



# **AGENDA ITEM**

**5**

**Erection of Dwellinghouse and  
Associated Ground Works at  
Land to the West of 153 Stirling  
Street, Denny for Mr Peter Moffat  
– P16/0762/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AND ASSOCIATED  
GROUND WORKS AT  
LAND TO THE WEST OF 153 STIRLING STREET, STIRLING  
STREET, DENNY FOR MR PETER MOFFAT - P/16/0762/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 22 March 2017  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny and Banknock  
  
Councillor Jim Blackwood  
Councillor Brian McCabe  
Councillor Paul Garner  
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 erect a three storey, four bedroom detached dwellinghouse.
- 1.2 The application site lies on the south side of Stirling Street, close to Denny Town Centre and a roundabout junction to the west. The site is steeply sloping, rising from a stone retaining wall along the site frontage to the rear boundary shared with a residential property. A stepped path leading up to Denny Primary School adjoins the western site boundary. There is also a retaining wall along the eastern site boundary. The site is adjoined by housing, and a commercial garage on the other side of the stepped path. There is a school crossing patrol point and a pedestrian guardrail at the bottom of the stepped path (on Stirling Street).
- 1.3 The existing retaining wall along the site frontage would be removed/lowered in height and significant cut into the existing slope would be required to develop the site.
- 1.4 The applicant has made the following submissions in support of the application:-
  - An initial structural survey was carried out on 1 August 2016 by an engineering consultancy confirming that all existing retaining walls were safe at that time and ground retention was also satisfactory.
  - A full structural assessment of the site would be carried out as part of the Building Warrant process and this would include ground bearing capacity, soil report and full structural requirements for all new and existing retaining walls. A full structural design of the proposed house would also be provided.

- A full method statement would be prepared by a suitably qualified person to comply with the Construction (Design and Management) Regulations 2015 and be submitted to the Health and Safety Executive prior to works commencing.
- As the proposed house is located within close proximity to a commercial garage, it is proposed to erect an acoustic fence along the full western boundary. In addition, the proposed house would be traditional construction (brick/ blockwork) to fully comply with the Building (Scotland) Regulations for noise and energy requirements.
- An initial energy assessment has been carried out which includes proposals for an air source heat pump system (which has no CO2 emissions).
- A suitable SUDS drainage system would be designed to the complete satisfaction of Scottish Water and Falkirk Council Building Control.
- As any vehicle leaving the site would do so in a forward gear, the direction of traffic is coming from the east where visibility is unobstructed in this direction. At driver's eye level, the applicant does not consider that the existing protective barrier interferes with visibility to the west.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 This application was called in by Councillor McCabe owing to concerns regarding road accessibility and structural implications on adjacent properties.

## **3. SITE HISTORY**

- 3.1 Planning application P/09/0281/FUL for the erection of two dwellinghouses was refused on 16 July 2009.
- 3.2 Planning application P/16/0483/FUL for the erection of dwellinghouse and associated groundworks was withdrawn on 21 September 2016 pending submission of a revised proposal/ further information.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have advised that visibility splays measuring 2.4 metres x 43 metres will be required in both directions from the proposed access onto the A883. They advise that visibility to the west is partially obstructed by an existing pedestrian guardrail. If permission is granted, the applicant should be responsible for replacing the guardrail with a high inter-visibility alternative. They advise that parking for three vehicles has been provided on-site as required by the National Roads Development Guide. However, there are concerns that the under-croft turning facility could easily be converted to a garage. A suitably worded condition should be employed to prevent this. They note that the proposal may impact on the existing adopted steps along the western site boundary. A method statement detailing works in this area should be submitted for review.

- 4.2 The Environmental Protection Unit have requested the submission of a noise assessment to determine any impact of an adjacent commercial premises (garage workshop) on the proposed development. They advise that a contaminated land assessment would be required if any unexpected contaminated land was encountered following the commencement of the development.
- 4.3 The Transport Planning Unit have advised that the site is well served by existing footways allowing good access to local amenities. Bus accessibility is also good as the nearest bus stops are just over 100 metres away. They advise that the proposed new access would necessitate the relocation of a lighting column and a school crossing patrol warning sign. The relocations would need to be agreed with the Council's Lighting and Roads Network teams respectively.
- 4.4 The Building Standards Unit have advised that a Building Warrant application has not yet been submitted for the proposed dwellinghouse. Full retaining wall details together with a structural design certificate would need to be submitted in support of a Building Warrant submission.
- 4.5 Scottish Water have not responded to the consultation.

## **5. COMMUNITY COUNCIL**

- 5.1 The Denny and District Community Council have not made any representations in respect of the application.

## **6. PUBLIC REPRESENTATION**

- 6.1 One objection has been received in respect of this application. The concerns raised in this objection can be summarised as follows:-
- The creation of a new access so close to the adjacent very busy roundabout and junction would be extremely dangerous.
  - The proposal would exacerbate the risk of dangerous traffic manoeuvres to school children and adults (the site is next to the steps leading up to Denny Primary School).
  - There would be inadequate parking for a four bedroom property.
  - A large extent of a traditional drystone wall will need to be removed to allow access onto the plot.
  - The proposal will cause disruption to the mains water supply and will require robust measures to ensure a neighbouring water supply is maintained at all times.
  - Concerns that the building now appears to be further set into the site.
  - Increasing the highly visible ridgelines is a major concern.
  - The site is largely infested with Japanese knotweed. Have the strict procedures for removal/ disposal of this species been adhered to?

## 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

- 7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:
- 7a.2 The application site lies within the Denny urban limits, close to Denny Town Centre.
- 7a.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.*

7a.4 The proposal represents a potential windfall housing opportunity within the urban limits. Such proposals can be supported subject to certain criteria being satisfied. In this case, the criteria are considered to be met and the policy complied with. In particular, the site is brownfield, it enjoys good accessibility and no infrastructure issues are anticipated. The proposal, for a dwellinghouse, reflects the prevailing land use at this location. A noise assessment would be required to identify any necessary measures to ensure a satisfactory level of residential amenity can be achieved. The proposal, being a single unit development, does not trigger any relevant contributions in this area in relation to education, healthcare, transportation or open space.

7a.5 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.*

7a.6 The site in question can be considered as a small gap site and therefore the criteria of this policy will apply. Overall, the proposal is considered to meet these criteria. In particular, the scale, density and design of the proposal respect the townscape character of the area, no privacy issues are anticipated and an appropriate standard of access and parking can be provided. Whilst minimal garden ground is to be provided, this is considered to be acceptable in the context of the location (edge of town centre) and the townscape character of the area. The existing stone walls would largely be retained, whilst the front wall would be partially removed/ lowered in height. There is an opportunity to reuse the stone downtakes in the new development.

7a.7 Policy D04 - Low and Zero Carbon Development states:

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
  - *Proposals for change of use or conversion of buildings;*
  - *Alterations and extensions to buildings;*
  - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
  - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
  - *Temporary buildings with consent for 2 years or less; and*
  - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.8 The applicant has advised that an initial energy assessment has been carried out which includes proposals for an air source heat pump system. The detailed proposals could be the subject of a condition of any grant of planning permission.

7a.9 In view of the above comments, the application is assessed as complying with the Local Development Plan.

**7b Material Considerations**

7b.1 The material considerations to be assessed in respect of this application are the consultation responses, the planning history for the site and the representations received.

## ***Consultation Responses***

- 7b.2 The consultation responses are summarised in section 4 of this report. No objections have been raised in the consultation responses and the matters identified by the Roads Development Unit, the Environmental Protection Unit and the Transport Planning Unit could be the subject of conditions or informatives attached to any grant of planning permission as appropriate. The comments of the Building Standards Unit are noted.

## ***Planning History***

- 7b.3 As detailed in this report, a planning application to erect two dwellinghouses on this site was refused in 2009 (reference P/09/0281/FUL). The reasons for refusal related to:-
- Vehicular access and parking not being provided to an acceptable standard.
  - The townscape character not being respected.
  - Inadequate garden ground being provided.
  - The potential for earthwork operations to inconvenience users of the public highway and be detrimental to road and pedestrian safety.
- 7b.4 The current submission is considered to address the previous reasons for refusal taking into account other measures that would have to be adhered to (e.g. the Construction Regulations 2015, which are the main set out regulations for managing the health, safety and welfare of construction projects). The garden ground within the current submission is small in size, but is considered to be acceptable in the context of the location (edge of town centre) and the existing townscape character.

## ***Representations Received***

- 7b.5 The concerns raised in the objection to the application are summarised in section 6 in this report. The following comments are considered to be relevant to those concerns:-
- The Roads Development Unit have not raised any road or pedestrian related concerns with the proposal. The proposal is for a single dwellinghouse and a turning facility is to be provided on-site to ensure that vehicles can exit the site in a forward gear. An existing pedestrian guardrail would need to be replaced with a high inter-visibility alternative to ensure that visibility to the west is improved.
  - The Roads Development Unit have advised that the proposal satisfies the National Roads Development Guide with respect to parking.
  - The existing front stone boundary wall is to be partly removed (for the new access) and otherwise lowered in height. As detailed in this report, there is an opportunity to reuse the downtakes in the new development.
  - The applicant has advised that the exact location of the existing water pipe will be confirmed on site and the pipe will be suitably protected during the construction period to ensure that water supply is maintained at all times.



- The siting and height of the proposed dwellinghouse are considered to be acceptable having regard to the existing building lines and townscape character of the area. A street elevation has been submitted which shows that the proposed dwellinghouse approximates the ridgeline height of the residential properties to the east.
- The applicant has advised that arrangements would be made for a suitably qualified contractor to remove any Japanese Knotweed found to be present on the site in accordance with all relevant regulations.

## **7c Conclusion**

- 7c.1 The application is considered to accord with the Local 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 Local Development Plan in this instance.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that 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 development shall not commence until the exact details of the colour and specification of all proposed external finishes and hard surfaces have been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
  3. The development shall not commence until the exact details of the height, location, colour and specification of all proposed fences, walls and any other means of enclosure have been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
  4. Further to conditions 2 and 3 above, every opportunity shall be taken to re-use the duntakes from the existing stone front boundary wall in the new development, in accordance with exact details to be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
  5. The development shall not commence until a Method of Working Statement has been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
  6. The development shall not commence until the exact details of the proposed arrangements for surface water drainage have been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

- 7. The development shall not commence (unless otherwise agreed) until the existing lighting column and school crossing patrol warning sign have been relocated in accordance with details to be approved in writing by this Planning Authority. The cost of the relocation works shall be borne by the applicant.**
- 8. The development shall not commence (unless otherwise agreed) until the existing pedestrian guardrail has been replaced by a high inter-visibility alternative, in accordance with exact details to be submitted to and approved in writing by this Planning Authority. The cost of the replacement guardrail shall be borne by the applicant.**
- 9. The development shall not commence until a noise assessment to determine any impact of the adjacent commercial premises (garage workshop) on the proposed development has been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with any necessary mitigation measures prior to the dwellinghouse being occupied.**
- 10. The development hereby approved will not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:**
  - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and**
  - ii) a Statement of Conformity which confirms that 10%, of the required CO2 emissions reduction is achieved through the installation of low and zero carbon generating technologies.**

**Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.**

- 11. The first floor east gable hall window shall be obscure glazed before the development is occupied and thereafter shall be retained as an obscure glazed window for the lifetime of the development.**
- 12. The proposed undercroft turning facility shall be retained for the lifetime of the development as a turning facility and shall not be converted to a garage or otherwise enclosed.**

**Reason(s):-**

1. As these drawings and details constitute the approved development.
- 2-4. To safeguard the visual amenity of the area.
5. To ensure an appropriate method of working, which safeguards the amenity of the area.
6. To ensure that adequate and appropriate drainage is provided.
7. To ensure the appropriate relocation of essential infrastructure.
8. To safeguard the interests of the users of the highway.
9. To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
10. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.
11. To safeguard the privacy of occupants of adjacent properties.
12. To ensure that adequate parking and turning facilities are provided.

**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, 03, 04 and 05.
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 applicant 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 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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

4. 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.

5. The Council's Building Standards Unit have advised that full retaining wall details together with a structural design certificate would require to be submitted in support of a Building Warrant submission. Due to the site conditions, the structural design submission would need to consider the existing retaining walls.

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pp Director of Development Services

Date: 13 March 2017

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan.
2. Supplementary Guidance SG02 'Neighbourhood Design'.
3. Supplementary Guidance SG15 'Low and Zero Carbon Development'.
4. Objection received from Mr Brendan Crawford, 36 Duke Street, Denny, FK6 6NP on 21 December 2016.

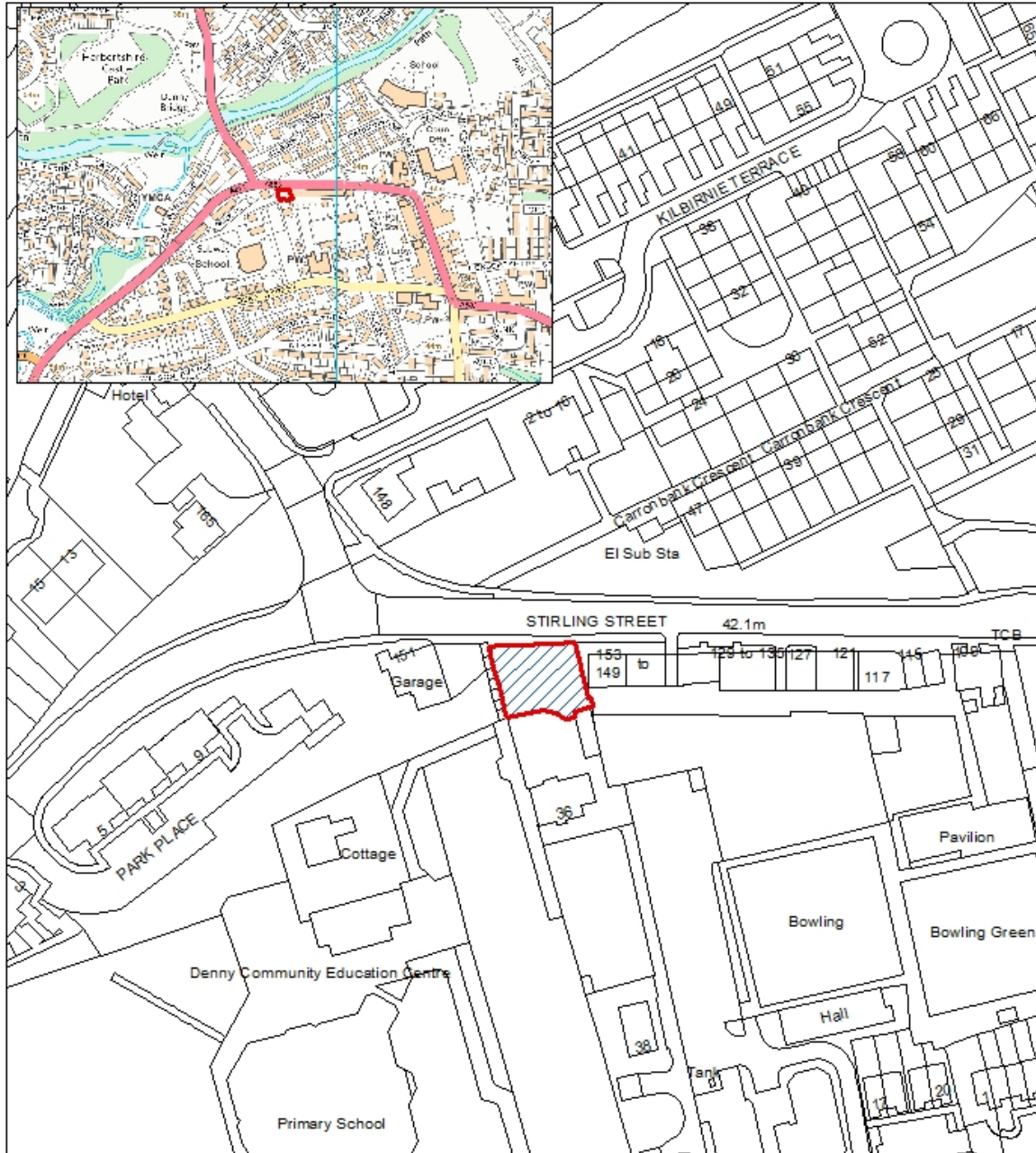
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/16/0762/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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