

DRAFT AGENDA ITEM 1(a)

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 22 SEPTEMBER 2010 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (D Campbell); Transport Planning Officer; Roads Development Officer (R Mackenzie); Network Officer (J Allan); Senior Forward Planning Officer; Senior Environmental Health Officer; Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: Councillor Buchanan declared a non-financial interest in agenda items 19 and 20 (P111 and P112) as an official objector to the applications and stated that he would take no part in consideration or discussion of these items of business.

Councillor Mahoney declared a non-financial interest in agenda items 15, 16 and 17 (P106, P107 and P108) as a Director of the Helix Trust and stated that he would take no part in consideration or discussion of these items of business.

Councillor Nicol declared a non-financial interest in agenda item 15 (P106) in consequence of his wife's ownership of a shop in Grangemouth Town Centre and having regard to the issue of public perception in relation to the application stated that he would take no part in consideration or discussion of this item of business.

Councillor Oliver declared a non-financial interest in agenda items 19 and 20 (P111 and P112) as he had a personal interest in this subject but stated that he would take part in consideration and discussion of this item of business.

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

- Councillor Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/10/0065/FUL and P/09/0526/FUL (minute P96 and P97) but that he would take part in consideration of the application for a disabled parking space (No 151) (Order 2010) and planning application P/09/0386/FUL (minute P92 and P98) as he was sufficiently familiar with the sites.

- Councillor Oliver informed the Committee that as he had not attended the site visits he would not take part in consideration of the application for a disabled parking space (No 151) (Order 2010) and planning applications P/10/0382/FUL, P/10/0305/PPP and P/10/0114/FUL (minute P92, P93, P94 and P95) but that he would take part in consideration of planning applications P/10/0065/FUL and P/09/0526/FUL (minute P96 and P97) as he was sufficiently familiar with the sites.
- Councillor Thomson informed the Committee that as she had not attended the site visits she would not take part in consideration of planning applications P/10/0305/PPP, P/10/0114/FUL, P/10/0065/FUL, P/09/0526/FUL and P/09/0386/FUL (minute P94, P95, P96, P97 and P98) but that she would take part in consideration of the application for a disabled parking space (No 151) (Order 2010) and planning application P/10/0382/FUL (minute P92 and P93) as she was sufficiently familiar with the sites.
- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/09/0386/FUL (minute P98).
- Councillor Carleschi informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/10/0382/FUL, P/10/0305/PPP, P/10/0114/FUL and P/09/0386/FUL (minute P93, P94, P95 and P98) but that he would take part in consideration of the application for a disabled parking space (No 151) (Order 2010) (minute P92) as he was sufficiently familiar with the site.
- Councillor A MacDonald informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/09/0386/FUL (minute P98).

P91. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 25 August 2010; and
- (b) Minute of Meeting of the Planning Committee On Site held on 6 September 2010.

P92. THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR DISABLED PERSONS) (No 571) ORDER 2010 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 August 2010 (Paragraph P76 refers), Committee gave further consideration to Report (circulated) dated 18 August 2010 by the Director of Development Services and an additional Report (circulated) dated 15 September 2010 by the said Director seeking a decision on an application for a disabled person's parking space from a resident of Duncan Avenue, Carronshore, Falkirk and bringing to the attention of Committee objections submitted in relation thereto.

AGREED to **REFUSE** the application on the basis that the location was contrary to road safety due to its close proximity to the busy nearby junction with Main Street, Carronshore, Falkirk.

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

P93. EXTENSION TO FLATTED DWELLING (DORMER) AT 50A STEWART AVENUE, BO'NESS EH51 9NL FOR MS K MCCAFFREY - P/10/0382/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 August 2010 (Paragraph P80 refers), Committee gave further consideration to Report (circulated) dated 18 August 2010 by the Director of Development Services and an additional Report (circulated) dated 15 September 2010 by the said Director on an application for full planning permission for an extension to the first floor flatted dwelling (dormer), in the form of a box dormer on the front elevation, to accommodate an additional bedroom at 50A Stewart Avenue, Bo'ness.

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

P94. ERECTION OF DWELLINGHOUSE (RENEWAL OF PLANNING PERMISSION P/07/0262/OUT) AT GARTH LAND, 49 GRAHAMSDYKE ROAD, BO'NESS EH51 9ED FOR MRS MCCULLOCH - P/10/0305/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 August 2010 (Paragraph P81 refers), Committee gave further consideration to Report (circulated) dated 18 August 2010 by the Director of Development Services and an additional Report (circulated) dated 15 September 2010 by the said Director on an application for planning permission in principle (for the renewal of formerly outline planning permission P/07/0262/OUT) for the erection of one dwellinghouse at Garthland, 49 Grahamsdyke Road, Bo'ness.

Councillor Constable, seconded by Councillor Nicol, moved that the application be refused on the ground that it was contrary to road safety due to the inadequacy of the road for heavy traffic, including the double bends and one sided pavement, and contrary to the Structure and Local Plans.

By way of an Amendment, Councillor Mahoney, seconded by Councillor McLuckie, moved that the application be approved in accordance with the recommendations within the Report.

By way of a further Amendment, Councillor Buchanan, seconded by Councillor McNeill, moved that the application be continued to request further information from Roads Services on the possibility of an alternative access to the site from the south.

In accordance within Standing Order 19.8, and with the unanimous consent of the meeting, Councillor Constable withdrew his Motion together with his seconder Councillor Nicol to request further information from Roads Services on the possibility of

an alternative access to the site from the south. In light of this, Councillor Mahoney together with his seconder Councillor McLuckie also withdrew their Amendment.

Accordingly, **AGREED** to **CONTINUE** consideration of this item of business to request further information from Roads Services on the possibility of an alternative access to the site from the south.

Councillor C Martin entered the meeting during consideration of the following item of business.

P95. ERECTION OF STEEL FRAMED BUILDING FOR TIMBER PROCESSING INCLUDING CONCRETE HARD STANDING YARD ON LAND TO THE EAST OF 1 HANEYS WAY, BRIDGENESS ROAD, BO'NESS FOR A ANDERSON - P/10/0114/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 August 2010 (Paragraph P82 refers), Committee gave further consideration to Report (circulated) dated 18 August 2010 by the Director of Development Services and an additional Report (circulated) dated 15 September 2010 by the said Director on an application for full planning permission for the erection of steel framed building for timber processing including a concrete hard standing on a site measuring 1.73 hectares, adjacent to the existing timber processing yard, on land to the east of 1 Haneys Way, Bridgeness Road, Bo'ness.

AGREED to **GRANT** planning permission subject to:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Notwithstanding any details previously submitted, parking shall be provided at a rate of 29 spaces for the factory and 8 spaces for the office building. The site shall not be brought into use until such time as the parking spaces have been provided with the written approval of the Planning Authority.
- (3) Notwithstanding any details previously submitted, the access to the site shall be a minimum of 7.3 metres in width, and the site shall not be brought into use until such time as the access has been formed, with the written approval of the Planning Authority.
- (4) Notwithstanding any details previously submitted, there shall be no work on site until such time as a detailed drainage strategy has been approved in writing by the Planning Authority. The drainage strategy shall include details of the means to discharge foul waste and treat surface water run-off, which should reflect sustainable drainage principles.
- (5) No timber shall be stored externally above a height of 4 metres.
- (6) Notwithstanding any details previously submitted, the development shall not commence until such time as additional landscaping at the southern boundary of the site, within the site boundary, has been approved in writing by the Planning Authority.

- (7) Landscaping at the southern boundary of the site, shall be completed by the end of the first planting season following the site being brought into use. The planting season is to be considered as October to April. Any specimens not becoming established, being removed or becoming terminally damaged within 2 years of the completion of the planting shall be replaced with the written approval of the Planning Authority.
- (8) Notwithstanding any details previously submitted, and prior to the commencement of development on site, existing planting within the perimeter of the application site at the eastern boundary shall be removed, and the Planning Authority shall approve in writing the position and extent of the area to be used for external storage of timber. Thereafter, there shall be no planting, or any structure erected, between the external timber storage area and the eastern boundary of the application site.
- (9) 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.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that adequate car parking is provided.
- (3) To safeguard the interests of the users of the highway.
- (4) To ensure that adequate drainage is provided.
- (5-7) In the interests of visual amenity.
- (8) To ensure against any risk to the property adjacent to the east of the application site.
- (9) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

Informative: -

- (1) For the avoidance of doubt, the plans to which the consent refers bear the reference 01B, 02B, 03B, 04B, 05B, 06B, 07B and 08B.

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

Councillor Oliver re-entered the meeting prior to consideration of the following item of business.

P96. ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE ON LAND TO THE WEST OF 2 PYETREE COTTAGE, DUNMORE FOR MR AND MRS WILLIAM AND GINNY SUTHERLAND - P/10/0065/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 August 2010 (Paragraph P77 refers), Committee gave further consideration to Report (circulated) dated 18 August 2010 by the Director of Development Services and an additional Report (circulated) dated 15 September 2010 by the said Director on an application for full planning permission for the erection of a detached two storey dwellinghouse, consisting of 3 bedrooms, external terrace, study, sitting room, living area, dinning area, kitchen, utility room, garage and store room with internal lift provision on land to the west side of 2 Pyetree Cottage, Dunmore Home Farm, Airth.

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

By way of an Amendment, Councillor Nicol, seconded by Councillor C Martin, moved that the application be approved subject to the siting of the house being brought forward in line with the existing residential properties, the retention of the existing tree belt separating the existing properties and the proposed site, that the access track is blocked off by bollards to ensure that all construction traffic comes from the farm direction and not through the village of Dunmore and that the development will ensure its' own water supply.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 10 Members present, with voting as undernoted:-

For the Motion (4) – Councillors Carleschi, A MacDonald, Mahoney and Oliver.

For the Amendment (6) – Councillors Buchanan, Lemetti, McLuckie, McNeill, Nicol and C Martin.

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

- (1) That the site of the house should be brought forward in line with the existing residential properties all to the satisfaction of the Director of Development Services and in accordance with plans submitted to and approved by the Director of Development Services;
- (2) The retention of the existing tree belt separating the existing properties and the proposed site;
- (3) That the access track is blocked off by bollards to ensure that all construction traffic comes from the farm direction and not through the village of Dunmore;
- (4) That the development will ensure its own water supply; and
- (5) Other appropriate conditions as determined by the Director of Development Services.

P97. ERECTION OF 14 DWELLINGHOUSES AND ASSOCIATED WORKS AT GAMEKEEPERS COTTAGE, CASTLE VIEW, AIRTH, FALKIRK FK2 8JG FOR MULHOLLAND CONTRACTS - P/09/0526/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 August 2010 (Paragraph P79 refers), Committee gave further consideration to Report (circulated) dated 18 August 2010 by the Director of Development Services and an additional Report (circulated) dated 15 September 2010 by the said Director on an application for full planning permission for the erection of 14 houses over 3.6 hectares at Gamekeepers Cottage, Castle View, Airth.

AGREED that Committee is **MINDED** to **GRANT** planning permission, subject to completion of a legal agreement securing the sum of £40,950 for Education provision and thereafter, on satisfactory conclusion of the legal agreement to remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) That construction traffic enter the site from the back road and not through the existing adjacent housing estate.
- (2) That a boundary fence be added separating off the site, all to the satisfaction of the Director of Development Services.
- (3) That screening and planting be provided to separate the site from the existing adjacent housing estate, all to the satisfaction of the Director of Development Services.
- (4) The development to which the permission relates must be begun within three years of the date of the permission.
- (5) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the restoration of the well and well-head, including timescales for completion and maintenance schedule.
- (6)
 - (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; and

- (7) Before any work is commenced on the site a notice stating "PRESERVED" shall be placed on the trunk of all trees to be retained and this notice shall not be removed until all construction work on the site is completed.
- (8) All approved landscaping works shall be implemented to the satisfaction of the Planning Authority by the end of the first planting and seeding season following the occupation of the last house on the development.
- (9) Prior to any works on site, details of the Mental Play facilities - including maintenance arrangements - shall be submitted to and approved in writing by the Planning Authority.
- (10) Samples of roof tile, wall finishes and hard surface materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (11) Prior to any works on site, further details of the specification and route of the path accessing the water attenuation (SUDS) pond shall be submitted to and approved in writing. For the avoidance of doubt, the specification and route shall be considered as to minimise the impact on tree root spread on the area covered by a Tree Preservation Order.
- (12) 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".
- (13) Prior to any work on site, further details as to the siting of storage compound or materials and access route for construction vehicles shall be submitted to and approved by the Planning Authority.
- (14) Prior to the occupation of any dwellinghouse, the applicant shall submit, in writing, details and distribution of a Travel Pack to the Planning Authority for agreement.
- (15) Prior to occupation of any dwellinghouse, works to the junction of the A905 and Castle View, including installation of priority signage and "Give Way" markings, shall be installed all to the satisfaction of the Planning Authority in consultation with the Roads Authority.
- (16) For the avoidance of doubt, pedestrian access along the existing Right of Way shall be accommodated, through temporary diversion, details and timetable to be agreed in writing by the Planning Authority prior to works on site.
- (17) 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".
- (18) Any access gates shall only open inwards.

- (19) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the Sustainable Urban Drainage System to be employed.
- (20) No building, structure, tree, shrub or other obstruction to visibility over 0.6m metres in height above carriageway level shall be allowed within 2.5m metres of the carriageway edge over the site's frontage with the public road.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that any archaeological remains are safeguarded.
- (3) To ensure the ground is suitable for the proposed development.
- (4, 8) To ensure that the existing trees are retained and protected during construction work.
- (5) To safeguard the environmental amenity of the area.
- (6) To ensure that adequate play facilities are provided.
- (7) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (9, 12, 14, 15, 17) To safeguard the interests of the users of the highway.
- (10) To safeguard the residential amenity of the area.
- (11) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (13) To protect existing rights of way and ensure they are not adversely affected by the development
- (16) To ensure that adequate drainage is provided.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03a, 04a, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15a, 16a, 17, 18, 19, 21, 22, 23, 24, 25 and 26.
- (2) The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.

- (3) The permission for the development requires notice to be given before any works commence on site so as to allow archaeological monitoring and recording to take place. If the applicant had not already done so, notice should be given.
- (4) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect the development.
- (5) It is recommended that the applicant should consult with the Coal Authority concerning the proposal because of the possibility of disused mine workings under the site.

NOTED concern over current surface water and flooding problems experienced by householders on the site. It was reported that the position should be improved by this development but this should be monitored by the applicant.

Councillors Constable and Thomson re-entered the meeting prior to consideration of the following item of business, although Councillor Thomson was not taking part in consideration thereof.

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

Councillors A MacDonald and Nicol left and re-entered the meeting during consideration of the following item of business, although they were not taking part in consideration thereof.

P98. ERECTION OF 30 DWELLINGHOUSES AND ASSOCIATED WORKS ON LAND TO THE EAST OF 53 HAZEL ROAD, AUCHINCLOCH DRIVE, BANKNOCK FOR LINK GROUP - P/09/0386/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 August 2010 (Paragraph P78 refers), Committee gave further consideration to Report (circulated) dated 18 August 2010 by the Director of Development Services and an additional Report (circulated) dated 15 September 2010 by the said Director on an application for full planning permission for the erection of 28 two storey terraced and semi detached dwellinghouses and two single storey dwellinghouses with wheelchair access, on land to the east of 53 Hazel Road, Auchincloch Drive, Banknock.

The Convener read a letter from Councillor Blackwood, local member in relation to the application.

AGREED to REFUSE planning permission on the basis that:-

- (1) There would be an adverse impact on road safety in particular in relation to young children;
- (2) There would be parking congestion and parking provision was inadequate for the development;
- (3) The unsuitability and overdevelopment of the site; and

- (4) The unacceptable loss of green space to the area.

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

P99. REQUESTS FOR SITE VISITS

Prior to consideration of the following items of business, and having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/10/0558/FUL and P/10/0130/FUL (minute P104 and P105) to allow inspections of the sites by the Committee.

P100. ERECTION OF 13 FLATTED DWELLINGS AT BLYTHSWOOD, QUARROLHALL CRESCENT, CARRONSHORE, FALKIRK FOR MICHAEL MCLAUGHLIN - P/10/0235/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 August 2010 (Paragraph P83 refers), Committee gave further consideration to Report (circulated) dated 18 August 2010 by the Director of Development Services and an additional Report (circulated) dated 15 September 2010 by the said Director on an application for full planning permission for the erection of 13 flatted dwellings, on the site of a vacant children's nursery and associated grounds, bounded by 2 storey housing to the north and west, a health clinic to the east and open space directly adjacent to the south, at Blythswood, Quarrollhall Crescent, Carronshore, Falkirk.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Prior to the commencement of development, details of a tree planting scheme for the linear planting of eight heavy standard trees, of an agreed species, along the site's frontage of Kincardine Road should be submitted for the assessment and written approval of the Planning Authority.
- (3) 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:-
 - (i) Where contamination (as defined by Part 11A of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its

intended use by the removal of any unacceptable risks caused by the contamination;

- (ii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority; and
 - (iii) 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 contaminations land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority; and
- (4) Prior to commencement of development, a noise survey to determine the impact of transportation noise on the development shall be submitted. The survey shall be conducted in terms of PAN 56. The survey shall identify the noise exposure category within which the development will fall. If it falls within Category B or C then a scheme for protecting the proposed dwellings from transportation noise should be included as part of the noise survey and the scheme shall ensure that the internal levels, with the windows closed, do not exceed 45dB daytime and 35dB night-time when measured as LAeq, T, and permanent ventilation be provided in order that windows can be kept closed without loss of ventilation. The survey shall be submitted to, and approved by, the Planning Authority. Construction shall not commence until the aforementioned survey has been approved by the Planning Authority.
- (5) Parking spaces shall be formed with the dimensions of 6x3 metres.
- (6) Prior to commencement of development details of surface water drainage (SUDs) calculations for a 1 in 200 year flood event shall be submitted for the assessment and approval of the Planning Authority.
- (7) The existing footways along the site's frontage with Quarrollhall Crescent and Gairdoch Drive shall be reconstructed in accordance with Falkirk Council Design Guidelines and Construction Standards 2000 to a minimum width of two metres and with pedestrian dropped kerbs at the proposed site access from Quarrollhall Crescent and at the junction of Gairdoch Drive with Quarrollhall Crescent.
- (8) Prior to the commencement of development details of a traffic calming feature, designed in accordance with Falkirk Council Design Guidelines and Construction Standards, 2000, shall be provided for the assessment and written approval of the Planning Authority. The traffic calming shall thereafter be constructed prior to the occupation of any of the approved flats.
- (9) Prior to the commencement of the development a method statement for the repair of existing boundary wall and erection of a metal railing enclosure along the frontage of the site with Quarrollhall Crescent, shall be submitted for the assessment and written approval of the Planning Authority.

- (10) Prior to the commencement of development details and specifications of proposed render, stone and slate roof construction materials shall be submitted for the written approval of the Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To provide an improved setting for the site.
- (3) To ensure that the site is suitable for development.
- (4) To protect residents of the proposed dwellings from the potential impact of transportation noise.
- (5) To ensure parking space dimensions accord with Falkirk Council Roads Construction Guidelines.
- (6) To ensure satisfactory drainage is provided.
- (7,8) In the interests of road safety.
- (9,10) In the interests of visual amenity.

Informative:-

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

Councillor C Martin left the meeting during consideration of the following item of business.

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

P101. ERECTION OF FARM SHOP, STABLES, BUNK HOUSE, CHALETs, TOILET BLOCK, FORMATION OF CARAVAN SITE AND ERECTION OF MANAGER'S HOUSE ON LAND TO THE NORTH OF GREENRIGG FARM, BONNYHILL ROAD, FALKIRK FOR THE DEANSTOUN PARTNERSHIP - P/09/0409/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 16 June and 25 August 2010 (Paragraphs P49 and P67 refer), Committee gave further consideration to Reports (circulated) dated 8 June and 18 August 2010 by the Director of Development Services and an additional Report (circulated) dated 15 September 2010 by the said Director on an application for full planning permission for the erection of a manager's house, a farm shop, horse riding stables, a bunkhouse and chalets for rent, the formation of touring caravans, pitches and associated toilet facilities and infrastructure on land located to the south of Bonnyhill Road, Falkirk.

AGREED that Committee is **MINDED to GRANT** planning permission, subject to the satisfactory conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to:-

- (a) Ensure the farm manager's house is retained and occupied by a manager for the continued operation of Rough Castle Farm; and
- (b) Ensure the approved chalets and caravan site are occupied for tourism use only and on a seasonal basis.

And thereafter on conclusion of the Section 75 Agreement to remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Within three months of the date of the permission detailed Sustainable Urban Drainage (SUDs) calculations and discharge rates for a 1:200 year storm flood return period shall be submitted for the written approval of the Planning Authority.
- (3) All drainage shall comply with the requirements of the Scottish Environmental Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
- (4) Prior to the occupation of, or initiation of, approved uses a new access road to the site shall be formed to the west of the existing site access on the B816, at a position to be agreed in writing with the Planning Authority. The new access shall take the form of a bellmouth junction of a minimum 6 metres in width for the first 20 metres of length and with a minimum 10.5 metre junction radii.
- (5) Within three months of the date of this permission a detailed landscaping scheme including provision for subsequent maintenance shall be submitted for the written approval of the Planning Authority. No work shall commence on site until written approval has been provided.
- (6) Parking facilities shall be provided in accordance with Falkirk Council Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000 and completed prior to occupation of the development.
- (7) Details of the location and specification for the formation of additional vehicle passing places to allow the passing of car and caravan traffic shall be provided for the consideration of the Planning Authority. Development shall not commence until written approval of these details has been provided. Noted that the applicant's agent confirmed on behalf of the applicant an undertaking to widen the access path to a width of 4 metres.

Reason(s):-

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

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

Informative:-

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

Members requested that the Director of Development Services examine the option to reduce the speed limit to 30 m.p.h. on the road from Tamfourhill to the site for road safety reasons and that appropriate signage to the site be installed. The Director undertook to approach Roads Services in this regard.

P102. INSTALLATION OF EXTERIOR LIGHTING ON NORTH AND SOUTH ELEVATION, ROOF LINE AND TOP OF TOWER AT ST MODANS AND FALKIRK OLD PARISH CHURCH, MANSE PLACE, FALKIRK, FK1 1JN FOR GILLIAN SMITH - P/10/0409/FUL

There was submitted Report (circulated) dated 15 September 2010 by the Director of Development Services on an application for full planning permission for the installation of exterior lighting on the north and south elevation, the roof line and the top of the tower at St Modans and Falkirk Old Parish Church, Manse Place, Falkirk.

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

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

Reason:-

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

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03 and 04.
- (2) The property is a category B Listed Building. Formal Listed Building Consent may also be required for alterations to the building. It is a criminal offence not to have obtained Listed Building consent before starting work on site. For advice contact should be made to Development Management, Development Services, Falkirk Council, Abbotsford House, David's Loan, Falkirk, FK2 7YZ (telephone: 01324 504748).

- (3) When fixing the cables necessary for any lighting scheme, the surface of the historic stone must not be damaged in any way. To ensure this the PLANNING Authority would recommend that where running cables across the stone surface of St Modans is unavoidable, the cable should be fixed into the mortar joints between the stones using non-ferrous fixing screws, so that they can be removed at a later date without damage to the historic fabric. This method should also be applied to the fixing of the proposed floodlight housing units on the stone elements of the church. When drilling any holes for fixing the wiring and electrical equipment or for passing cables through historic fabric, the electrical contractor should use an electric drill with an efficient vacuum cleaner attachment to ensure that all the dust is sucked away and does not settle. Cartridge fixing tools should not be used. Where the cables must pass through the walls, holes should be made using a diamond core drill (again with a vacuum attachment to remove the dust) so that a hole is neatly made with the minimum of damage to the historic masonry.

P103. DEVELOPMENT OF LAND FOR MIXED USE PURPOSES (RESIDENTIAL, EQUESTRIAN CENTRE AND ASSOCIATED PARKING) AT FORRESTER QUARTER, BONNYBRIDGE FK4 2HA - MR GEORGE LAWRENCE - P/10/0196/PPP

There was submitted Report (circulated) dated 15 September 2010 by the Director of Development Services on an application for planning permission in principle for the development of land for a mixed use development, comprising of an equestrian centre, associated parking and residential accommodation at Forrester Quarter, Bonnybridge.

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

In accordance with decisions taken at minute reference P99, **NOTED** that the following two items of business had been continued to a future meeting to allow an inspection of the sites by Committee:-

P104. 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 FOR GIANNI CROLLA – P/10/0558/FUL

P105. 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

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

P106. CHANGE OF CLASS USE FROM RETAIL UNIT TO OFFICE/SHOWROOM SPACE TO HOUSE GRANGEMOUTH TRANSITION TOWN PROJECT

(RETROSPECTIVE) AT 78 LA PORTE PRECINCT, GRANGEMOUTH FK3 8BG FOR THE HELIX TRUST - P/10/0498/FUL

There was submitted Report (circulated) dated 15 September 2010 by the Director of Development Services on an application for full planning permission (retrospective) for a change of use for class 2 office use of a former retail shop unit located on the north side of Kerse Road, Grangemouth at the west side of at 78 La Porte Precinct, Grangemouth.

AGREED to **GRANT** planning permission.

Informative:-

- (1) For the avoidance of doubt, the plan to which the consent refers bears the reference number 01.

P107. CONSTRUCTION OF NEW FOOTPATHS AND ENHANCEMENT OF EXISTING FOOTPATHS AND ASSOCIATED LIGHTING, DRAINAGE; HANDRAILS, SIGNAGE, SEATING, A FOOTBRIDGE, STOCK PROOF FENCING AND TREE PLANTING ON LAND AT THE HELIX TO THE WEST OF THE M9 FROM JUNCTION 5 TO JUNCTION 6, FALKIRK FOR THE HELIX TRUST – P/10/0580/FUL

There was submitted Report (circulated) dated 16 September 2010 by the Director of Development Services on an application for full planning permission for the formation of public access footpaths and cycleways for the Helix environmental improvements proposal on land to the west of the M9 from junction 5 to junction 6, Falkirk.

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

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

Reason:-

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

Informative:

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

P108. CONSTRUCTION OF NEW FOOTPATHS AND ENHANCEMENT OF EXISTING FOOTPATHS AND ASSOCIATED LIGHTING, DRAINAGE, SIGNAGE, SEATING, A FOOTBRIDGE, INFILL WORKS RAMP TO A9, STOCK PROOF FENCING AND PLANTING ON LAND AT THE HELIX TO THE WEST OF THE M9 FROM JUNCTION 5 TO JUNCTION 6, FALKIRK FOR THE HELIX TRUST - P/10/0581/FUL

There was submitted Report (circulated) dated 16 September 2010 by the Director of Development Services on an application for full planning permission for the formation of public access footpaths and cycleways for the Helix environmental improvements proposal on land to the west of the A9 from junction 5 to junction 6, Falkirk.

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

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

Reason:-

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

Informative:-

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

Councillor Nicol re-entered the meeting following consideration of the foregoing items of business.

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

P109. MIXED DEVELOPMENT COMPRISING OFFICES, LIGHT INDUSTRIAL UNITS AND GENERAL MANUFACTURING (CLASSES 4,5 & 6), ON LAND TO THE NORTH WEST OF GRANGEMOUTH TECHNOLOGY PARK, EARLS ROAD, GRANGEMOUTH FOR KEMFINE UK LTD PER IRONSIDE FARRAR LTD - P/08/0615/OUT

There was submitted Report (circulated) dated 20 September 2010 by the Director of Development Services on an application for outline planning permission (now planning permission in principle) for a mixed use development comprising offices, light industrial units and general manufacturing (classes 4, 5 and 6) on a site extending 18 hectares and 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 on land to the north west of Grangemouth Technology Park, Earls Road, Grangemouth.

Councillor A MacDonald abstained from taking a decision on this item.

AGREED to **CONTINUE** consideration to a future meeting to allow further information to be obtained.

P110. PROCEDURES FOR SITE VISITS

Prior to consideration of the following items of business, the Committee agreed that the Acting Director of Law and Administration Services undertake a review of the

procedures relative to meetings of the Committee On Site. The Acting Director of Law and Administration Services indicated that following the review, a Report would be submitted to a future meeting of the Committee for Members' consideration.

Councillor Buchanan left the meeting prior to consideration of the following item of business and Councillor McLuckie assumed the role of Convener.

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

P111. ERECTION OF 3 WAREHOUSE BUILDINGS AT BONDED WAREHOUSES, GLASGOW ROAD, DENNYLOANHEAD, BONNYBRIDGE, FK4 1QR FOR DIAGEO SCOTLAND LTD - P/07/1185/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 March 2009 (Paragraph P44 refers), Committee gave further consideration to Report (circulated) dated 17 March 2009 by the Director of Development Services and an additional Report (circulated) dated 15 September 2010 by the said Director on an application for detailed planning permission (now full planning permission) for the erection of three warehouse buildings at Bonded Warehouses, Glasgow Road, Dennyloanhead, Bonnybridge.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Notwithstanding the approved plans, before any work starts on site, details of the specification and colour of the proposed external finishes shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3) Before any work starts on the site, a contaminated land assessment shall be submitted to and approved in writing by the Planning Authority. Before the proposed development is brought into use, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by the Planning Authority.
- (4) Before any work starts on site, the following details shall be submitted to and approved in writing by the Planning Authority:-
 - (i) The precise details for the height, profile and location of the proposed berm indicated on the approved plans.
 - (ii) A schedule of the plants to be planted on the proposed berm, to comprise the species, plant sizes and proposed numbers/density.
 - (iii) A maintenance schedule for all planting.

- (5) All approved bunding and landscaping works shall be completed by the end of the first planting and seeding season following the completion of the first building.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,4-5) To safeguard the visual amenity of the area and the setting of scheduled monuments (the Antonine Wall and the Forth and Clyde Canal).
- (3) To ensure the ground is suitable for the proposed development.

Informative:-

- (1) For the avoidance of doubt, the plans to which the decision refers bear the online reference numbers 01, 02, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21.

P112. STORAGE OF HAZARDOUS SUBSTANCES IN THE FOLLOWING QUANTITIES: ETHANOL, 180,170 TONNES AT BONDED WAREHOUSES, GLASGOW ROAD, DENNYLOANHEAD, BONNYBRIDGE FK4 1QR (PART RETROSPECTIVE) FOR DIAGEO SCOTLAND LTD - P/09/0085/HAZ

There was submitted Report (circulated) dated 15 September 2010 by the Director of Development Services on an application for planning consent for the consolidation of existing permitted storage of 90,000 tonnes of ethanol granted in 2000 and the additional storage of a further 90,170 tonnes of ethanol on a site at Bonded Warehouses, Glasgow Road, Dennyloanhead, Bonnybridge. This application was in part retrospective as 35,000 tonnes of the quantities being requested for consent were currently stored on the site

AGREED to REFUSE planning permission on the basis that there would be an increased level of hazardous materials in the vicinity of and closer to nearby housing, some of which is located within the existing and proposed hazard consultation zones and grant of the application would be contrary to the interests of public health and safety.

DRAFT AGENDA ITEM 1(b)

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on THURSDAY 21 OCTOBER 2010 commencing at 9.30 a.m.

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

CONVENER: Councillor Buchanan.

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

ATTENDING: Development Manager; Transport Planning Co-ordinator (K Collins) (for application P/10/0196/PPP); Planning Officer (K Brown) (for application P/10/0588/FUL); Roads Development Officer (B Raeburn); Legal Services Manager (I Henderson), and Committee Services Officer (S Barton).

DECLARATIONS OF INTEREST: None.

P112. 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

With reference to Minute of Meeting of the Planning Committee held on 22 September 2010 (Paragraph P103 refers), Committee gave further consideration to Report (circulated) dated 15 September 2010, by the Director of Development Services on an application for planning permission in principle for the development of land for mixed use purposes (residential, equestrian centre & associated parking) at Forrester Quarter, Bonnybridge, FK4 2HA for Mr George Lawrence.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application and advised the Committee that a late letter of support had been received from Anne Montgomery of the Archibald Russell Centre in Dennyloanhead.

Mr Douglas, the agent for the applicant, was heard in support of the application.

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

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

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

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

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

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

Mr Aitken speaking on behalf of an objector Ms Lucey, was heard in relation to the application.

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

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

The objectors highlighted the following issues:-

- the development would change the outlook for neighbouring properties
- the increase in traffic on an already busy road on which horse riding also takes place
- the lack of visibility on the road at the site
- the increased likelihood of flooding of the Skiperton burn
- the lack of grass and grazing for the development
- the increase in the number of horse boxes using the road

Ms Montgomery, a supporter, was heard in relation to the application.

Mr Douglas, the agent for the applicant was then heard in response to the concerns raised.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee at a Special Meeting to be held later in the afternoon at 2.00 p.m. in the Municipal Buildings, Falkirk.

P113. 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 FOR GIANNI CROLLA – P/10/0558/FUL

With reference to Minute of Meeting of the Planning Committee held on 22 September 2010 (Paragraph P99 refers), Committee gave further consideration to Report (circulated) dated 15 September 2010, by the Director of Development Services on an application for planning permission for 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 for Gianni Crolla.

The Convener introduced the parties present.

Mr Brown, Planning Officer, outlined the nature of the application.

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

Mr Poodle, an objector, was heard in relation to the application and expressed concerns over access to the car park and possible segregation of the property.

The Convener read out an email from Councillor Nimmo, as local Member for the area, in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee at a Special Meeting to be held later in the afternoon commencing at 2.00 p.m. in the Municipal Buildings, Falkirk.

P114. 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

With reference to Minute of Meeting of the Planning Committee held on 22 September 2010 (Paragraph P99 refers), Committee gave further consideration to Report (circulated) dated 15 September 2010, by the Director of Development Services on an application for planning permission for the 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.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application, advising that Blackness and Area Community Council had raised a number of concerns about the application.

Mr Crook and Ms Davidson, the applicants, were heard in support of the application.

The Convener read an e-mail out from Mr Strachan, an objector to the application, who had asked that the machinery be put into operation during the site visit to allow Members to hear the noise from it.

Mr and Mrs Coulman, objectors, were heard in relation to the application and specifically in relation to the noise emitted from the machinery.

Mr Archibald, representing Blackness and Area Community Council was heard in relation to the application. He advised that the Community Council were broadly in favour of the application providing that there were conditions put in place regarding the noise.

Questions were then asked by Members of the Committee, particularly with regard to being afforded the opportunity to hear the machinery in operation.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee at a Special Meeting to be held later in the afternoon commencing at 2.00 p.m. in the Municipal Buildings, Falkirk.

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of the PLANNING COMMITTEE held on THURSDAY 21 OCTOBER 2010 at 2.00 p.m.

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

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors A MacDonald and Oliver.

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Acting Head of Planning and Transportation; Development Manager; Transport Planning Co-ordinator; Transport Planning Officer (K Swanson); Flood Prevention Officer; Roads Development Officer (B Raeburn); Legal Services Manager (I Henderson), and Committee Services Officer (S Barton).

DECLARATIONS OF INTEREST: None.

P115. 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

With reference to Minute of Meeting of the Planning Committee held on 22 September 2010 (Paragraph P103 refers), Committee gave further consideration to Report (circulated) dated 15 September 2010 by the Director of Development Services on an application for planning permission in principle for the development of land for mixed use purposes (residential, equestrian centre & associated parking) to include 2 semi-detached dwellinghouses adjacent to the existing house and an indoor riding arena, stables and associated parking and 3 detached dwellinghouses on the west side of Dalnair Road at Forrester Quarter, Bonnybridge.

The Convener advised that he had received a letter of objection from the local Member, Councillor Gow, highlighting the concerns of her constituents and in particular the concerns over the increase in road traffic from the proposed development.

The Development Manager advised that a submission had been received from Education Services as a statutory consultee, advising that due to concerns with overcrowding at

Antonine Primary School, Education Services would be seeking a contribution of £2,150 per house.

Councillor McLuckie, seconded by Councillor Nicol moved that Committee be minded to grant planning permission in principle, subject to the satisfactory conclusion of a Section 75 agreement to secure a financial contribution for Education provision and with the inclusion of such conditions as the Director of Development Services deems appropriate, to include conditions relating to and specifically the phasing priority accorded to the equestrian centre element of the development..

By way of an Amendment, Councillor Constable, seconded by Councillor Thomson, moved that the application be refused as per the recommendation in the Report.

On a division, 6 Members voted for the Motion and 3 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle subject to the satisfactory conclusion of a Section 75 agreement to secure a financial contribution for Education provision in the sum of £2,150 per dwellinghouse and with the inclusion of such conditions as the Director of Development Services deems appropriate, to include conditions relating to and specifically the phasing priority accorded to the equestrian centre element of the development.

Councillor Constable left the meeting following conclusion of the foregoing item of business.

P116. 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 FOR GIANNI CROLLA – P/10/0558/FUL

With reference to Minute of Meeting of the Planning Committee held on 22 September 2010 (Paragraph P99 refers), Committee gave further consideration to Report (circulated) dated 15 September 2010, by the Director of Development Services on an application for detailed planning permission for alterations at the rear of premises to remove the existing garage and form a new access with steps and loading bay doors to serve the storeroom to an existing shop unit at 3 Pretoria Place, Station Road, Brightons, Falkirk.

AGREED to 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.

The Committee **AGREED** to a short adjournment, the meeting adjourned at 2.55 p.m. and reconvened at 3.02 p.m. with all those present as per the sederunt with the exception of Councillor Constable.

P117. 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

With reference to Minute of Meeting of the Planning Committee held on 22 September 2010 (Paragraph P99 refers), Committee gave further consideration to Report (circulated) dated 15 September 2010, by the Director of Development Services on an application for planning permission for the part change of use from agricultural land (approximately 0.69 hectares in area including access road) to operate a forestry/tree surgeon business in conjunction with associated processing timber at 8 Cauldcoats Holdings on the north side of the A904 Linlithgow to South Queensferry Road.

Having heard the Convener, the Committee **AGREED** to continue consideration of the application to a future meeting to enable a further site visit to be undertaken, in order that Members could hear the chipping machinery in operation.

P118. 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

With reference to Minute of Meeting of the Planning Committee held on 22 September 2010 (Paragraph 109 refers), Committee gave further consideration to Report (circulated) dated 20 September, by the Director of Development Services and an additional Report (circulated) dated 14 October 2010 by the said Director on an application for outline planning permission (now planning permission in principle) for a mixed use development comprising offices, light industrial units and general manufacturing (classes 4, 5 and 6) on a site extending to 18 hectares and located to the south of Forth Clyde Way, east of Glensburgh Road and north east of Earls Road, in close proximity to junctions 5 and 6 of the M9 motorway on land to the north west of Grangemouth Technology Park, Earls Road, Grangemouth.

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

- (a) the satisfactory completion of an agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:

- (i) the payment of a financial contribution of £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 secure such objectives.

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 the 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 and important trees 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.

FALKIRK COUNCIL

**Subject: ROAD TRAFFIC REGULATION ACT 1984
7.5T (WITH ACCESS) WEIGHT RESTRICTION, A905 BEANCROSS
ROAD, GRANGEMOUTH**
Meeting: PLANNING COMMITTEE
Date: 03 NOVEMBER 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 This report asks Members to consider whether or not to initiate procedures to impose a weight restriction to prohibit heavy goods vehicles, on the A905 Beancross Road, Grangemouth between Earls Park roundabout and Beancross roundabout.

2. BACKGROUND

- 2.1 Complaints have been received from local residents regarding the noise and vibration from heavy goods vehicles using A905 Beancross Road. This has been reported as being most troublesome during the evenings and nights. These problems could be alleviated if restrictions were placed on use of the relevant stretch of the road by heavy goods vehicles.
- 2.2 Such restrictions would be effected by means of a traffic regulation order which the Council, as the relevant roads authority, can make in terms of the Road Traffic Regulation Act 1984. It is considered that, given the nature of the existing use of the relevant stretch of the road (shown on the attached plan Appendix 1), any order should not restrict access to premises on the road proposed to be affected but merely apply to through traffic. In addition, any proposed order should only apply to vehicles with a plated maximum gross weight exceeding 7.5 tonnes. The restriction would apply to such vehicles even if they are unladen or they are the towing tractors of articulated vehicles, notwithstanding in these conditions, their weight is below the 7.5 tonne limit. Further it would be available for the restriction to apply only at certain times to further safeguard existing HGV uses. A restriction of between 6pm and 8am, 7 days per week has been suggested.

3 CONSULTATION

- 3.1 A consultation exercise was carried out with feedback from local residents, businesses and other organisations, likely to be affected. Consultees were asked initially for views on full time restriction and thereafter on the suggested 6pm – 8am option referred to above. A summary of views expressed is contained in Appendix 2 to this report.

4 IMPLICATIONS

- 4.1 The introduction of a weight restriction would require through traffic HGV's to avoid part of Beancross Road. The most suitable diversion would be via the A9 Laurieston Bypass then returning to Grangemouth on the A904 Falkirk Road. This involves an addition of 2.2km. The increased journey length uses more fuel and so increases vehicle emissions. The alternative route, is at peak times of the day, heavily congested and this would also raise vehicle emissions at these times if a full time restriction were to be introduced.
- 4.2 The logistics sector plays an important role in the local economy and, as with all other areas of the economy, is suffering difficulties at this time. Further costs to the industry will have a detrimental effect on local hauliers and may impact on their economic viability.
- 4.3 The Council's Local Transport Strategy identifies Freight Policies F1 & F2 which state:
- “On local roads, Falkirk Council will focus on reducing the unnecessary impacts of freight primarily through signing appropriate routes, whilst recognising the essential role freight plays in supporting the wider economy.”
- and*
- “The Council will work with the freight industry to seek opportunities to mitigate the impacts of larger freight vehicles, either by identifying routes that are appropriate for them to use, or by improving routes where specific issues have been identified.”
- 4.4 There already exist specific advisory HGV freight signs which direct traffic in ways to avoid Beancross Road.

5 CONSIDERATIONS

- 5.1 If a weight restriction is not agreed, the current situation will continue. Residents would continue to experience noise pollution. HGV movements would also remain the same which would allow operators to carry on using existing routes.
- 5.2 A full time weight restriction would impact on all through HGV movements. Any vehicle over 7.5 tonnes would be unable to use Beancross Road as a through route. With access being excluded from the restriction, deliveries would still be possible. Residents would gain a significant improvement in terms of noise pollution. However, haulage operators would experience an increase in running costs in terms of time and increased fuel costs.
- 5.3 A part time restriction allows HGV operations to continue as existing during the day however in the evening and over night periods, HGV movements would be restricted. Such a proposed restriction could start at 6pm and end at 8am. This would probably best apply 7 days a week. A consistent approach throughout the week allows the restriction to be signed simply and therefore easily understood by the haulage community and simpler to enforce by Central Scotland Police compared with different times for weekdays/weekends.

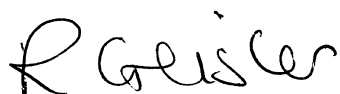
6 NEXT STEPS

- 6.1 In the event that Members favoured promotion of such an order it would be so promoted in terms of the Local Authorities Traffic Orders (Procedure) (Scotland) Regulations 1999. This will involve advertisement of the proposed order with an opportunity to make representations. In the event that there are objections properly lodged to the making of the order that are not withdrawn, the matter will be referred to the Planning Committee for a determination. Otherwise the order would be made.

7 RECOMMENDATION

7.1 Elected members are asked to consider whether or not to

- promote a Traffic Regulation Order for a 7.5T weight restriction either full time or between the evening and overnight hours of 6pm and 8am only, on that part of the A905 as is shown coloured black on the plan annexed as Appendix 1 to this report.



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Director of Development Services

Date: 26th October 2010

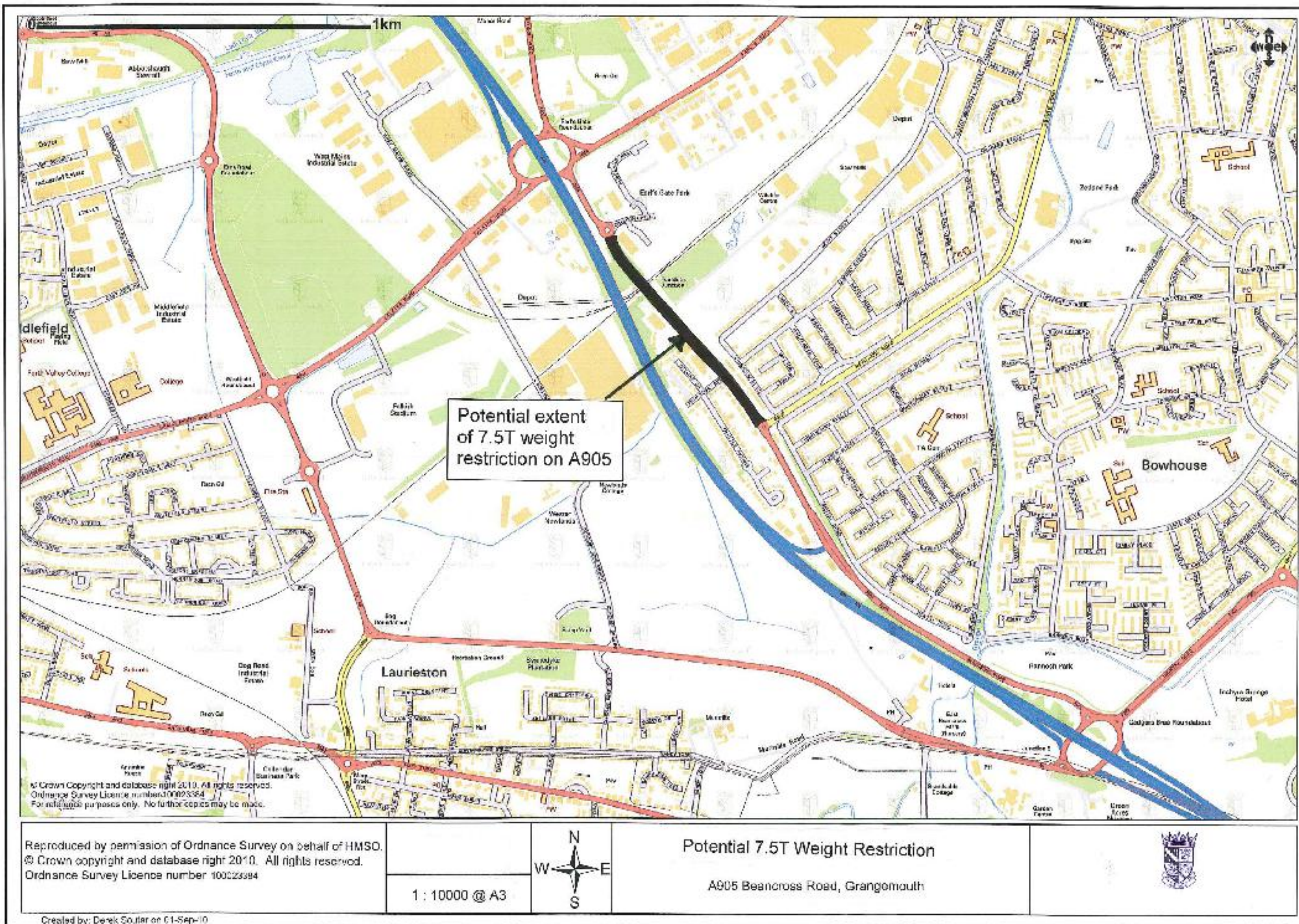
Contact Officer: *Derek Soutar, Network Officer, 01324 504842.*

APPENDICES

- Appendix 1 Plan of potential proposed restriction extent
Appendix 2 Summary of Consultee Responses

LIST OF BACKGROUND PAPERS

Consultee Responses



Appendix 2		Summary of Consultee Responses	
Summary of Consultation Responses for Full Time Weight Restriction			
Respondant		Comment	
FC Head of Economic Development		Logistic sector is important to Grangemouth, concerned recently developed Earls Gate Park may be affected	
Central Scotland Police		Concerned about HGV manoeuvres out of industrial estates onto A904	
Resident - Beancross Road		Supports introduction of weight restriction	
Resident - Beancross Road		Supports introduction of weight restriction	
Grangemouth Community Council		Supports introduction of weight restriction	
FC Transport Planning Co-ordinator		Does not support weight restriction; increased costs, congestion.	
NHS - General Manager		Weight restriction has no effect on NHS vehicles	
Resident - Beancross Road		Supports introduction of weight restriction	
Central Scotland Fire & Rescue		Acknowledges restriction would have no effect on emergency calls but would effect day to day visits etc	
FC Environmental Health Officer		Proposal is an improvement, extra traffic on A9	
Resident - Beancross Road		Supports introduction of weight restriction	
Road Haulage Association		Hauliers would be inconvenienced by restrictions	
Grangemouth Transport Forum		Improvement of junction 6 is the long term solution to the problem	
Summary of Consultation Responses for Part Time Weight Restriction			
Respondant		Comment	
FC Area Roads Engineer		Alternative route is significantly longer hence would require significant policing	
NHS - General Manager		Weight restriction has no effect on NHS vehicles	
Resident - Beancross Road		Disappointment at part time restriction, would prefer full time restriction with gullies repaired	
Local Councillor		Agrees with part time restriction, restriction to be reviewed once NPF2 improvements to junction 6 are completed	
Central Scotland Police		No objection	
John Mitchell Haulage		Concerns over increased carbon emissions business can't support extra mileage, would like to see junction 6 upgrade	
FC Transport Planning Co-ordinator		Concerns over times and policing of restriction	
Grangemouth Community Council		Part time restriction is not enough, restriction will be unenforceable	
Grangemouth Transport Forum		See upgrade of junction 6 as the only long term solution, do not want a weight restriction as a replacement to junction 6 upgrade	
Local MSP		Supports junction 6 upgrade, understands the need for interim measures survey, completed of local residents	
Forth Ports PLC Falkirk Council – Corporate & Neighbourhood Services		See upgrade of junction 6 as the only long term solution, do not want a weight restriction as a replacement to junction 6 upgrade Refuse collection begins at 6.30am. Many beats in Grangemouth and beyond are accessed via Beancross Road.	

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE (RENEWAL OF PLANNING PERMISSION P/07/0262/OUT) AT GARTHLAND, 49 GRAHAMSDYKE ROAD, BO'NESS, EH51 9ED FOR MRS MCCULLOCH - P/10/0305/PPP**

Meeting: **PLANNING COMMITTEE**
Date: **3 November 2010**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Bo'ness and Blackness**

Councillor John Constable
Councillor Ann Ritchie
Councillor Adrian Mahoney

Community Council: **Bo'ness**

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

UPDATE REPORT FOLLOWING CONTINUATION

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 25 August 2010, when it was agreed to continue consideration of the application and to undertake a site visit. This visit took place on 6 September 2010 and the application was reconsidered at the meeting of the Planning Committee on 22 September 2010 (copy of previous reports appended).
2. It was agreed to continue consideration of the application to investigate vehicular access being taken from the south of the application site from Grahamsdyke Road.
3. The Roads and Development Unit advise that a vehicular access and parking area, adjacent to the access for the existing dwellinghouse Garthland, would accord with the 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997 (as amended January 2000)'.
4. Following discussion, the applicant's agent has submitted a revised site plan, which shows vehicular and pedestrian access from Grahamsdyke Road and pedestrian access only from Grahamsdyke Avenue. It is considered that this is an acceptable arrangement which takes account of concerns relating to road safety. A condition (12) has been added to ensure that vehicular access will only be taken from Grahamsdyke Road.

6. RECOMMENDATION

6.1 It is therefore recommended that Committee grant planning permission in principle 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) 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.

- (5) 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.
- (6) 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.
- (7) 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.
- (8) No development shall take place within the site until a scheme of archaeological investigation, including a timetable, has been submitted to and approved in writing by the Planning Authority. The investigation shall, thereafter, be carried out in accordance with the approved detail.
- (9) Development shall not begin until a scheme for protecting the proposed dwellinghouse from transportation noise has been submitted to and approved in writing by the Planning Authority. The dwellinghouse shall not be brought into use until the measures in the approved noise prevention scheme have been implemented.
- (10) Excluding any garage facility, off street parking shall be provided at a rate of one space for a one and two bedroom dwelling and two spaces for a dwelling with three or more bedrooms.
- (11) A standard turning area, in accordance with the 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997 (as amended January 2000)', shall be formed within the confines of the site.
- (12) Vehicle access shall be taken from Grahamsdyke Road only.
- (13) The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the public road.
- (14) There shall be no obstruction to visibility over 1 metre in height, 2.5 metres from the edge of the carriageway along the full frontage of the application site.
- (15) Any access gates shall only open inwards.

- (16) Vehicular access to the application site shall be by means of a standard footway crossing, constructed in accordance with the 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997 (as amended January 2000)'.
- (17) The dwellinghouse shall not exceed 2 storeys in height.
- (18) For the avoidance of doubt no permission is given for the indicative layout.

Reason(s):

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4-7) To ensure the ground is suitable for the proposed development.
- (8) To ensure that any archaeological remains are safeguarded.
- (9) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (10) To ensure that adequate car parking is provided.
- (11-16) To safeguard the interests of the users of the highway.
- (17) To safeguard the visual amenity of the area.
- (18) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A.
- (2) The applicant is advised to liaise with Falkirk Council Development Management Unit during the preparation of the submission for approval of matters specified in conditions. For further advice, please contact the case officer, Ms Seidel (01324 504880).



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For Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Bo'ness Local Plan.
2. Falkirk Council Local Plan Finalised Draft Deposit Version (April 2007) as amended by the Final Proposed Modifications (June 2010).
3. Scottish Planning Policy.
4. Supplementary Planning Guidance "Housing Layout and Design".
4. Outline Planning permission P/07/0262/OUT.
5. Letter of Objection received from James Hannah, Falkenberg, Grahamsdyke Avenue, Bo'ness on 3 June 2010.

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

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE (RENEWAL OF PLANNING PERMISSION P/07/0262/OUT) AT GARTH LAND, 49 GRAHAMSDYKE ROAD, BO'NESS EH51 9ED FOR MRS MCCULLOCH - P/10/0305/PPP

Meeting: PLANNING COMMITTEE

Date: 22 September 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor John Constable
Councillor Adrian Mahoney
Councillor Ann Ritchie

Community Council: Bo'ness

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 25 August 2010 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. This visit took place on 6 September 2010.
2. At the site visit Members viewed the site and the location of the proposed access.
3. The objector reiterated that he had no objection to the principle of a dwellinghouse, but raised concerns in relation to road safety. He considered the junction of Grahamsdyke Road and Grahamsdyke Avenue to be a hazard given the speed and volume of traffic, and the obstruction to vehicles exiting Grahamsdyke Avenue by cars parked in close proximity to the junction. The objector stated that the proposed development would exacerbate an existing problem, however measures relating to parking restrictions, yellow lining and the making of Grahamsdyke Avenue one-way, would alleviate his concerns.
4. The Roads Development Officer advised that the addition of one dwellinghouse would be unlikely to justify the measures suggested, and it was noted that it would not be appropriate for these to be required in the determination of this application. It was acknowledged that vehicular access is shown on the indicative plan as being from Grahamsdyke Avenue, which is restricted in terms of horizontal and vertical alignment. However, provided visibility (involving lowering a section of the existing wall), parking and a turning area could be achieved, the proposal is considered to be acceptable in terms of road safety.
5. Members noted the nature and character of the application site and surrounding area, including the height of the existing boundary wall, adjacent dwellinghouses and the alignment of Grahamsdyke Avenue.

6. Councillor Ritchie, a Local Member, was heard in relation to the application.
7. Following an enquiry from Members, it can now be clarified that Grahamsdyke Avenue is not a classified road.
8. No matters were raised which would amend the original recommendation to grant planning permission.

9. RECOMMENDATION

9.1 It is therefore recommended that Committee grant planning permission in principle 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) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) No development shall take place within the site until a scheme of archaeological investigation, including a timetable, has been submitted to and approved in writing by the Planning Authority. The investigation shall, thereafter, be carried out in accordance with the approved detail.
- (9) Development shall not begin until a scheme for protecting the proposed dwellinghouse from transportation noise has been submitted to and approved in writing by the Planning Authority. The dwellinghouse shall not be brought into use until the measures in the approved noise prevention scheme have been implemented.
- (10) Excluding any garage facility, off street parking shall be provided at a rate of one space for a one and two bedroom dwelling and two spaces for a dwelling with three or more bedrooms.
- (11) A standard turning area, in accordance with the 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997 (as amended January 2000)', shall be formed within the confines of the site.
- (12) The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the public road.

- (13) There shall be no obstruction to visibility over 1 metre in height, 2.5 metres from the edge of the carriageway along the northern boundary of the site.
- (14) Any access gates shall only open inwards.
- (15) The dwellinghouse shall not exceed 2 storeys in height.
- (16) For the avoidance of doubt no permission is given for the indicative layout.

Reason(s):

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4-7) To ensure the ground is suitable for the proposed development.
- (8) To ensure that any archaeological remains are safeguarded.
- (9) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (10) To ensure that adequate car parking is provided.
- (11-14) To safeguard the interests of the users of the highway.
- (15) To safeguard the visual amenity of the area.
- (16) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.
- (2) The applicant is advised to liaise with Falkirk Council Development Management Unit during the preparation of the submission for approval of matters specified in conditions. For further advice, please contact the case officer, Ms Seidel (01324 504880).



Pp

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Director of Development Services

Date: 15 September 2010

LIST OF BACKGROUND PAPERS

1. Bo'ness Local Plan.
2. Falkirk Council Local Plan Finalised Draft Deposit Version (April 2007) as amended by the Final Proposed Modifications (June 2010).
3. Scottish Planning Policy.
4. Supplementary Planning Guidance "Housing Layout and Design".
4. Outline Planning permission P/07/0262/OUT.
5. Letter of Objection received from James Hannah, Falkenberg, Grahamsdyke Avenue, Bo'ness on 3 June 2010.

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

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE (RENEWAL OF PLANNING PERMISSION P/07/0262/OUT) AT GARTHLAND, 49 GRAHAMSDYKE ROAD, BO'NESS EH51 9ED FOR MRS MCCULLOCH – P/10/0305/PPP
Meeting: PLANNING COMMITTEE
Date: 25 August 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor John Constable
Councillor Adrian Mahoney
Councillor Ann Ritchie

Community Council: Bo'ness

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 Garthland is a semi-detached dwellinghouse located on the north side of Grahamsdyke Road, Bo'ness, within the Bo'ness Conservation Area. The application site is currently utilised as garden ground.
- 1.2 This application is for planning permission in principle for of one dwellinghouse. The applicant has submitted an indicative layout showing the footprint of the proposed dwellinghouse and vehicular access being taken from Grahamsdyke Avenue.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 Planning application P/07/0262/OUT was granted outline planning permission on 22 May 2007, for the erection of a dwellinghouse on the same site. This current application was validated on 20 May 2010 and as such the application should be assessed as being for a renewal of this permission.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit advise of conditions relating to access and parking provision.

- 4.2 Scottish Water has no objection to the application, but advises it is unable to reserve capacity in the water and wastewater treatment works.
- 4.3 The Environmental Protection Unit has advised that the proposed site falls within Noise Exposure Category (NEC) B or C and a scheme for protecting the proposed dwelling from transportation noise is required. The unit also requests the undertaking of a site investigation to establish if contamination is present on site.
- 4.4 The Keeper of Archaeology and Local History advises that the line of the Antonine Wall runs through or close to the application site. A programme of archaeological work is therefore required.
- 4.5 Historic Scotland have no objection to the application.

5. COMMUNITY COUNCIL

- 5.1 No representation received.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, one letter of objection was received. The salient issues are summarised as follows:
- No objection to the building of a dwellinghouse on the application site;
 - Visibility is often obscured, for vehicles emerging southwards from Grahamsdyke Avenue, by vehicles parked on Grahamsdyke Road. Vehicles are regularly parked within 1 metre of the junction. The proposal will encourage parking outside the application site;
 - The proposed vehicular access is on a steep, narrow twisting road with poor site lines in both directions and two sharp bends. The distance between the two bends is 19 metres and the proposed vehicular access will be only 11 metres from the eastern bend;
 - Vehicles using Grahamsdyke Avenue have to cross into the centre of the road to negotiate the bends;
 - There is a footpath on only one side of Grahamsdyke Avenue and school children tend to walk in the middle of the road;
 - The application form states that there is one parking space at present and 2 proposed;
and
 - The objector has advised of conditions to overcome the road safety concerns including the application of double yellow lines, a shared vehicular access, the location of the pedestrian access and Grahamsdyke Avenue being a one-way road.

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.5 'Built Environment and Heritage' states:

"Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*
- (3) Promoting sensitive interpretation of heritage assets.*
- (4) Protection of the assets and their setting from inappropriate development.*
- (5) Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset."*
- (6) Reviewing the boundaries of areas to ensure their continuing relevance."*

7a.2 The application site is located within the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and within a Conservation Area. The application does not offend the terms of the above policy, ENV.5 'Built Environment and Heritage' of the approved Structure Plan.

Bo'ness Local Plan

7a.3 Policy BNS 10 'Infill Development and Plot Sub-Division' states:

"Within the urban area, proposals for the erection of additional residential units within the curtilage of existing properties, or on small gap sites, will be considered favourably provided that, in the opinion of the District Council:

- (i) the scale, design and disposition of the proposed houses are sympathetic to neighbouring properties;*
- (ii) provision can be made for adequate garden ground associated with the proposed houses without an unacceptable reduction in the size of existing gardens;*

- (iii) *the proposal respects the privacy enjoyed by neighbouring residents;*
- (iv) *the proposal will not result in a loss of trees such as to cause unnecessary detriment to the amenity of the neighbourhood;*
- (v) *the proposal is satisfactory in terms of access and car parking; and*
- (vi) *the proposal does not constitute backland development (i.e. development of a plot without a road frontage).*

7a.4 This application for planning permission in principle deals with the principle of a dwellinghouse on the site and the scale, design and disposition of the proposed house would be dealt with at the detailed application stage. It is considered the application site will allow an adequate amount of garden ground for the proposed dwelling and the existing dwelling will retain a generous level of garden ground, given the size of the house. It is considered the proposed dwelling can be designed and sited so as to minimise any impact on privacy. It is considered the proposed development would not result in the loss of trees, such as to cause detriment to the amenity of the neighbourhood. The proposal is acceptable in terms of access and car parking and the dwelling would have a direct street frontage. The application accords with policy BNS 10 'Infill Development and Plot Sub-Division' of the adopted Bo'ness Local Plan.

7a.5 Policy BNS 39 'Conservation Areas' states:

"The visual amenity and character of each Conservation Area including its setting, buildings, open space and trees will be protected. In general, favourable consideration will only be given to proposals which make a positive contribution to the appearance of the Conservation Area and are compatible with the existing character in terms of size, scale and design."

7a.6 It is considered that the erection of an additional dwellinghouse within the garden ground of Garthland would, in principle, respect the character and appearance of the Conservation Area, in particular the settlement pattern of the area. Issues in relation to the appearance, size, scale and design of the proposed dwellinghouse would be carefully considered at the detailed application stage to ensure that any development at the application site makes a positive contribution to the Conservation Area. The application accords with Policy BNS 39 'Conservation Areas' of the adopted Bo'ness Local Plan.

7a.7 Policy BNS 43 'Antonine Wall' states:

"Along the Antonine Wall, there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to a sympathetic use of the Wall for tourism, recreation and interpretation will generally be considered favourably."

7a.8 The application site is within the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site. The application site is also located 200 metres to the north-east of a scheduled section of the Antonine Wall (Antonine Wall, Kinglass, Roman Camp), which also forms part of the World Heritage Site. As the development lies outwith the area of the nearest scheduled section of the wall, there will be no direct impact on the monument. The application site is located within a built up, established, urban area and the proposal will not have an adverse impact on the line, setting or amenity of the Antonine Wall. The application accords with policy BNS 43 'Antonine Wall' of the adopted Bo'ness Local Plan.

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

7b Material Considerations

7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), National Planning Policy, Supplementary Planning Guidance Note (SPG) on “Housing Layout and Design”, letters of representation / objection and the planning history of the site.

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

7b.2 Policy EQ12 - ‘Conservation Areas’ states:

“The Council will protect the historic character and visual amenity of each Conservation Area. Accordingly:

- (1) The Council will prepare Character Appraisals of individual Conservation Areas and, on the basis of these, will review existing boundaries and Article 4 Directions, prepare detailed design guidance as appropriate, and draw up enhancement schemes as resources permit;*
- (2) New development in Conservation Areas, including extensions and alterations to existing buildings, will only be permitted where it preserves or enhances the character of the area, with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features;*
- (3) Demolition of buildings within Conservation Areas will not be permitted unless they make no material contribution to the character and appearance of the area. Where demolition is proposed, the considerations set out in Section 4.26 of the Memorandum or Guidance should be adhered to; and*
- (4) Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features on unlisted buildings in Conservation Areas should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials.”*

7b.3 Policy EQ12 reinforces policy BNS 39 'Conservation Areas' of the adopted Bo'ness Local Plan and the related assessment. It is considered that the erection of an additional dwellinghouse within the garden ground of Garthland would, in principle, preserve or enhance the character of the Conservation Area, with particular reference to the historic pattern and density of development of the area. Issues in relation to the appearance, size, scale and design of the proposed dwellinghouse will be carefully considered at the detailed stage to ensure that any development at the application site makes a positive contribution to the Conservation Area. The application accords with policy EQ12 'Conservation Areas' of the emerging District wide Local Plan.

7b.4 Policy EQ17 ‘Antonine Wall’ states:

“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- (1) There will be a presumption against development which would have an adverse impact on the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*

- (2) *There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and it complies with other Local Plan policies; and*
- (3) *The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall."*

7b.5 Policy EQ17 reinforces policy BNS 43 'Antonine Wall' of the adopted Bo'ness Local Plan and the related assessment. The application site is within the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site. The application site is also located 200 metres to the north-east of a scheduled section of the Antonine Wall (Antonine Wall, Kinglass, Roman Camp), which also forms part of the World Heritage Site. As the development lies outwith the area of the nearest scheduled section of the wall there will be no direct impact on the monument. The application site is located within a built up, established urban area and the proposal will not have an adverse impact on the line, setting or amenity of the scheduled monument. The application accords with policy EQ17 'Antonine Wall' of the emerging District wide Local Plan.

7b.6 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.7 The application site is covered by a Tree Preservation Order (TPO) and is within a Conservation Area. A dwellinghouse could be located within the site without the removal of any trees. The application accords with policy EQ26 'Trees, Woodland And Hedgerows' of the emerging District wide Local Plan.

7b.8 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

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

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

7b.9 The proposed housing use is compatible within the establish residential area. The application site is currently utilised as garden ground and outline planning permission (Ref: P/07/0262/OUT) has recently lapsed, for a proposed dwellinghouse on the application site, since submission of the current application. As such it is considered that the principle of the application site for a housing use is acceptable. The site enjoys good accessibility by public transport, walking, cycling, shopping, recreation and other community facilities and existing infrastructure is readily available. The application satisfies policy SC8 and accords with Policy SC2 'Windfall Housing Development within the Urban / Village Limit' of the emerging District wide Local Plan.

7b.10 Policy SC8 'Infill Development and Subdivision of Plots' states:

"Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

(1) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;

(2) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;

(3) adequate privacy will be afforded to both the proposed houses and neighbouring properties;

(4) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;

(5) the proposed vehicular access and other infrastructure is of an adequate standard; and

(6) the proposal complies with other Local Plan policies.”

- 7b.11 Policy SC8 reinforces policy BNS 10 'Infill Development and Plot Sub-Division' of the adopted Bo'ness Local Plan and the related assessment. This application for planning permission in principle deals with the principle of a dwellinghouse on the site. The scale, design and disposition of the proposed house would be dealt with at the subsequent detailed application stage. It is considered the application site would allow for an adequate amount of garden ground for the proposed dwelling and the existing dwelling would retain a generous level of garden ground, given the size of the house. It is considered a dwelling can be designed and sited on the land so as to minimise any impact on privacy. It is considered the proposed development would not need to result in the loss of trees, such as to cause detriment to the amenity of the neighbourhood. The proposal is acceptable in terms of access and car parking and the dwelling would have a direct street frontage. The application accords with policy SC8 'Infill Development and Subdivision of Plots' of the emerging District wide Local Plan.
- 7b.12 Accordingly, the proposed development accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

National Planning Policies and Guidance

- 7b.13 Scottish Planning Policy ('a statement of the Scottish Government's policy on nationally important land use planning matters') advises that conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Their designation provides the basis for the positive management of an area and a proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area. Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance the character or appearance of the area.
- 7b.14 Scottish Planning Policy seeks to protect the scheduled monument and its setting. Development which would have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted.
- 7b.15 It is considered the principle of a dwellinghouse at the application site is acceptable, particularly as development on the site would accord with the general settlement pattern of the area. It is considered that the integrity of the Antonine Wall would be unaffected as a result of the

proposals. Issues in relation to design, layout and materials will be carefully considered at the appropriate stage.

SPG Housing Layout and Design

- 7b.16 In terms of the subdivision of plots and infill development, the SPG emphasises that it is important to achieve a harmonious “fit” of new and existing. This should pay attention to the adjacent building line, height, scale, windows and other door arrangements, proportions, decoration and materials.
- 7b.17 It is considered that the application site and its relationship to adjacent properties offers an opportunity to achieve a harmonious “fit” under the criteria emphasised in the SPG.
- 7b.18 Accordingly, the proposed development accords with the SPG.

Response to consultation

- 7b.19 No issues in principle have been identified through consultation and any other issues raised can be the subject of condition of any planning permission in principle.

Planning History

- 7b.20 It is noted that the principle of development of the site has previously been granted by the Council under the terms of planning permission P/07/0262/OUT, detailed in section 3 of this report. As this current application was validated prior to outline consent lapsing, the application is considered to be for a renewal of permission. Outline planning permission reflects that the Council has previously accepted the principle of residential development on the application site and it should be noted that there has been no significant change to policy, guidance or other material considerations affecting the site.

Letters of Objection

- 7b.21 There have been no concerns raised by the Roads and Development Unit with regard to the issues raised by the objector concerning road safety.

7c Conclusion

- 7c.1 This application is a renewal of planning permission P/07/0262/OUT. There are no significant policy, guidance or other material consideration changes since the granting of planning permission in 2007 and as such it is recommended the application should be renewed and further permission granted.
- 7c.2 The proposed development accords with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version (April 2007) as amended by the Final Proposed Modifications (June 2010). No significant issues have been raised through consultation and the matters raised could be subject to conditions within any approval of the application. The concerns raised in the representation to the application have been noted and addressed in this report.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee grant planning permission in principle 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) 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.
- (5) 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.

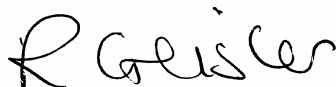
- (6) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (7) 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.
- (8) No development shall take place within the site until a scheme of archaeological investigation, including a timetable, has been submitted to and approved in writing by the Planning Authority. The investigation shall, thereafter, be carried out in accordance with the approved detail.
- (9) Development shall not begin until a scheme for protecting the proposed dwellinghouse from transportation noise has been submitted to and approved in writing by the Planning Authority. The dwellinghouse shall not be brought into use until the measures in the approved noise prevention scheme have been implemented.
- (10) Excluding any garage facility, off street parking shall be provided at a rate of one space for a one and two bedroom dwelling and two spaces for a dwelling with three or more bedrooms.
- (11) A standard turning area, in accordance with the 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997 (as amended January 2000)', shall be formed within the confines of the site.
- (12) The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the public road.
- (13) There shall be no obstruction to visibility over 1 metre in height, 2.5 metres from the edge of the carriageway along the northern boundary of the site.
- (14) Any access gates shall only open inwards.
- (15) The dwellinghouse shall not exceed 2 storeys in height.
- (16) For the avoidance of doubt no permission is given for the indicative layout.

Reason(s):

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4-7) To ensure the ground is suitable for the proposed development.
- (8) To ensure that any archaeological remains are safeguarded.
- (9) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (10) To ensure that adequate car parking is provided.
- (11-14) To safeguard the interests of the users of the highway.
- (15) To safeguard the visual amenity of the area.
- (16) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.
- (2) The applicant is advised to liaise with Falkirk Council Development Management Unit during the preparation of the submission for approval of matters specified in conditions. For further advice, please contact the case officer, Ms Seidel (01324 504880).



.....
Director of Development Services

Date: 18 August 2010

LIST OF BACKGROUND PAPERS

1. Bo'ness Local Plan
2. Falkirk Council Local Plan Finalised Draft Deposit Version (April 2007) as amended by the Final Proposed Modifications (June 2010)
3. Scottish Planning Policy

4. Supplementary Planning Guidance "Housing Layout and Design"
5. Outline Planning permission P/07/0262/OUT
6. Letter of objection from James Hannah, Falkenberg, Grahamsdyke Avenue, Bo'ness on 3 June 2010.

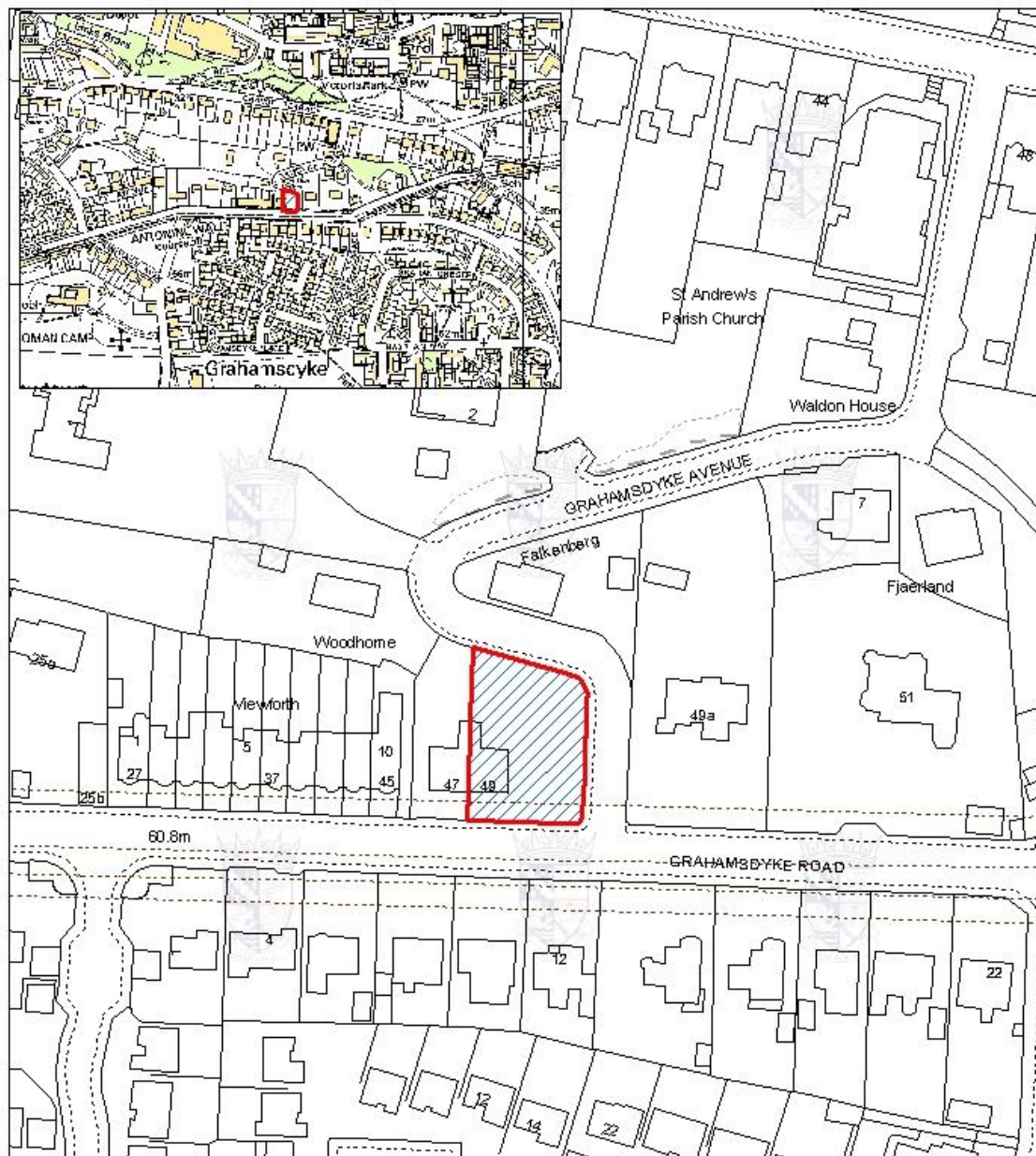
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0305/PPP

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



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FALKIRK COUNCIL

Subject: EXTENSION TO MEMORIAL AT LAND TO THE SOUTH OF
211 BO'NESS ROAD, BO'NESS ROAD, GRANGEMOUTH FOR
1333 (GRANGEMOUTH) SQUADRON AIR TRAINING CORPS -
P/10/0628/FUL

Meeting: PLANNING COMMITTEE

Date: 3 November 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Grangemouth

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

Community Council: Grangemouth

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located on the south side of Bo'ness Road, Grangemouth. There is an existing memorial at the site.
- 1.2 It is proposed to extend the memorial by erecting a scale representation of a Spitfire airplane. The proposed extension to the memorial would not increase the number of visitors to the memorial, or increase the number of events held there. It is envisaged that the proposal is likely to attract visitors outwith dates of formal events. It is not envisaged, however, that the numbers of people involved in such visits would be significant.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application relates to land in the ownership of the Council and, under the Council's amended Scheme of Delegation, such applications require the consideration of the Planning Committee.

3. SITE HISTORY

- 3.1 P/08/0649/FUL - Formation of wall and hardstanding to memorial garden. Granted 11 September 2008.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has raised no objections. The applicant is advised, however, to consider displaying directional signage. The Roads Development Unit would offer advice.
- 4.2 The Health and Safety Executive has confirmed that the proposed development need not be subject to a Planning Advice For Developments Near Hazardous Installations (PADHI) test.
- 4.3 No objections have been received following the consultation process.

5. COMMUNITY COUNCIL

- 5.1 Grangemouth Community Council has raised no objections.

6. PUBLIC REPRESENTATION

- 6.1 During the consideration of the application, no letters of objection or representation were received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Grangemouth Local Plan

- 7a.2 Policy Grangemouth Two ‘Development within the Urban Limit’ states:

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

- 7a.3 It is considered that the proposed development accords with the policies and standards of the Council.
- 7a.4 The proposal accords with Policy Grangemouth Two.

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

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

7a.6 It is not considered that the proposed development would add significantly to the number of people exposed to existing risk in the area.

7a.7 The proposed development accords with Policy Grangemouth Seven.

7a.8 Accordingly, the proposed development accords 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) and consultation responses.

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

7b.2 Policy EP2 – ‘Land For Business And Industrial Use’ states;

“In order to maintain the business and industrial land supply and the employment role of existing business and industrial areas:

- (1) The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*
- (2) The areas for retention in business and industrial use identified on the Proposals Map will be retained and reserved for Class 4, 5 or 6 uses, except for the established business parks of Callendar Park and Gateway Business Park, Grangemouth which will be reserved for Class 4 uses only and the Glasgow Road Camelon Industrial Area which may include a food retail element to meet local needs as part of the mix.*

Other ancillary employment uses may be permitted within these areas where they are compatible with the principal business/industrial use of the site, will not result in a significant reduction in the availability of business land or property, and are consistent with other Local Plan policies.”

7b.3 The site lies within an area identified for the retention of industrial use. It is not considered that the proposal would compromise the retention of any existing industrial use.

7b.4 The proposal accords with Policy EP2.

7b.5 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.6 It is not considered that the proposal would increase the number of people exposed to risk in the area.

7b.7 The proposal accords with Policy EP18.

7b.8 Policy EQ3 ‘Townscape Design’ states:

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

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

7b.9 It is considered that the proposal would complement the site's environs and would help create a sense of identity.

7b.10 The proposal accords with Policy EQ3.

7b.11 Policy EQ9 - ‘Public Art’ states:

“The Council will encourage the incorporation of public art in the design of buildings and the public realm. Developers will be required to adopt ‘Percent for Art’ schemes in respect of major commercial development schemes.”

7b.12 The proposal constitutes an artistic structure in the public domain, and would make a positive contribution to the visual amenity of the area.

7b.13 The proposal accords with Policy EQ9.

7b.14 Accordingly, the proposed development accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

Consultation Responses

7b.15 It is noted that the Roads Development Unit has advised that the applicant should consider displaying directional signage. This can be addressed by means of an informative.

7c Conclusion

7c.1 The proposed development accords with the Development Plan and Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

7c.2 The proposal would not compromise the retention of industrial uses.

7c.3 The proposal would complement the site's environs, and would make a positive contribution to the visual amenity of the area.

8. RECOMMENDATION

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

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

Reason(s):

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

Informative(s):

- (1) For the avoidance of doubt, the plans to which this consent refers bear our reference 01, 02, 03, 04, 05, 06, 07 and 08.
- (2) You are advised to contact Falkirk Council Roads and Design Unit (01324 504733) to discuss directional signage requirements.



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For Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Grangemouth Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)
4. P/08/0649/FUL.

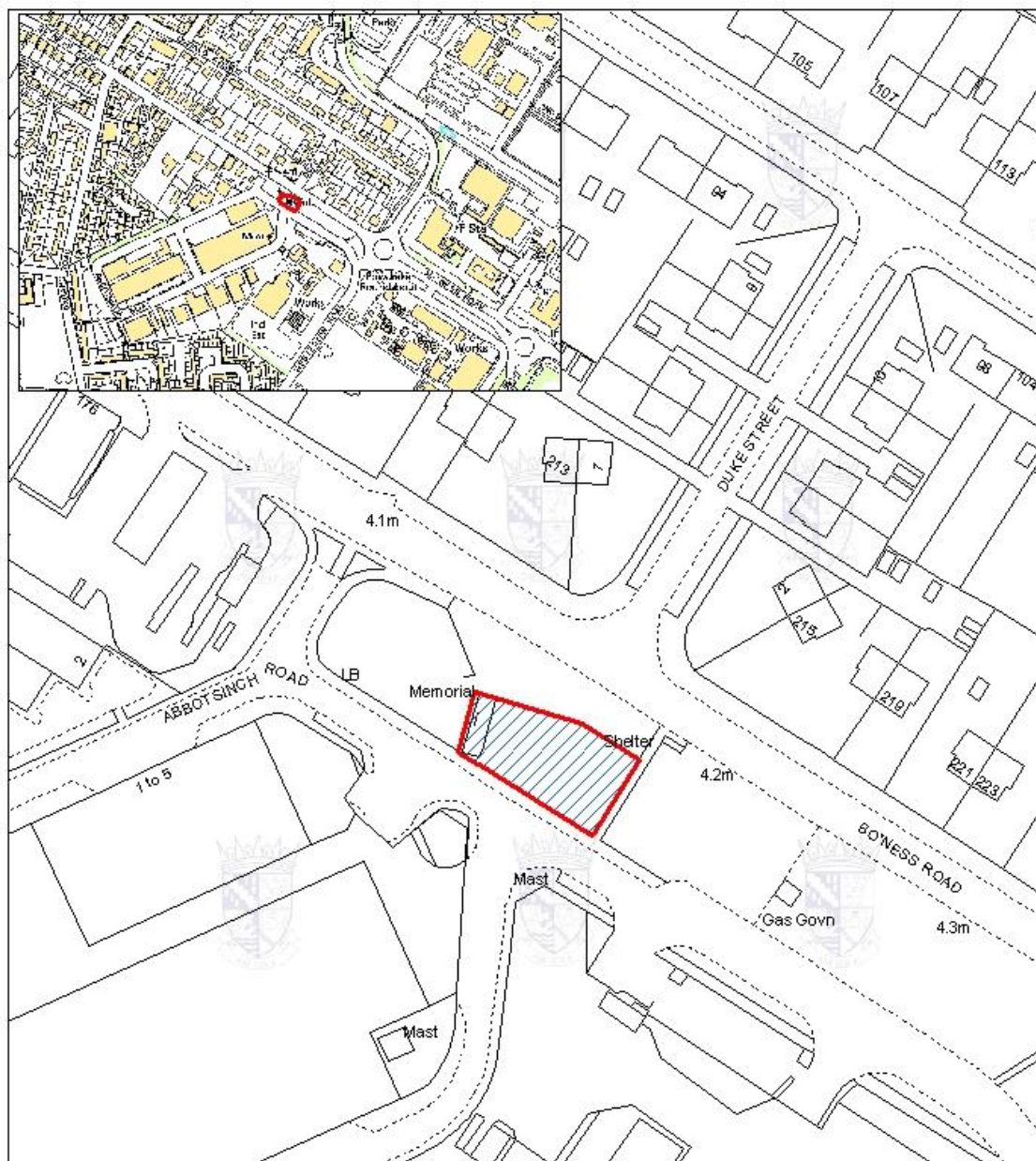
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0628/FUL

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



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FALKIRK COUNCIL

Subject: **ERECTION OF 24 FLATTED DWELLINGS AND ASSOCIATED ROADS, FOOTWAYS AND PARKING AREAS AT LAND TO THE SOUTH WEST OF 26 CADZOW AVENUE, CADZOW AVENUE, BO'NESS FOR FALKIRK COUNCIL - P/10/0508/FUL PLANNING COMMITTEE**

Meeting:
Date: 3 November 2010
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Ward **Bo'ness and Blackness**

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

Community Council: **Bo'ness**

Case Officer: John Angell (Acting Head of Planning and Transportation), ext. 4951

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.0 The application site comprises an area of 0.45 hectares at the west side of Cadzow Avenue, Bo'ness.
- 1.2 The site is an area of public open space situated between Baker Street/Comrie Terrace to the north and Newtown to the south. The application site is bounded by residential properties to the north, south and west.
- 1.3 The application site slopes down at the north boundary. Residential properties at Comrie Terrace to the north are at a lower level.
- 1.4 The open space has no formal recreational use. The main value of the site is its contribution to visual amenity.
- 1.5 It is intended to build 24 flats comprising 6 blocks of 2 storeys. All associated parking provision would be located within the application site. It is not proposed to provide any areas of public open space within the proposed development.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been made by Falkirk Council and, under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee. The proposal also constitutes a departure from the Development Plan.

3. SITE HISTORY

- 3.1 No relevant site history.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that a detailed drainage scheme, including the means by which surface water run-off would be treated using sustainable drainage principles, remains to be submitted for approval. A flood risk assessment also requires to be submitted and approved.
- 4.2 Scottish Water has advised that a separate drainage system would be required, and that surface water run-off would have to be treated using sustainable drainage principles.
- 4.3 The Environmental Protection Unit has advised that the submission of a contaminated land investigation can be addressed by condition.
- 4.4 The Transport Planning Unit has advised that a travel pack should be provided for each flat, and advised that a bus shelter would have to be relocated.
- 4.5 Education Services has confirmed that there is no significant impact on education provision envisaged.
- 4.6 Community Services has raised no objections.

5. COMMUNITY COUNCIL

- 5.1 No representations received.

6. PUBLIC REPRESENTATION

- 6.1 One letter of objection has been received. Concern is raised that the privacy of the residential property at Linhurst, Baker Street, to the west of the application site, could be compromised by the siting of the two storey block comprising Units 9-12.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy COM.3 ‘Special Needs and Affordable Housing’ states:

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

7a.2 It is considered that the proposed development is for the provision of affordable rented housing, not associated with any general needs development scheme, but dedicated for such purpose by the applicant.

7a.3 The proposed development accords with Policy COM.3.

7a.4 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.5 The loss of the existing area of open space has been evaluated as part of a community-wide assessment of open space provision. The open space is identified as having amenity value, albeit of limited value. It is not considered that the loss of the area as open space would have an impact on recreation space provision in the area. Furthermore, it is not considered that the impact of the loss of the open space in terms of amenity value would be significant.

7a.6 It is noted, however, that the proposed development does not include provision of public open space within the development.

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

7a.8 Policy ENV.7 ‘Quality of Development’ states:

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

7a.9 The proposal is not considered to be of a significant scale as to merit a “design concept statement”, but reference should be made to Supplementary Planning Guidance as to the merits of the scheme.

7a.10 The proposal accords with Policy ENV.7.

7a.11 Accordingly, the proposal does not fully accord with the Falkirk Council Structure Plan.

Bo’ness Local Plan

7a.12 Policy BNS 4 ‘Residential Development’ states:

“New residential development will be directed towards sites H1 - H15, as identified on the Policies, Proposals and Opportunities Map, and also to other suitably located brownfield sites which become available within the Urban Limit.”

7a.13 It is noted that the application site is not identified as an opportunity for housing development on the Policies, Proposals and Opportunities Map. However, the application site is located within the urban area and is considered to be an infill site.

7a.14 It is not considered that the loss of the application site as open space would have a significant impact on the provision of recreation or amenity space in the area. The site is considered suitable for development.

7a.15 The proposal accords with Policy BNS 4.

7a.16 Policy BNS 6 ‘Special Needs and Affordable Housing’ states:

“Within the urban area, the District Council will support:

- (i) proposals for special needs housing which address identified shortfalls in provision or which will facilitate the provision of community-based health care in accordance with “Care in the Community” policies. Locations should be suited to the particular client group being catered for and should satisfy other Local Plan policies, including restrictions arising within the Pipeline Consultation Zone (see Policy BNS 30); and*
- (ii) initiatives to provide affordable housing for rent or ownership to meet local needs.”*

7a.17 It is considered that the proposed development is for the provision of affordable rented housing, not associated with any general needs development scheme, but dedicated for such purposes by the applicant.

7a.18 The proposed development accords with Policy BNS 6.

7a.19 Policy BNS 8 ‘Environment Quality in New Housing’ states:

“Proposals for new residential development will be required to achieve a high standard of design and amenity. In particular, they should:

- (i) respect and complement the character of the surrounding townscape and/or landscape;*
- (ii) combine layout and built form in a manner which affords a visually attractive, safe, defensible and convenient environment;*
- (iii) incorporate amenity and recreational open space commensurate with the size and nature of the development (see Policy BNS 33);*
- (iv) incorporate adequate and appropriate landscaping (see Policy BNS 38);*
- (v) retain and enhance, where possible, existing landscape features and/or buildings where they make a contribution to the amenity of the area;*
- (vi) provide for the amenity and safety of pedestrians and cyclists, including the use, where appropriate, of traffic calming; and*
- (vii) take account of the potential for energy-efficient design”*

7a.20 The proposal would respect the character of the surrounding townscape. It is considered that the proposal would provide an adequate level of amenity for residents of the proposed flats whilst safeguarding to an adequate level the amenity of existing residents adjacent.

7a.21 Although this opportunity to provide landscaping is limited, landscaping features are proposed where possible.

7a.22 It is noted, however, that the proposed development does not include the provision of open space within the site.

7a.23 The proposed development does not fully accord with Policy BNS 8.

7a.24 Policy BNS 31 ‘Protection of Open Space’ states:

“The District Council will protect parks, playing fields and other areas of public open space from unrelated development which would diminish their recreational or amenity value. Proposals involving the loss of any area of public open space, whether through built development or incorporation as private garden ground, will normally be resisted where:-

- (i) the proposal will have an adverse effect on the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the local area;*

- (ii) *the proposal will result in the loss of amenity open space such that the character or appearance of the area or its setting will be adversely affected, or*
- (iii) *the proposal is likely to set an undesirable precedent for further incremental loss of public open space such that amenity or recreational provision in the area will be eroded.”*

7a.25 The application site is an existing area of open space. The site has been evaluated as part of a community wide assessment of open space provision. It has been identified, however, as having limited amenity value. It is not considered that the loss of the site as an area of open space would have an impact on recreation space provision in the area. Furthermore, it is considered that the loss of the open space in terms of amenity value would not have a significant impact. It is noted that there is an extensive area of open space to the east of the application site, which provides recreation space for the area and significantly contributes to the amenity of the area.

7a.26 It is not considered that the proposal would have a significant impact on the character of the area.

7a.27 It is not considered that the proposal would set a precedent for further incremental loss of open space.

7a.28 The proposed policy accords with Policy BNS 31.

7a.29 Policy BNS 33 ‘Open Space in New Developments’ states:

“The District Council will require the provision of public open space and play areas in new residential developments and adequate arrangements to be made for their future maintenance. The extent of provision should be commensurate with the size, form and density of the development and the character of the site and in general accordance with the District Council’s approved standards. The location, design and landscaping of the open space should be such that :

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

7a.30 It is noted that the proposed development does not include the provision of open space within the application site.

7a.31 The proposed development does not accord with Policy BNS 33.

7a.32 Policy BNS 24 ‘Roads and New Development’ states:

“Road layout, access and parking provision in new developments should generally conform with Central Regional Council’s ‘Development Roads : Guidelines and Specification’. In the case of major development proposals likely to generate significant volumes of additional traffic, a Traffic Impact Analysis will be required.”

7a.33 The Roads Development Unit has raised no objections in terms of road layout, access and parking provision. It is considered that the proposed development would make adequate provision.

7a.34 The proposed development accords with Policy BNS 24.

7a.35 Accordingly, the proposed development does not fully 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, Supplementary Planning Guidance Notes (SPG) “Affordable Housing” and “Housing Layout and Design”, Scottish Planning Policy, Planning Advice Note 2/2010 “Affordable Housing and Housing Land Audits”, and the letter of representation.

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

7b.2 Policy EQ1 ‘Sustainable Design Principles’ states:

“New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site’s surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.”*

7b.3 The application endeavours to address the issues of scale, siting and design in order to create a group of buildings which are safe and easy to use. The issues of drainage, flood risk and landscaping require to be addressed and are subject to condition.

7b.4 The proposed development accords with Policy EQ1.

7b.5 Policy EQ3 ‘Townscape Design’ states:

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

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

7b.6 In terms of scale, height and massing, the proposed 2 storey structures are not considered an incongruous feature within a housing area predominantly consisting of 2 storey semi-detached/terraced houses and flats.

7b.7 The proposal accords with Policy EQ3.

7b.8 Policy SC2 – ‘Windfall Housing Development within the Urban/Village Limit’ states;

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

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

7b.9 The site comprises an area of open space which does not significantly contribute to amenity in the area. The site is set within existing residential developments, where an adequate level of amenity can be achieved.

7b.10 It is noted, however, that the proposal does not accord with other policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

7b.11 The proposed development does not therefore accord with Policy SC2.

7b.12 Policy SC4 ‘Special Needs and Affordable Housing’ states:

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

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

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

7b.13 The site is dedicated towards affordable rented accommodation, funded by the applicant.

7b.14 The proposed development accords with Policy SC4.

7b.15 Policy SC6 - ‘Housing Density And Amenity’ states:

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

7b.16 The privacy impact both for prospective occupiers of the flats and adjacent neighbours is adequate. However, the density proposed would have some overshadowing impact upon the garden ground of neighbouring houses.

7b.17 Therefore, the proposed development does not fully accord with Policy SC6.

7b.18 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.19 The application site is identified in a community-wide assessment of open space provision as a site which has limited value as amenity space. It is not considered that the site has recreational value. It is not considered that the loss of the area of open space would have a significant impact on the character of the area. It is considered that there is adequate open space situated to the east of the site to protect the amenity of the area and provide recreational space.

7b.20 The proposed development accords with Policy SC12.

7b.21 Policy SC13 – ‘Open Space And Play Provision In New Development’ states;

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

- (1) Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;
in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or
as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;
The required financial contribution per house will be set out in the SPG Note on ‘Open Space and New Development’.*
- (3) The location and design of open space should be such that it:
forms an integral part of the development layout, contributing to its character and identity;*

*is accessible and otherwise fit for its designated purpose;
links into the wider network of open space and pedestrian/ cycle routes in the area;
sensitively incorporates existing biodiversity and natural features within the site;
promotes biodiversity through appropriate landscape design and maintenance regimes; and
enjoys good natural surveillance;*

- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

7b.22 It is noted that the proposal comprises more than 10 dwelling units. It is also noted, however, that the application site measures less than 0.5 hectares in area, as referred to in Table 4.2 of the emerging Falkirk Council Local Plan, and para. (1) of Policy 7b.21. Furthermore, in developing the site for 24 flats, there would be no practical opportunity to provide open space within the site.

7b.23 In considering whether the proposal accords with Policy SC13, it is noted that the proposal does not meet all criteria specified in Table 4.2 of the emerging Falkirk Council Local Plan, and that the loss of the site as an area of open space would not have a significant impact on amenity and recreation space in the area.

7b.24 On balance, it is considered that the proposed development does not fully accord with Policy SC13.

7b.25 Policy SC14 – ‘Education And New Housing Development’ states;

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

7b.26 Education Services has no objection to the proposals, nor requires any form of commuted payment towards existing school facilities.

7b.27 The proposed development accords with Policy SC14.

7b.28 Accordingly, the proposed development does not fully 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.29 No objections have been received. It is noted that the following issues can be addressed by condition:-

- Detailed drainage scheme.
- Flood risk assessment.
- Contaminated land investigation.
- Landscaping.

7b.30 It is noted that the following can be addressed by informative:-

- Advise the applicant that drainage should be on a separate system.
- A travel pack should be provided for each flat.
- A bus shelter would be required to be relocated.

SPG “Affordable Housing”

7b.31 The SPG advises that, in order to fully secure the housing needs of the people in the Falkirk area, consideration needs to be given to the provision of affordable housing. The SPG provides guidance based around Policy SC4 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

7b.32 It is noted that the proposal is for dedicated low cost rented housing, and that the proposed development accords with Policy SC4 referred to above.

7b.33 The proposed development accords with SPG “Affordable Housing”.

SPG “Housing Layout and Design”

7b.34 The SPG advises that it is important when developing new housing within existing house developments, that a harmonious fit is achieved. This should pay attention to adjacent building lines, height, scale, window and door arrangements, proportions and materials. In this regard, it is considered that the fit of the proposed development into existing housing developments adjacent is adequate.

7b.35 The SPG also, however, advises that new development should incorporate open spaces, thus supporting the Development Plan in this regard. It is noted that there is no open space provision proposed.

7b.36 The proposed development does not therefore fully accord with SPG “Housing Layout and Design”.

Scottish Planning Policy

7b.37 Scottish Planning Policy advises that “the siting and design of new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecology and the scope for using local materials. The aim should be to create places with a distinct character and identity, promoting a well integrated mix of land uses including well designed homes of different types and tenures”.

7b.38 Furthermore, Scottish Planning Policy advises that authorities should give consideration to the need for affordable housing, and means of provision. A mix of provision is encouraged, including social rented accommodation.

7b.39 It is considered that the proposed development would provide affordable rented accommodation, dedicated for the purpose. Furthermore, it is considered that the proposal

would integrate with the character of the area and contribute to a mix of housing types and tenures in the Bo'ness area.

7b.40 The proposed development accords with Scottish Planning Policy.

Planning Advice Note (PAN) 2/2010 “Affordable Housing and Housing Land Audits”

7b.41 PAN 2/2010 advises that a range of housing types, at different prices, tenures and locations, are needed to cater for the increasing number and variety of households, to maintain the viability of communities and support the operation of labour markets and the wider economy. The Government's ambitions include to increase housing supply across all tenures over the long-term and to increase the choice of housing available to those on low incomes.

7b.42 It is noted that the proposed development consists of dedicated low cost rented housing. It is considered that the proposed development would contribute positively towards provision of a mix of housing types in the Bo'ness area, and would accord with the aspirations of PAN 2/2010.

7b.43 The proposed development accords with PAN 2/2010.

Letter of Representation

7b.44 It is considered that levels and boundary treatment in respect of the north-west corner area of the site would be adequate to safeguard the privacy of the adjacent property at Linhurst, Baker Street.

7c Conclusion

7c.1 The proposed development does not fully accord with the Development Plan, the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) or Supplementary Planning Guidance Note “Housing Layout and Design” for the reasons that it is not proposed to provide open space area(s) within the application site and some overshadowing of the gardens of the adjacent properties in Comrie Terrace.

7c.2 It is noted, however, that there are extensive areas of open space to the east of the application site, which it is considered could provide adequate levels of recreation and amenity space for both existing residents in the area and residents of the dwelling units proposed in this application.

7c.3 Furthermore, it is noted that, as a result of a community-wide assessment of open space, the application site is identified as having limited visual amenity value. It is not considered that the site has value as recreation space. It is considered that the loss of the site as an area of open space would not have a significant impact on the recreation space or visual amenity of the area. There would be no conflict in terms of land use.

7c.4 It is considered that the proposal reflects the character of the surrounding area. The proposed development would provide a level of amenity for residents of the proposed flats, and safeguard the amenity of existing residents in terms of privacy/overlooking.

7c.5 On balance, the proposed development is an acceptable departure from the Development Plan.

- 7c.6 The proposed development is not considered a significant departure from the Development Plan, and as such would not require to be referred to Ministers under the terms of Circular 3/2009 “Notification of Planning Applications”.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) (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.
- (3) 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”.**
- (4) Prior to the occupation of dwellinghouses, cycle parking provision as shown on the approved drawings shall be installed on site.**
- (5) Prior to the occupation of dwellinghouses, the car parking provision as shown on the approved drawings shall be completed and brought into use.**
- (6) Prior to any works on site, a detailed drainage strategy, including the treatment of surface water run-off by sustainable drainage methods, shall be submitted to and approved in writing by the Planning Authority.**

- (7) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
- (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (ii) location of new trees, shrubs, hedges and grassed areas;
 - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - (iv) programme for completion and subsequent maintenance.
- (8) Prior to any works on site, a flood risk assessment shall be submitted to and approved in writing by the Planning Authority.
- (9) Prior to the proposed junction with Cadzow Avenue being brought into use, it shall be formed with visibility splays of 2.4m by 30m, which shall thereafter be maintained at all times, in both directions, within which there shall be no obstruction to visibility over 0.6m in height.
- (10) 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.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the environmental amenity of the area.
- (3) To safeguard the interests of users of the highway.
- (4) To ensure the provision of bicycle storage.
- (5) To ensure that adequate car parking is provided.
- (6) To ensure that adequate drainage is provided.
- (7) To safeguard the visual amenity of the area.
- (8) To ensure against the risk of flooding.
- (9) In the interests of users of the highway.
- (10) 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 plans to which this decision refer(s) bear our reference 01, 02, 03A, 04A, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20.
- (2) The applicant is advised that drainage should be by means of a separate system.
- (3) The applicant is advised to arrange the relocation of a bus shelter at Cadzow Avenue with the Transport Planning Unit.
- (4) A travel pack should be provided to occupants of the proposed flats. The Transport Planning Unit will advise.



Pp

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Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Bo'ness Local Plan.
3. The Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Scottish Planning Policy.
5. Planning Advice Note 2/2010 "Affordable Housing and Housing Land Audits".
6. Supplementary Planning Guidance Note "Affordable Housing".
7. Supplementary Planning Guidance Note "Housing Layout and Design".
8. Letter of Objection received from April Simmons, Linhurst, Baker Street, Bo'ness, EH51 9BZ on 15 October 2010.

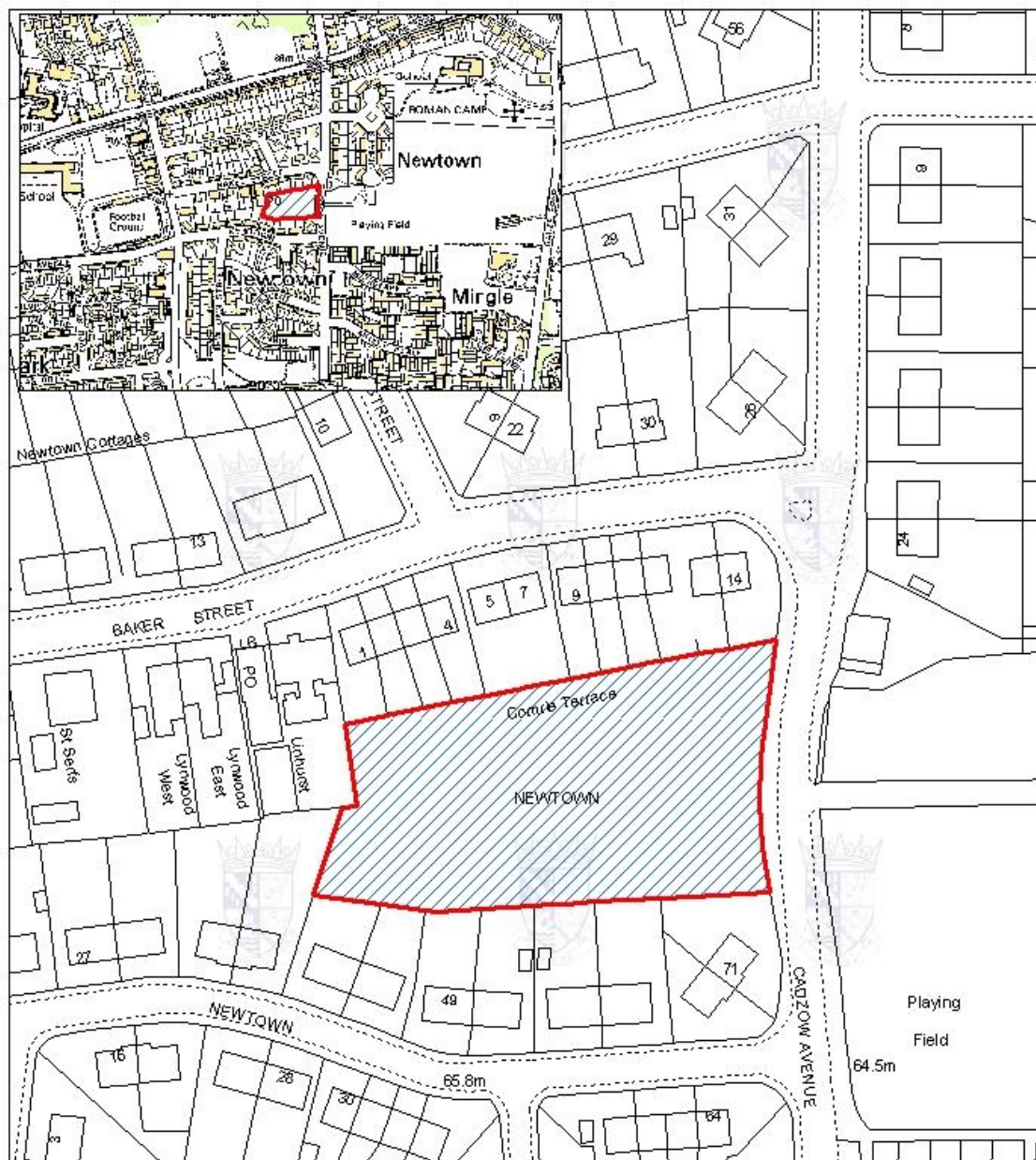
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0508/FUL

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



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FALKIRK COUNCIL

Subject: ERECTION OF 4 FLATTED DWELLINGS AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE NORTH OF 17 KINACRES GROVE, BRIDGENESS ROAD, BO'NESS FOR BMR DEVELOPMENTS LTD - P/10/0321/FUL

Meeting: PLANNING COMMITTEE

Date: 3 November 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Bo'ness and Blackness

Local Members: Councillor John Constable
Councillor Ann Ritchie
Councillor Adrian Mahoney

Community Council: Bo'ness

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site consists of an area of private open space located on the south side of Bridgeness Road, Bo'ness. To the north of the site, interrupted by a roadway, is the existing Walker Timber sawmill and associated commercial / industrial yard area. To the west, east and south the application site is bounded by established residential properties, comprising a mixture of detached and semi-detached housing and flatted dwellings. The site is bounded by a 2 metre high wall onto Bridgeness Road and a 2 metre high fence encloses the remainder of the site.
- 1.2 The proposal is for the erection of four 2 bedroom flats within a 2 storey building. The proposed site layout does not include pedestrian access to the adjoining Kinacres Grove. Vehicular access would be taken via Bridgeness Road.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in to the Planning Committee by Councillor John Constable.

3. SITE HISTORY

- 3.1 F/85/0532 - erection of 47 houses and 12 detached garages - granted on 13 February 1986. The application site was developed as an open space/play area for the above established residential development.

- 3.2 P/08/0773/FUL - erection of 6 flats and associated infrastructure - refused on 27 November 2009. Appeal, Ref: AP/10/001/PPA, was dismissed on 2 March 2010, discussed later in this report (paras. 7b.28-7b.32).

4. CONSULTATIONS

- 4.1 The Roads Development Unit do not advise against the proposal subject to conditions regarding road construction. The Unit are satisfied with the Flood Risk Assessment and Drainage Impact Assessment submitted with the application.
- 4.2 Scottish Water has no objection to the planning application, but connection to Scottish Water infrastructure is not guaranteed.
- 4.3 The Environmental Protection Unit have requested a scheme for protecting the proposed dwellings from transport noise. In addition, the applicant should undertake a site investigation to establish if contamination is present on the site.
- 4.4 Community Services, Parks and Recreation, have advised that a financial contribution of £3,000 (£750 per flatted dwelling) would be required to offset the loss of the area of open space and to provide off site play/outdoor equipment in the nearby Kinningars Park.

5. COMMUNITY COUNCIL

- 5.1 The Bo'ness Community Council did not make comment.

6. PUBLIC REPRESENTATION

- 6.1 The application was advertised in the local press on 28 May 2010. Five letters of objection were received from 4 households raising the following issues:
- There has been very little change from the recently refused application for 6 flats on the same site,
 - The proposal will result in overlooking of adjacent properties. The proposed window positions and plot size do not allow an acceptable level of privacy,
 - No meaningful amenity areas are proposed,
 - The proposal is contrary to Policy BNS 10 of the adopted Bo'ness Local Plan and Policy SC2 of the emerging Local Plan as the development would not respect the privacy enjoyed by neighbouring residents and would not afford a satisfactory level of residential amenity,
 - The proposal would overshadow adjacent properties,
 - A lower density development would be acceptable on the site,

- The adjacent flats at Birdland Avenue have not effectively sold over the last 3 years and are empty or to let. There is no market for the proposed flats,
- Car parking for the proposal will overspill into adjacent residential areas due to limited parking,
- The application site was a safe haven for local children to play, who now play in the street,
- The front entrance is very close to the main road, and
- The submitted location plan does not show the extension of an adjacent property.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy COM.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.2 The application would result in the loss of an area of open space, planned and formed to serve the adjacent Kinacres Grove housing development (F/85/0532). The area is not identified as a principal area of open space in the adopted Bo'ness Local Plan or emerging Falkirk Local Plan. The area was planned as a children's play area, but there is no evidence of play equipment at the site and no complaints have been received in relation to the closure of the area by a 2 metre high fence.
- 7a.3 It is considered that the area of open space is of little recreational or amenity resource to the surrounding residential area, given its location within the development and quality of facilities provided. The area has limited natural surveillance and is bounded by 2 metre high boundary treatments, wall and fence, on all sides resulting in the area having limited visual amenity benefit. A small 2 metre wide footpath connected the area to the surrounding development but this is now closed by a 2 metre high fence.
- 7a.4 There is a direct pedestrian link from Kinacres Grove to Kinningars Park, this being a large landscape and recreational amenity space. The loss of the area of open space is considered acceptable and a commuted payment would offset the loss of the area of open space and contribute towards the provision of play/outdoor facilities within Kinningars Park. A reasonable level of amenity area and landscaping is proposed to serve the proposed flatted dwellings. The site is considered too small to achieve any meaningful open space or play provision. The application does not offend the terms of policy COM.6 'Open Space and Recreational Facilities'.
- 7a.5 Policy ENV.4 'Coastal Planning and Flooding' states:

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

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

- 7a.6 The application site is not located in the undeveloped coastal zone as indicated on the key diagram. Due to the proximity of the application site to the Firth of Forth, a Flood Risk Assessment was required. The applicant has submitted information to assist in the determination of the application and it is considered that the issue of flooding has been addressed. The application involves some minor elevation in the ground levels <1 metre and a finished floor level of 5.450 AOD. The flooding mitigation measures would not affect the visual amenity of the area. The application accords with the policy ENV.4 'Coastal Planning and Flooding'.

Bo'ness Local Plan

- 7a.7 Policy BNS 8 'Environment Quality in New Housing' states:

"Proposals for new residential development will be required to achieve a high standard of design and amenity. In particular, they should:

- (i) respect and complement the character of the surrounding townscape and/or landscape;*
- ii) combine layout and built form in a manner which affords a visually attractive, safe, defensible and convenient environment;*
- (iii) incorporate amenity and recreational open space commensurate with the size and nature of the development (see Policy BNS 33);*
- (iv) incorporate adequate and appropriate landscaping (see Policy BNS 38);*
- (v) retain and enhance, where possible, existing landscape features and/or buildings where they make a contribution to the amenity of the area;*
- (vi) provide for the amenity and safety of pedestrians and cyclists, including the use, where appropriate, of traffic calming; and*
- (vii) take account of the potential for energy-efficient design"*

- 7a.8 The proposed two storey flatted development respects and complements the character of the Bridgeness Road area, which it fronts, in particular by continuing the strong frontage and building ridge line of the adjacent Birdland Avenue development. The proposed flatted development complements the adjacent detached and semi detached properties at Birdland Avenue and Kinacres Grove, being of a similar form and height. The proposed layout and built form would afford a visually attractive, safe and defensible environment. An adequate level of open space and landscaping is provided in relation to the size of the site and accommodation provided. The stone wall fronting Bridgeness Road is to be retained but reduced to 600 mm in height to allow visibility. No information has been submitted in relation to energy efficiency. On balance the application accords with policy BNS 8 'Environment Quality in New Housing'.

- 7a.9 Policy BNS 10 'Infill Development and Plot Sub-Division' states:

"Within the urban area, proposals for the erection of additional residential units within the curtilage of existing properties, or on small gap sites, will be considered favourably provided that, in the opinion of the District Council:

- (i) *the scale, design and disposition of the proposed houses are sympathetic to neighbouring properties;*
- (ii) *provision can be made for adequate garden ground associated with the proposed houses without an unacceptable reduction in the size of existing gardens;*
- (iii) *the proposal respects the privacy enjoyed by neighbouring residents;*
- (iv) *the proposal will not result in a loss of trees such as to cause unnecessary detriment to the amenity of the neighbourhood;*
- (v) *the proposal is satisfactory in terms of access and car parking; and*
- (vi) *the proposal does not constitute backland development (i.e. development of a plot without a road frontage).*

7a.10 The scale, design and disposition of the proposed flatted development is sympathetic to neighbouring properties, the adjacent flatted development at Birdland Avenue and semi-detached dwellinghouses at Kinacres Grove. Adequate open space and landscaping would be afforded to residents. The development faces onto the gable of adjacent dwellings, but it is accepted that there would be some overlooking of garden ground to the south of the application site. This is not considered to be significant given the distance of the development from mutual boundaries (approximately 6 metres at the closest point), the height of the proposal (two storey) and given that it is 4 first floor bedroom windows that would be able to overlook. A small number of trees would be lost as a result of the development, but this is not considered to cause visual detriment to the neighbourhood. The proposal is satisfactory in terms of access and car parking. The proposal does not constitute backland development. The application accords with policy BNS 10 'Infill Development and Plot Sub-Division'.

7a.11 Policy BNS 31 'Protection of Open Space' states:

"The District Council will protect parks, playing fields and other areas of public open space from unrelated development which would diminish their recreational or amenity value. Proposals involving the loss of any area of public open space, whether through built development or incorporation as private garden ground, will normally be resisted where:-

- (i) *the proposal will have an adverse effect on the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the local area;*
- (ii) *the proposal will result in the loss of amenity open space such that the character or appearance of the area or its setting will be adversely affected, or*
- (iii) *the proposal is likely to set an undesirable precedent for further incremental loss of public open space such that amenity or recreational provision in the area will be eroded."*

7a.12 It is considered that the proposed development would not have an adverse impact on the recreational value of open space in the area in relation to overall standards in the area and, in particular, the adjacent Kinninggars Park. There is direct pedestrian access to Kinninggars Park from Kinacres Grove. The development would not adversely affect the character or appearance of the area and is unlikely to set an undesirable precedent. The application does not offend the terms of policy BNS 31 'Protection of Open Space'.

7a.13 Policy BNS 33 'Open Space in New Developments' states:

"The District Council will require the provision of public open space and play areas in new residential developments and adequate arrangements to be made for their future maintenance. The extent of provision should be commensurate with the size, form and density of the development and the character of the site and in general accordance with the District Council's approved standards. The location, design and landscaping of the open space should be such that :

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

7a.14 The application site provides an adequate level of open space and landscaping given the size of the site and type of accommodation proposed. The site is considered too small to allow for the provision of any meaningful open space or play facilities. The application site is in close proximity to Kinningars Park and has strong pedestrian access routes. A condition should be applied to any planning permission requiring submission of a scheme for the maintenance of open space and landscaping within the proposed residential development. The application accords with policy BNS 33 'Open Space in New Developments'.

7a.15 Policy BNS 37 'Townscape' states:

"Within the urban area, the District Council will require to be satisfied that proposals for development respect the character and appearance of the townscape in terms of form, layout and design. Cognisance should be taken of the architecture of neighbouring properties with particular regard to the established pattern of building lines and roof profiles, use of materials and window arrangement."

7a.16 The application site lies within an area of mixed use and there are a variety of house types. Fronted by an industrial user and adjoining parkway and existing housing, the proposal offers a strong frontage onto Bridgeness Road. The external finishing materials can be covered by condition. The proposal accords with policy BNS 37 'Townscape'.

7a.17 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), Scottish Planning Policy, consultations, public representations and the planning history for the application site

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

7b.2 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 a settlement and neighbourhood audit 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.3 The application site is not identified within the Bo'ness Local Plan as a housing site. The site comprises urban open space whose loss can be justified in the terms of Policy SC12. In land use terms the proposed development is compatible with neighbouring uses. The site enjoys a good level of residential amenity and can be accommodated through existing infrastructure and community facilities. There is no conflict with any other Local Plan policy or proposal. The application accords with policy SC2 'Windfall Housing Development within the Urban/Village Limit'.

7b.4 Policy SC6 - 'Housing Density And Amenity' states:

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

7b.5 The density of the application site is considered acceptable when consideration is given to the proximity of a major area of open space, Kinninggars Park, the relatively dense nature of the surrounding settlement pattern and the type of accommodation proposed. An adequate level of public and private communal amenity space is provided. The proposal would not result in overlooking between any windows and it should be noted that there are no windows on the side elevation of adjacent properties, although the adjacent property at 17 Kinacres Grove has erected a rear extension under permitted development rights. The two storey development would not have a significant impact on the privacy or available light of adjacent properties. The application accords with policy SC6 'Housing Density and Amenity'.

7b.6 Policy SC8 'Infill Development and Subdivision of Plots' states:

"Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (2) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (3) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (4) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (5) the proposed vehicular access and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies."*

7b.7 Policy SC8 reinforces policy BNS 10 'Infill Development and Plot Sub-Division' of the adopted Bo'ness Local Plan. Although planned as part of the original development as an area of open space / play area, the site is considered to have little recreational or amenity value and its loss is not considered to have an adverse effect on the character and appearance of the area. The application accords with the terms of policy SC8 'Infill Development and Subdivision of Plots'.

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

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

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

7b.9 A financial contribution is required to offset the loss of the area of open space and to provide off site play/outdoor facilities at Kinninggars Park. The applicant's agent has confirmed that the applicant has agreed to pay the financial contribution. The application accords with policy SC11 'Developer Contributions to Community Infrastructure'.

7b.10 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 a settlement and neighbourhood audit 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.11 Policy SC12 reinforces policy BNS 31 'Protection of Open Space' of the adopted Bo'ness Local Plan. The application site is not identified on the Proposals Map as a principal area of open space. It is considered that the loss of the area of open space would not adversely affect the character and appearance of the residential area as the site is poorly located, bounded on all sides by a 2 metre high wall and fence and does not benefit from natural surveillance. The application site was not included in the qualitative analysis of the Council's Open Space Audit. Development of the application site would be compensated by qualitative improvements to Kinninggars Park. The application site is not an area of any ecological value and connectivity within the overall open space network will not be affected. The application accords with policy SC12 'Urban Open Space'.

7b.12 Policy SC13 'Open Space and Play Provision in New Development' states:

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

- (1) Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
 - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
 - in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
 - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*

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

7b.13 Policy SC13 reinforces policy BNS 33 'Open Space in New Developments' of the adopted Bo'ness Local plan. The application site provides an adequate level of open space and landscaping given the size of the site and type of accommodation proposed. The site is considered too small to allow any meaningful open space or play facilities. The application site is in close proximity to Kinningars Park and has strong pedestrian access routes. A financial contribution for off site play provision at Kinningars Park is considered acceptable. (A condition can be applied to any planning permission requiring the submission of a maintenance scheme prior to development commencing). The application accords with policy SC13 'Open Space and Play Provision in New Development'.

7b.14 Policy EQ1 'Sustainable Design Principles' states:

“New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

- (1) *Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) *Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) *Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) *Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) *Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) *Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.”*

7b.15 The development accords with good standards of sustainable design principles. Natural and built features, trees and the existing boundary wall (at a reduced height) would be integrated into the development. The scale, siting and design of the development responds positively and sympathetically to the site's surroundings. The application site lies on a bus route allowing the use of sustainable transport and provides safe access for all users. No information has been provided in relation to resource use. Infrastructure needs and their impacts are addressed and discussed later in this report. A condition should be applied to any planning permission requiring the submission of a scheme for the maintenance of open space and landscaping within the proposed residential development. On balance the application accords with the terms of policy EQ1 'Sustainable Design Principles'.

7b.16 Policy EQ2 'Implementation of Sustainable Design Principles' states:

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

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

7b.17 The application is for a Local Development as defined in Town & Country Planning (Hierarchy of Development) (Scotland) Regulations 209. The submission of a Design Statement is therefore not required and the application is not contrary to Policy EQ2.

7b.18 Policy EQ3 'Townscape Design' states:

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

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

7b.19 Policy EQ3 reinforces policy BNS 8 'Environment Quality in New Housing' of the adopted Bo'ness Local Plan. It is considered that the proposed development would contribute positively to the quality of the built environment in the Bridgeness Road area and would complement the adjoining residential developments. The application accords with policy EQ3 'Townscape Design'.

7b.20 Policy EQ4 - 'Landscape Design' states:

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

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

7b.21 The proposed development allows a reasonable level of open space and landscaping for the size of the site and accommodation provided. A condition should be applied to any planning permission requiring the submission of a scheme for the maintenance of open space and landscaping within the proposed residential development. The application accords with policy EQ4 'Landscape Design'.

7b.22 Accordingly, it is considered the proposal complies with the emerging Local Plan.

Scottish Planning Policy

7b.23 Scottish Planning Policy (SPP), a statement of the Scottish Government's policy on nationally important land use planning matters outlines the Government's commitment to increasing the supply of new homes, advising that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations across all tenures. Planning authorities should promote the efficient use of land and buildings, directing development towards sites within existing settlements to make effective use of existing infrastructure and service capacity and to reduce energy consumption.

7b.24 SPP advises that infill sites within existing settlements can often make a useful contribution to the supply of housing land. Such proposals should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

- 7b.25 The proposal is situated within an existing settlement and is well served by existing infrastructure and community facilities. It is considered that the proposed two storey flatted development would respect the scale, form and density of built development within the surrounding area, namely an established residential area comprising a mix of two storey detached and semi detached houses and flatted dwellings contained within a three storey block. The proposal is not considered an overdevelopment of the available site and it is noted that the proposal has been reduced by 1/3. The application accords with National Policy.

Consultation Responses

- 7b.26 Points raised by the Roads and Development Unit and the Environmental Protection Unit are addressed through the use of appropriate conditions. The Environmental Protection Unit have requested a scheme for protecting the proposed dwellings from transportation noise. In addition, the applicant should undertake a site investigation to establish if contamination is present on site. It should be noted that a Phase 1 Environmental Report has been submitted.
- 7b.27 A financial contribution is required to offset the loss of the application site area an area of open space and to provide off site play/outdoor equipment. This can be dealt with by way of an appropriate Legal Agreement.

Planning History

- 7b.28 Application P/08/0773/FUL, for a similar development of 6 flatted dwellings, was refused planning permission at the Planning Committee on 27 November 2009, for the following reasons:
1. *The proposal would have an adverse effect on the amenity of the area through the loss of an area of urban open space, contrary to Policy COM.6 'Open Space and Recreational Facilities' of the approved Falkirk Council Structure Plan, Policy BNS 31 'Protection of Open Space' of the adopted Bo'ness Local Plan and Policy SC 12 'Urban Open Space' of the Falkirk Council Local Plan Finalised Draft (Deposit Version).*
 2. *The proposal would have an adverse impact on the amenity of the surrounding area, contrary to Policy BNS8 'Environment Quality in New Housing', Policy BNS 10 'Infill Development and Plot Sub-Division' of the adopted Bo'ness Local Plan, Policy SC6 'Housing Density and Amenity' and Policy SC8 'Infill Development and Sub-Division of Plots' of the Falkirk Council Local Plan Finalised Draft (Deposit Version).*
 3. *The proposal would result in an unacceptable impact on road safety, contrary to Policy BNS10 'Infill Development and Plot Sub-Division' of the adopted Bo'ness Local Plan and Policy SC8 'Infill Development and Sub-Division of Plots' of the Falkirk Council Local Plan Finalised Draft (Deposit Version).*
- 7b.29 The decision was subsequently appealed by the applicant. The appeal was dismissed and planning permission refused. The Reporter, in his decision, found the principle of residential development acceptable on the site and commented that the application site is of little recreational or amenity value, due to its condition and position relative to adjoining houses. Further, the Reporter was content that adequate visibility splays can be achieved and would not cause a road safety conflict with the adjacent industrial site. The Reporter also considered that an appropriate level of on-site parking would be provided and would not create any additional parking pressures on Bridgeness Road or Kinacres Grove.

- 7b.30 The Reporter raised concerns about the proposed 3 storey block and its relationship with adjoining property at Kinacres Grove. The rear garden of 17 Kinacres Grove would be overlooked by 8 upper-floor bedroom windows and 2 stair well windows. The Reporter considered a combination of building height, window positions and plot size would not allow an acceptable level of privacy. The Reporter found that the proposal would achieve a minimal standard of external amenity space and would result in an over development of the available site.
- 7b.31 It is considered that the reduction of the proposal to 4 units contained within a 2 storey block addresses the concerns of the Reporter, in particular in relation to privacy and the level of amenity space available. The building will be reduced in height from approximately 11 metres contained within a block of similar height and massing to the adjacent Birdland flatted development, to approximately 7.7 metres contained within a block of similar height and massing to the adjacent semi-detached dwellinghouses at Kinacres Grove. Four upper floor bedroom windows would overlook garden ground at 17 Kinacres Grove. Within a residential setting a degree of overlooking adjacent garden ground, particularly from bedroom windows, is considered acceptable. It should be noted that there are no windows on the gables of adjacent properties, however 17 Kinacres Grove has been extended to the rear under permitted development rights.
- 7b.32 Parking within the site will be reduced from 8 to 5 vehicular parking spaces. The number of parking spaces proposed accords with Falkirk Council's roads standards, reflects the reduction in units and allows a greater level of communal amenity space to serve a reduced number of units on the same site. It is considered that the revised proposals would not result in an overdevelopment of the available site and the layout and density of the proposal harmonizes with the settlement pattern of the surrounding established residential area.

Representations

- 7b.33 It is considered that the proposal would not significantly overlook adjacent properties. The two storey proposal would face onto the blank gables of the two directly adjacent properties. The garden ground of 17 Kinacres Grove would be overlooked by 4 first floor bedroom windows. This is not considered to be significant given the distance of the development from the mutual boundary (approximately 7 metres), the height of the proposal (two storey) and the type of room, bedroom.
- 7b.34 The application has reduced from 6 units to 4 units.
- 7b.35 The level of amenity space proposed is of a reasonable level given the type of accommodation provided, flats.
- 7b.36 It should be noted that the level of amenity space proposed would exceed that available at the adjacent Birdland Avenue flatted development and reflects the settlement pattern of the surrounding established residential area.
- 7b.37 The application is assessed as being in accordance with the Development Plan and emerging Local Plan in the body of this report.

- 7b.38 It is considered that the two storey structure would not overshadow adjacent properties. It should be noted that there are no gable windows on adjacent properties that could be affected by the proposal. The proposal is a lower density than the previous application and is considered acceptable on the site. The marketability of the proposal is not a material planning consideration.
- 7b.39 This application has no bearing on the car parking issues arising on the neighbouring housing development. The proposal would have dedicated car parking of a sufficient standard to serve the development.
- 7b.40 The existing use of the land is private open space, enclosed on all sides and of limited access and use. A financial contribution is required to offset the loss of the application site as an area of open space and to provide off site play provision. This can be dealt with by way of an appropriate legal Agreement.
- 7b.41 It is accepted that the front entrance is close to the main road.

7c Conclusion

- 7c.1 The application has been assessed and accords with the terms of the Development Plan and emerging Falkirk Local Plan. The points raised through comment are noted and discussed in this report. The comments of the Reporter are addressed by the revised proposal. There are no material considerations that would justify the laying aside of the terms of the Development Plan.
- 7c.2 The application is recommended for approval subject to the imposition of appropriate conditions and a Legal Agreement being entered into for a financial contribution towards off site play provision.

8. RECOMMENDATION

- 8.1 It is recommended that planning permission is granted subject to:- (a) an appropriate Legal Agreement requiring the payment of a sum of £3,000 (£750 per flat dwelling) as a contribution towards off site play provision and thereafter, (b) on conclusion of the forgoing matters, remit the Director of Development Services to grant planning permission subject to the following conditions:-

1. The development to which this permission relates must be begun within three years of the date of this permission.
2. Development shall not commence until details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

3. No development shall commence on site until a series of tests for ground contamination have been carried out. Full details of the test results shall be submitted to the Planning Authority. Any necessary remedial work to make the ground safe shall be carried out to the satisfaction of the Planning Authority before any work on the development commences.
4. Development shall not commence on site until a scheme for the maintenance of open space and landscaping within the development is submitted to and approved in writing by the Planning Authority.
5. All roads 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".
6. The footpath along the full frontage of the application site shall be widened to 2 metres in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000".
7. No building, structure, tree, shrub or other obstruction to visibility over 1 metres in height above carriageway level shall be allowed within 2.5 metres of the carriageway edge over the site's frontage with the public road.
8. Development shall not commence until a scheme for protecting residential properties from noise from Bridgeness Road and adjoining industrial / commercial premises has been submitted to and approved in writing by the Planning Authority. Thereafter the occupation of any flatted dwelling shall not take place until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.
9. For the avoidance of doubt the ground floor finished floor level shall be 5.450 metres AOD.
10. All landscaping works shall be implemented by the end of the first planting and seeding season following the occupation of the last flatted dwelling.

Reason(s):

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2, 4. To safeguard the visual amenity of the area.
3. To ensure the ground is suitable for the proposed development.
- 5-7. To safeguard the interests of the users of the highway.
8. To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
9. As the development would not be acceptable without these additional works.

10. To safeguard the environmental amenity of the area.

Informative(s):

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



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Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Bo'ness Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by Final Proposed Modifications (June 2010).
4. Scottish Planning Policy.
5. Letter of Objection from Mr & Mrs Colin & Elspeth Bennie, 21 Kinacres Grove, Bo'ness EH51 9LT on 09 June 2010.
6. Letter of Objection from Mr Ross Johnston, 3 Birdland Avenue, Bo'ness EH51 9LX on 05 June 2010.
7. Letter of Objection from Mr Craig Grant, 17 Kinacres Grove, Bo'ness EH51 9LT on 06 June 2010.
8. Letter of Objection from Mr L S Meldrum, 13 Kinacres Grove, Bo'ness EH51 9LT on 07 June 2010.
9. Letter of Objection from Mrs Claire Edwards, 17 Kinacres Grove, Bo'ness EH51 9LT on 17 September 2010.
10. Appeal decision reference AP/10/001/PPA.

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/10/0321/FUL

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FALKIRK COUNCIL

Subject: ERECTION OF FOUR DWELLINGHOUSES, AT LAND TO THE SOUTH OF 58 ANNET ROAD, ANNET ROAD, HEAD OF MUIR FOR MR MICHAEL O'NEILL - P/09/0872/FUL

Meeting: PLANNING COMMITTEE

Date: 3 November 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Denny and Banknock

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

Community Council: Denny and District

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of 4 detached 2 storey dwellinghouses at the end of an established cul de sac in Denny. The application site has been partially cleared of fir trees and backs onto an embankment sloping down towards the M876.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 Outline planning application 06/1078/OUT for the development of the site for housing purposes was withdrawn on 27/06/2007. The site previously formed part of a wider area of open space which was granted planning permission for the change of use to garden ground on 06/09/2006, application 06/0386/FUL.

4. CONSULTATIONS

- 4.1 Following amendments to the proposed layout to incorporate an appropriate turning facility, the Roads Development Unit have no objections.
- 4.2 Scottish Water has no objections.

- 4.3 The Environmental Protection Unit has no objections, but requests that a noise survey be carried out. This can be adequately covered by way of a condition attached to any consent given.
- 4.4 Transport Scotland has no objections, but requests that a non climbable barrier be erected along the boundary with the M876. This can be adequately covered by way of a condition attached to any consent given.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 4 contributors submitted letters to the Council. The salient issues are summarised below:
- Concerns in relation to road safety, construction traffic and noise, impact on wildlife and disruption of view. Concerns also raised in relation to lack of information submitted with the application in relation to levels details and finishing materials.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Denny and District Local Plan

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

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

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

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

7a.3 Policy DEN 8 ‘Infill Development and Subdivision of Plots’ states:

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

- (i) the scale, design and disposition of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed house without a detrimental impact upon the size and function of existing gardens;*
- (iii) the privacy enjoyed by neighbouring residents would be protected; and*
- (iv) the proposal does not constitute backland development.*

Note : Backland development is normally defined as development of a plot without a road frontage”

7a.4 Policy DEN 30 ‘Protection of Open Space’ states:

“The Council will generally protect parks, playing fields and other major areas of public open space from unrelated development or changes of use which would diminish their recreational value. Applications from householders to introduce built development upon, or change the use of, small parcels of adjacent open space will normally be resisted where the Council considers that such a proposal would:

- (i) adversely affect the recreational value of active or passive open space considered in relation to overall standards of provision in the surrounding area;*
- (ii) result in a loss of amenity open space which could have a detrimental impact upon the character and appearance of the area or its setting; and*
- (iii) set an undesirable precedent for further incremental loss of open space such that the provision of amenity or recreation open space in the area would be eroded.”*

7a.5 The application site is located within the village limits as set out in the Denny and District Local Plan. The site is now garden ground following previous planning approval 06/0386/FUL and, as a result, serves no public open space recreational value. The felling of a number of trees on the site has diminished its visual amenity value by a significant degree however the proposal includes a planting strip to improve visual amenity and to mitigate the loss of the previous trees on the site. The site is not considered to be of significant ecological value and connectivity within the overall open space network will not be affected by the proposal. The loss of this area of open space is considered to be justified in this instance. The proposal does not constitute backland development and the proposed design, scale, layout and density of development is considered compatible with the surrounding area. A good degree of residential amenity would be created for each dwellinghouse with adequate garden ground and window to window distances in excess of the suggested 18m minimum set out in the Falkirk Council Supplementary Planning Guidance Note in respect of Housing Layout and Design. The proposal accords with the terms of the Denny and District Local Plan.

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

7b Material Considerations

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

- Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as Amended by the Final Proposed Modifications (June 2010);
- Assessment of Public Representations;
- Falkirk Council Supplementary Planning Guidance.

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

7b.2 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.3 Policy SC6 - ‘Housing Density And Amenity’ states:

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

7b.4 Policy SC2 – ‘Windfall Housing Development within the Urban/Village Limit’ states;

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

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

7b.5 The application site is located within the village limits as set out in the emerging local plan and is defined as an area of urban open space. The site is now garden ground following previous planning approval 06/0386/FUL and, as a result, serves no recreational value. The felling of a number of trees on the site has diminished its visual amenity value by a significant degree however the proposal includes a planting strip to improve visual amenity and to mitigate the loss of the previous trees on the site. The site is not considered to be of significant ecological value and connectivity within the overall open space network will not be affected by the proposal. The loss of this area of open space is considered to be justified in this instance. The proposed layout and density of development is considered compatible with the surrounding area and a good degree of residential amenity would be created for each dwellinghouse with adequate garden ground and window to window distances in excess of the suggested 18m minimum set out in the Falkirk Council Supplementary Planning Guidance Note in respect of Housing Layout and Design. The proposal is considered to accord with the terms of the emerging local plan.

Assessment of Public Representations

7b.6 Road safety issues and noise or disturbance resulting from construction work on the site is not a material planning consideration. Road safety issues associated with the proposed development have been assessed by the Roads Development Unit who have no objections. The site is not considered to hold any ecological value and whilst the appearance of the site post development would undoubtedly be different from the current outlook, the visual amenity of the area would not be adversely affected. The applicant has provided sufficient details to allow a full assessment of the proposal to be carried out including appropriate levels details. It is however considered necessary to place a condition on any consent given requesting an external finishing materials schedule to be submitted to and be approved in writing by the planning authority prior to the start of work on site.

Falkirk Council Supplementary Planning Guidance

7b.7 Supplementary guidance notes in the form of 'House Extension and Alterations' and 'Housing Layout and Design' are both considered relevant in the assessment of this application. Both documents set out guidance advising developers of expected standards of provision to achieve acceptable levels of residential and visual amenity. The proposed development accords with the provisions of those documents. In particular, the proposed window to window privacy distances and levels of garden ground provision, are considered to accord with the terms of this guidance.

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 of the date of this permission.
- (2) Development shall not begin until a scheme for protecting the new dwellinghouses from noise from transportation has been submitted to and approved in writing by the Planning Authority. The dwellinghouses shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.
- (3) Prior to the start of work on site details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (4) Prior to the occupation of the dwellinghouses an unclimbable barrier of a type approved in writing by the planning authority shall be provided and maintained in perpetuity along the boundary of the site with the M876 trunk road.
- (5) Before any works start on site and notwithstanding the details on the approved plans, a scheme of landscaping indicating the siting, numbers, species, heights (at time of planting), future management and aftercare including retention / replanting of all trees, shrubs and hedges to be planted shall be submitted to and approved in writing by this planning authority thereafter all planting and aftercare shall be carried out in accordance with the terms of the approved scheme.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (3) To safeguard the visual amenity of the area.
- (4) To safeguard the interests of the users of the highway.
- (5) In the interests of visual amenity and to ensure landscaping works are completed at an appropriate stage in the development of the site.

Informative(s):

- (1) This application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04 and 05A.
- (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: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Denny and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

4. Supplementary Planning Guidance Advice Note in respect of Housing Layout and Design.
5. Supplementary Planning Guidance Note in respect of those Extensions and Alterations.
6. Letter of Objection received from Mrs Kim Trotter, 45 Annet Road, Head of Muir, Denny, FK6 5LQ on 27 January 2010.
7. Letter of Objection received from Mr and Mrs R Devlin, 47 Annet Road, Head of Muir, Denny, FK6 5LQ on 14 January 2010.
8. Letter of Objection received from Anne Reeves, 56 Annet Road, Head of Muir, Denny, FK6 5LQ on 14 January 2010.
9. Letter of Objection received from Mr Fred Hamilton, 58 Annet Road, Head of Muir, Denny, FK6 5LQ on 21 January 2010.

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

Planning Committee

Planning Application Location Plan P/09/0872/FUL

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FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE (TWO STOREY TO SIDE)
AT 2 BREADALBANE PLACE, POLMONT, FALKIRK, FK2 0RF,
FOR MR JAMES AUCHINCLOSS - P/10/0603/FUL

Meeting: PLANNING COMMITTEE

Date: 3 November 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Lower Braes

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

Community Council: Polmont

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The property is a two storey, semi-detached dwelling located at 2 Breadalbane Place, Polmont. This detailed application proposes a two storey side extension to match the height and width of the existing gable end and to project approximately 900mm from the rear garden boundary of the adjoining property to the west.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATIONS

- 4.1 The Roads Development Unit recommend conditions in respect of the driveway construction and parking provision.
- 4.2 Scottish Water has no objections.

- 4.3 The Environmental Protection Unit recommend an informative regarding ground conditions and hours of construction work.

5. COMMUNITY COUNCIL

- 5.1 The local Community Council did not make any representations.

6. PUBLIC REPRESENTATION

- 6.1 During the consideration of the application, no letters of objection or representation were received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no policies relevant to the proposal in the 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 site is located within the urban limits and therefore is in accordance with Policy POL 2.2.

- 7a.4 Policy POL 3.7 'Extensions and Alterations to Residential Properties' states:

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

- 7a.5 The proposal is considered to be contrary to Policy POL 3.7 'Extensions and Alterations to Residential Properties' within the Polmont and District Local Plan.

7a.6 The proposed two storey extension is considered to be unacceptable in terms of scale, character and its relationship with the existing dwellinghouse. The proposal would dominate the property directly west of the site, given the depth of the neighbouring garden areas.

7a.7 Accordingly, it is considered the proposal is contrary to the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) and Falkirk Council Supplementary Guidance, 'House Extensions and Alterations'.

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

7b.2 Policy SC9 - 'Extensions And Alterations To Residential Properties' states:

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

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

7b.3 Policy SC9 'Extensions and Alterations to Residential Properties' of the Falkirk Council Local Plan Finalised Draft (Deposit Version) reinforces the terms of POL 3.7 of the Polmont and District Local Plan. Therefore, for the reasons mentioned in paragraph 7a.6, the proposal does not accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

Falkirk Council Supplementary Guidance

7b.4 It is considered that the proposed extension is not in accordance with the terms of this guidance note, as the extension is not set down and back from the front building line as stated within page 4 of the Supplementary Guidance Note on House Extensions and Alterations.

7c Conclusion

7c.1 It is considered that the proposal is an unacceptable form of development and is contrary to the terms on the Polmont and District Local Plan, the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the Supplementary Planning Guidance Note on House Extensions and Alterations. There are no other material planning considerations that would warrant an approval of planning permission in these circumstances.

8. RECOMMENDATION

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

- (1) The proposed extension by reason of its overall design, size and proximity to the neighbouring properties to the west would be detrimental to the residential amenity of nearby residents and the character and appearance of the area. The proposal is therefore contrary to Polmont and District Local Plan Policy POL 3.7, Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy SC9 and Falkirk Council Supplementary Planning Guidance relating to house extensions and alterations which all seek to protect residential amenity and the character of the area.

Informative(s):

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



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Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Polmont Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Falkirk Council Supplementary Guidance.

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

Planning Committee

Planning Application Location Plan

P/10/0603/FUL

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



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FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST
OF 1 SOUILLAC DRIVE, SCLANDERSBURN ROAD, DENNY
FOR BETT HOMES - P/10/0141/PPP

Meeting: PLANNING COMMITTEE

Date: 3 November 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Denny and Banknock

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

Community Council: Denny and District

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks planning permission in principle to erect a detached dwellinghouse. Indicative site layout, elevation and floor plans have been submitted which indicate a two storey five bedroom dwellinghouse.
- 1.2 The application site fronts Sclandersburn Road in Denny, to the immediate west of the rear boundary of dwellinghouses on Souillac Drive. It forms part of a green corridor buffer zone between housing and the M80, and is well maintained in grass. This corridor is at its widest point at the application site. New tree planting is proposed to compensate for the loss of two trees.
- 1.3 The application has been amended to clarify the application site boundaries and include widening of Sclandersburn Road and the formation of a footpath along the site frontage. The neighbours were notified of these changes.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillors McNally and Oliver.

3. SITE HISTORY

- 3.1 Planning application ref: P/09/0786/PPP for the erection of three dwellinghouses was withdrawn. This proposal blocked access to the green corridor from Sclandersburn Road. The current proposal, for a single dwellinghouse, retains access to this area.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has noted the amendments to the application to widen Sclandersburn Road and extend the existing footpath. Conditions are recommended in respect of vehicular access, on-site parking, driveway construction and visibility. It is advised that the proposal is unlikely to significantly intensify reversing manoeuvres at the end of Sclandersburn Road therefore a turning facility is unnecessary.
- 4.2 The Environmental Protection Unit has requested a contaminated land assessment due to the presence of a water works, areas of filled ground, mining and other potential sources of contaminated land within 250 metres of the site. The findings of the Road Traffic Noise Report have been accepted by the Environmental Protection Unit subject to the window specification being confirmed at a minimum standard of 4-16-4.
- 4.3 Transport Scotland has no objection to the application subject to a condition prohibiting any means of direct access, either pedestrian or vehicular, to the M80. The existing motorway boundary fence is not affected by the proposed development.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 The total number of representations to the application is 197 and includes one petition with 13 signatories. These representations, excluding the petition, have been received from a total of 126 contributors. Except for one letter of support, all of the representations are objections.
- 6.2 The concerns raised in the objections can be summarised as follows:
- loss of public amenity open space;
 - loss of recreational amenity / play area;
 - adverse impact on natural environment;
 - loss of trees;
 - query regarding future maintenance;
 - the land has been used as a right of way;
 - the land has historic status as a drovers loan;
 - loss of privacy / overlooking;
 - loss of natural light / sunlight;
 - construction related problems e.g. access restrictions, noise, pedestrian safety, damage to cars;

- road safety issues due to Sclandersburn Road being single lane;
- insufficient parking and turning;
- existing road is unsuitable (no pavement, blocked drainage, poor surface);
- lack of need for the proposed development;
- previous planning applications to extend gardens were refused;
- precedent for further planning applications;
- the proposal does not achieve three of the key themes of the Structure Plan (economic prosperity, sustaining communities and environmental quality);
- the proposal does not meet the Structure Plan guidance which states that the south and south-east of Denny will be the focus of future development.

6.3 The letter of support indicates that earlier concerns regarding access, parking, safety and traffic have been addressed by the proposal to widen Sclandersburn Road and form a footpath along the site frontage.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

7a.1 The proposed development does not raise any strategic planning issues and therefore the policies of the approved Structure Plan are not relevant.

Adopted Denny and District Local Plan

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

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

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

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

7a.3 This policy supports development proposals within the urban limits provided they are consistent with other policies of the Plan and access, parking, drainage and other servicing can be provided to an acceptable standard. The application site lies within the urban limits as defined in the adopted Local Plan. It is considered that acceptable access, parking and drainage can be provided. The proposed development would comply with this policy if it is consistent with the other relevant policies of the Local Plan.

7a.4 Policy DEN 4 'New Residential Development' states:

"Residential development is directed towards sites H1 to H13 identified on the Policies, Proposals and Opportunities Map, and other brownfield sites which become available within the Urban Limit."

7a.5 This policy directs residential development towards allocated housing sites H1 to H13 and other brownfield sites which become available within the urban limit. The application site does not form part of an allocated housing site and is not brownfield. The proposed development therefore does not accord with this policy.

7a.6 Policy DEN 6 'Environmental Quality in New Housing' states:

"Proposals for residential development are required to be of a high standard of design and should:

- (i) respect and complement the character of the surrounding townscape and/or landscape;*
- (ii) combine a layout and built form which provides a safe, defensible and aesthetically pleasing environment; and*
- (iii) incorporate energy efficient design.*

Note : Complementary development control criteria are given by policies DEN 17, DEN 22, DEN 23, and DEN 32."

7a.7 This policy requires residential development to be of a high standard to design. The proposed development as indicated is considered to reflect a high standard of design and therefore complies with this policy. Relevant design considerations are detailed in assessment of the application against Policy DEN8.

7a.8 Policy DEN 8 'Infill Development and Subdivision of Plots' states:

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

- (i) the scale, design and disposition of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed house without a detrimental impact upon the size and function of existing gardens;*
- (iii) the privacy enjoyed by neighbouring residents would be protected; and*
- (iv) the proposal does not constitute backland development.*

Note : Backland development is normally defined as development of a plot without a road frontage"

7a.9 This policy provides for the erection of additional dwellinghouses on infill sites where certain criteria are satisfied. Within the terms of this policy, the application site could be considered as infill, as it lies between the existing built edge and the urban limit at the M80 boundary. The indicative proposal is considered to satisfy the criteria of this policy as it respects the surrounding townscape character, provides adequate private garden ground, would not have any material impacts on neighbouring privacy, and has a road frontage and therefore does not constitute backland development. In particular, the indicative house type (two-storey detached) and the size of the plot are characteristic of the area. Based on the information submitted, the proposed development complies with this policy. Any subsequent application for Matters Specified in Conditions would be assessed in detail against the relevant design and layout considerations.

7a.10 Policy DEN 30 'Protection of Open Space' states:

"The Council will generally protect parks, playing fields and other major areas of public open space from unrelated development or changes of use which would diminish their recreational value. Applications from householders to introduce built development upon, or change the use of, small parcels of adjacent open space will normally be resisted where the Council considers that such a proposal would:

- (i) adversely affect the recreational value of active or passive open space considered in relation to overall standards of provision in the surrounding area;*
- (ii) result in a loss of amenity open space which could have a detrimental impact upon the character and appearance of the area or its setting; and*
- (iii) set an undesirable precedent for further incremental loss of open space such that the provision of amenity or recreation open space in the area would be eroded."*

7a.11 This policy generally protects parks, playing fields and other major areas of public open space from unrelated development or changes of use that would diminish their recreational value. The policy allows householders to introduce built development upon adjacent open space subject to certain criteria being satisfied. This aspect of the policy does not apply as the applicant is not a householder. The proposed development complies with this policy as the application site does not form part of a park, playing field or major area of public open space and is not of high recreational value. The use of the green corridor as a walking thoroughfare is retained as the proposal does not block off the corridor at this location.

7a.12 Overall, the proposed development is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material planning considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications, the Falkirk Council Open Space Strategy, the consultations responses and the representations received.

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 within the urban limit as defined in the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications. It does not have a specific land use designation and does not form part of the designated Open Space in the Denny urban area.
- 7b.3 The relevant policies of this Plan are EQ3 (Townscape Design), SC2 (Windfall Housing Development within the Urban Limits), SC8 (Infill Development) and SC12 (Urban Open Space). The considerations under these policies have, in the main, been assessed in respect of the relevant policies of the Development Plan with which the proposal, overall, is considered to comply. Other considerations are as follows:-
- 7b.4 Policy SC2 supports new housing within the urban limit where a satisfactory level of residential amenity can be achieved, there is good accessibility to public transport and local facilities, and existing infrastructure can accommodate the proposal. A noise impact report has been submitted with the application given the proximity of the site to the M80. The report identifies the site as falling within Noise Exposure Category (NEC) B and concludes that noise levels within the new dwellinghouse would be within the limits suggested in PAN 56 Planning and Noise. No enhanced specification to mitigate noise is therefore recommended. These findings are accepted. Subject to the provision of an acoustic boundary fence, to mitigate noise within the private garden, a satisfactory level of residential amenity can be achieved. Bus services on Nethermain Road and local facilities can be readily accessed. Given the small scale of the proposal, no infrastructure issues are anticipated. Overall, the proposal complies with Policy SC2.
- 7b.5 Policy SC12 protects 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. The application site forms part of a green corridor which is at its widest point at the application site. The loss of the application site would still retain a width at this point in keeping with the width of the overall corridor and the new corridor edge at this point would be enclosed by fencing which would be characteristic of the area. The existing tree line along the M80 boundary would be retained and the loss of two trees would be compensated for by the proposal for 4 new trees. In light of these comments, it is considered that the proposal would not have any adverse effect on the character and appearance of the area. The application site is not of ecological value and is classified as forming part of amenity rather than recreation open space. Connectivity of the green corridor to the overall open space network is not threatened as a through route adjoining Sclandersburn Road would be retained. The proposal is therefore considered to accord with this policy.

Open Space Strategy

- 7b.6 The Council's Open Space Audit identified this green corridor as Amenity Greenspace and the existence of 39 hectares of Amenity Greenspace within Denny and Dunipace. The corridor is not mentioned in the Council's Open Space Strategy. This strategy sets out a Council wide standard for provision of open space. It states that all existing and new developments should have access to a minimum of 5 hectares of public open space per 1000 people. The audit identified that, within Denny, there is access to 10.33 hectares of public open space per 1000 people. The loss of this small area of open space would therefore not result in Denny falling below this standard. Its loss is therefore acceptable in overall supply terms.

Consultation Responses

- 7b.7 The consultation responses are summarised in Section 4 of this report. The matters raised by the Roads Development Unit, the Environmental Protection Unit and Transport Scotland could be the subject of conditions of any grant of permission.

Representations Received

- 7b.8 The concerns raised in the representations are summarised in Section 6 of this report. The following comments are considered to be of relevance:

- The loss of this small area of open space is considered to be acceptable, both from a qualitative and quantitative point of view, for the reason detailed in this report;
- The site forms part of amenity open space as identified in the Council's Open Space Audit and is not considered to have high recreational value;
- Two trees would be lost which would be compensated for by the proposal for four new trees. The existing motorway boundary trees are not affected by the proposal;
- The proposal does not preclude access to and from Sclandersburn Road for walkers and maintenance of the corridor;
- The indicative proposal would not give rise to any significant impacts on privacy or overshadowing. The Council's guideline for facing windows (at least 18 metres apart) is satisfied;
- Some temporary construction related impacts may be anticipated, as with any construction project. Relevant industry standards would need to be complied with, including health and safety legislation;
- The proposed road widening and footpath extension address road safety concerns;
- Whilst precedent is a planning consideration, any two applications are rarely the same and are considered on their individual merits;
- The records since 1970 do not indicate any planning application for extensions to gardens at this location;
- The Development Plan provides for housing from 'windfall development' as contributing to the housing land requirement. Therefore, consideration of housing need or locational guidance under the Structure Plan is not relevant in this instance;
- The Structure Plan policies apply to proposals with strategic significance. The proposal is small scale and impacts on a local open space resource therefore consideration of the Structure Plan is not required.

7c Conclusion

- 7c.1 The proposed development is considered to accord with the Development Plan for the reasons detailed in this report. Whilst a substantial body of local objection has been received, it is considered that the concerns raised cannot be sustained within the terms of the Development Plan and the emerging Local Plan, and having regard to the Open Space Strategy. It is considered that there are no qualitative or quantitative reasons to justify resisting the loss of this small area of amenity open space. The matters raised in consultation responses could be the subject of conditions of any permission granted. Accordingly, the application is recommended for approval subject to appropriate conditions.

8. RECOMMENDATION

8.1 It is recommended that Committee 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. Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation reports / validation certificates shall be submitted to and approved in writing by this Planning Authority.

5. The windows of the proposed dwellinghouse shall have a minimum specification of 4-16-4 in accordance with details approved in writing by this Planning Authority before the development commences and shall be installed before the dwellinghouse is occupied.
6. Before the proposed dwellinghouse is occupied, the western and northern site boundaries shall be enclosed by an acoustic fence in accordance with details and a specification approved in writing by this Planning Authority.
7. Before the proposed dwellinghouse is occupied, the four proposed replacement trees indicated on approved plan 02B shall be planted in accordance with details and a specification approved in writing by this Planning Authority. The details for the ongoing management and maintenance of the trees shall be submitted to and approved in writing by this Planning Authority before the dwellinghouse is occupied.
8. There shall be no means of direct access, either pedestrian or vehicular, to the trunk road.
9. Before the proposed dwellinghouse is occupied, the existing public carriageway shall be widened to 5.5 metres along the site frontage and a 2 metre wide footway shall be provided along the site frontage, tying into the existing footway.
10. Vehicular access to the site shall be by means of a standard footway crossing point, designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
11. Before the proposed dwellinghouse is occupied, the driveway shall be formed with a minimum width of 6 metres and a minimum length of 5.5 metres, at a maximum gradient of 10%, and shall be constructed so that no loose material or surface water is discharged onto the public road.
12. There shall be no obstruction to visibility greater than 1 metre in height above the adjacent road carriageway level, within 2.5 metres of the edge of the carriageway, along the entire site frontage and the frontage of the land adjoining to the west between the site and the trunk road boundary.

Reason(s):

1. To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- 2, 3. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
4. To ensure the ground is suitable for the proposed development.
5. To ensure the occupants of the dwellinghouse are protected against excessive noise intrusion.

6. To ensure that the occupants of the dwellinghouse are protected against excessive noise intrusion.
7. To safeguard the visual amenity of the area.
8. To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.
- 9-12. To safeguard the interests of the users of the public highway.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 02B.
2. A Road Construction Consent, issued by Development Services, will be required for the alterations to the existing road carriageway and footway.



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Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Denny and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modification.
4. Falkirk Council Open Space Strategy.
5. Letter of Objection received from Cllr John McNally Municipal Buildings West Bridge Street Falkirk FK1 5RS on 25 March 2010
6. Letter of Objection received from Mr James Togher 5 Souillac Drive Denny FK6 5HE on 5 May 2010
7. Letter of Objection received from Mrs Sarah Henderson 43 Lithgow Place Denny FK6 5BF on 5 May 2010
8. Letter of Objection received from Mrs Brenda Purvis 39 Lithgow Place Denny FK6 5BF on 5 May 2010

9. Letters of Objection (18) received from Mrs Winifred Delaney 61 Lithgow Place Denny FK6 5BF
10. Letter of Objection received from Ms Jessie Wojciechowski 3 Souillac Drive Denny FK6 5HE on 5 May 2010
11. Letters of Objection received from Mr Thomas McGuckin 47 Bulloch Crescent Denny FK6 5AL on 5 May 2010 and 22 September 2010
12. Letter of Objection received from R McGuckin 47 Bulloch Crescent Denny FK6 5AL on 5 May 2010
13. Letters of Objection received from Mr Anthony McGuckin 59 Lithgow Place Denny FK6 5BF on 5 May 2010 and 22 September 2010.
14. Letter of Objection received from Ms Helen Price 13 Kelly Drive Denny FK6 6EN on 5 May 2010
15. Letters of Objection received from Mr Paul Kearney 2 Fleming Drive Stenhousemuir Larbert FK5 4HJ on 27 April 2010 and 21 September 2010
16. Letter of Objection received from Mr Thomas Henderson 9 Souillac Drive Denny FK6 5HE on 27 April 2010
17. Letter of Objection received from Jane Burrowes 96 Ochil View Denny FK6 5NH on 27 April 2010
18. Letter of Objection received from Linda Greer 108 Ochil View Denny FK6 5NJ on 27 April 2010
19. Letter of Objection received from Mrs Tracy McNeil 59 Glasgow Road Denny FK6 5DN on 27 April 2010
20. Letters of Objection received from Rosie Adams 3 Kelly Drive Denny FK6 6EN on 27 April 2010 and 21 September 2010
21. Letter of Objection received from Margaret Barker 43 Laxdale Drive Head Of Muir Denny FK6 5PR on 27 April 2010
22. Letter of Objection received from Diane Hind 94 Ochil View Denny FK6 5NH on 27 April 2010
23. Letter of Objection received from Mr Chris Munro 12 Grove Street Denny FK6 6PG on 27 April 2010
24. Letters of Objection received from Wayne Adams 3 Kelly Drive Denny FK6 6EN on 27 April 2010 and 21 September 2010
25. Letter of Objection received from Mrs C M Henderson 9 Souillac Drive Denny FK6 5HE on 27 April 2010
26. Letter of Objection received from Yvonne Wilson 126 Ochil View Denny FK6 5NJ on 27 April 2010
27. Letter of Objection received from Lisa Murphy 53 Lithgow Place Denny FK6 5BF on 27 April 2010
28. Letters of Objection received from Mr Gordon McKenzie 53 Lithgow Place Denny FK6 5BF on 27 April 2010 and 22 September 2010
29. Letter of Objection received from Michelle Murphy 53 Lithgow Place Denny FK6 5BF on 27 April 2010
30. Letter of Objection received from Mr George Reid 7 Souillac Drive Denny FK6 5HE on 23 April 2010
31. Letter of Objection received from Mr Graham Collie 14 Sclandersburn Road Denny FK6 5LP on 22 April 2010
32. Letters of Objection (20) received from Mr Andrew Delaney 61 Lithgow Place Denny FK6 5BF
33. Letter of Objection received from Mr Colin Belbin 63 Bridge Cres. Denny FK6 6PD on 15 April 2010

34. Letter of Objection received from Ms Sheree McGuckin 59 Lithgow Place Denny FK6 5BF on 5 May 2010
35. Letters of Objection (6) received from K and J Wojachowski 3 Souillac Drive Denny FK6 5HE and 1 letter of objection enclosing petition with 13 names on 28 April 2010
36. Letters of Objection (17) received from Mr Gerard Delaney 61 Lithgow Place Denny FK6 5BF
37. Letter of Objection received from Pauline Scollon 47 Lithgow Place Denny FK6 5BF on 30 April 2010
38. Letter of Objection received from Mr Richard Wyatt 47 Lithgow Place Denny FK6 5BF on 30 April 2010
39. Letter of Objection received from Mr Michael Ryan 45 Lithgow Place Denny FK6 5BF on 30 April 2010
40. Letter of Objection received from Vikki Ryan 45 Lithgow Place Denny FK6 5BF on 30 April 2010
41. Letters of Objection (3) received from Mr John Delaney 12 Gorrie Street Denny FK6 6AE
42. Letters of Objection received from A Delaney 1 Gorrie Street Denny FK6 6AE on 30 April 2010 and 21 September 2010
43. Letters of Objection received from Alice M Delaney 12 Gorrie Street Denny FK6 6AE on 30 April 2010 and 21 September 2010
44. Letter of Objection received from Mr Andy Muir 7 Sclandersburn Road Denny FK6 5LP on 26 April and letter of support received on 6 September 2010
45. Letter of Objection received from Mrs MacIntosh 16 Sclandersburn Road Denny FK6 5LP on 29 April 2010
46. Letter of Objection received from Mr MacIntosh 16 Sclandersburn Road Denny FK6 5LP on 29 April 2010
47. Letter of Objection received from Mr Alan Blackhall 17 Souillac Drive Denny FK6 5HE on 14 September 2010
48. Letter of Objection received from Ms Bernadette Nash Llamedos 15 Souillac Drive Denny FK6 5HE on 14 September 2010
49. Letter of Objection received from Mr Iain McLelland Llamedos 15 Souillac Drive Denny FK6 5HE on 14 September 2010
50. Letter of Objection received from Ms Christine May Henderson 9 Souillac Drive Denny FK6 5HE on 14 September 2010
51. Letter of Objection received from Mr Thomas Henderson 9 Souillac Drive Denny FK6 5HE on 14 September 2010
52. Letter of Objection received from Ms Jean MacLeod 27 Souillac Drive Denny FK6 5HE on 14 September 2010
53. Letter of Objection received from Mr John Wright 6 Souillac Drive Denny FK6 5HE on 14 September 2010
54. Letter of Objection received from Ms Magdalene Wood 13 Evans Street Larbert FK5 4RQ on 15 September 2010
55. Letter of Objection received from J Dyson 4 Souillac Drive Denny FK6 5HE on 15 September 2010
56. Letter of Objection received from Mrs M Ross 13 Souillac Drive Denny FK6 5HE on 15 September 2010
57. Letter of Objection received from Mr D Ross 13 Souillac Drive Denny FK6 5HE on 15 September 2010
58. Letter of Objection received from Mr Russell Ogilvy 3 MacLachlan Avenue Denny FK6 5HF on 15 September 2010
59. Letter of Objection received from Chris Ogilvy 3 MacLachlan Avenue Denny FK6 5HF on 15 September 2010

60. Letter of Objection received from Ms Eliz McCafferty 10 Park Avenue Stenhousemuir Larbert FK5 3JA on 15 September 2010
61. Letter of Objection received from Ms Margaret McCafferty 79 Bantaskine Street Falkirk FK1 5ES on 15 September 2010
62. Letters of Objection received from Ms Mary McCafferty 12 Broompark Gardens Denny FK6 6NU on 15 September 2010 and 22 September 2010
63. Letters of Objection received from G Wright 73 Thornbridge Road Falkirk FK2 9AZ on 15 September 2010 and 22 September 2010
64. Letter of Objection received from Ms Carole Hunter 20 Aitchison Drive Larbert FK5 4PB on 15 September 2010
65. Letter of Objection received from Mr Paul Kearney 2 Fleming Drive Stenhousemuir Larbert FK5 4HJ on 15 September 2010
66. Letter of Objection received from Ms Louise Craig Souillac Drive Denny FK6 5HE on 15 September 2010
67. Letter of Objection received from Mr Thomas Cameron 11 Souillac Drive Denny FK6 5HE on 15 September 2010
68. Letter of Objection received from Ms Margaret Cameron 11 Souillac Drive Denny FK6 5HE on 15 September 2010
69. Letter of Objection received from Ms Jessie Wright 6 Souillac Drive Denny FK6 5HE on 14 September 2010
70. Letter of Objection received from D Thomson 1 MacLachlan Avenue Denny FK6 5HF on 14 September 2010
71. Letter of Objection received from Helen Thomson 1 MacLachlan Avenue Denny FK6 5HF on 14 September 2010
72. Letter of Objection received from Patricia E Paterson 3 Taymouth Road Polmont Falkirk FK2 0PF on 14 September 2010
73. Letter of Objection received from Angie Rennie 52 Blenheim Place Stenhousemuir Larbert FK5 4PT on 14 September 2010
74. Letter of Objection received from Gemma Barnett 7 Elizabeth Crescent Falkirk FK1 4JF on 14 September 2010
75. Letter of Objection received from Amanda Rutherford 106 Wheatlands Avenue Bonnybridge FK4 1PJ on 14 September 2010
76. Letter of Objection received from Wilma McAllister 111 Stewart Avenue Bo'ness EH51 9NN on 14 September 2010
77. Letter of Objection received from Linda Taylor 6 Haughs Way Denny FK6 6HQ on 14 September 2010
78. Letter of Objection received from M McNulty 185 Glasgow Road Longcroft Bonnybridge FK4 1QY on 14 September 2010
79. Letter of Objection received from Ms Jessie McTear 12/1 Glenfuir Court Falkirk FK1 5DX on 14 September 2010
80. Letter of Objection received from D Dyson 4 Souillac Drive Denny FK6 5HE on 15 September 2010
81. Letter of Objection received from Pamela Calder 53 Demoreham Avenue Denny FK6 5BJ on 21 September 2010
82. Letter of Objection received from L Clayton-Chapman 18 Erskine Hill Polmont Falkirk FK2 0UQ on 21 September 2010
83. Letter of Objection received from Natalie Comrie 21 Souillac Drive Denny FK6 5HE on 21 September 2010
84. Letter of Objection received from Annie Comrie 21 Souillac Drive Denny FK6 5HE on 21 September 2010

85. Letter of Objection received from A Comire 21 Souillac Drive Denny FK6 5HE on 21 September 2010
86. Letter of Objection received from Paul Marcus Comrie 21 Souillac Drive Denny FK6 5HE on 21 September 2010
87. Letter of Objection received from John Connelly 19 Lithgow Place Denny FK6 5BF on 21 September 2010
88. Letter of Objection received from Amy Craig 25 Souillac Drive Denny FK6 5HE on 21 September 2010
89. Letter of Objection received from Iain Craig 25 Souillac Drive Denny FK6 5HE on 21 September 2010
90. Letter of Objection received from Nina Cunning 63 Herbertshire Street Denny FK6 6HG on 21 September 2010
91. Letter of Objection received from Rebecca Donaldson 1 Bridge Place Denny FK6 6PF on 21 September 2010
92. Letter of Objection received from John Delaney 31 Bridge Crescent Denny FK6 6PB on 21 September 2010
93. Letter of Objection received from Colin Dyer 9 Lithgow Place Denny FK6 5BF on 21 September 2010
94. Letter of Objection received from Mathew Gillies 26 Souillac Drive Denny FK6 5HE on 21 September 2010
95. Letter of Objection received from Jemima Gillies 26 Souillac Drive Denny FK6 5HE on 21 September 2010
96. Letter of Objection received from Mrs Anna Delaney 1 Gorrie Street Denny FK6 6AE on 21 September 2010
97. Letter of Objection received from Francis and Catherine Gribbin 32 Godfrey Avenue Denny FK6 5BU 21 September 2010
98. Letter of Objection received from Christine Horner 20 Sclandersburn Road Denny FK6 5LP on 21 September 2010
99. Letter of Objection received from Mr and Mrs Irvine 100 Little Denny Road Denny FK6 5AT on 21 September 2010
100. Letter of Objection received from Wilma Kelly 45 Lithgow Place Denny FK6 5BF on 21 September 2010
101. Letter of Objection received from S Clarke 16 Lithgow Place Denny FK6 5BF on 21 September 2010
102. Letter of Objection received from Brian Ledwidge 51 Lithgow Place Denny FK6 5BF on 21 September 2010
103. Letter of Objection received from Lesley Ledwidge 51 Lithgow Place Denny FK6 5BF on 22 September 2010
104. Letter of Objection received from Gerard McCafferty 3 Dundaff Court Denny FK6 5BZ on 22 September 2010
105. Letter of Objection received from Abigal McGregor Pearlbank Redding Road Brightons Falkirk on 22 September 2010
106. Letter of Objection received from Julie McGuckin 59 Lithgow Place Denny FK6 5BF on 22 September 2010
107. Letter of Objection received from Robert McNally 55 Avon Street Dunipace Denny FK6 6LB on 22 September 2010
108. Letter of Objection received from Frances McNally 55 Avon Street Dunipace Denny FK6 6LB on 22 September 2010
109. Letter of Objection received from T Marshall 41 Lithgow Place Denny FK6 5BF on 22 September 2010

110. Letter of Objection received from Anne Moodie 21 Lithgow Place Denny FK6 5BF on 22 September 2010
111. Letter of Objection received from Mrs Marene Moody 49 Nisbet Drive Denny FK6 6AQ on 22 September 2010
112. Letter of Objection received from E Morrison 23 Knights Way Stoneywood Denny FK6 5HG on 22 September 2010
113. Letter of Objection received from Brian Mulholland 62 Ochil View Denny FK6 5NH on 22 September 2010
114. Letter of Objection received from Maria Paterson 14 Lithgow Place Denny FK6 5BF on 22 September 2010
115. Letter of Objection received from Donald Paterson 14 Lithgow Place Denny FK6 5BF on 22 September 2010
116. Letter of Objection received from Michelle Rennie 53 Lithgow Place Denny FK6 5BF on 22 September 2010
117. Letter of Objection received from Grant Sangsdel 2 Lithgow Place Denny FK6 5BF on 22 September 2010
118. Letter of Objection received from George Smith 10 Souillac Drive Denny FK6 5HE on 22 September 2010
119. Letter of Objection received from J Smith 27 Lochhead Avenue Denny FK6 5EH on 22 September 2010
120. Letter of Objection received from Sarah Smith 10 Souillac Drive Denny FK6 5HE on 22 September 2010
121. Letter of Objection received from Yvonne Smith 10 Souillac Drive Denny FK6 5HE on 22 September 2010
122. Letter of Objection received from Bridget Joan Sobasz 81 Chestnut Crescent Dunipace Denny FK6 6LF on 22 September 2010
123. Letter of Objection received from Winifred Sobasz 81 Chestnut Crescent Dunipace Denny FK6 6LF on 22 September 2010
124. Letter of Objection received from William Thomson 25 Lithgow Place Denny FK6 5BF 22 September 2010
125. Letter of Objection received from Patrick Traynor 4 Lithgow Place Denny FK6 5BF on 22 September 2010
126. Letter of Objection received from Jane Wall 1 Bridge Place Denny FK6 6PF on 22 September 2010
127. Letter of Objection received from Barbara Wilson Benvale Main Street Skinflats Falkirk on 22 September 2010
128. Letter of Objection received from J Welsh 15 Lithgow Place Denny FK6 5BF on 22 September 2010
129. Letter of Objection received from Iris Shanks 16 Souillac Drive Denny FK6 5HE on 22 September 2010
130. Letter of Objection received from Mr Colin Belbin 63 Bridge Cres Denny FK6 6PD on 15 September 2010

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

Planning Committee

Planning Application Location Plan

P/10/0141/PPP

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FALKIRK COUNCIL

Subject: **ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT WESTER MAILING, DENNY, FK6 5HH FOR MR R MOWATT - P/10/0262/PPP**

Meeting: **PLANNING COMMITTEE**

Date: **3 November 2010**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Ward **Denny and Banknock**

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

Community Council: **Denny and District**

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks planning permission in principle to erect a dwellinghouse for an agricultural worker. A new access from the public road is proposed to serve the new dwellinghouse.
- 1.2 The application site extends to 2000m² and lies to the east of the existing farm steading. The site is generally flat and comprises grazing land. The site adjoins an unclassified rural road and the road boundary is defined by a low stone wall (overgrown), banking and some trees.
- 1.3 The applicant farms livestock (cattle and sheep) at three main locations comprising a total of 184 acres. These locations are at Wester Mailing, Bottom Head and Wester Kelt, and Wester Mailing is the main farm complex. The applicant has submitted that at present he can operate only a limited business due to the absence of on-site accommodation to enable proper 24 hour animal care and supervision. He wishes to increase his stock to at least 35 breeding cows and 70 calves in the near future, but this is dependent on on-site accommodation. The applicant has advised that an agricultural justification report based on his current business cannot be provided.
- 1.4 A statement of support signed by 8 farmers was submitted with the application. The letter states that the proposal to build a calf rearing unit would be a valuable asset to the agricultural community.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

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

4. CONSULTATIONS

- 4.1 The Roads Development Unit has detailed its requirements in respect of driveway construction, visibility at the new access and in-curtilage parking and turning.
- 4.2 The Environmental Protection Unit has requested the submission of a Contaminated Land Assessment due to the presence of agricultural land and other potential sources of contaminated land within 250 metres of the site.
- 4.3 The Council's Agricultural Consultant has raised concerns regarding the overall viability of the farm business at present and the lack of information submitted with the application. However, he has accepted the need for a dwellinghouse in terms of the labour requirement. He has also accepted that, in terms of the overall farm acreage and the intended increase in the stocking rate, coupled with a single farm payment and the financial resources that the applicant would appear to have, there is the potential for a sustainable farming operation.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received to the application.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

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

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

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

7a.2 This policy generally presumes against new development in the countryside unless it can be demonstrated that a countryside location is essential for the proposed development.

7a.3 In terms of determining 'essential', the applicant is required in accordance with the criteria in Policy SC3 in the emerging Local Plan to demonstrate that there is an operational need for the proposed dwellinghouse in association with the business; that no existing dwellinghouse that might have served that need has been sold or otherwise alienated from the holding; there are no reasonable opportunities for reusing or converting redundant buildings; and the business as a whole is capable of providing the main source of income to the occupant.

7a.4 It is accepted that there is an operational need for the proposed dwellinghouse based on the labour requirement for the farm business and to ensure proper 24 hour care and supervision of the animals. There is an existing dwellinghouse at Wester Mailing which might have served the needs but has been alienated from the farm holding. There would not appear to be any redundant farm buildings at the holding that could accommodate a dwellinghouse. As informed by the Council's Agricultural Consultant, there are overall viability concerns based on the current stock levels but if the stocking rate is increased, coupled with a single farm payment and the financial resources that the applicant would appear to have, there is the potential for a sustainable farming operation. However, at present the business is not capable of providing a full-time income.

7a.5 Overall, taking into account the alienation of the existing dwellinghouse and the viability concerns, the proposed development does not accord with this policy at present.

Adopted Denny and District 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. Small scale housing developments within the wooded policies of former country estates, where servicing costs will be met by the developer, where the development can be satisfactorily integrated into the landscape, where detailed development briefs have been drawn up by the District Council and provided that the proposed development does not lie within a site included in the “Inventory of Gardens and Designed Landscapes in Scotland”.*
- 3. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 4. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 5. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 6. 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.*
- 7. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

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

- 7a.7** This policy generally presumes against new development in the countryside except in limited circumstances. One of the circumstances is where housing is absolutely essential for the pursuance of agriculture. This matter has been assessed in relation to Policy ENV.1 of the approved Falkirk Council Structure Plan. For the same reasons, the proposal does not accord with the adopted Local Plan. There are no other circumstances of Policy Rural 1 which are relevant to the proposal.

7b Material Considerations

- 7b.1 The material planning considerations in respect of this application are National Planning Policies and Guidance, the Falkirk Council Local Plan (Finalised Draft) as amended by the Final Proposed Modifications and the consultation responses.

National Planning Policies and Guidance

- 7b.2 Scottish Planning Policy (February 2010) indicates that the planning system has a significant role in supporting sustainable economic growth in rural areas. It states that by taking a positive approach to development, planning authorities can help to create the right conditions for rural businesses and communities to flourish.
- 7b.3 The provision of on-site accommodation at Wester Mailing would assist the farm business to become sustainable and contribute to the rural economy, and is therefore supported by Scottish Planning Policy.

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

- 7b.4 The relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications are EQ19 (Countryside) and SC3 (Housing Development in the Countryside). The relevant matters of these policies have been considered in respect of the relevant policies of the Development Plan. Accordingly, for the same reasons, the proposed development does not accord with this plan.

Consultation Responses

- 7b.5 The consultation responses are summarised in Section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions of any grant of permission. The concerns raised by the Council's Agricultural Consultant have informed the policy assessment of the application.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications, for the reasons detailed in this report. Whilst there are concerns that the existing dwellinghouse has been alienated from the holding, if the overall viability of the farm business can be demonstrated, it is considered that a permanent dwellinghouse could be supported. In the meantime, in order to provide for a 24 hour on-site presence and facilitate the growth of the business to demonstrate viability, temporary accommodation e.g. in the form of a chalet would be supported. This would reflect a positive approach to rural development, so satisfying Scottish Planning Policy, whilst ensuring that Development Plan policies are complied with. However, the applicant does not wish to pursue this option, due to the costs of acquiring temporary accommodation and the provision of services, in circumstances where there is no certainty that permission for a permanent dwellinghouse would be granted at the end of the trial period. These considerations are not considered to outweigh the policy concerns, therefore 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 proposed development does not accord with Policy ENV.1 of the approved Falkirk Council Structure Plan, Policy Rural 1 of the adopted Denny and District Local Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications as it has not been demonstrated that the proposed dwellinghouse at this countryside location is essential for the pursuance of a sustainable rural business. In particular, the overall viability of the business to provide a full-time income for the occupant of the proposed dwellinghouse has not been demonstrated.

Informative(s):

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



Pp

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Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Denny and District 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

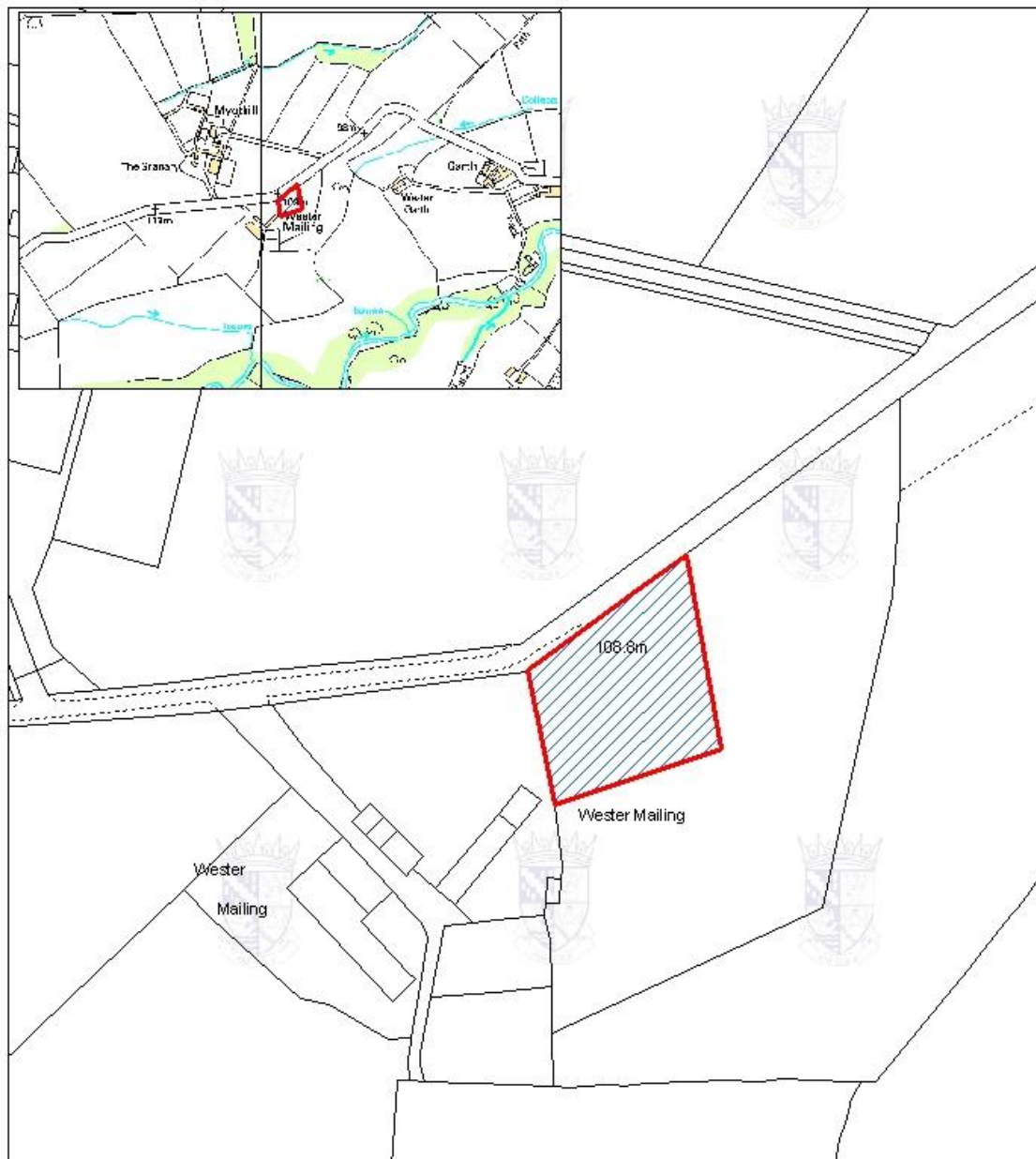
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504934 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0262/PPP

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FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE AT 17 RUSSEL STREET,
FALKIRK, FK2 7HU FOR ANDREA RE - P/10/0622/FUL

Meeting: PLANNING COMMITTEE

Date: 3 November 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Falkirk North

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

Community Council: Grahamston, Middlefield and Westfield

Case Officer: Gavin Clark (Assistant Planning Officer), ext 4704

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application relates to a one and a half storey semi-detached property at 17 Russel Street, Falkirk, within an area of well established residential character to the north of Falkirk Town centre. Within this area many of the properties have been extended. The proposal would provide accommodation over 2 levels, providing kitchen and utility at ground floor and bedroom accommodation at first floor. A single storey extension to provide dining accommodation is also proposed. The proposed extension would sit at a lower level than the existing roofline and windows are proposed in the rear facing elevation, with roof lights proposed in the side elevation at first floor level.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objection to the application, and recommends informatives in relation to working hours and contaminated land.
- 4.2 The Roads Development Unit has no objection to the application.

5. COMMUNITY COUNCIL

- 5.1 The Grahamston, Middlefield and Westfield Community Council has made no representation.

6. PUBLIC REPRESENTATION

- 6.1 Two letters of objection were received, raising the following issues:

- Invasion of privacy and obstruction of daylighting.
- Overshadowing of the rear of the neighbouring property.
- Impact on the shared chimney stack.
- Restriction of central heating ventilation to the neighbouring property.
- Restriction of views from the neighbouring property, which would look into the side of the proposed extension.
- Excess water would run down the roof of the neighbouring property.
- Loss of daylighting afforded to the rear garden ground of neighbouring property.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Falkirk Local Plan

- 7a.2 Policy FAL 5.7 'Extensions and Alterations to Residential Properties' states:

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

- 7a.3 It is considered that the proposed extension would respect the character of the existing dwellinghouse and those in the surrounding area in terms of scale, design and materials. There are a number of properties in the surrounding area which have been extended in similar fashion to this proposal. It is therefore considered that the proposal accords with the terms of Policy FAL 5.7 of the Falkirk Local Plan.

- 7a.4 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft – (Deposit Version) (April 2007) as amended by the Final Proposed Modification (June 2010), the Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations (SPG) and the letters of objection received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 Policy SC9 - 'Extensions And Alterations To Residential Properties' states:

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

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

- 7b.3 It is considered that the proposed extension would be sympathetic in terms of scale, design and materials to the existing dwellinghouse. The proposal is not considered to adversely affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties and would not result in overdevelopment of the plot.

- 7b.4 Policy EQ13 - 'Areas of Townscape Value' states:

“The Council recognises the architectural and historic merit and potential of the additional areas of townscape value identified on the Proposals Map, which do not currently have Conservation Area status. Within these areas:

- (1) The Council will undertake Character Appraisals to determine whether the areas merit designation as Conservation Areas, either as new Conservation Areas, or as extensions to existing ones; and*
- (2) Development proposals will be required to fit with the distinctive character of the area with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features.”*

- 7b.5 The application site lies within an area identified as being of townscape value, and it is considered that the architectural style, massing and materials of the proposed extension are acceptable.

- 7b.6 The proposal is therefore in accordance with the terms of the emerging Falkirk Council Local Plan.

Falkirk Council Supplementary Planning Guidance (SPG) Note on House Extensions and Alterations

- 7b.7 The SPG states that the concealed location of a rear extension means that the main planning concern is with garden amenity, privacy and internal daylighting, and that additional accommodation should not generally be greater than 50% of the existing ground floor area, should appear the same or of a smaller scale than the main house, be set in from any side of it, and the proportion of new solid walls to window openings should continue the existing pattern. The proposal is considered to accord with the terms of the Supplementary Planning Guidance in relation to these matters.

- 7b.8 Controls relating to overlooking, overshadowing, and the proportional relationship of the extension to the existing dwellinghouse should ensure that an adequate standard of enclosed private garden is retained. The proposal is considered to accord in this regard, as only 7m² of ground floor area is proposed, and no part of the extension would encroach beyond 5.5m of the rear garden boundary.
- 7b.9 In establishing measures to prevent overlooking, the privacy of the house is considered of greater importance than that of the garden. The minimum distance between windows to habitable rooms and/or conservatories directly facing each other should be at least 18m. Where an extension is 1½ or 2 storey there should not be any side windows to habitable rooms, to avoid a precedent which may be the cause of neighbourhood dispute. Windows on the rear elevation at first floor level or in roof light form should be considered instead.
- 7b.10 In this case, there would be a distance of 50m between windows on the rear elevation and the rear of properties on Grahams Road. The windows into bedroom accommodation on the side elevation would be roof lights and are considered to be acceptable. There would be a distance of 7.6m between the extended property at 15 Russel Street and the proposed extension, and these would not face onto any habitable windows. The proposal is considered to accord with regards to privacy and overlooking.
- 7b.11 In terms of overshadowing, extensions should not extend beyond the rear building line beyond either a line drawn at 45 degrees from the mid-point of the nearest ground floor window on the rear building line, or a maximum of 3.5m from the rear building line of the house, whichever allows for greater development. For an extension where the side elevation faces onto a neighbouring house, windows to a habitable room should be more than 4m away. The proposal accords with the SPG in this regard.
- 7b.12 Consequently, the proposal accords with the Supplementary Planning Guidance Note on House Extensions and Alterations.

Letters of Objection

- 7b.13 The proposal is considered to accord with Supplementary Planning Guidance in relation to privacy and daylighting.
- 7b.14 The proposal is considered to accord with Supplementary Planning Guidance in relation to overshadowing.
- 7b.15 The proposed extension would be located 0.2m from the chimney, and is not considered to have an adverse impact. In any case, this is not a material planning consideration.
- 7b.16 Any restriction to ventilation and loss of view are not material planning considerations.
- 7b.17 Potential discharge of water onto the roof of the neighbouring property is not a material planning consideration.

7c Conclusion

- 7c.1 The proposed development accords with the terms of the Development Plan and the emerging Falkirk Council Local Plan.
- 7c.2 There are no material planning considerations which would warrant refusal of planning permission.

8. RECOMMENDATION

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

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

Reason(s):

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

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.
- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (3) The builder shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

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



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For Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Letter of Objection received from Mr and Mrs Radtkowski, 15 Russel Street, Falkirk, FK2 7HU on 10 September 2010
2. Letter of Objection received from Mr and Mrs William Paterson, 19 Russel Street, Falkirk, FK2 7HU pm 17 September 2010/
3. Falkirk Council Structure Plan.
4. Falkirk Local Plan.
5. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
6. Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations.

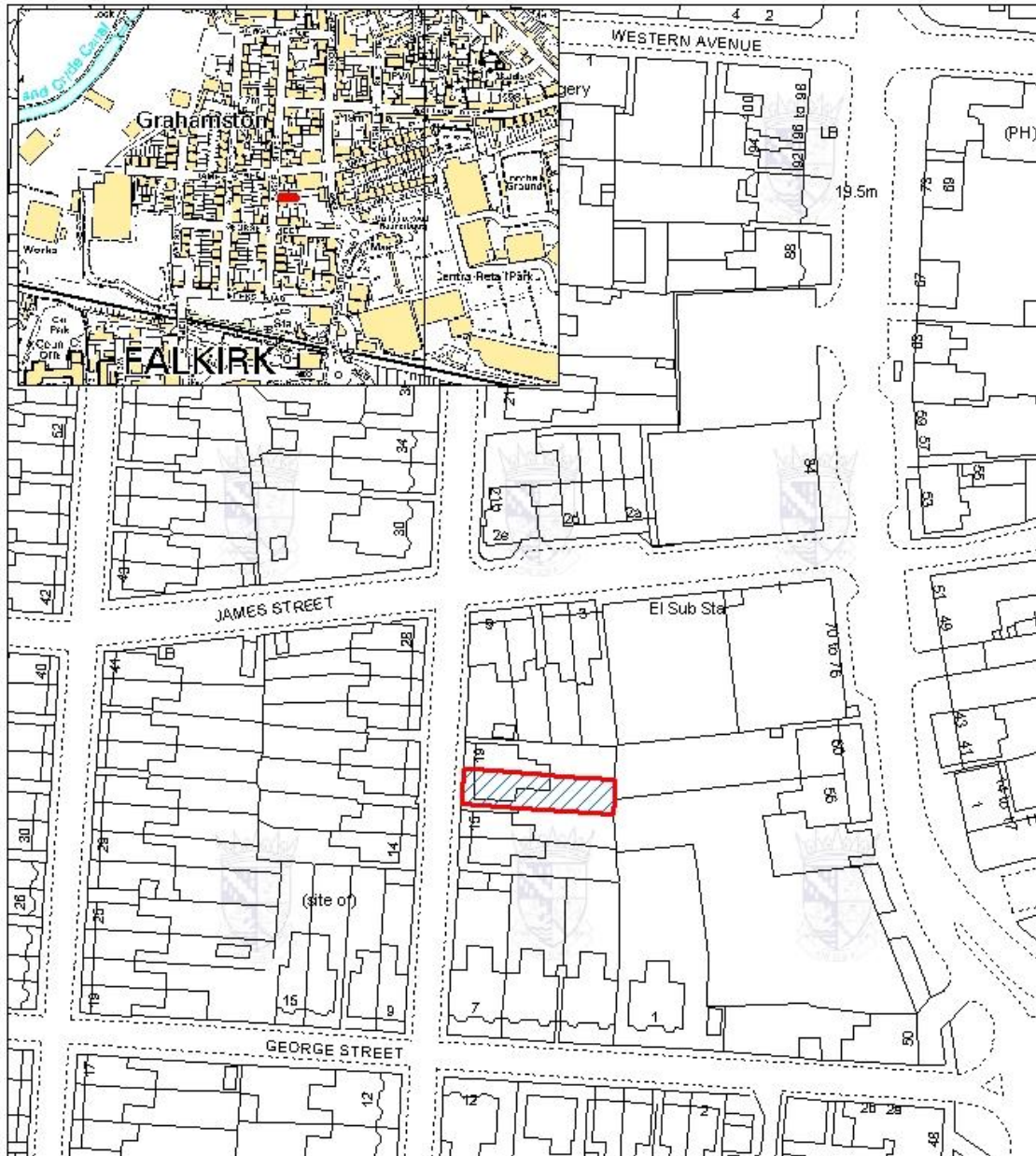
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0622/FUL

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FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE AT ANNFIELD, 19
POLMONT ROAD, LAURIESTON, FALKIRK, FK2 9QQ FOR MR
& MRS RAE - P/10/0666/FUL
Meeting: PLANNING COMMITTEE
Date: 3 November 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Lower Braes

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

Community Council: Lower Braes

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This is a detailed application for the erection of a dormer window to extend above the single storey element to the rear of the dwellinghouse. The proposed extension would offer the applicant an additional bedroom on the upper level.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 F/2002/0186 - detailed planning application for the extension to dwellinghouse for the erection of a one and a half storey dormer extension similar to the end result of the proposed application, which was withdrawn. There is a note on the file that the case officer wished to discuss in particular issues of concern including the size, scale and massing of the proposal.
- 3.2 F/2002/0507 - detailed planning application for the extension to dwellinghouse for the erection of a one and a half storey dormer extension and a single storey extension to the rear which was granted on 19 August 2002.

- 3.3 P/10/0339/FUL - detailed planning application for the extension to dwellinghouse for the erection of a dormer window to extend above the single storey element to the rear of the dwellinghouse. This application was refused under delegated powers for the reasons stated in para 7a.5 below. It was identical to the current application and is similar to the application that was withdrawn above.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have recommended conditions in relation to parking.
- 4.2 The Environmental Protection Unit have made no comment however previously (P/10/0339/FUL) an informative regarding ground conditions was recommended.

5. COMMUNITY COUNCIL

- 5.1 The local Community Council did not make any representations.

6. PUBLIC REPRESENTATION

- 6.1 During the consideration of the application, no letters of objection or representation were received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 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 site is located within the urban limits and therefore is in accordance with Policy POL 2.2

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

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

7a.5 The proposed dormer extension is considered to be unacceptable in terms of scale and character and its relationship with the existing dwellinghouse. The proposal would overshadow and overlook the neighbouring properties. There was a similar extension proposed (F/2002/0186) that was withdrawn and this current application is identical to the planning application P/10/0339/FUL that was refused by reason of its scale and design which would not be sympathetic to the existing building and consequently would have an adverse effect on the amenity of the property and the residential area. There is no change in circumstances from the previous application, therefore the proposal is considered to be contrary to Policy POL 3.7 "Extensions and Alterations to Residential Properties" within the Polmont and District Local Plan.

7a.6 Accordingly, the proposal is contrary to the Development Plan.

7b Material Considerations

7b.1 The material considerations of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) and Falkirk Council Supplementary Guidance, 'House Extensions and Alterations.'

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

7b.2 Policy SC9 - 'Extensions And Alterations To Residential Properties' states:

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

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

7b.3 Policy SC9 - 'Extensions And Alterations To Residential Properties' of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) reinforces the terms of Policy POL 3.7 of the adopted Polmont and District Local Plan. Therefore, for the reasons mentioned in paragraph 7a.5, the proposal does not accord with Policy SC9 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

Falkirk Council Supplementary Guidance: House Extensions and Alterations

7b.4 It is considered that the proposed extension is not in accordance with the terms of this guidance note, as the extension is contained within an overlarge box that spoils the character of the existing dwelling, and generally dormers should appear mainly glazed within the roofplane; this dormer exacerbates the current design of the existing dormer on the roof, and is therefore considered to be contrary to the SPG.

7c Conclusion

7c.1 It is considered that the proposal is an unacceptable form of development and is contrary to the terms of the Polmont and District Local Plan, the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the Supplementary Planning Guidance Note on House Extensions and Alterations. There are no other material planning considerations that would warrant an approval of planning permission in these circumstances.

8. RECOMMENDATION

8.1 It is therefore recommended that planning permission be refused for the following reason(s):

- (1) The proposal by reason of its scale and design would not be sympathetic to the existing building and consequently would have an adverse effect on the amenity of the property and the residential area. As a result the proposed extension is contrary to Policy POL 3.7 “Extensions and Alterations to Residential Properties” of the Polmont and District Local Plan and Policy SC9 “Extensions and Alterations to Residential properties” of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) and Falkirk Council’s Supplementary Planning Guidance, related to “House Extensions and Alterations”.

Informative(s):

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



Pp

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Director of Development Services

Date: 26 October 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Polmont and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Falkirk Council Supplementary Guidance Note on House Extensions and Alterations.

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

Planning Committee

Planning Application Location Plan

P/10/0666/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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