY COUNCIL

- 5.1 Brightons Community Council did not comment.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 1 letter of objection was received. The salient issue is summarised below:

- Concerns over road safety.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Polmont Local Plan

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

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

- 7a.3 The proposed development is located within the urban limits as set out in the Polmont and District Local Plan. The proposal therefore accord with the terms of the Development Plan.

7b Material Considerations

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

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

7b.2 There are no relevant policies within the emerging local plan.

Assessment of Public Representations

7b.3 The Roads Development Unit has assessed the proposal and have raised no concerns in respect to road safety. The property currently has access doors which can open out onto this parking area. The fact that they have not been used in a while is not considered to be a material consideration. The proposed demolition would increase turning provision and result in a general improvement in orientation space and help to reduce the possibility of vehicles needing to reverse out onto the public road. It is not considered that the proposed development will create any additional road safety hazards.

7c Conclusion

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

8. RECOMMENDATION

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

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

Reason(s):

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

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our on line reference number(s) 01-07 inclusive.

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



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Director of Development Services

Date: 15 September 2010

LIST OF BACKGROUND PAPERS

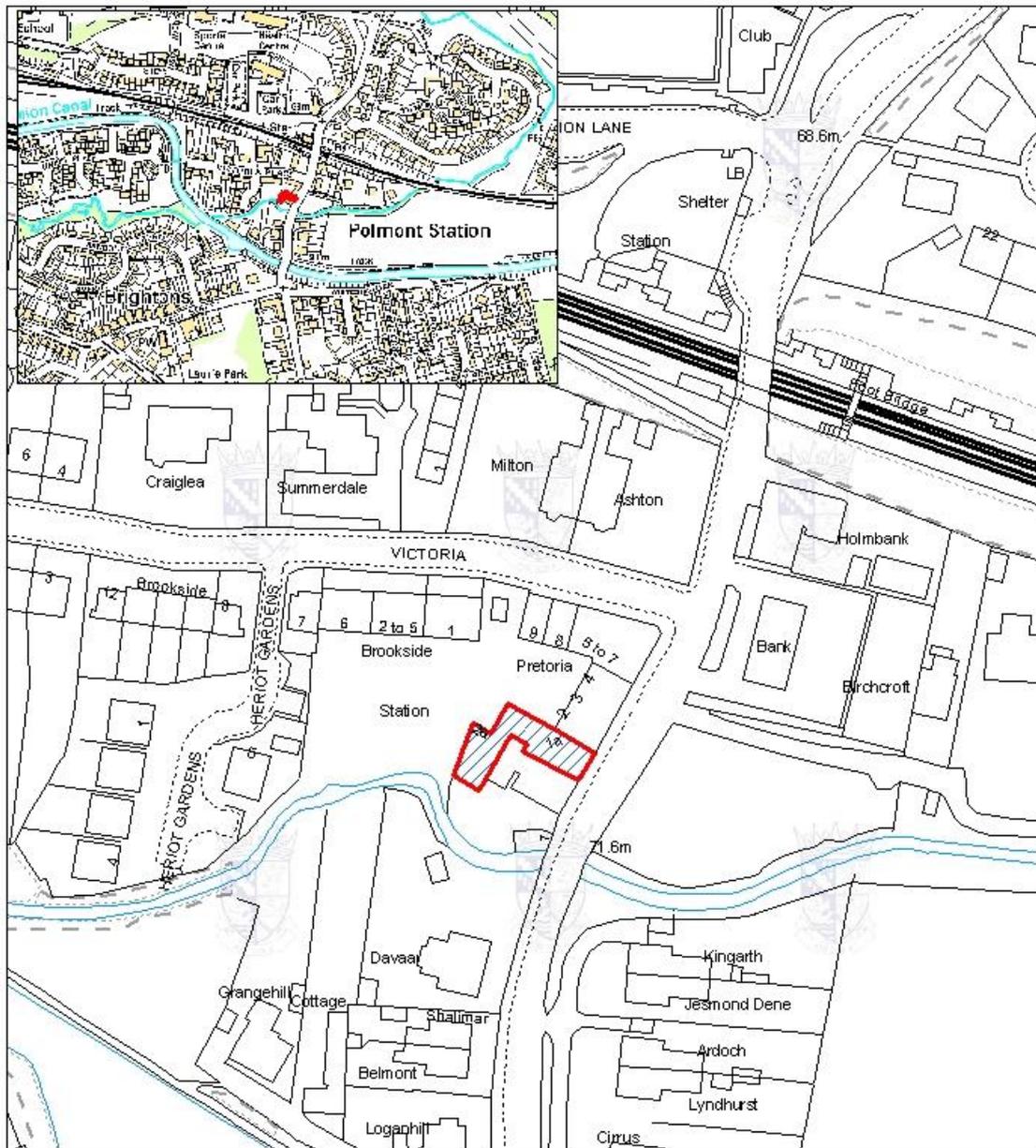
1. Approved Falkirk Council Structure Plan.
2. Polmont and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications (June 2010).
4. Letter of objection received from Mr Richard Poodle, Pretoria Place, Station Road, Brightons, Falkirk FK2 0UF on 21 August 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/10/0558/FUL

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FALKIRK COUNCIL

Subject: PART CHANGE OF USE FROM AGRICULTURAL LAND TO OPERATE A FORESTRY/TREE SURGEON BUSINESS AND PROCESSING TIMBER AT 8 CAULDCOATS HOLDINGS, LINLITHGOW, EH49 7LX FOR MR SANDY CROOK – P/10/0130/FUL

Meeting: PLANNING COMMITTEE

Date: 22 September 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

**Local Members: Councillor John Constable
Councillor Anne Ritchie
Councillor Adrian Mahoney**

Community Council: Blackness Area

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site consists of the north east part of the agricultural holding at 8 Cauldcoats Holdings, on the north side of the A904 Linlithgow to South Queensferry Road. The agricultural holding measures 5 hectares in area. The application site measures 0.69 hectares in area including access road. It is proposed to take access via an existing access at the A904.
- 1.2 The applicant has to date operated a forestry/tree surgery business at the site in a manner ancillary to the enjoyment of the agricultural building.
- 1.3 This application is to change the use of part of the agricultural holding to formally operate the forestry/tree surgery business in conjunction with associated timber processing. The processing of timber comprises reducing the timber from tree trunk state to logs and shavings. It is proposed that timber processed would be attained through the forestry/tree surgery business.
- 1.4 The proposal consists of the external storage of the timber and the erection of a shed constructed of metallic sheeting. The proposed shed measures 20 metres x 20 metres x 8 metres, and would be used for the processing of timber. It is not proposed that any part of the machinery process would take place outwith the proposed shed.
- 1.5 It is not proposed that any sales take place on site. Delivery of the processed timber would be carried out by the applicant.
- 1.6 The application is supported by an operations statement.

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The proposed development does not accord with the Development Plan and, under the Council's amended scheme of delegation, such applications require the consideration of the Planning Committee should it be recommended to grant planning permission.

3. SITE HISTORY

3.1 There is no planning application history in respect of the application site.

4. CONSULTATIONS

4.1 The Roads Development Unit has advised that alterations be carried out to the access at the A904, consisting of widening and surfacing, and that it is demonstrated that visibility splays of 4.5 metres x 215 metres are achievable.

4.2 The Environmental Protection Unit has advised that contamination can be addressed by an informative. It has also been advised that noise and dust need not be considered significant on the basis that no machinery operations would be undertaken outwith the proposed shed and that hours of operation are sufficiently controlled to safeguard the amenity of nearby residents.

4.3 The Scottish Environmental Protection Agency has raised no objections.

4.4 Scottish Natural Heritage has raised no objections.

5. COMMUNITY COUNCIL

5.1 The Blackness Area Community Council has raised the following concerns:-

- The height of the building would be detrimental to the visual amenity of the rural setting.
- Would there be sufficient control to ensure the planting of adequate screen planting.
- Would access arrangements be adequate.
- Would the Council retain sufficient control of the proposed development should the applicant vacate the site at any time.

6. PUBLIC REPRESENTATION

6.1 Four letters of objection have been received. Concerns raised are:-

- Noise levels would be excessive. This comment reflects concern regarding both noise from the timber processing operations and the noise from vehicles.

- The area is not solely a rural area. The area comprises of a residential area in a rural setting. The proposed development is not appropriate in close proximity to residential properties.
- The access is not adequate for the vehicles which would access the site.
- The proposed building is not appropriate in terms of scale and design for the rural setting.
- There are existing commercial/industrial premises in the area, and the additional use of a similar nature would put additional strain on the road network.
- It is not clear if the proposed development would comply with the Factories and Workshop Act.
- It is unlikely that the Planning Authority could sufficiently control the proposed development to adequately safeguard the amenity of residents nearby.
- The proposed development would result in the existence of brownfield site in the rural setting.

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.

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 proposal constitutes diversification of an agricultural holding unit. There are circumstances whereby it is considered that adequate controls would be applied to safeguard the amenity of the area. However, a rural location is not essential and a use such as the proposed development would be just as appropriate in an urban setting.

7a.3 The proposed development does not accord with Policy ENV.1.

Rural Local Plan

7a.4 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.5 It is not considered that there is an overriding national or local need for the proposed development, or that a rural site is the only suitable location.

7a.6 The proposed development does not accord with Policy Rural 1.

7a.7 Policy RURAL 2 ‘Village Limits’ states:

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

7a.8 It is noted that the proposed development does not accord with Policy Rural 1. However, there are considerations which, on balance, would render the proposal acceptable, and would safeguard the amenity of the area (these considerations are detailed in section 7c of this report). It is not considered that the proposed development is “undesirable” in respect of the rural setting.

7a.9 The proposed development accords with Policy Rural 2.

7a.10 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.11 It is noted that the proposed development does not accord with Policy Rural 1.

7a.12 Accordingly, the proposed development does not accord with Policy Rural 8.

7a.13 Policy RURAL 10 ‘Agricultural Land’ states:

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

7a.14 The application site is Class 2 agricultural land The application site comprises 15% of the area of the agricultural holding, and it is not considered that the impact on the holding would be significant. However, the proposal does not relate directly to the operation of the agricultural holding.

7a.15 The proposed development does not accord with policy Rural 10.

7a.16 Accordingly, the proposed development does not accord with the Development Plan.

7b Material Considerations

7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), consultation responses, Community Council representation, public representations, Scottish Planning Policy (SPP) and Planning Advice Note (PAN) 73 “Rural Diversification”.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

7b.2 Policy EP5 ‘Business and Industrial Development in the Countryside’ states:

“New business and industrial development (Classes 4, 5 and 6) 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 existing 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.*

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)."

7b.3 The proposed use of the application site to process timber constitutes a Class 5 use "General Industrial" under the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

7b.4 It is not considered that a specific need for a countryside location has been demonstrated. It is considered that the proposed development could just as appropriately be accommodated within an urban area.

7b.5 The proposed development does not accord with Policy EP 5.

7b.6 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.7 It is not considered that the proposed development specifically requires a countryside location or that it constitutes an infill development. The proposal would not utilise suitable existing buildings.

7b.8 The proposed development does not accord with Policy EQ19.

7b.9 Policy EQ30 - 'Agricultural Land' states:

"Development involving the loss of prime quality agricultural land (Classes 1, 2 and 3.1) will not be permitted unless there are overriding local or national circumstances."

- 7b.10 The application site is Class 2 agricultural land. The application site comprises 15% of the area of the agricultural holding, and it is not considered that the impact on the holding would be significant. However, it is not considered that it has been demonstrated that there are overriding national or local circumstances to justify the loss of Class 2 agricultural land.
- 7b.11 The proposed development does not accord with Policy EQ30.
- 7b.12 Accordingly, the proposed development does not accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

Consultation Responses

- 7b.13 The comments of the Roads Development Unit are noted. It is considered that appropriate visibility sightlines can be achieved by the removal of hedging which is partly within the application site, and partly at land adjacent to the west which is owned and controlled by the applicant. The removal of the hedging can be achieved by condition.
- 7b.14 It is also considered that the widening and reconfiguration of the access, including road frontage drainage, can be addressed by condition.
- 7b.15 It is not considered that the proposed development would generate additional vehicle movements in significant numbers. It is not considered appropriate, therefore, to require that the existing access be surfaced with a bituminous surface.
- 7b.16 It is noted that the Environment Protection Unit has advised that the proposed development should not generate excessive noise and that dust would be contained within the proposed building. This advice is given on the basis that conditions are attached limiting the processing of timber to areas within the proposed shed and that operation times are restricted.
- 7b.17 It is noted that no other comments or objections were received from consultees.

Representation From The Blackness Area Community Council

- 7b.18 It is not considered that the proposed building differs significantly from contemporary agricultural buildings which are common in rural areas. It is not considered that the design of the building would be significantly detrimental to the visual amenity of the area.
- 7b.19 It is considered that appropriate screen planting, and subsequent maintenance, can be addressed, and adequately secured, by condition.
- 7b.20 Paragraphs 7b.13-7b.15 of this report are noted with respect to access arrangements. It is noted that it is considered that an appropriate access arrangement can be achieved to serve the development proposed.
- 7b.21 Comments are noted regarding concern with respect to the means to control the proposed development should the applicant vacate the property. It is within the control of the Planning Authority to grant planning permission which is personal to the applicant, which would lapse should the applicant vacate the property.

Public Representations (Additional to issues Addressed in Sections 7b.18-7b.21 of This Report Above)

- 7b.22 It is noted that the Environmental Protection Unit has raised no concerns with respect to noise, either noise from the timber processing or from vehicular traffic.
- 7b.23 The rural character of the application site is noted. It is considered that the proposed development constitutes diversification of the agricultural holding unit. It is further considered that the Planning Authority could control the proposed development sufficiently to safeguard the amenity of the overall character of the area.
- 7b.24 It is noted that the Roads Development Unit has not raised concerns regarding the generation of traffic. On the basis of the operational statement supporting the application, it is not expected that the proposed development would generate significant numbers of additional vehicle movements.
- 7b.25 The existing uses in the area are noted. It is considered however that there should be no significant impact on the character of the area generally, provided that the planning authority is satisfied the proposed development is appropriate to the site, and that there would be no significant levels of traffic generated.
- 7b.26 Compliance with the Factories and Workshop Act is not a material planning consideration.
- 7b.27 It is noted that the Environmental Health Unit has raised no concerns regarding vehicle emissions. It is noted that the nearest residential unit is located 90 metres from the application site.
- 7b.28 Concerns regarding the creation of brownfield land is noted. Should the planning authority exercise its power to restrict planning permission to a personal permission, the site would revert back to agricultural holding land should the applicant vacate the property.

Scottish Planning Policy (SPP)

- 7b.29 In terms of rural development, the SPP acknowledges that the planning system has a significant role in supporting economic growth in rural areas. By taking a positive approach to new development, planning attitudes can help to create the right conditions for rural businesses and communities to flourish. The thrust of the SPP is that diversity, and the opportunity for employment opportunities, should be encouraged. The SPP also, however, stresses that development should be appropriate in terms of scale, and the character of the rural environment should be safeguarded.
- 7b.30 It is considered that the proposed development is in keeping with the rural setting in terms of scale, and that the planning authority can sufficiently control the development to restrict undesirable escalation. It is considered that the proposed building would be similar in scale and design to many contemporary agricultural buildings. Control of storage, method of operation and hours of operation can be controlled by the planning authority, and such control would be sufficient to protect the amenity of the rural setting.
- 7b.31 The proposed development accords with the SPP.

Planning Advice Note (PAN) 73 “Rural Diversification”

- 7b.32 PAN 73 defines that rural diversification means the establishment of new development in rural locations. This can mean existing businesses entering into new areas of activity, or the creation of entirely new enterprises. “Traditional sections like farming and forestry are essential in retaining this overall character, but these are changing too”.
- 7b.33 New enterprises could be completely unrelated to existing uses, but would be a wider part of rural diversification that enables people to continue living and working in the countryside, whilst providing jobs and opportunities for others. Whilst the rural character should be protected, when well planned, diversification and the development of new enterprises can contribute to the diversity of rural Scotland.
- 7b.34 It is considered that the countryside is a working environment as well as a residential environment, and that diversification of an agricultural holding can be acceptable where the amenity and character of the rural setting would be safeguarded. It is considered that the proposed development constitutes diversification associated with forestry and tree surgery and can be sufficiently controlled to safeguard the amenity and character of the area.
- 7b.35 The proposed development accords with PAN 73.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
- 7c.2 The proposed development accords with Scottish Planning Policy and Planning Advice Note 73 “Rural Diversification”.
- 7c.3 Furthermore, the countryside is, however, a working environment as well as a residential environment. The thrust of the SPP and PAN 73 is that diversification, whether consisting of extended existing enterprises or completely new enterprises, can be acceptable where the amenity and character of the rural area can be safeguarded.
- 7c.4 It is considered that the proposed development constitutes an appropriate diversification associated with forestry and tree surgery. The application defines the areas of the site where materials would be stored, the location of the building housing the timber processing machinery, details of the machinery to be used for the process and is supported by an operations statement.
- 7c.5 It is considered that, on the basis of the details submitted with the application, the proposed development would operate in a manner which would safeguard the amenity and character of the rural area. Furthermore, it is considered that the planning authority can apply sufficient control to ensure that the proposed development operates within the parameters proposed, and that permission could be granted personal to the applicant to ensure that the land reverts back to agricultural holding land should the applicant vacate the land.

7c.6 It is noted that the land is Class 2 agricultural land. However, it is also noted that the application site constitutes approximately 15% of the area of the agricultural holding. It is not considered that the proposed development would have a significant impact on the operation of the agricultural holding. Furthermore, planning permission granted personally to the applicant would ensure that the land reverts back to agricultural holding land should the applicant vacate the site.

8. RECOMMENDATION

8.1 It is recommended that Committee grant 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) Notwithstanding any details previously submitted, and prior to the commencement of development on site, all hedging at the site's frontage with the A904, and at the boundary of the adjacent land to the west where it fronts the A904 (as shown coloured green on the approved location plan, which for the avoidance of doubt bears the Council's reference 01A), shall be removed. Thereafter there shall be no obstruction above 1 metre in height within the area coloured yellow on the approved siteline plan, which for the avoidance of doubt bears the Council's reference 04.
- (3) Prior to the proposed development being brought into use, the access to the site shall be reconfigured to form a 7 metre wide bellmouth, with the written approval of the Planning Authority. The reconfigured access shall incorporate measures to ensure that no surface water, or loose material, is discharged onto the public A904 road. Measures to prevent the discharge of surface water, or loose material, onto the public A904 road shall have the prior written approval of the Planning Authority.
- (4) Notwithstanding any details previously submitted, a screen planting scheme shall be submitted to the Planning Authority, and shall be approved in writing by the Planning Authority. The landscaping scheme shall comprise predominantly of native broadleaf species and shall detail:-
 - Dimensions of planting areas.
 - Exact proportions of each species (%).
 - Planting densities, separation to be no greater than 3 metres.
 - Nursery stock sizes which shall consist of 40-60cm high transplants.
 - Methods of protection.
 - A maintenance schedule.

Screen planting shall be carried out within the first planting season of the date that the proposed development is brought into use (for the avoidance of doubt, the planting season shall be considered to be October – March).

- (5) There shall not at any time be any timber, whether processed or non processed, stored outwith the areas identified for storage purposes on the approved site plan (which for the avoidance of doubt, bears the Planning Authority's reference 02).
- (6) Notwithstanding any details previously submitted, there shall not be any timber stored, whether processed or non processed, at a height greater than 4 metres.
- (7) There shall not at any time be any machinery operated for the chipping, shaving or any other treatment of timber outwith the confines of the proposed shed.
- (8) Notwithstanding any details previously submitted, hours of operation shall be limited to 08.00am – 18.00pm Monday – Friday and 09.00am – 13.00pm Saturday. There shall be no processing of timber, or movement of timber by mechanical means outwith these times.
- (9) There shall not at any time be any on-site sale of timber, whether processed or non processed, or timber products of any kind.
- (10) This permission shall enure for the benefit of the applicant only, and shall not be exercised by any other person.
- (11) The development shall be implemented in accordance with the approved drawings, and any other submitted details, which have been approved in writing by the Planning Authority.
- (12) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the application site shall only be used for the operation of a forestry/tree surgery business and processing of timber, as hereby approved, and no other use shall be undertaken without the prior permission of the Planning Authority.
- (13) Notwithstanding any details previously submitted, details of finishing materials in respect of the proposed shed shall be approved in writing by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the interests of users of the A904 public road.
- (4,6,13) To safeguard the visual amenity of the area.

- (5) To safeguard the visual amenity of the area and to prevent escalation of the use of the land for the operation of a forestry/tree surgery business and processing of timber.
- (7-8) To ensure that occupants of dwellinghouses in the area, and adjacent land, are protected against excessive noise and dust intrusion.
- (9-10,12) To ensure that the Planning Authority can control the future use of the application site.
- (11) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

Informative(s):

- (1) For the avoidance of doubt the documents to which this consent refer are plans bearing our reference 01, 02 and 03 and supporting documents chipper details and supporting statement.
- (2) If contamination, as defined by Part 11a of the Environmental Protection Act 1990, is encountered during the development, the applicant should contact the Environmental Services Unit.



pp

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Director of Development Services

Date: 15 September 2010

LIST OF BACKGROUND PAPERS

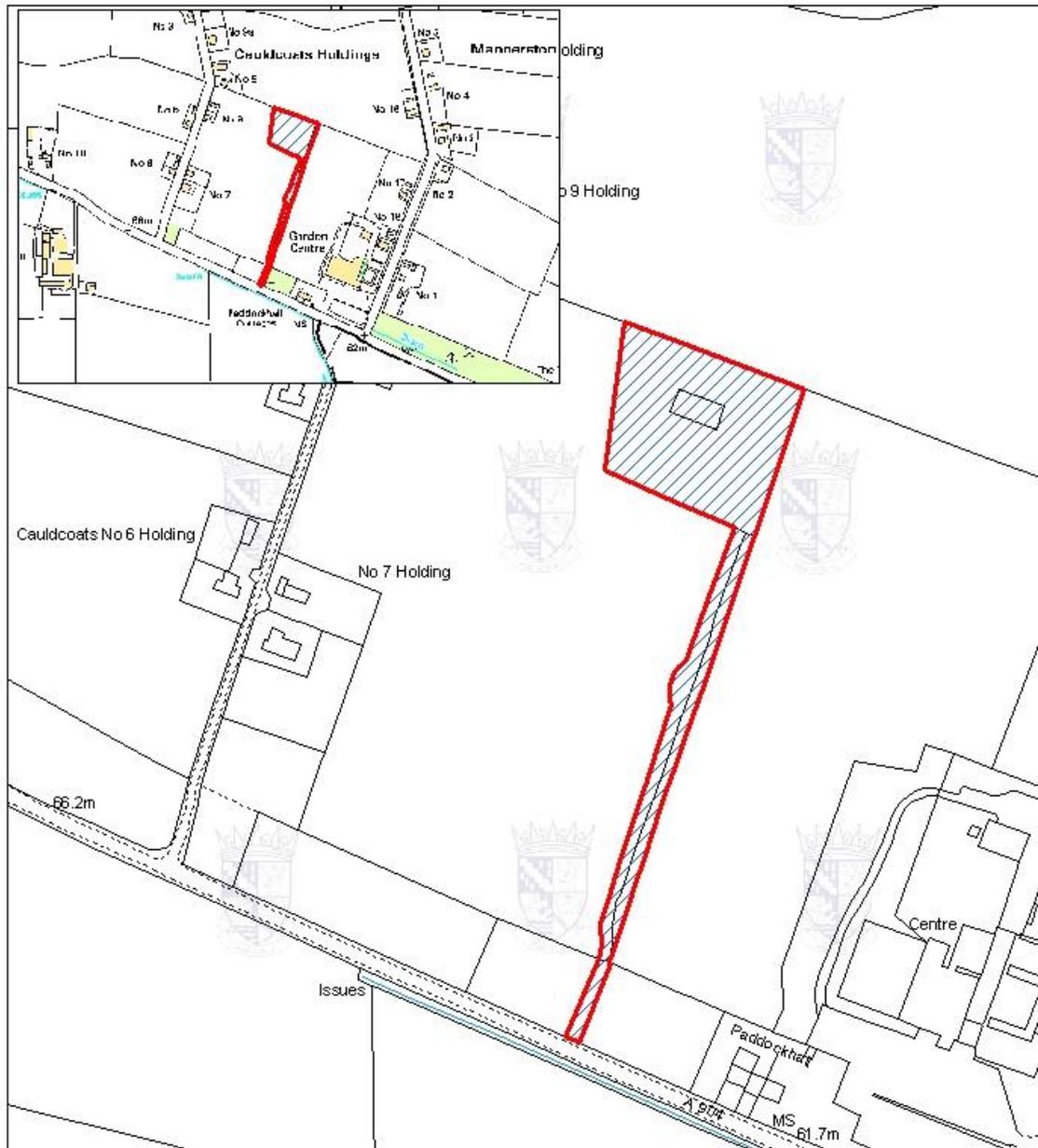
1. Falkirk Council Structure Plan
2. Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications) June 2010).
4. Scottish Planning Policy (SPP).
5. Planning Advice Note (PAN) 73 “Rural Diversification”.
6. Letter of Objection received from Mr Graeme Strachan, Edgewood, 7 Cauldcoats Holdings, Linlithgow, EH49 7LX on 8 April 2010
7. Letter of Objection received from Mrs Roz Coulman, 17 Cauldcoats Holdings, by Linlithgow, EH49 7LY on 4 April 2010
8. Letter of Objection received from Mr Gordon Rosevear, 4 Cauldcoats Holdings, By Blackness, Linlithgow, EH497LX on 29 April 2010
9. Letter of Objection received from Mrs Frances Rosevear, 4 Cauldcoats Holdings, by Blackness, EH49 7LX on 29 April 2010
10. Letter received from Blackness Area Community Council dated 7 April 2010

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

Planning Committee

Planning Application Location Plan P/10/0130/FUL

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



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FALKIRK COUNCIL

Subject: MIXED DEVELOPMENT COMPRISING OFFICES, LIGHT INDUSTRIAL UNITS AND GENERAL MANUFACTURING (CLASSES 4, 5 & 6) AT LAND TO THE NORTH WEST OF GRANGEMOUTH TECHNOLOGY PARK, EARLS ROAD, GRANGEMOUTH FOR KEMFINE UK LTD P/08/0615/OUT

Meeting: PLANNING COMMITTEE

Date: 21 October 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grangemouth

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

UPDATE REPORT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 22 September 2010 (copy of previous report appended), when it was agreed to continue the application to afford the applicant the opportunity to resolve an outstanding objection from the Scottish Environment Protection Agency.
2. The Scottish Environment Protection Agency has received a revised flood risk assessment (FRA) and is now able to withdraw the objection, subject to the imposition of a planning condition (shown as condition 13 below). The details of any associated Sustainable Urban Drainage System to be employed will also be subject to review by Falkirk Council (Condition 12) and, as such, it is considered that the applicant should address these matters on submission of any future Matters Subject to Condition (MSC) applications.
3. Members may also note amended timescales on the initiation dates for development (standard 3 year period extended to 5 years, within condition 2) to allow the developer opportunity to progress the project. In consideration of the Development Plan, this will not offend any particular policy and will contribute to the economic viability of launching the project.
4. It is also recommended that the terms of the Travel Plan Framework are incorporated within the intended legal agreement.

5. Recommendation

5.1 It is recommended that the Committee indicate that it is minded to grant planning permission in principle subject to:-

- (a) the satisfactory completion of an agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:**
 - (i) the payment of a financial contribution of £415,000 towards the provision of the transport mitigation scheme at M9 Junction 6 as per the following drawings:**
 - (a) Falkirk Council's drawing number A905/IA0151/02A/R relating to the improvement of the M9 trunk road junction at the Earlsgate Interchange (off-slip); and**
 - (b) Falkirk Council's drawing number A905/IA0151/03A/R relating to the improvement of the M9 trunk road junction at the Earlsgate Interchange;**
 - (ii) The submission and approval of a Travel Plan Framework for the site, to include objectives for the overall delivery of more sustainable travel patterns at the outset of the development and the increase over time of the share of trips made by modes of transport other than by car; and the general measures to be taken to be taken to secure such objectives.**
- (b) and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:-**
 - (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:**
 - (a) the siting, size, height, design & external appearance of the proposed development;**
 - (b) details of the access arrangements;**
 - (c) details of landscaping of the site.**
 - (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:**
 - (a) the expiration of 5 years from the date of the grant of planning permission in principle; or**
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or**
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,**

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 5 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) Prior to the occupation of any of the proposed development a Travel Plan for said part, aimed at promoting sustainable travel modes and reducing the reliance on the private car, shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland. In particular, the Travel Plan will identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the plan.
- (5)
 - (i) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
 - (ii) Where contamination (as defined by Part 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.
 - (iii) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (6) For the avoidance of doubt, the area of open space in the South West corner of the site - coloured blue on drawing no 6889_118 (Site Plan) dated 12.06.08 - shall remain clear of development and be retained as open space.

- (7) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000".
- (8) Development shall not begin until details of earthworks have been submitted to and approved in writing by the Planning Authority. Details shall include existing and proposed levels (in relation to a fixed datum, preferably ordnance) and contours in relation to surrounding vegetation and landform (with datum levels). Development shall be carried out in accordance with the approved details.
- (9) Prior to any works onsite, further details as to the quantity and location of existing woodland to be retained (and any additional planting) and connectivity with existing woodland corridors outwith the site, shall be submitted to and approved in writing by the Planning Authority.
- (10) Prior to any works on site, further details of the identification and categorisation of trees - following Bat Conservation Trust guidelines - which are planned for removal or tree surgery, shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include subsequent resurvey, mitigation and working methods where relevant.
- (11) Prior to any works on site, further details of site investigation, construction, operation impact and a proposed mitigation and compensation programme for bat habitats (including timings, lighting and bat box / brick installation) shall be submitted to and approved in writing by the Planning Authority.
- (12) Before the development commences, full details of all measures to be employed for surface water drainage, including calculations and details of how these measures will be maintained, shall be submitted to and approved in writing by this Planning Authority, and shall accord with the principles of Sustainable Urban Design Systems (SUDS). Thereafter, the surface water drainage arrangements shall be completed in accordance with the approved details before the development is brought into use.
- (13) No development shall commence on site until a scheme addressing a) flood risk in the northern portion of the application site shaded in blue on Figure 3 of the report reference KC233/MS; b) foul drainage; and c) surface water drainage has been submitted to and approved by Falkirk Council in consultation with SEPA. This scheme shall include measures to reduce flood risk, including scope to reduce flood risk through diversion of existing drainage discharges.

Reasons:

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2, 3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To accord with the requirements of SPP and PAN 75.

- (5) To ensure the ground is suitable for the proposed development.
- (6) To ensure that the Planning Authority can control the future use of the premises.
- (7) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (8) To safeguard the interests of the users of the highway.
- (9- 12) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (13) To assess residual flood risk associated with the northern part of the application site and measures to address such flood risk, to determine site drainage requirements to ensure that a satisfactory drainage scheme can be delivered and maintained in perpetuity, and to identify scope for reducing existing flood risk in the area.

Informatives:-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 07
- (2) The primary responsibility for safeguarding land or property against flooding remains with the owner. Approval of this application does not imply the absence of flood risk. Development at risk of flooding may face difficulties with the cost or availability of insurance and the applicant may wish to seek the views of insurers at an early stage.
- (3) For the avoidance of doubt, this permission does not imply nor infer that any structure will obtain approval from the Health and Safety Executive as the site lies within the consultation zone of a COMAH installation.
- (4) The applicant is advised that significant variation to current drainage arrangements may require authorization under CAR. In this respect, the applicant is advised to consult with SEPA.



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 For Director of Development Services

Date: 14 October 2010

LIST OF BACKGROUND PAPERS

1. Scottish Planning Policy (February 2010)
2. Falkirk Council Structure Plan
3. Grangemouth Local Plan
4. Falkirk Council Local Plan finalized Draft (Deposit Version) as amended by the Final Proposed Modification (June 2010)

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

FALKIRK COUNCIL

Subject: MIXED DEVELOPMENT COMPRISING OFFICES, LIGHT INDUSTRIAL UNITS AND GENERAL MANUFACTURING (CLASSES 4, 5 & 6) AT LAND TO THE NORTH WEST OF GRANGEMOUTH TECHNOLOGY PARK, EARLS ROAD, GRANGEMOUTH FOR KEMFINE UK LTD P/08/0615/OUT
Meeting: PLANNING COMMITTEE
Date: 22 September 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grangemouth

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks to establish the principle of development for Business, General Industry and storage and distribution (classes 4, 5, and 6) uses with associated infrastructure and landscaping, on land near Earls Road, Grangemouth.
- 1.2 The site extends to some 18 hectares and is located to the south of Forth Clyde Way, east of Glenburgh Road and north east of Earls Road, in close proximity to Junctions 5 and 6 of the M9 motorway.
- 1.3 Land uses in the surrounding area are mainly industrial and transport related, with the predominantly residential area of Glensburgh to the north. Land uses in the local area include:
- Predominantly residential area of Glensburgh to the north;
 - Industrial uses on land to the east, including the existing chemical complex and Scottish Enterprise Forth Valley Grangemouth Technology Park;
 - The west boundary shared with the A905 Glensburgh Road, with motor retail and licensed premises on the west side of the road;
 - A904 Earls Road defining the southern boundary with the Earls Gate Park site comprising mixed commercial / industrial uses;

- 1.4 Much of the site was previously used for private recreational purposes, with bowling facilities, football practice area and a football pitch. The remaining areas are semi-mature planted woodland and mown amenity grassland, with a recreation / social club established in the south west corner of the site.
- 1.5 However, access to the site has been restricted by the owner / applicant, in view of health and safety considerations, and the majority of facilities are no longer utilized.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposal is required to be reviewed by the Planning Committee for the following reasons:
- Scottish Environment Protection Agency currently have a holding objection to the application, based on flood risk;
 - The application may be considered potentially contrary to the Development Plan in that the application site extends outwith the area designated for industrial use.

3. SITE HISTORY

- 3.1 F/2005/0085 – Redevelopment for class 4 Office, class 5 General Industry and class 6 Storage and Distribution – Outline – Granted 11 January 2006.

4. CONSULTATIONS

- 4.1 The Health and Safety Executive have been consulted on the application as, since the application seeks the principle of development, insufficient information is available to process the application through the Planning Advice for Development near Hazardous Installations (PADHI+) system available to Falkirk Council. The applicant has submitted a Health and Safety Statement, and is confident that further planning applications to reflect detailed proposals will not result in an 'advise against' when evaluated through PADHI+. The Health and Safety Executive concur with this assessment, but the applicant should be aware that any approval in principle may not assure detailed planning permission on any individual unit / use.
- 4.2 Scottish Environment Protection Agency object to the proposal in that the site has a risk of flooding and insufficient information has been submitted to date to allay such consideration. However, following discussion between interested parties, further information is expected to be lodged with Falkirk Council and available for review by the Scottish Environment Protection Agency.
- 4.3 Sportscotland has no objection to the application, subject to assurance that the applicant will support a local football team – Syngenta Juniors – to move their changing facilities to a new venue at Little Kerse, Grangemouth.
- 4.4 Scottish Natural Heritage has no objection to the application subject to planning conditions to ensure that the quantity and location of existing woodland to be retained, along with additional planting, will maintain connectivity within the site and connect with woodland corridors outwith the site; the identification and categorisation of trees to be removed; and site investigation and mitigation works to ensure the retention of bat habitats.

- 4.5 Transport Scotland have no objection subject to an appropriate financial contribution being secured for upgrading road network infrastructure at M9 Junction 6.
- 4.6 Falkirk Council's Transport Planning Unit have no objections subject to planning conditions relating to walking and cycling accessibility; public transport accessibility; parking provision; internal road layout and travel plan provision. As to vehicular impact on the existing road network, upgrading of Earls Gate roundabout (M9 Junction 6) and associated roadways will attract a requested commuted payment of £415,000.00.
- 4.7 Falkirk Council's Road and Development Unit have no objections subject to planning conditions addressing road layout; visibility splays; parking and the Sustainable Urban Drainage System to be employed.

5. COMMUNITY COUNCIL

5.1 On 3 August 2008 Grangemouth Community Council made the following observation:

- This proposal is contrary to the current and developing local plan in respect of designated land use;
- The site lies within the inner Hazard Consultation zone pertinent to the operations of KemFine a point which has been reinforced by the actions of KemFine in recent weeks;
- The broad description of what is proposed causes concern in terms of meeting established criteria under the terms of the PADHI+ matrix in the event that change of land use is permitted;
- There are substantial numbers of mature trees on the proposed site which we would expect to be protected and factored into any decision should development be considered;
- As this site is not currently designated for economic development we assume that there has been no provision made in terms of transport planning for the effects that such a development might create at an already identified pinch point.

6. PUBLIC REPRESENTATION

6.1 No public representations 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 Structure Plan

7a.1 Policy ECON.1 ‘Strategic Development Opportunities’ states:

“The Council will promote the following as strategic locations for major economic development:

- Town Centres*
- 1 Falkirk Town Centre*
- 2 Grangemouth Docks*
- Gateways*
- 3 Middlefield/Westfield, Falkirk*
- 4 Falkirk Canal Interchange*
- 5 North Larbert / Glenbervie*
- 6 Gilston, Polmont*
- Urban/rural Regeneration Areas*
- 7 Langlees/Bainsford, Falkirk*
- 7a Former Manuel Works, Whitecross*
- Specialist Sites*
- 8 Grangemouth/Kinneil Kerse*

Site boundaries will be defined or confirmed in Local Plans. The range of acceptable uses at each of these strategic sites is indicated in Schedule ECON.1.“

7a.2 It is acknowledged that the application site is not within Grangemouth Docks nor will be used for chemical or petrochemical development. However, the application site is owned by an adjoining chemical industrialist and existing infrastructure – such as drainage provision, power, water supply and specialist utilities such as steam, compressed air, instrument air and nitrogen – will be shared with potential tenants.

7a.3 Policy ECON.3 ‘Local Business Development Opportunities’ states:

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

7a.4 It is considered that the site's allocation in terms of the Local Plan can be assessed in part (7b.31) of this report.

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 Given the scale and nature of the proposal, it is considered appropriate to request a financial contribution towards upgrading road infrastructure to accommodate the application.

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

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

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

7a.8 While there will be identifiable loss of private open space and what was formerly recreational facilities, there is considered justification for such loss and the impact on the community as a whole may be considered limited. This is expanded upon in part (7b.30-31) of this report.

7a.9 Policy ENV.3 ‘Nature Conservation’ states:

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

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

7a.10 The applicant has submitted habitat surveys, breeding bird surveys and bat surveys relating to the site. While there are no objections from consultees on these aspects, restrictive planning conditions protecting biodiversity will be imposed.

7a.11 Policy ENV.4 ‘Coastal Planning and Flooding’ states:

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

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*

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

7a.12 The risk regarding flooding of the site or flooding to neighbours as a consequence of development is subject to further review by the Scottish Environment Protection Agency.

7a.13 Policy TRANS.3 ‘Transport Assessment’ states:

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

7a.14 The Transport Assessment submitted by the applicant has contributed to the appropriateness of the financial contribution for works to the existing road network. In addition, a Travel Plan will seek to minimise the number of car trips generated from the site.

Grangemouth Local Plan

7a.15	Proposal no	Proposal	Agency	Comments
	14	Dalgrain Road 10 Hectares General Industry	Private Industry	The granting of planning permission on this site will be subject to a detailed assessment by HSE and FDC of any potential risks arising to adjacent residential areas.

7a.16 It should be noted that approximately one third of the current application site (area nearest Forth Clyde Way) is covered by the above proposal.

7a.17 Policy Grangemouth Two ‘Development within the Urban Limit’ states:

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

7a.18 This policy seeks to achieve a balance in the development of the urban area and, given the adjoining land uses, the proposal could be considered acceptable.

7a.19 Policy Grangemouth Seven ‘Major Hazard Consultation Zones’ states:

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

7b.20 The application seeks the principle of development while the evaluation of risk requires detailed information of storey heights, number of people in a building etc. The applicant recognizes that, while the proposal may be acceptable in principle, the detail of further applications will require to be assessed through PADHI+ by Falkirk Council.

7b.21 Policy Grangemouth Fifteen ‘Ecological Sites’ states:

“That in order to protect areas which are of value to wildlife, there will be a general presumption against any development on or affecting sites of special scientific interest or which might affect other important wildlife areas.”

7b.22 While the application site is not designated as an important wildlife area, the applicant has submitted information on biodiversity and wildlife. There are no issues precluding development of the site, but planning conditions will be imposed to respect the various features on the site and ensure mitigation for any loss of habitat.

7b.23 Policy Grangemouth Twenty ‘Trees and Woodlands’ states:

“That the economic and landscape importance of existing trees, woodland, afforested land and hedgerows be recognised, and that felling detrimental to either the character of the landscape or the economic resource itself will be discouraged and where necessary, endangered areas and trees will be statutorily protected. Furthermore, encouragement will be given to proposals to improve the landscape through the planting of appropriate species.”

7b.24 While it is recognized that a number of trees will require to be felled to allow development of the site, the applicant will be encouraged through planning condition to protect existing trees and introduce new planting where possible.

7b.25 Accordingly, the proposal does not accord with the Development Plan with regard to flood risk.

7b Material Considerations

7b.26 The material consideration include the terms of Scottish Planning Policy (February 2010), the policies within the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) and the points raised by consultees and contributors.

***Scottish Planning Policy
Flooding and Drainage***

- 7b.27 Scottish Planning Policy (SPP) recognizes that flooding is a natural process which cannot be prevented entirely, but it can be managed to reduce its social and economic consequences and to safeguard the continued functioning of services and infrastructure. Some locations are already susceptible to intermittent flooding and climate change is expected to worsen the situation. Inadequate drainage infrastructure also increases the risk of flooding. Planning authorities must take the probability of flooding from all sources – coastal, fluvial (water course), pluvial (surface water), groundwater, sewers and blocked culverts) and the risks involved into account when preparing development plans and determining planning applications. Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted. Prospective developers should take flood risk into account before committing themselves to a site or project. The responsibility of the planning authority is to have regard to the risk of flooding when preparing development plans and determining the planning applications, but this does not affect the liability position of applicants and occupiers who have responsibilities for safeguarding their property. Planning authorities should avoid any indication that a grant of planning permission implies the absence of flood risk.
- 7b.28 While the Scottish Environment Protection Agency have a holding objection to the application, consultation with relevant parties should result in additional information being submitted by the applicant, which will remove this objection.

***Open Space and Physical Activity
Playing Fields***

- 7b.29 Playing fields are an important resource for sport and should be provided in sufficient quantity, quality and accessibility to satisfy current and likely future community demand. Local authorities are expected to develop a playing fields strategy in consultation with SportsScotland as part of the wider open space strategy. Playing fields, including those within education establishments, which are required to meet existing or future needs should be identified in the local development plan. Playing fields and sports pitches should not be redeveloped except where:
- The proposed development is ancillary to the principal use of the site as a playing field;
 - The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training;
 - The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or
 - A playing field strategy prepared in consultation with SportsScotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.

Where a playing field is no longer required for formal sports use, planning authorities should consider whether the site has other recreational, amenity, landscape or biodiversity value which would warrant its retention as open space.

7b.30 In this instance, the area of recreation is privately owned and the applicant – by virtue of the area's close proximity to a Major Hazardous Installation – has restricted recreational access to the point that little of the facilities are now utilized. The applicant has approached SportsScotland with evidence that a local football club – Syngenta Juniors – have transferred to Little Kerse Sports facilities and that the applicant has continued to provide financial / asset support. SportsScotland do not object to the application, recognising that the loss of the facilities have been off-set by the development of Little Kerse, of which Syngenta Juniors are the primary users. The site, as well as providing grass pitches, has a synthetic pitch for training. SportsScotland would seek assurance that KemFine support Syngenta Juniors by facilitating transfer of existing changing facilities from the KemFine site to Little Kerse.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modification (June 2010)

7b.31 Proposal ED GRA 8 (Earls Road)

*"ED GRA 8 Earls Gate Park Phase 2
Opportunity Business / Industry
Site Area 14.05 hectares
Agency KemFine UK Ltd / SEFV
Comment Site would be suitable for use classes 4, 5, and 6, with an opportunity to share spare capacity in power and effluent treatment. Development of the site should retain the woodland area and important trees.*

The loss of sports facilities requires to be addressed either by replacing them with new ones, or upgrading existing ones, all inline with national planning policy guidance. Other matters which potentially have to be addressed include flooding, access, and European protected species. Any proposals for hazardous substances consent will require to be assessed under Policy EP19"

Reason: In response to an objection by KemFine UK Ltd, this amendment reflects the Reporters' recommendation and the Council's acceptance that is appropriate to extend the site, with suitable provision for mitigation relating to sports facilities and woodland protection

7b.32 The submitted planning application accords with the identified proposal subject to confirmation of the views of the Scottish Environmental Protection Agency and the retention of an area of open space, controlled by planning condition.

7b.33 Opportunities TR.GRA6/TR.GRA8 M9 Junctions 5 and 6

TR.GRA6 M9 Junction / Glensburgh Road

Opportunity: Junction Improvement

Agency: Falkirk Council / Transport Scotland

Comments: Junction identified as requiring upgrade to cope with projected traffic growth. Appraisal has identified specific mitigation measures which would resolve capacity issues over the term of this Local Plan. Signalisation likely to control staggered junction at Glensburgh. Signals and road widening at Earlsgate roundabout. Developer contributions required from major developments contributing to growth in the vicinity. All contributions will be raised in accordance with national planning policy guidance. Longer term solutions will be pursued through STPR and the National Development mechanism set out in NPF2.

TR.GRA8 M9 Junction 5

Opportunity: Junction Improvement

Agency: Falkirk Council / Transport Scotland

Comments: Junction identified as requiring upgrade to cope with projected traffic growth. Appraisal has identified specific mitigation measures which would resolve capacity issues over the term of this Local Plan. Signalisation and road widening likely on entry arms with possible dedicated left turning lane connecting M9 and A9. Developer contributions required from major developments contributing to growth in the vicinity. All contributions will be raised in accordance with national planning policy guidance. Junction 5 operates largely in tandem with Junction 6 and specific measures for Junction 5 to deal with longer term traffic growth will be identified consequential to the STPR and the National Development related work referred to in Opportunity TR.GRA6.

Reason: In response to an objection by Transport Scotland, and as confirmed and modified by the Reporters' recommendation, this amendment reflects and clarifies the outcome of traffic modelling work which has been carried out, and the approach to the improvement of these junctions.

7b.34 Transport Scotland have been consulted and a commuted payment of £415,000.00 has been agreed by the applicant to contribute to improvements to the road network.

7b.35 Policy EQ24 – 'Ecological Sites And Features' states;

“(1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers)..”

- (2) *Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) *Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) *Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) *Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future Management.*
- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.”*

7b.36 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.37 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.38 The applicant has submitted a biodiversity report, including tree survey and bat survey, which will allow suspensive planning conditions to be imposed protecting ecological assets within the site and allowing mitigation where, for example, trees are subject to removal.

7b.39 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 where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. 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 1/2010.”*

7b.40 The applicant has been requested to submit a sum of £415,000.00 towards improvement to the road network, which may be secured through legal agreement. In accordance with this emerging Local Plan, this request is based on an assessment of the impact of this development and other likely developments on relevant motorway junctions; the emerging costs of likely mitigation measures; the appropriate sharing of costs between developments; the principles of Circular 1/2010; and the existing commitment by the applicant (through a legal agreement linked to planning permission for a nearby site) to contribute to mitigation measures.

7b.41 Policy SC12 – ‘Urban Open Space’ states;

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

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

7b.42 While the loss of private open space is regrettable, it was necessary for health and safety reasons and the applicant has submitted mitigation for such loss, through the intention to retain much of the treescape and the opportunity to introduce further landscaping at the point of the precise development strategy for the site being known.

7b.43 Policy EP4 ‘Business and Industrial Development within the Urban and Village Limits’ states:

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

7b.44 It is considered that the proposal would be compatible with the surrounding area – given the industrial / commercial uses on adjoining land – and is satisfactory in terms of traffic generation. Detailed issues of parking, access and built form may be considered on Matters Subject to Condition (MSC) applications.

7b.45 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.*
- (3) *The potential impact that the proposals may have upon chemical and petrochemical establishments.”*

7b.46 The current application seeks to establish the principle of development of the site, which is within the consultation zones of several Major Hazard Installations. However, the lack of specific detail (height of buildings, number of occupants, distance from installations etc) hamper such evaluation and no specific advice can be offered at this juncture. The applicant is aware of the onerous nature of new development within consultation zones and is confident that the introduced development will comply with current Health and Safety Executive (HSE) Guidelines. HSE have no objections at this stage.

7b.47 Policy ST2 – ‘Pedestrian Travel And Cycling’ states;

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

- (1) *All pedestrian and cycle routes will comply with the standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. Where appropriate, infrastructure supporting the two modes will be combined.*
- (2) *Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, to other amenities and community facilities and support objectives in agreed Travel Plans where relevant.*
- (3) *Pedestrian and cycle movement within developments should be allowed for via direct routes without barriers.*
- (4) *Pedestrian and cycle links should be provided that offer connections to public transport connections in the surrounding area. For guidance, in new developments, no pedestrian should have to walk more than 400m to the nearest bus stop.*
- (5) *Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*
- (6) *The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network.*
- (7) *Pedestrian and cycle routes for school journeys should be provided in residential development where a need to do so is identified. In all cases, the aim should be to provide an overall walking/cycling distance between home and school of not more than 2 miles wherever practical, or not more than 1 mile for pedestrian journeys to primary school.*
- (8) *Cycle parking should be provided in accordance with the standards set out in Falkirk Council’s Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.”*

7b.48 While the application seeks the principle of development, provision for pedestrian travel and cycling have been reflected in the submitted Transport Assessment and will be addressed on further submissions to the planning authority.

7b.49 Policy ST6 - 'Improving The Road Network' states:

“Falkirk Council will work with other authorities, the Scottish Executive and developers in delivering necessary improvements to the road network. Any improvements identified will be taken forward as part of packages of measures that support sustainable transport.”

7b.50 Consultation response has been received from Transport Scotland and a commuted payment of £415,000.00 to implement road network improvements will be secured.

7b.51 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.52 While the Scottish Environment Protection Agency have objected to the proposal due to flood risk, it is envisaged that the applicant will submit additional information to allow this objection to be withdrawn.

Points Raised Through Consultation

7b.53 The Scottish Environment Protection Agency have objected to the application on the basis of flood risk. A recent meeting of interested parties concluded that further information needs to be submitted by the applicant and reviewed by the Scottish Environmental Protection Agency to remove the current objection. For the avoidance of doubt, no planning decision will be issued by Falkirk Council without the removal of the Scottish Environment Protection Agency objection and, if the objection were to remain, the application would need to be referred to Scottish Ministers, if the Committee were minded to grant planning permission.

Points Raised Through Comment

7b.54 In response to the points raised, the following comments may be applied:

- The emerging Local Plan's designated land use of the site has changed to accommodate industrial use;
- The site's location within an inner consultation zone would not preclude development, but that appropriate development be screened through the Health and Safety Executive's PADHI+ system;
- The detailed evaluation of specific uses, building sizes, occupancy levels etc, will be subjected to further consideration on Matters Subject to Condition (MSC) planning applications;
- A tree survey has been carried out and further proposals will consider tree retention or replacement planting in detail;
- The site has now been identified for industrial purposes and a Transport Assessment submitted and evaluated.

7c Conclusion

- 7c.1 The application is considered potentially contrary to the Development Plan in that, under the Grangemouth Local Plan, the application area exceeds the area designated for industrial purposes. However, the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the proposed modifications (June 2010) allows for further development of the site, albeit retaining a small area of open space.
- 7c.2 The area of proposed open space (south west corner of site) to be excluded from industrial development can be controlled by planning condition.
- 7c.3 Objection to the application has been received from Scottish Environment Protection Agency, concerned over flood risk.
- 7c.4 Additional information is expected from the applicant to address flood risk. On this basis, it is expected that the objection shall be withdrawn at an early date. For the avoidance of doubt, should the objection not be withdrawn, the application would be referred to Scottish Ministers, if the Committee is minded to grant permission.
- 7c.5 Matters regarding woodland protection and biodiversity can be addressed through planning condition.
- 7c.6 In respect of a commuted payment towards road transport infrastructure, the applicant is expected to submit a sum of £415,000.00 towards such provision.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee indicate that it is minded to grant outline planning permission subject to:-**
- (a) the satisfactory completion of an agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the payment of a financial contribution of £415,000 towards the provision of the transport mitigation scheme at M9 Junction 6 as per the following drawings:**
 - (i) Falkirk Council's drawing number A905/IA0151/02A/R relating to the improvement of the M9 trunk road junction at the Earlsgate Interchange (off-slip); and**
 - (ii) Falkirk Council's drawing number A905/IA0151/03A/R relating to the improvement of the M9 trunk road junction at the Earlsgate Interchange;**
 - (b) the Scottish Environment Protection Agency withdrawing its current objection, or the application being referred to Scottish Ministers for their consideration;**
 - (c) and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:-**

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
- (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access arrangements;
 - (c) details of landscaping of the site.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
- (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
- (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) Prior to the occupation of any of the proposed development a Travel Plan for said part, aimed at promoting sustainable travel modes and reducing the reliance on the private car, shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland. In particular, the Travel Plan will identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the plan.

- (5) (i) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (ii) Where contamination (as defined by Part 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.
- (iii) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (6) For the avoidance of doubt, the area of open space in the South West corner of the site - coloured blue - shall remain clear of development and be retained as open space.
- (7) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000".
- (8) Development shall not begin until details of earthworks have been submitted to and approved in writing by the Planning Authority. Details shall include existing and proposed levels (in relation to a fixed datum, preferably ordnance) and contours in relation to surrounding vegetation and landform (with datum levels). Development shall be carried out in accordance with the approved details.
- (9) Prior to any works onsite, further details as to the quantity and location of existing woodland to be retained (and any additional planting) and connectivity with existing woodland corridors outwith the site, shall be submitted to and approved in writing by the Planning Authority.
- (10) Prior to any works on site, further details of the identification and categorisation of trees - following Bat Conservation Trust guidelines - which are planned for removal or tree surgery, shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include subsequent resurvey, mitigation and working methods where relevant.

- (11) Prior to any works on site, further details of site investigation, construction, operation impact and a proposed mitigation and compensation programme for bat habitats (including timings, lighting and bat box / brick installation) shall be submitted to and approved in writing by the Planning Authority.
- (12) Prior to any works on site, further details of the Sustainable Urban Drainage System to be employed shall be submitted to and approved in writing by the Planning Authority.

Reasons:

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2, 3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To accord with the requirements of SPP and PAN 75.
- (5) To ensure the ground is suitable for the proposed development.
- (6) To ensure that the Planning Authority can control the future use of the premises.
- (7) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (8) To safeguard the interests of the users of the highway.
- (9– 12) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informatives:-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 07
- (2) The primary responsibility for safeguarding land or property against flooding remains with the owner. Approval of this application does not imply the absence of flood risk. Development at risk of flooding may face difficulties with the cost or availability of insurance and the applicant may wish to seek the views of insurers at an early stage.
- (3) For the avoidance of doubt, this permission does not imply nor infer that any structure will obtain approval from the Health and Safety Executive as the site lies within the consultation zone of a COMAH installation.



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For Director of Development Services

Date: 20September 2010

LIST OF BACKGROUND PAPERS

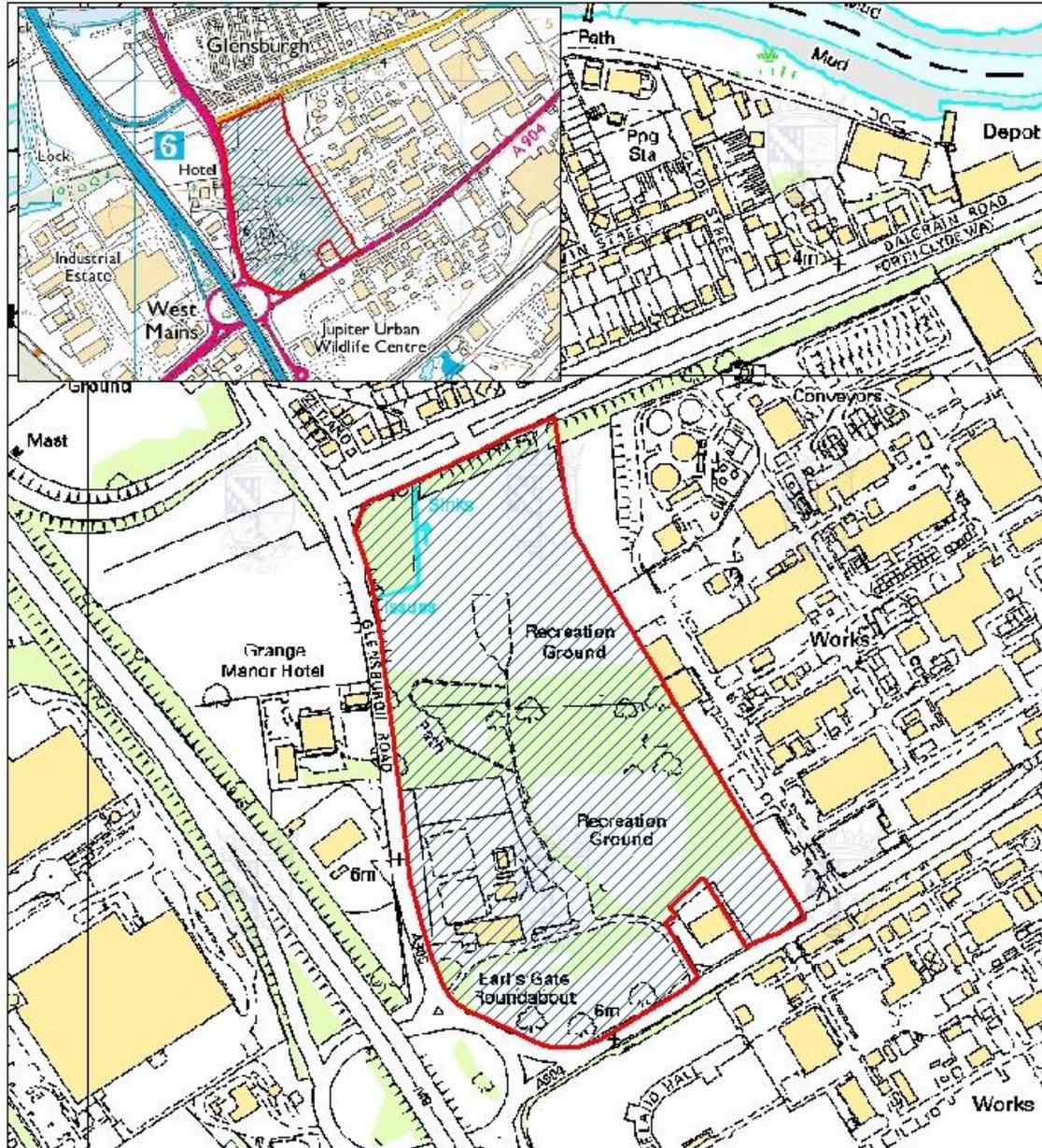
1. Scottish Planning Policy (February 2010)
2. Falkirk Council Structure Plan
3. Grangemouth Local Plan
4. Falkirk Council Local Plan finalized Draft (Deposit Version) as amended by the Final Proposed Modification (June 2010)

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

Planning Committee

Planning Application Location Plan P/08/0615/OUT

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



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