

**FALKIRK COUNCIL**

**Subject:**        **ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AT  
LAND TO THE NORTH OF CASTLEWOOD, GLEN ROAD, TORWOOD  
FOR MR S MCLEOD – P/08/0912/FUL**

**Meeting:**       **PLANNING COMMITTEE**

**Date:**           **25 February 2009**

**Author:**        **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:**        **Councillor 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 by the Regulatory Committee on the 28<sup>th</sup> January 2009 (copy of previous report appended) when it was agreed to continue the application for a site visit. This took place on 10 February 2009.
2.    The Larbert, Stenhousemuir and Torwood Community Council were represented at the site meeting and raised concerns with the proposed access to the site. The Roads officer explained to the Community Council that the required site lines for accessing and exiting the site had been adequately achieved. It was also stated that the required parking and turning facilities were satisfactory and therefore the Roads Unit had no objection to the proposal.
3.    Members along with the resident from the neighbouring property of Hollings Cottage raised the issue of overlooking which could be created by the proposed dwelling. This was in relation to the proposed balcony on the rear elevation facing to the north-east, which had been amended to include an obscure glass screen to provide privacy to the occupants and the neighbouring property of Hollings Cottage. The dining room windows on the proposed dwellings elevation which face Hollings Cottage also would contain obscure glass. Members and the neighbour were concerned that this obscure glass could be difficult to control if it were removed at any stage. It was explained that if this was removed in the future, it could be controlled through Planning Enforcement. However, the applicant stated at the site visit that he would consider the removal of the balcony at this location. This has now been confirmed by the applicant and the relevant drawings have now been amended. This would now remove the concerns of the overlooking by the balcony at this location and issues regarding the obscure screen. The applicant also made it clear that the boundary between neighbouring properties would be landscaped for privacy by a landscape architect.

4. The resident from Hollings Cottage also stated that they felt there was an issue with overshadowing resulting from the proposed dwelling. The property itself is of a modern design with a flat roof, and therefore it sits relatively low within the existing landscape. As stated in the main report, the neighbouring property would only be overshadowed for a limited period in the early to late morning, but not to an unacceptable level. It was also noted by Members that the current Hollings Cottage is surrounded by large trees which in themselves currently overshadow the dwelling.
5. Both local residents and the Local Member raised the issue of the proposed dwelling being situated outwith the current village limit. The proposed site of the dwelling is located immediately to the north of the existing village limit. However, the site is located between two existing properties and, as explained at the site visit, it would be considered an appropriate gap site, as it would not contribute to ribbon, backland or sporadic development.
6. Local residents attending the Planning Committee Site Visit also raised the issue that they were not informed of the development. To clarify, all the required neighbour notification was carried out in accordance with the appropriate legislation and the proposal was also advertised in the Falkirk Herald.
7. Local residents attending the Planning Committee Site Visit also raised the issue of a drainage issue in this part of Torwood. Scottish Water was consulted on the application and has stated at this stage they would not have an issue with the proposed dwelling. After the Planning Committee Site Visit, Scottish Water was again contacted regarding the issue of capacity and drainage and that at this stage of the application, they have confirmed that they have no issue with the proposal and no specific known problems with the supply and drainage in Torwood.
8. In conclusion, the proposal is considered to be an acceptable development that is in accordance with the provisions of the Development Plan. It is recommended that detailed planning permission be granted, subject to the following conditions:-
  - (1) **The development to which this permission relates must be begun within five years from the date of this permission.**
  - (2) **No development shall commence on site until a series of tests for ground contamination have been carried out. Full details of the test results shall be submitted to the Planning Authority. Any necessary remedial work to make the ground safe shall be carried out before any work on the development commences.**
  - (3) **The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the access road.**
  - (4) **Any access gates shall only open inwards.**
  - (5) **At the proposed access to the site from Glen Road, there shall be no building, structure, tree, shrub or other obstruction to visibility above carriageway/footway level within a visibility splay of 2.4 metres by 70 metres in both directions.**

- (6) Vehicular access to the dwellinghouse shall be by means of a dropped kerb footway crossing formed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (7) The obscure glazing on the ground floor on the north gable (dining room windows), shall be maintained as such on the site in perpetuity.

**Reason(s):**

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) In order to address any site contamination identified.
- (3-6) To safeguard the interests of the users of the highway.
- (7) To safeguard the privacy of the occupants of adjacent properties

**Informative(s):-**

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 and 14.
- (2) For the avoidance of doubt, the area of wall and fencing shown on the block plan (our ref. drawing 04) to the south of the site, outwith the site boundary, is not included within this permission.

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**For Director of Development Services**

**Date: 18 February 2009**

Contact Officer : Stephen McClure (Planning Officer) Ext. 4702

**LIST OF BACKGROUND PAPERS**

1. Letter of representation from Gordon & Isabel Lawton, Hollings Cottage, Glen Road, Torwood, Larbert FK5 4SN on 18 November 2008
2. Letter of representation from Larbert, Stenhousemuir & Torwood Council, Norvia, 92 Stirling Road, Larbert FK5 4NF on 9 December 2008
3. Letter of representation from Mr & Mrs J Paton, Wallacebank, Glen Road, Torwood, Larbert FK5 4SN on 22 December 2008

4. Falkirk Council Rural Local Plan
5. Falkirk Council Local Plan Finalised Draft (Deposit Version)
6. Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note.

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

## **APPENDIX**

### **FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AT  
LAND TO THE NORTH OF CASTLEWOOD, GLEN ROAD, TORWOOD  
FOR MR S MCLEOD – P/08/0912/FUL  
**Meeting:** REGULATORY COMMITTEE  
**Date:** 28 January 2009  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Member:** Councillor 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 proposal is to erect a large detached dwelling and detached garage, both of a modern design on the north side of Glen Road, Torwood. The detached garage would be located to the rear of the dwelling. The contemporary design has taken into account the natural slope in the land resulting in a two storey dwelling at the front, leading through to three storeys at the rear.
- 1.2 The site is an area of land located on the edge of the village limit of Torwood. It is currently part of a large grassed field. The area within the proposed site boundary is located between two existing dwellings. Hollings Cottage to the north west and Castelwood to the south east.

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

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

#### **3. SITE HISTORY**

- 3.1 None relevant to the current application.

#### **4. CONSULTATIONS**

- 4.1 Scottish Water has made no objection to the proposal.

- 4.2 The Environmental Protection Unit has raised no objection to the overall development at this stage, although the applicant will have to undertake a site investigation to establish if contamination (as defined by Part IIa of the Environmental Protection Act 1990) is present on site. This would require to be completed before any works took place on site.
- 4.3 The Roads Unit have raised no objections to the proposed development subject to an amendment to the site access visibility splay. This has been duly amended.

## **5. COMMUNITY COUNCIL**

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council did raise concerns relating to the access and entrance to the proposed development.

## **6. PUBLIC REPRESENTATION**

- 6.1 Two letters of objections were received during the neighbour notification process which raised the following issues:
- The proposed dwelling would be contrary to Policy Rural 1 – New Development in the Countryside, as contained in the Falkirk District Council Rural Local Plan.
  - There would be a loss of privacy to surrounding dwellings.
  - There would be issues of overlooking from the proposed dwelling to neighbouring properties.
  - The proposed dwelling would cause unacceptable overshadowing to neighbouring properties.
  - The proposed development is out of character with the area.
  - The proposed plot should not be built up to accommodate the proposed dwelling.
  - There would be window to window overlooking.
  - The satellite television reception of the existing property to the north would be blocked.
  - The proposal would be contrary to Policy Rural 2 – Village Limits, as contained in the Falkirk Council Rural Local Plan.
  - There would be road safety concerns with the access and exit arrangements of the proposed property.
  - The removal of trees at the site.
  - The existing dwellings at either side of the site are single storey at the front elevation; the proposed dwelling should also remain at this height.

- Sewage and drainage are already at capacity in the village of Torwood.

## 7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

*“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

Accordingly,

### 7a The Development Plan

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

### ***The Rural Local Plan***

- 7a.2 Policy RURAL 1 ‘New Development in the Countryside’ states:

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

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*

6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

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

- 7a.3 The proposed dwelling is an appropriate infill development, as the location is a clear gap site between two existing properties, one within and one outwith the village limit. The erection of the proposed dwelling would not contribute to ribbon, backland or sporadic development form in this case. Glen Road already contains a mix of dwelling types to the north-west, outwith the village limit, and to the south-east, within the village limit. The location is not expanding the current grouping of residential properties further from the village and follows an established build line, therefore not creating sporadic development. The property will also have a direct street frontage onto Glen Road, so no form of backland development would be created.
- 7a.4 The Falkirk Council Design Guide for Buildings in the Rural Areas has also been followed where possible. The property is of a modern design, however, there is no distinct uniform character of properties in this section of the village, as there is a mixture of dwelling types and sizes, the majority being large detached dwellings. The building line, scale and materials, where possible, have followed the guidance available. The proposed property would also be sympathetic to the vernacular architectural forms, which are mainly seen in this area to be large individually designed detached dwellings.
- 7a.5 The proposal is therefore considered to be in accordance with this policy.
- 7a.6 Policy RURAL 2 'Village Limits' states:

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

- 7a.7 The site of the proposed dwelling is located immediately outwith the village limit. However, it would not in this instance result in an extension to the village limit or constitute undesirable sporadic development. As stated above, the site is a gap site within a row of existing dwellings along Glen Road which lies immediately adjacent to the village limit as identified in the Rural Local Plan. The erection of this dwelling would therefore be in keeping with the existing pattern of residential development, and is not considered to be sporadic development within the countryside.
- 7a.8 The proposal is therefore considered to be in accordance with the Rural Local Plan.

## **7b Material Considerations**

- 7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note and the representations received insofar as they relate to material planning considerations.



## ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

### **7b.2 Policy EQ19 - ‘Countryside’ states:**

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

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

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

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

7b.3 The property is located out with the village limit of Torwood. However, the application site is considered to be a gap site in the existing built landscape, and would therefore constitute appropriate infill development.

7b.4 The proposed dwelling is of a modern design and has been designed to ensure the scale, siting and design has no adverse impact on the character of the countryside. The siting of the dwelling takes advantage of the natural landform. As stated above, the design is sympathetic to vernacular building styles, which are mainly seen to be large, individually designed, detached dwellings. The proposed dwelling has also taken into account Falkirk Council’s Design Guide for Buildings in Rural Areas. Boundary and curtilage treatments take cognisance of contemporary design and match the dwelling. It also incorporates planting of hedging and foliage.

7b.5 The proposal is therefore considered to be in accordance with this policy.

### **7b.6 Policy SC3 - ‘Housing Development In The Countryside’ states:**

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

*(1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*

- The operational need for the additional house in association with the business*

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

7b.7 The proposed development as stated above is considered an appropriate infill opportunity within the envelope of the existing group of residential buildings. The proposal would not result in ribbon, backland or sporadic development.

7b.8 Policy SC8 ‘Infill Development and Subdivision of Plots’ states:

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

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

7b.9 The scale, density, disposition and design of the proposed dwelling respects the architectural and townscape character of this area, which as stated before, contains a variety of large, individually designed, detached dwellings.

7b.10 Adequate garden ground would be provided to serve the proposed dwelling, the plot size being compatible with the neighbouring properties.

- 7b.11 Adequate privacy would be afforded to neighbouring dwellings and, in particular, to the neighbouring property to the north as the proposed dining room windows on the north elevation are to be fitted with obscure glazing. A privacy screen will also be placed on the north facing section of the balcony on this gable.
- 7b.12 There would be no great loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected. The proposal includes planting which reinforces the existing vegetation on the site.
- 7b.13 The Roads and Development Unit has confirmed that the proposed access and parking arrangements for the property are acceptable.
- 7b.14 The proposal is therefore considered to be in accordance with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

### ***The Falkirk Council Housing Layout and Design Supplementary Guidance Note***

- 7b.15 The proposed dwelling is of a very modern design and has complied where appropriate with the above guidance. There is no specific uniform character of the properties in this particular location and therefore the design, although individual, reflects the building line, height and scale of neighbouring dwellings. The materials used are also of a high quality and are found in more traditional rural dwellings.
- 7b.16 The property is also located on sloping ground, and as stated in the above guidance, has used this to its advantage by creating a split level design. The proposed dwellings, the property has uses window openings and glazing to avoid large blank walls. The modern design also incorporates a flat roof, thereby minimising the effect the sloping ground has from the front and rear elevations.
- 7b.17 The proposed dwelling therefore complies with the Falkirk Council Housing Layout and Design Supplementary Guidance.

### ***Representations Received***

- 7b.18 For the reasons stated above, the proposal is not considered contrary to Policy Rural 1 of the Falkirk Council Rural Local Plan.
- 7b.19 There would not be a loss in privacy to neighbouring dwellings. The north gable of the proposed dwelling, which faces the neighbouring property to the north, would have opaque glass placed in the dining room windows, and a screen on the north facing element of the balcony on this gable. With these amendments to the original plan, there would not be a loss in privacy to an unacceptable level.
- 7b.20 As with the issue of privacy, the property has been designed and the proposal amended to reduce the impact of overlooking neighbouring properties to an acceptable level.
- 7b.21 Due to the position of the proposed dwelling, its flat roof design and the gradient of the land, only the property to the north would receive an element of overshadowing. This would be in the early to late morning period, but would not be to a degree that would be unacceptable, with only a small proportion of the neighbouring dwelling and its land overshadowed at anytime during this period.

- 7b.22 The proposed dwelling is not out of character with the surrounding area. It would be of a modern design, but this area of the village however does not have a distinct character, with a mixture of dwelling types and sizes, although the majority are large individually designed dwellings.
- 7b.23 The plot of land would not be built up to accommodate the proposed dwelling. In this case, the dwelling has been designed into the landscape, taking advantage of the topography of the site.
- 7b.24 There would be no direct window to window overlooking from the proposed dwelling to neighbouring dwellings.
- 7b.25 The satellite television reception of neighbouring dwellings is not a material planning consideration.
- 7b.26 For the reasons stated above, it can be seen that the proposal is not considered contrary to Policy Rural 2 of the Falkirk Council Rural Local Plan.
- 7b.27 The Roads and Development Unit is satisfied with the access, exit and parking arrangements at the proposed dwelling.
- 7b.28 The removal of trees at this site would not be a material planning consideration in this case.
- 7b.29 The properties on either side of the proposed dwellings are single storey to the front elevation. The modern design of this dwelling and the flat roof creates a property which would not sit significantly higher than its neighbours. The street as a whole contains a mix of 1, 1½ and 2 storey dwellings, so the property overall will not be out of character in the street.
- 7b.30 Scottish Water was consulted on the application and has not objected to the proposal. There was no mention or concern by Scottish Water with over capacity in the sewerage or drainage of the village.

## **7c Conclusion**

- 7c.1 It is considered that the proposal is acceptable development, is in accordance with Policy Rural 1 & 2 of the Falkirk Council Rural Local Plan, Policy EQ19, SC3 and SC8 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note. It is supported by the Development Plan and there are no other material planning considerations which would justify a refusal of planning permission.

## **8. RECOMMENDATION**

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

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

- (2) No development shall commence on site until a series of tests for ground contamination have been carried out. Full details of the test results shall be submitted to the Planning Authority. Any necessary remedial work to make the ground safe shall be carried out before any work on the development commences.
- (3) The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the access road.
- (4) Any access gates shall only open inwards.
- (5) At the proposed access to the site from Glen Road, there shall be no building, structure, tree, shrub or other obstruction to visibility above carriageway/footway level within a visibility splay of 2.4 metres by 70 metres in both directions.
- (6) Vehicular access to the dwellinghouse shall be by means of a dropped kerb footway crossing formed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (7) The obscure glazing on the ground floor on the north gable (dining room windows), and the obscure glass screen on the north gable, shall be maintained as such on the site in perpetuity.

**Reason(s):**

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) In order to address any site contamination identified.
- (3-6) To safeguard the interests of the users of the highway.
- (7) To safeguard the privacy of the occupants of adjacent properties

**Informative(s):-**

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 and 14.

- (2) For the avoidance of doubt, the area of wall and fencing shown on the block plan (our ref. drawing 04) to the south of the site, outwith the site boundary, is not included within this permission.



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For Director of Development Services

Date: 20 January 2009

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

1. Letter of representation from Gordon & Isabel Lawton, Hollings Cottage, Glen Road, Torwood, Larbert FK5 4SN on 18 November 2008
2. Letter of representation from Larbert, Stenhousemuir & Torwood Council, Norvia, 92 Stirling Road, Larbert FK5 4NF on 9 December 2008
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