

FALKIRK COUNCIL

Subject: DEMOLITION OF DWELLINGHOUSE AND GARAGE AND
ERECTION OF 2 DWELLINGHOUSES, DOMESTIC GARAGE
AND GUEST HOUSE (CLASS 7) AT INCHES HOUSE,
BELLSDYKE ROAD, LARBERT FK5 4EL FOR MR IAIN
POLLOCK - P/13/0164/FUL
PLANNING COMMITTEE

Date: 22 August 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Baillie Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir and Torwood

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 25 June 2013 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 5 August 2013.
2. At the site meeting it was highlighted to Members the extent of the site, and the current property and out-buildings included within it. A description of the proposal was then given, as well as an overview of the assessment of the site in terms of the relevant policies and material considerations.
3. It was noted that within the site history, there had been a previous outline planning permission granted for the erection of two dwellings (F/2001/0079), although a detailed application had never been submitted. It was also noted that no objections had been received following consultations with the Falkirk Council Roads Unit, Scottish Water and the Falkirk Council Environmental Protection Unit.

4. The applicant's agent was heard on behalf of the applicant. The agent highlighted the fact that the site has been designed in a low density manner, allowing for large plots for each property. It was also highlighted that the orientation of the proposed properties and their positions within the site were to minimise the impact upon the neighbouring properties. The agent also noted that such a site could accommodate more properties, taking into consideration the density of the neighbouring residential estate.
5. Objectors to the proposal were heard in relation to the following: -
 - Close proximity of the proposed dwellings to the existing neighbouring dwellings.
 - The proposed dwellings would overshadow the existing neighbouring properties.
 - Increase in vehicles using the site would be unacceptable and it would create an access road to the rear of existing properties.
 - Loss of property value.
 - Would require access through neighbouring residential estate for water and sewerage connections.
 - Access track would be used by 14 cars.
6. The applicant's agent highlighted the position of the property to the rear of the site, and indicated the distance from the boundary was about 5 metres. It was noted that there is no set distance within planning legislation for property distances. The proposed dwellings would be set off the boundary, and privacy impact has been considered.
7. Regarding the issue of overshadowing, the property nearest the boundary with the properties to the north-west would be sited just under 6 metres from this boundary, with a gable end facing the existing properties. Given the orientation of the site and position of the properties, it was explained that there would be a minimum of overshadowing experienced by neighbouring properties, and in most cases to a lesser extent than would currently be experienced with the existing foliage. It was not considered that any of the properties would be overshadowed to an unacceptable level.
8. In terms of the loss of property value and the issue regarding water and sewerage connections, it was explained that these matters are not material planning considerations, and therefore cannot be taken into the assessment of the proposal.

9. In relation to the access road, it was explained by the Falkirk Council Roads Officer that it was a private access and it was acceptable as such given the number of properties that would be accessed from the site. This would mean that it would not be required to be adopted by the Council. It was also explained to the objectors that it would be a driveway that would be to the rear of several of the existing properties to the north-west of the site, not an access road. Given the proposed daily usage of a driveway, it would not be considered that the amenity of the neighbouring properties would be affected. The driveway would also be buffered by a line of foliage and existing boundary fencing. In terms of the number of cars accessing the site each day, it was not considered that the daily usage of the proposal would be unacceptable, as reaffirmed by the Roads Officer.
10. Members enquired as to whether the previous application granted on the site had a specific plot orientation. It was explained that the previous application had only been for outline planning permission, and therefore had only included an indicative layout. However, as the previous application included the existing dwelling, it would have again resulted in three plots being created.
11. The issue of the masterplan for the area was raised, and whether or not the site was included within that plan. It can be confirmed that the site did not form part of the planning brief for the area, other than the access track to the site being used as a pedestrian route and forming part of the core path network. This can be confirmed in the Masterplan drawing which is a plan from the North Larbert Strategic Development Opportunity: Planning Brief for the Bellsdyke Area. A copy of this plan will be circulated at the Planning Committee. The proposal is also not covered by any designations within the current Falkirk Council Local Plan.
12. It was confirmed that the parking requirements at the site were above that required for the guest house, as well as the dwellings. It was also confirmed that members of the public use the access track to the site, and the Roads Unit were satisfied that there would be no conflicting issue with this use and the proposed development. Members asked if the access track could be lit. This however has not been required by the Roads Unit, and has not been put forward by the applicant. This could lead to an issue with future maintenance and light pollution conflict with neighbouring properties adjacent to the access track.
13. Members also asked for clarification as to what is the difference between a Bed & Breakfast (B&B), a guest house and a hostel. It was explained that in planning terms a B&B is normally operated within permitted development, which in most cases allows for a maximum of two bedrooms to be let (dwellinghouse with four or more bedrooms). Above this, it would normally be classed as a guest house and require permission for such a use. A hostel is operated within the same use class as a guest house, but would generally be a more intensive operation and use than a guest house. It was enquired by Members if a condition could be placed on any granting of approval to limit the site to only be used as a guest house. However it should be noted in Circular 1/1998 The Town and Country Planning (Use Classes) (Scotland) Order 1997, Paragraph 44.2, reaffirms that there is a presumption against the use of conditions on buildings within the same use class to limit the use. This is owing to the fact that a use change within the same use class is permitted development.
14. Clarification was also sought in respect of the potential for future use of the Guest House as a House in Multiple Occupation (HMO). Planning permission would be required in the first instance for such a change of use as there is no permitted change within the Use Classes Order.

15. No matters were therefore raised which would amend the original recommendation to grant planning permission.

16. RECOMMENDATION

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

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2)**
 - i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**
 - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.**
 - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.**
- (3) Before works commence on-site, a surface water drainage strategy shall be submitted and agreed in writing by the Planning Authority.**

- (4) Before occupation of the dwellings and/or guest house, visibility splays measuring 2.4 metres x 70 metres require to be provided in either direction from both accesses onto Bellsdyke Road. There shall be no obstruction above carriageway level within these splays.
- (5) Before occupation of the dwellings and/or guest house, visibility splays measuring 2.4 metres x 30 metres require to be provided in either direction from both accesses within the site onto the private access road to Bellsdyke Road. There shall be no obstruction above carriageway level within these splays.
- (6) Before work commences on-site, details of the proposed road calming measures on the private access track shall be submitted to and approved in writing by the Planning Authority.
- (7) Before works commence 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.
- (8) Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum, preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
- (9) Before works commence on-site a tree survey of the site shall be submitted, detailing all tree species, heights, crown and root spread within the site boundary. Where relevant, any areas of construction which may affect the root zones of trees to be retained, shall have a method of working/excavation and construction detailing to show how damage to the root system would be minimised.
- (10) Before the building is occupied, the car parking shown on the Approved Plan shall be completed.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To ensure that adequate drainage is provided.

(4-6) To safeguard the interests of the users of the highway.

(7) To safeguard the visual amenity of the area.

(8-9) To safeguard the environmental amenity of the area.

(10) To ensure that adequate car parking is provided.

Informative(s):-

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

(2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

(3) The Roads Manager within Development Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.

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Director of Development Services

Date: 13 August 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan April 2013).
4. Letter of Objection received from Robert and Laura Ferguson, 10 Clarinda Place, Larbert FK5 4FG on 9 April 2013
5. Letter of Objection received from Robert Morrison, 16 Clarinda Place, Larbert FK5 4FG on 22 April 2013.
6. Letter of Objection received from Mr Gary Collister, 6 Clarinda Place, Larbert, Falkirk FK5 4FG on 29 March 2013.
7. Letter of Objection received from Mr Martin Fairbairn, 18 Clarinda Place, Larbert FK5 4FG on 16 April 2013.
8. Letter of Objection received from Robert & Laura Ferguson, 10 Clarinda Place, Larbert FK5 4FG 12 April 2013.
9. Letter of Objection received from Mrs Fiona McGee, 40 Alloway Wynd, The Inches, Falkirk FK5 4FE on 30 March 2013.
10. Petition.

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

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ERECTION OF 2 DWELLINGHOUSES, DOMESTIC GARAGE
AND GUEST HOUSE (CLASS 7) AT INCHES HOUSE,
BELLSDYKE ROAD, LARBERT, FK5 4EL FOR MR IAIN
POLLOCK - P/13/0164/FUL
PLANNING COMMITTEE

Date: 25 June 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Baillie Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir and Torwood

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site consists of a single storey dwelling and detached garage located within expansive garden grounds. The property is accessed by a single lane track from Bellsdyke Road, with the access currently being used at present to serve an additional two properties. The access track is also used by members of the public for pedestrian access through to the Inches housing estate. The site is surrounded on all sides by residential properties, the majority being two storey detached dwellings. Most of the site boundary contains mixed foliage, as well as some large mature trees. It is being proposed to demolish the existing dwelling and garage and erect two detached dwellings, with a third larger property to be used as a guest house which would contain four rooms for letting. As part of the proposal, the access to Bellsdyke Road would be upgraded and re-aligned, with a second access being created to the two properties which are also served from the current access. This would then ensure that no more than three dwellings would be served from each access.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application has been called to Committee by Councillor Tom Coleman.

3. SITE HISTORY

- 3.1 F/2001/0079 - Erection of 2 Dwellinghouses - Outline Planning Permission Granted.
- 3.2 F/2001/0262 - Extension to Dwellinghouse and Erection of Garage - Planning Permission Granted.
- 3.3 P/09/0689/PPP - Sub-Division of Garden Ground and Erection of Dwellinghouse - Planning Permission in Principle Granted.
- 3.4 P/11/0148/FUL - Erection of 3 Dwellinghouses and Detached Domestic Garage - Planning Application Withdrawn.
- 3.5 P/12/0148/FUL - Demolition of Existing Dwellinghouse, Erection of 2 Dwellinghouses, Detached Domestic Garage and Guest House - Planning Application Withdrawn.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objection to the proposal.
- 4.2 Scottish Water has no objection to the proposal.
- 4.3 The Environmental Protection Unit has no objection to the proposal. However, if granted, a contaminated land assessment would be required to be completed and approved prior to any works commencing on the site.

5. COMMUNITY COUNCIL

- 5.1 Larbert, Stenhousemuir and Torwood Community Council have not made any representation.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 6 contributors submitted letters to the Council. The salient issues are summarised below:
- 6.2 In addition to the above representations received, a petition was submitted with 14 signatures.
- 6.3 Issues highlighted within the representations and the petition are given below:
 - Reduction in privacy to adjacent neighbouring properties.
 - Reduction in light and overshadowing of neighbouring properties and their garden grounds.
 - Increased noise levels to adjacent properties.
 - The proposed development would affect the ability to sell neighbouring properties.
 - A significant increase in traffic on the access track which is used by school children.
 - Transient people from guest house would be located on a school route.

- Mature trees would be damaged by the proposed properties.
- A guest house is not appropriate in a housing estate.
- Water drainage from the properties could cause problems to adjacent dwellings.
- There would be a driveway to the rear of current properties with a large number of cars using it.
- Removal of trees within the site would reduce privacy.
- Any street lights proposed for the access track would illuminate the rear of existing properties.
- Exhaust fumes from increased cars on the driveway would be a threat to people in the immediate adjacent properties.
- Construction phase would create unacceptable noise, dirt and dust.
- Structural damage could be caused to existing properties.
- Previous application in 2001 (F/2001/0079) was not processed due to an insufficient fee.
- Application F/2001/0079 would have been granted with severe restrictions, which were seen to be no windows in the gable walls, be single storey only, East of Scotland Water consent had to be obtained and no trees were to be removed without prior permission.
- Permission would have to be obtained from residents of Clarinda Place for a connection to the water and sewerage network.
- Two applications were recently submitted and withdrawn, P/11/0148/FUL and P/12/0148/FUL. This indicates there are fundamental flaws with the application and it should therefore be refused.
- The proposal is clearly backland development and is contrary to Falkirk Council's Planning Policy.
- No other dwellings in the adjacent residential estate have access roads both to the front and rear, which would occur if the proposal was granted.
- Would be concerned that the proposed properties would have to be built up higher than surrounding properties.
- Cutting down trees would poison neighbouring dwellings garden grounds.
- The proposed guest house could be some form of hostel and therefore permission would be required, which does not appear to form part of this application.
- Commercial activities would significantly impair on the current residential amenity.
- Significant increase in traffic and noise levels if proposed guest house was erected.
- Guest house would create significant and unacceptable evening disturbance from tenants.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

Falkirk Council Local Plan

7a.2 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."*

7a.3 The site is not covered by a Tree Preservation Order, however it does contain mature trees, especially around the site boundary. Several trees would have to be removed to allow development, although the majority around the site boundary could be maintained. If the proposal were to be granted, it could be conditioned that a tree survey and a landscaping plan be submitted. It is therefore considered that the proposal accords with Policy EQ26.

7a.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, 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."*

7a.5 The proposed use of the site would be compatible with neighbouring uses, which are residential. It is also considered that a satisfactory level of residential amenity could be achieved, especially given the large plot sizes proposed. The site itself enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities. 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 could be upgraded where necessary. There is no conflict with any other Local Plan policy. It is therefore considered that the proposal accords with Policy SC2.

7a.6 Policy SC7 - 'Established Residential Areas' states:

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

7a.7 The proposed redevelopment of the site includes a guest house, which would offer four bedrooms to let. The property itself has been designed in appearance as a large detached dwelling. It is considered that it has been demonstrated through the design and scale of the proposed business, and the proposed location of the property, that the quality of the residential environment would be safeguarded. The proposed access and parking arrangements at the property are also considered to be satisfactory. It is therefore considered that the proposal accords with Policy SC7.

7a.8 Policy SC8 'Infill Development and Subdivision of Plots' states:

"Proposals for the erection of additional dwellings 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."*

7a.9 The scale, density, disposition and design of the development respect the architectural and townscape character of the area, with plot sizes substantially larger than neighbouring dwellings. Adequate garden ground would be provided to the proposed properties, and it is considered that adequate privacy would be afforded to both the proposed development and existing neighbouring properties. The proposal would see the removal of trees and other foliage, so a landscaping plan would be required if the application were to be granted. This would require to be approved prior to works commencing on-site, and would take into account any lost trees and foliage, with suitable replacement specimens. It is not considered that the overall amenity of the area would be adversely affected by removal of trees and foliage, and the replacement planting should ensure a higher quality of finalised planting. The vehicular access to the site is proposed to be upgraded, and would require to be in place before occupation of the properties. Other infrastructure at the site is considered adequate. It is therefore considered that the proposal accords with Policy SC8.

7a.10 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are Falkirk Council Supplementary Guidance, Assessment of Public Representations and Falkirk Local Development Plan (Proposed Plan).

Falkirk Local Development Plan - Proposed Plan

7b.2 The proposed Falkirk Local Development Plan was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.

7b.3 Policy HSG03 - 'Windfall Housing' states:

"Housing development within the Urban and Village Limits, in addition to proposals identified within the LDP, will be supported where:

- 1. The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;*
- 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, 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 INF02;*
- 5. The site is not at significant risk of flooding in the terms of Policy RW06;*
- 6. In the case of small gap sites and sub-divided plots, Policy HSG05 is satisfied; and*
- 7. It complies with other LDP policies."*

7b.4 Policy HSG05 - 'Infill Development and Subdivision of Plots' states:

"Proposals for the erection of additional houses within the curtilage of existing properties or on small gap sites will be permitted where:

- 1. The scale, density, disposition and design of the proposed houses respect the 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, parking and other infrastructure is of an adequate standard for both proposed and existing houses; and*
- 6. The proposal complies with other LDP policies."*

7b.5 Policy GN04 - '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. Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. 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 and implement an appropriate Management Plan; 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.6 The relevant policies contained within the Falkirk Local Development Plan (Proposed Plan April 2013) are considered to highlight the same issues as those within the current adopted plan. There are no material considerations within the policies which would cause the proposal to be assessed in a different manner and/or justify a refusal of planning permission. It is therefore considered that the proposal accords with Policies HSG03, HSG05 and GN04 of the Falkirk Local Development Plan (Proposed Plan April 2013).

Falkirk Council Supplementary Guidance

- 7b.7 Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note - The proposed development, albeit incorporating a guest house which is of a residential character, is seen to comply with the guidance in the Housing Layout and Design supplementary guidance, with the plot sizes being larger than required, providing substantial garden ground and ensuring that each plot has acceptable residential amenity. The low density of the site and the orientation of the properties would see the surrounding dwellings amenity maintained. It is therefore considered that the proposal accords with the Housing Layout and Design Supplementary Planning Guidance Note.

Assessment of Public Representations

- 7b.8 It is not considered that there would be an unacceptable reduction in the privacy of neighbouring dwellings, given the current proximity and overlooking that exists. The properties are also orientated to offer maximum privacy to existing neighbouring dwellings.
- 7b.9 It is not considered that the proposed development would reduce light and/or overshadow neighbouring dwellings to an unacceptable level. The proposed properties have been orientated to create minimal effect on the existing dwellings, and have been kept to a low density with large plots. Given the layout of the site and its orientation, any overshadow to existing neighbouring dwellings would be kept to a minimum, and would not warrant refusal of the proposal.
- 7b.10 It is not considered that the proposal would increase the noise levels to an unacceptable level at adjacent properties, with the Environmental Protection Unit not considering noise as an issue with this proposal.
- 7b.11 The saleability of a property is not a material planning consideration in this case.
- 7b.12 It is not considered that the access track would see a significant rise in use. The Roads Unit has assessed the proposal and is satisfied with the scheme. It has however been noted by the applicant that some form of road calming would be added to the access track, although this is not required by the Roads Development Unit.
- 7b.13 The proposed guest house would also be occupied as a dwelling to the owners. The character of customers is not a material consideration.
- 7b.14 A tree survey would be required before any works commenced on-site, to ensure that where relevant trees are protected. It must however be noted that the site is not covered by a Tree Preservation Order (TPO).
- 7b.15 A guest house, given the scale and type of operation, is a use generally acceptable within a residential area. This is recognised within local plan policy.
- 7b.16 There are no known on-site drainage issues, and drainage has throughout the assessment of the application not been highlighted as an issue.

- 7b.17 A driveway is proposed to the rear of existing properties, albeit with a small foliage buffer and existing fencing remaining in-place. However, given the driveway would access two properties, it is not considered the daily use of such would see a large number of car journeys, and would not create an issue in relation to residential amenity.
- 7b.18 The trees on the site are not protected, and could be removed by the owner at any time without permission. However, it is proposed to require a landscaping plan if the application were to be granted, which would require to be approved before works commence on-site. This would take into consideration the layout of the site and screen neighbouring properties where relevant.
- 7b.19 There are currently no street lights proposed on the access track.
- 7b.20 Exhaust fumes are not a material planning consideration. It is however considered that given the scale of the proposed development there would be no unacceptable impact.
- 7b.21 Issues of the construction phase in relation to noise, dirt and dust would not be a material planning consideration, and would be up to any contractor to control on-site.
- 7b.22 There is no known reason as to why any neighbouring properties would receive structural damage due to the proposal. Any damage would be a civil matter and is not a material planning consideration.
- 7b.23 Application F/2001/0079 was granted outline planning permission, there does not appear to be any issue with the fee. In any case this would not be a material planning consideration.
- 7b.24 Application F/2001/0079 was granted outline permission for 2 dwellinghouses and has lapsed. At that time the existing dwellinghouse was to remain and there were restrictions in relation to windows and height of dwellings. The current proposal includes the demolition of the existing dwellinghouse and requires to be considered on its own merits.
- 7b.25 Scottish Water states that capacity exists, and they have not highlighted any issues. It would however be up to the applicant if granted permission, to then move forward and gain all other necessary consents.
- 7b.26 If any further permissions are required by the applicant in relation to the water connection, this would be a legal matter and not a material planning consideration.
- 7b.27 The two applications (P/11/0148/FUL and P/12/0148/FUL) were withdrawn to allow consideration of alterations to the design as requested by Falkirk Council. Withdrawing an application does not mean or imply it is fundamentally flawed.
- 7b.28 The proposed development is a redevelopment of a site, which is not backland development. There is no policy against backland development, but in such cases there is guidance and requirements to ensure suitable design and amenity is achieved.
- 7b.29 There is no access road proposed behind the existing properties, however, there is a driveway proposed. Given the number of properties at the site, such a driveway would be unlikely to see heavy use, and would not cause any unacceptable amenity issue with the adjacent properties. The driveway would also be buffered by existing fencing and new foliage. It is not considered that this would lead to a front and back access road.

- 7b.30 The proposed properties would not have any significant difference in ground level with the surrounding dwellings.
- 7b.31 Removing trees from the site would not be likely to poison the gardens of neighbouring properties. It must be noted that trees could be removed without the need of planning permission.
- 7b.32 The proposal is for a guest house, not a hostel. This has been applied for within the current application.
- 7b.33 The proposed guest house would not be seen to impair the residential amenity of the area. Operations and the scale of the proposed guest house would be seen to be acceptable within a residential area, and is supported by Development Plan policy.
- 7b.34 Given the scale and size of the proposed guest house, it is not considered that noise or traffic levels would significantly increase. Both the Roads Unit and Environmental Protection unit have been consulted and have no objection to such a proposal.
- 7b.35 There is no evidence to support a claim that the proposed guest house would create significant or unacceptable evening disturbance to neighbouring properties.

7c Conclusion

- 7c.1 It is considered that the proposal is acceptable development, is in accordance with Policies EQ26, SC2, SC7 and SC8 of the Falkirk Council Local Plan and Policies HSG03, HSG05 and GN04 of the Falkirk Local Development Plan (Proposed Plan April 2013). There are no material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

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

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2) i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**

- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) Before works commence on-site, a surface water drainage strategy shall be submitted and agreed in writing by the Planning Authority.
 - (4) Before occupation of the dwellings and/or guest house, visibility splays measuring 2.4m x 70m require to be provided in either direction from both accesses onto Bellsdyke Road. There shall be no obstruction above carriageway level within these splays.
 - (5) Before occupation of the dwellings and/or guest house, visibility splays measuring 2.4m x 30m require to be provided in either direction from both accesses within the site onto the private access road to Bellsdyke Road. There shall be no obstruction above carriageway level within these splays.
 - (6) Before work commences on-site, details of the proposed road calming measures on the private access track shall be submitted to and approved in writing by the Planning Authority.
 - (7) Before works commence 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.

- (8) Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
- i. existing and finished ground levels in relation to a fixed datum, preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
- (9) Before works commence on-site a tree survey of the site shall be submitted, detailing all tree species, heights, crown and root spread within the site boundary. Where relevant, any areas of construction which may affect the root zones of trees to be retained, shall have a method of working/excavation and construction detailing to show how damage to the root system would be minimised.
- (10) Before the building is occupied, the car parking shown on the Approved Plan shall be completed.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To ensure that adequate drainage is provided.
- (4-6) To safeguard the interests of the users of the highway.
- (7) To safeguard the visual amenity of the area.
- (8-9) To safeguard the environmental amenity of the area.
- (10) To ensure that adequate car parking is provided.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03A, 04, 05, 06, 07, 08, 09 and 10A.
- (2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (3) The Roads Manager within Development Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.

Pp
Director of Development Services

Date: 18 June 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan April 2013).
4. Letter of Objection received from Robert and Laura Ferguson, 10 Clarinda Place, Larbert, FK5 4FG on 9 April 2013
5. Letter of Objection received from Robert Morrison, 16 Clarinda Place, Larbert, FK5 4FG on 22 April 2013.
6. Letter of Objection received from Mr Gary Collister, 6 Clarinda Place, Larbert, Falkirk, FK5 4FG on 29 March 2013.
7. Letter of Objection received from Mr Martin Fairbairn, 18 Clarinda Place, Larbert, FK5 4FG on 16 April 2013.
8. Letter of Objection received from Robert & Laura Ferguson, 10 Clarinda Place, Larbert, FK5 4FG 12 April 2013.
9. Letter of Objection received from Mrs Fiona McGee, 40 Alloway Wynd, The Inches, Falkirk, FK5 4FE on 30 March 2013.
10. Petition.

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

Planning Committee

Planning Application Location Plan

P/13/0164/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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