

FALKIRK COUNCIL

Subject: FORMATION OF VEHICLE ACCESS AT 14 GLOWRORUM DRIVE, HEAD OF MUIR DENNY FK6 5PJ FOR MR IRFAN HAMID - P/15/0218/FUL
Meeting: PLANNING COMMITTEE
Date: 19 August 2015
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor Martin David Oliver

Community Council: Denny and District

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 25 June 2015 (copy of previous report appended), when it was agreed to continue the application for a site visit. The site visit took place on Monday 3 August 2015.
2. The site meeting initially took place at the end of Glowrorum Drive and then moved to the southern property boundary to observe a reinstated wall, and then to the existing access to the property from a private lane on the western side of the property.
3. At the site meeting, the case officer summarised his report, the applicant's agent spoke in support of the proposal and a supporter and objectors to the application were heard. Members of the Planning Committee commented and raised queries, and Local Members were heard.
4. The case officer advised that three additional objections to the application had been received following preparation of the report to the 25 June Committee meeting. This takes the number of objections received to seven. The case officer confirmed that the planning permission granted in January 2009 for the demolition of an existing dwellinghouse and erection of a new dwellinghouse had been implemented by virtue of the existing dwellinghouse having been demolished. The agent confirmed that the intention is to build the dwellinghouse approved under planning permission P/08/0859/FUL, and the applicant wishes to get started in Spring next year. The agent indicated that the construction period would last for some 6 to 9 months, which is typical for this type of development. Any material change to the approved dwellinghouse would require a new planning application.
5. The case officer also advised that since the original report was prepared, the Falkirk Local Development Plan (Proposed Plan) has become the adopted Falkirk Local Development Plan. The application has been assessed as complying with the Local Development Plan.

6. The objector's to the application reiterated and expanded on the concerns raised in their written representations. A particular concern of objectors was that the property would now have two accesses, which would enable the property to be used as a through road, thereby increasing traffic in a quiet cul-de-sac and impacting on local amenity.
7. Members queried whether the existing private lane was suitable for access and if it could be suitably upgraded, for example, by erecting street lighting. The roads officer advised that the private lane was not ideal from the point of view of width and construction. The case officer pointed out that planning application P/08/0859/FUL for the demolition of an existing dwellinghouse and erection of a new dwellinghouse sought to retain the existing arrangement, i.e. the use of the private lane to serve a dwellinghouse. The agent considered that it made sense to access the plot from a tarmacked adopted road with footpath provision, now that the applicant owns No 14 Glowrorum Drive. The Roads Development Unit have advised that any upgrade of the existing lane would have to be maintained under private arrangement.
8. The applicant confirmed that he has no intention or desire to have through traffic (vehicles or pedestrians) from the private lane to Glowrorum Drive. As stated in the original report, the private lane would be used during the construction period and thereafter a lockable, secure access would be provided for pedestrian use and occasional vehicle use if required.
9. The Convener asked whether it would be competent to impose a planning condition restricting future access to the private lane to pedestrian access only. It is confirmed that this would be competent if the Committee were satisfied that the relevant tests for a planning condition were met. These tests are whether a planning condition is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.
10. It is considered that no new issues were raised at the site meeting that would change the previous recommendation. However, as the existing wall along the southern boundary has now been repaired, condition 2 of the recommendation is amended accordingly. In addition, condition 3 has been refined for the sake of clarity. The recommendation is therefore as detailed below in section 12.
11. In addition, condition 3 of the recommendation could be further amended as follows, should the Committee wish to restrict ongoing access to the private lane to pedestrian access only (and they are satisfied that to do so would meet the tests for planning conditions):

*"Within 6 months of the date of the new vehicular access being brought into use, the western plot boundary shall be provided with a precise form of boundary treatment to be approved in writing by this Planning Authority. **The details submitted for approval shall show any means of access along the western plot boundary being for pedestrian access only.** Thereafter, the boundary treatment shall be retained and maintained in accordance with the approved details for the lifetime of the development hereby approved".*

The suggested further amendment to the condition is highlighted in bold above.

12. RECOMMENDATION

- 12.1 It is therefore recommended that the 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) The existing boundary walls to be retained, as denoted on approved plan 02A, shall be retained and maintained for the lifetime of the development hereby approved.
- (3) Within 6 months of the date of the new vehicular access being brought into use, the western plot boundary shall be provided with a precise form of boundary treatment to be approved in writing by this Planning Authority. Thereafter, the boundary treatment shall be retained and maintained in accordance with the approved details for the lifetime of the development hereby approved.
- (4) Vehicular access to the site shall be by means of a standard dropped kerb footway crossing, designed and constructed in accordance with details to be approved in writing by this Planning Authority.
- (5) The driveway shall be constructed at a maximum gradient of 10% and in a manner to ensure that no loose material or surface water is discharged onto the public road.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2-3) To safeguard the visual amenity of the area.
- (4-5) To safeguard the interests of the users of the public highway.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02A.
- (2) The applicant is advised that formation of the dropped kerb will require a Minor Roadworks Consent. Roads Services should be contacted on 01324 506070 to obtain the relevant application form.
- (3) The applicant is advised to ensure that noisy works that are audible at the site boundary are only conducted between the following hours:-

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1700 hours
Sunday/ Bank Holidays	1000 to 1600 hours

Deviation from these hours will not be permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

- (4) 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.

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pp Director of Development Services

Date: 10 August 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).
4. Objection received from Mr & Mrs Irene & Ronald Henderson, 16 Glowrurum Drive, Head of Muir, Denny, Stirlingshire, FK6 5PJ on 27 April 2015.
5. Objection received from Mrs Agnes Ingles, 18 Glowrurum Drive, Denny, FK6 5PJ on 29 April 2015.
6. Objection received from Mrs Christina McNeil, 6 Glowrurum Drive, Denny, FK6 5PJ on 7 May 2015.
7. Objection received from Mrs Sheila Kerr, 10 Glowrurum Drive, Denny, FK6 5PJ on 13 May 2015.
8. Objection received from Mrs Angels France, 8 Glowrurum Drive, Denny, FK6 5PG on 15 June 2015.
9. Objection received from Mr Allan Hay, 1 Glowrurum Drive, Denny, FK6 5PG on 26 June 2015.
10. Objection received from Farquhar Masson, ray_canadiens@yahoo.co.uk on 22 July 2015.

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

FALKIRK COUNCIL

Subject: FORMATION OF VEHICLE ACCESS AT 14 GLOWRORUM DRIVE, HEAD OF MUIR DENNY FK6 5PJ FOR MR IRFAN HAMID - P/15/0218/FUL
Meeting: PLANNING COMMITTEE
Date: 25 June 2015
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor Martin David Oliver

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 full planning permission to form a private driveway to provide access from Glowrorum Drive to an adjoining vacant plot of land. The driveway would be 3.6 metres wide. The proposal would necessitate the removal of part of the eastern boundary wall of the vacant plot.
- 1.2 The application site lies within an established residential area, between Glowrorum Drive and a vacant plot of land. The site forms part of the garden ground of no. 14 Glowrorum Drive. The vacant plot previously contained Haircraigs House.
- 1.3 The applicant has submitted the following information in support of the application:-
- The applicant's intention is to develop the vacant plot on the basis of planning permission P/08/0859/FUL (see paragraph 3.1 below);
 - The applicant prefers site access from Glowrorum Drive as this street is considered to provide better access all round, particularly in that access would be to an adopted road rather than to the un-adopted, un-surfaced track to the west which provides combined vehicular and pedestrian access;
 - Planning application P/08/0859/FUL would have included access from Glowrorum Drive if the applicant had owned the necessary land at that time;
 - The boundary wall adjacent to the sub-station is to be repaired/reinstated to the same specification as existing;
 - The boundary treatment along the western boundary would include a lockable/secure access;

- The retention of an access to the lane to the west would enable its use for tradesman's vans/some deliveries during the construction phase and thereafter for pedestrian use and occasional vehicle use if required; and
- Quality stone for reuse has been retained on the site and only waste material (including rubble/stone that was not reusable) was disposed off-site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Oliver.

3. SITE HISTORY

- 3.1 Planning application P/08/0859/FUL for the demolition of an existing dwellinghouse and erection of a new dwellinghouse was granted on 8 January 2009. The proposed access to the site was via a private lane adjoining the western site boundary. A Notice of Initiation of Development (NID) was received advising that works on the development commenced on 30 January 2009. Those works related to demolition of the existing dwellinghouse. On that basis the planning permission is considered to have been implemented.
- 3.2 Planning application P/15/0070/FUL for the formation of a vehicular access was withdrawn on 9 April 2015, as the applicant decided to amend the proposal and submit additional information by means of a new application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have no objection to the principle of a vehicle access at this location and request that conditions in relation to the design and construction of the access be attached to any grant of planning permission. They advise that the proposed access, as designed, should not interfere with the existing on-street parking/turning area. They advise that a Minor Roadworks Consent (MRC) would be required for the formation of a dropped kerb.
- 4.2 The Environmental Protection Unit have advised that noise need not be considered a determining factor in considering this application. They advise that noisy works which are audible at the site boundary should only be conducted between the following hours: Monday to Friday - 0800 to 1800 hours; Saturday - 0900 to 1700 hours; and Sunday and Bank Holidays - 1000 to 1600 hours.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 Four objections have been received in relation to the application. The concerns raised in the objections can be summarised as follows:-
- The submitted supporting statement fails to address concerns with the previously withdrawn application;

- It is not agreed that the previous planning permission P/08/0859/FUL is 'extant' therefore development of the site remains vague and unknown;
- There is no indication of why the proposed access is required and what the ground is to be used for;
- There are already two entrances to this ground; why is another one needed?;
- A reason for the application would appear to be for construction traffic;
- The road is not designed to cope with heavy construction traffic or indeed any additional traffic;
- Construction traffic would cause a particular problem as the turning area is very limited and large vehicles would be unable to turn around;
- There is enough traffic at present coming into this quiet cul-de-sac;
- There will be a considerable increase in traffic;
- If permission is granted, then no through access should be available to the back un-adopted road as this could serve as a through road, thus allowing the applicant to access their adjoining property via Glowrurum Drive;
- There is very limited on-street parking;
- It must be ensured that the new access does not impede cars being able to use the existing parking area;
- How many residents with cars are likely to inhabit the new build?;
- A wall was knocked down to provide an entrance to the site during demolition works; this is an eyesore, it is dangerous to users of the public path and no effort has been made to repair it;
- Planning permission P/08/0859/FUL required the existing boundary treatments to be made good;
- Planning permission P/08/0859/FUL required the stone downtakes from the existing dwellinghouse to be reused in construction of the new dwellinghouse; it is understood that most of the original material was disposed of;
- The three storey building the applicant was going to build is out of character with the area;
- Detrimental effect on resident's quality of life and quiet, peaceful enjoyment of their homes;
- Approving the application would change the whole amenity of the area;
- Breach of the stone wall would inevitably result in an increase in noise and disruption to the residents of Glowrurum Drive; and
- Unsure what way leaves and rights of servitude have to do with this planning 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

Falkirk Council Structure Plan

- 7a.1 The proposed development does not raise any strategic issues and therefore the application has been assessed solely against the Falkirk Council Local Plan.

Falkirk Council Local Plan

- 7a.2 The application site lies within the urban limits, as defined in the Falkirk Council Local Plan.

- 7a.3 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.”*

- 7a.4 This policy requires new development to achieve a high standard of design quality and comply with the principles of sustainable development.

- 7a.5 The proposed development is considered to accord with this policy. In particular, the scale and design of the proposed works are considered to be sympathetic to the surroundings and an existing section of boundary wall would be reinstated and a suitable treatment provided along the western plot boundary. In addition, the proposal is considered to be acceptable in road safety terms and the advantages of access onto an adopted street rather than an un-adopted, un-surfaced lane are recognised. The prospect of an increase in vehicle use of Glowrour Avenue must be considered in the context of the scale of the approved development (a single house plot) and construction related impacts will be for a temporary period and can be managed as part of the construction process.

- 7a.6 Accordingly, the application is considered to comply with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed in respect to this application are the Falkirk Local Development Plan (Proposed Plan), the consultation responses and the representations received.

Falkirk Local Development Plan (Proposed Plan)

- 7b.2 The Proposed Falkirk Local Development Plan (FLDP) 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 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 The application site lies within the urban limits, as defined in the Falkirk Local Development Plan (Proposed Plan). The relevant policy of the Proposed Plan is D02 (Sustainable Design Principles). This policy is similar in wording to Policy EQ1 of the Falkirk Council Local Plan which the application has been assessed in this report as complying with. Accordingly the application is also considered to comply with the Proposed Plan.

Consultation Responses

- 7b.4 The consultation responses are summarised in Section 4 of this report. No objections have been raised in these responses and the matters raised could be the subject of conditions or informatives to attach to any grant of planning permission.

Representations Received

- 7b.5 The representations received in relation to the application are summarised in Section 6 of this report. The concerns raised in the objections are considered/addressed in this report.
- 7b.6 It is acknowledged that the proposal would result in an increase in vehicular use of Glowrurum Drive but this is in the context of the approved development for a single house plot (reference P/08/0859/FUL). The approved house has four bedrooms and its scale reflects the previous building (Haircraigs House).
- 7b.7 The construction phase would inevitably result in a short term increase in activity and noise as is the case in any development project. In this case, there may be an opportunity for some contractor's vehicles to park on-site given the size of the plot. In addition, as suggested by the applicant, retention of a second access (onto the existing lane) could reduce the traffic impact on Glowrurum Drive.
- 7b.8 The applicant has confirmed that there is no intention to provide a 'through-route' by the provision of two accesses. The access onto the lane to the west is proposed to have secure lockable gates for pedestrian use and occasional vehicle use if required.
- 7b.9 Whilst noting that there may be some temporary disturbance during the construction stage, it is not accepted that the proposal would result in any material impacts on local amenity in the longer term.
- 7b.10 The application provides an opportunity to secure the provision/reinstatement of suitable boundary treatments (at previously used access points) to the benefit of local amenity.

- 7b.11 The applicant has advised that the plot has wayleave/rights of servitude through the garden ground of 14 Glowrurum Drive. The provision or otherwise of such rights is not material to determination of this planning application.

7c Conclusion

- 7c.1 The application is considered to accord with the Development Plan for the reasons detailed in this report. It is therefore recommended for approval subject to appropriate conditions. There are not considered to be any material planning considerations to set aside the terms of the Development Plan in this instance.

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) Within 3 months of the date of this decision notice, the existing boundary wall to be repaired/reinstated, as denoted on approved plan 02A, shall be fully completed in accordance with details to be approved in writing by this Planning Authority. Thereafter, the existing boundary walls, as denoted on approved plan 02A, shall be retained and maintained for the lifetime of the development hereby approved.
- (3) Within 6 months of the date of commencement of the new vehicular access, the western plot boundary shall be provided with a precise form of boundary treatment to be approved in writing by this Planning Authority. Thereafter, the boundary treatment shall be retained and maintained in accordance with the approved details for the lifetime of the development hereby approved.
- (4) Vehicular access to the site shall be by means of a standard dropped kerb footway crossing, designed and constructed in accordance with details to be approved in writing by this Planning Authority.
- (5) The driveway shall be constructed at a maximum gradient of 10% and in a manner to ensure that no loose material or surface water is discharged onto the public road.

Reason(s):

- (1) As these drawings and details constitute the approved development.
- (2)-(3) To safeguard the visual amenity of the area.
- (4) To safeguard the interests of the users of the public highway.
- (5) To safeguard the interests of the users of the public highway.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02A.
- (2) The applicant is advised that formation of the dropped kerb will require a Minor Roadworks Consent. Roads Services should be contacted on 01324 506070 to obtain the relevant application form.
- (3) The applicant is advised to ensure that noisy works that are audible at the site boundary are only conducted between the following hours:-

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Deviation from these hours will not be permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

- (4) 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.

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pp Director of Development Services

Date: 15 June 2015

LIST OF BACKGROUND PAPERS

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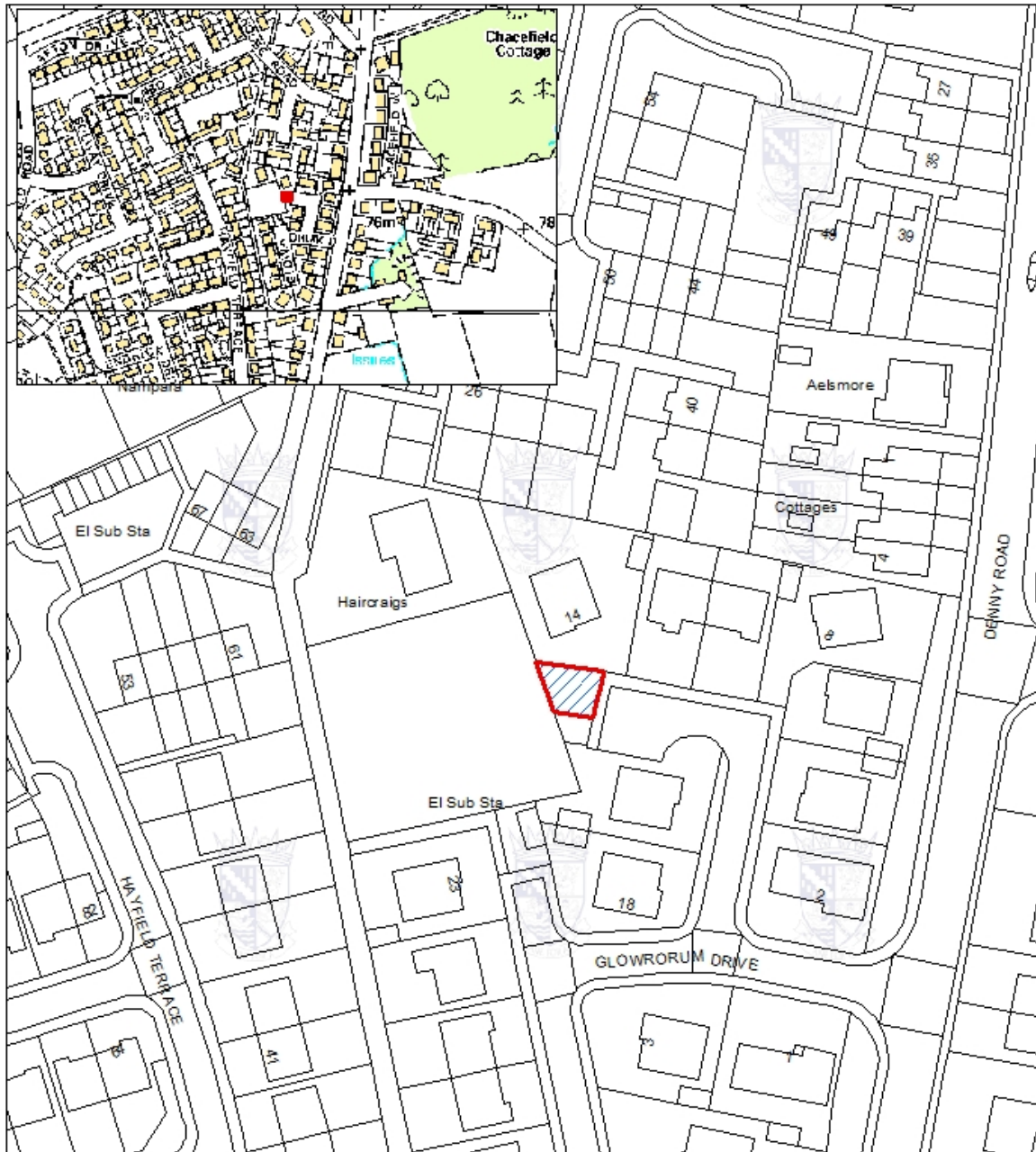
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/15/0218/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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