

**FALKIRK COUNCIL**

**Subject:**       **ERECTION OF DWELLINGHOUSE (DETAILED) AT THE  
HATHERLEY, 1 ARNOTHILL LANE, FALKIRK FK1 5SL FOR MASTER  
HOMES LTD – P/08/0840/FUL**  
**Meeting:**       **PLANNING COMMITTEE**  
**Date:**           **17 June 2009**  
**Author:**       **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:**       **Councillor D Alexander  
Councillor C R Martin  
Councilor C Meiklejohn  
Councillor P Reid**

**Community Council:**   Falkirk Central

**Case Officer:**         Allan Finlayson (Senior Planning Officer), ext 4706

**1.       DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1   The application site comprises residential development plot to the north of The Hatherley, Arnothill, Falkirk. The Hatherley is a 'B' listed building.
- 1.2   The site is surrounded to the north by detached one and a half storey dwellinghouses, to the south by the Hatherley listed building, to the west by Arnot Grange, a large detached sandstone building and to the east by the Carmelite Monastery, a large detached stone building with associated chapel and outbuildings.
- 1.3   The application site lies within the Arnothill Conservation Area. A Tree Preservation Order exists protecting all trees within the Conservation Area.
- 1.4   The proposal comprises the erection of a 2 storey dwellinghouse located to the extreme north of the curtilage of The Hatherley.

**2.       REASON FOR COMMITTEE CONSIDERATION**

- 2.1   The application has been called in by Councillor J. Patrick.

### **3. SITE HISTORY**

- 3.1 Planning permission (ref: F/2001/0735) was granted on 7 January 2002 for the erection of three detached dwellinghouses in The Hatherley garden grounds. This permission remains live on the basis that two of the three houses approved have been constructed. The third house can therefore be constructed in accordance with the approved plans without further planning permission being required. The current applicant seeks planning permission for a different house on the site of the most northerly dwellinghouse previously approved.

### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has expressed concerns with regard to the proposed development on the grounds of unsatisfactory access, visibility, internal access arrangements and the number of vehicles served from a private access.
- 4.2 The Environmental Health Manager has advised that a contaminated land assessment is required.
- 4.3 Community Services (Archaeology and Local History) has recommended that planning permission is refused for the reason that the application site lies on the line of the Antonine Wall World Heritage Site (WHS).
- 4.4 Scottish Water has not objected.
- 4.5 Scottish Civic Trust has objected on the basis of an unacceptable adverse impact on the setting of The Hatherley listed building.

### **5. COMMUNITY COUNCIL**

- 5.1 Falkirk Central Community Council has not made representations.

### **6. PUBLIC REPRESENTATION**

- 6.1 Three letters of objection have been submitted from neighbouring properties. The grounds of objection relate to the development's inconsistency with Development Plan policy and the established development pattern of the surrounding area. Concern is also expressed relating to an adverse impact on privacy resulting from the development of the proposed house.
- 6.2 Specific further concerns include the adverse impact on the setting of The Hatherley listed building, the Arnothill Conservation Area, the Antonine Wall WHS, trees protected by a Tree Preservation Order and particularly unique impacts on the privacy and amenity of the secluded order Carmelite Monastery.

### **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 within the approved Falkirk Council Structure Plan relevant to this application.

### ***Falkirk Local Plan***

- 7a.2 The site lies within an established residential area as defined by the Falkirk Local Plan, Policy FAL 5.6 ‘Infill Development and Subdivision of Plots’ applies.

- 7a.3 Policy FAL 5.6 ‘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:*

- (i) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or function of existing gardens;*
- (iii) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (iv) 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;*
- (v) the proposed houses would have a direct street frontage; and*
- (vi) the proposed vehicular access and other infrastructure is of an adequate standard.”*

- 7a.4 Planning permission has previously been granted for a detached two storey dwellinghouse on the site of the proposed development. The principle of a house in this location has therefore been established. The scale and design of the proposed dwellinghouse does not, however, respect the architectural and townscape character of the surrounding area comprising the Arnothill Conservation area and, specifically, the Hatherley Listed Building. Therefore the proposal is contrary to this policy.

- 7a.5 The site is located within the Arnothill Conservation Area. Policy FAL 3.11 ‘Conservation Areas’ applies.

- 7a.6 Policy FAL 3.11 ‘Conservation Areas’ states:

*“The Council will protect the visual amenity and historic character of each Conservation Area, including its setting, buildings, open space and trees. Favourable consideration will only be given to proposals which make a positive contribution to the appearance of the Conservation Area and are compatible with the historic character in terms of size, scale, design and materials. The Council will give priority to a review of the boundaries of the Falkirk Town Centre Conservation Area.”*

7a.7 The proposed building in terms of scale and architectural design is considered to have an adverse impact on the existing qualities of the Arnothill Conservation Area and compromise the setting of the Hatherley listed building.

7a.8 Planning permission for the site has been approved for an individually designed building exhibiting architectural qualities of scale, mass and detailing references specifically related to The Hatherley Listed Building. The current proposal seeks to replicate these qualities without plagiarising the original design. The design now proposed is, however, based on a standard kit construction, and as such the floor plan and fenestration dimensions are limited to standard sizes, therefore lacking the individuality of the previously approved design. In addition, the proposed double garage, linked to the dwellinghouse by a visually dominant two storey element, is visually disruptive and further emphasises the excessive mass of building proposed when related to the Hatherley Listed Building. The sum total of these amendments moves the proposal significantly away from the ancillary "coach house" feel of the dwellinghouse previously approved to that of a large detached dwellinghouse which visually dominates the entrance to The Hatherley. The proposal is therefore contrary to this policy.

7a.9 Policy FAL 4.4 'Trees, Woodland and Hedgerows' states:

*"The Council recognises the landscape, recreational and nature conservation value of trees, woodland and hedgerows, and accordingly will:*

- (i) protect ancient, long established and semi-natural woodlands as a habitat resource of irreplaceable value;*
- (ii) safeguard trees, woodland and hedgerows of landscape, nature conservation or recreational value. Where necessary, endangered trees and woodlands will be protected through the designation of Tree Preservation Orders and introduction of Management Agreements. Within an area covered by a TPO there will be a presumption against development unless it can be proven that the proposal would not adversely affect the stability, vitality or appearance of protected trees. Where felling of protected trees is permitted for safety or other reasons, the Council will require appropriate replacement planting;*
- (iii) continue to support through partnerships and other initiatives, proposals for community woodlands and amenity planting, particularly through the Falkirk Greenspace and Central Scotland Forest Initiatives. Tree planting proposals will be particularly encouraged within the urban fringe, along transport corridors, in wildlife corridors and to enhance open space; and*
- (iv) require the use of native species of trees and shrubs in all new planting proposals."*

7a.10 The proposed development is located a considerable distance from protected trees and does not affect trees covered by a Tree Preservation Order located within the site but outwith the developable area. The proposal is in accordance with this policy.

7a.11 Policy FAL 3.12 'Listed Buildings' states:

*"There will be a presumption against proposals which would destroy, or adversely affect, the architectural character, appearance or setting of Listed Buildings. The re-use of vacant Listed Buildings will be encouraged, provided that the proposal would have no adverse impact upon the character of the building, its setting or the amenity of the area."*

7a.12 The proposed development in terms of architectural scale and design is considered to have a detrimental impact on the setting of The Hatherley Listed Building. This assessment is made on the basis that the standard dimensions, mediocre building design and unacceptable scale and mass of the proposed dwellinghouse detract from the visual quality and individuality of The Hatherley. Therefore the proposal is not in accordance with this policy.

7a.13 Policy FAL 3.15 'Antonine Wall' states:

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

7a.14 Planning permission has previously been granted for a dwellinghouse on the site in 2002. This approval predated the scheduling of the Antonine Wall as a World Heritage Site. The development would not adversely affect the line, setting and amenity of the wall. The proposal is not therefore contrary to Policy FAL 3.15.

7a.15 Accordingly, on balance, taking into consideration the above policy context, the proposed development fails to comply with the Development Plan on the grounds of the relationship with the existing architectural and townscape character of the immediately surrounding area and, specifically, The Hatherley Listed Building.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the views expressed in the submitted objections and from consultees, the Falkirk Council Local Plan Finalised Draft and the existing planning permission for a detached dwellinghouse at the site.

7b.2 The concerns relating to a proposed development which is contrary to established Development Plan policy in relation to the Conservation Area and the setting of a listed building are noted and substantiated following detailed assessment.

7b.3 The impact on privacy, adverse impacts on protected trees and the Antonine Wall WHS are not substantiated given the previous grant of planning permission for a two storey detached dwellinghouse on the site, the distance from protected trees and the subsequent designation of the Antonine Wall WHS.

7b.4 The views of the Roads Development Unit, Environmental Protection Unit and Community Services do not take into consideration the live planning permission for a house on the site. Were planning permission to be granted, however, planning conditions could be used to address the concerns raised by these consultees.

7b.5 The objection from the Scottish Civic Trust regarding an adverse impact on the setting of The Hatherley is noted and, following assessment of considerations of building design and impacts on The Hatherley, considered to be substantiated.

7b.6 The proposal has been considered against policies EQ3 (Townscape Design), EQ12 (Conservation Area) and SC8 (Infill Development and subdivision of plots) of the Falkirk Council Local Plan Finalised Draft. These policies affirm those of the Falkirk Council Local Plan and the development is therefore considered to be contrary to these policies of the emerging Development Plan.

## **7c Conclusion**

- 7c.1 The application proposes a dwellinghouse of inferior architectural design from that previously approved on the site. The proposal raises concerns relating to an unacceptable standard of architectural design and an adverse visual impact upon the Arnothill Conservation Area and The Hatherley Listed Building.
- 7c.2 The proposal is unrelated to the high quality of the established surrounding area in terms of scale and architectural design.
- 7c.3 The proposal, in terms of the design promoted, is likely to have an unacceptable impact on the Arnothill Conservation Area and The Hatherley Listed Building and as such, is contrary to the Development Plan. Should members be of a mind to support this proposal, this would constitute a departure from the Development Plan. However, given that the impacts that this proposal would have relate to the immediate locality, it is not considered to be a significant departure and therefore there would be no requirement to refer this planning application to Scottish Ministers.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that detailed planning permission be refused for the following reasons:-
- (1) The proposed development does not comply with the terms of Policy FAL 5.6 Infill Development and Subdivision of Plots of the Falkirk Local Plan and Policy SC8-Infill Development and subdivision of plots of the Falkirk Council Local Plan Finalised Draft (Deposit Version), in that the scale and architectural design of the proposed dwellinghouse does not respect the architectural and townscape character of the area.
  - (2) The proposed dwellinghouse in terms of scale and architectural design is considered to be contrary to the terms of Policy FAL 3.11 'Conservation Areas' and Policy FAL 3.12 Listed Buildings of the Falkirk Local Plan and Policy EQ3 (Townscape Design) and Policy EQ12 (Conservation Area) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) in that the development would adversely affect the setting of the Arnothill Conservation Area and The Hatherley, a category B Listed Building.

.....  
**Director of Development Services**

**Date: 10<sup>th</sup> June 2009**

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Letter of objection from Sr Gabriel, Prioress, 3 Arnothill, Falkirk FK1 5RZ on 22 October 2008.
4. Letter of objection from Mr Andrew Nimmo, Arnotpark, 9 Arnothill Falkirk FK1 5RZ on 3 November 2008.
5. Letter of objection from Keith Patrick Cardinal O'Brien, Archbishop of St Andrews and Edinburgh, Archbishop's House 42 Greenhill Gardens Edinburgh on 25 November 2008.

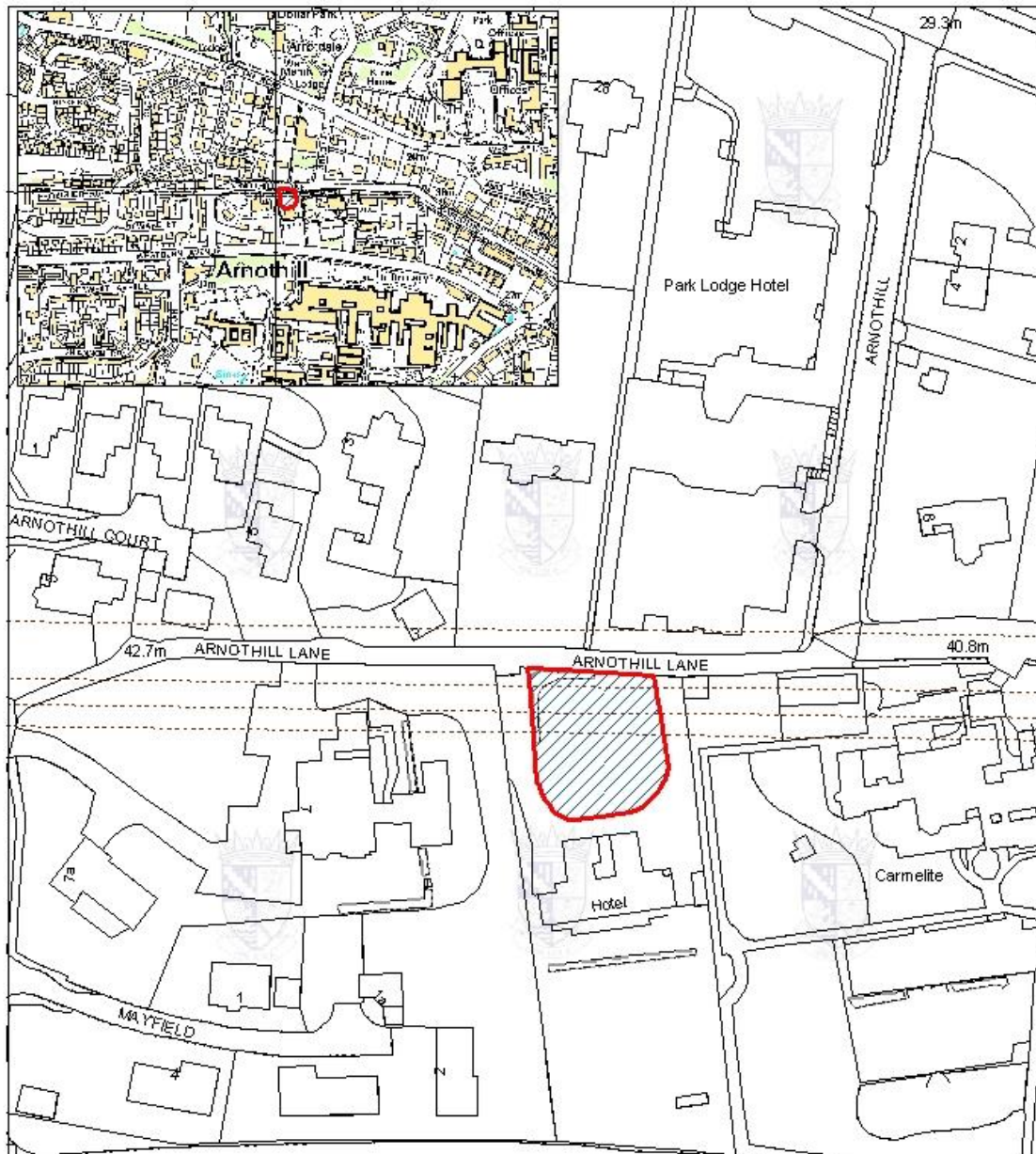
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

# Planning Committee

## Planning Application Location Plan

**P/08/0840/FUL**

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



**Falkirk Council**

Based upon Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office (HMSO) (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright Falkirk Council 100023384 (2009)