

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE (RENEWAL OF PLANNING PERMISSION P/07/0262/OUT) AT GARTHLAND, 49 GRAHAMSDYKE ROAD, BO'NESS EH51 9ED FOR MRS MCCULLOCH – P/10/0305/PPP

Meeting: PLANNING COMMITTEE

Date: 25 August 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor John Constable
Councillor Adrian Mahoney
Councillor Ann Ritchie

Community Council: Bo'ness

Case Officer: Julie Seidel (Planning Officer) ext: 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 Garthland is a semi-detached dwellinghouse located on the north side of Grahamsdyke Road, Bo'ness, within the Bo'ness Conservation Area. The application site is currently utilised as garden ground.
- 1.2 This application is for planning permission in principle for one dwellinghouse. The applicant has submitted an indicative layout showing the footprint of the proposed dwellinghouse and vehicular access being taken from Grahamsdyke Avenue.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 Planning application P/07/0262/OUT was granted outline planning permission on 22 May 2007, for the erection of a dwellinghouse on the same site. This current application was validated on 20 May 2010 and as such the application should be assessed as being for a renewal of this permission.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit advise of conditions relating to access and parking provision.

- 4.2 Scottish Water has no objection to the application, but advises it is are unable to reserve capacity in the water and wastewater treatment works.
- 4.3 The Environmental Protection Unit has advised that the proposed site falls within Noise Exposure Category (NEC) B or C and a scheme for protecting the proposed dwelling from transportation noise is required. The unit also requests the undertaking of a site investigation to establish if contamination is present on site.
- 4.4 The Keeper of Archaeology and Local History advises that the line of the Antonine Wall runs through or close to the application site. A programme of archaeological work is therefore required.
- 4.5 Historic Scotland have no objection to the application.

5. COMMUNITY COUNCIL

- 5.1 No representation received.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, one letter of objection was received. The salient issues are summarised as follows:
- No objection to the building of a dwellinghouse on the application site;
 - Visibility is often obscured, for vehicles emerging southwards from Grahamsdyke Avenue, by vehicles parked on Grahamsdyke Road. Vehicles are regularly parked within 1 metre of the junction. The proposal will encourage parking outside the application site;
 - The proposed vehicular access is on a steep, narrow twisting road with poor site lines in both directions and two sharp bends. The distance between the two bends is 19 metres and the proposed vehicular access will be only 11 metres from the eastern bend;
 - Vehicles using Grahamsdyke Avenue have to cross into the centre of the road to negotiate the bends;
 - There is a footpath on only one side of Grahamsdyke Avenue and school children tend to walk in the middle of the road;
 - The application form states that there is one parking space at present and 2 proposed;
and
 - The objector has advised of conditions to overcome the road safety concerns including the application of double yellow lines, a shared vehicular access, the location of the pedestrian access and Grahamsdyke Avenue being a one-way road.

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 Policy ENV.5 'Built Environment and Heritage' states:

"Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*
- (3) Promoting sensitive interpretation of heritage assets.*
- (4) Protection of the assets and their setting from inappropriate development.*
- (5) Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset."*
- (6) Reviewing the boundaries of areas to ensure their continuing relevance."*

7a.2 The application site is located within the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and within a Conservation Area. The application does not offend the terms of the above policy, ENV.5 'Built Environment and Heritage' of the approved Structure Plan.

Bo'ness Local Plan

7a.3 Policy BNS 10 'Infill Development and Plot Sub-Division' states:

"Within the urban area, proposals for the erection of additional residential units within the curtilage of existing properties, or on small gap sites, will be considered favourably provided that, in the opinion of the District Council:

- (i) the scale, design and disposition of the proposed houses are sympathetic to neighbouring properties;*
- (ii) provision can be made for adequate garden ground associated with the proposed houses without an unacceptable reduction in the size of existing gardens;*

- (iii) *the proposal respects the privacy enjoyed by neighbouring residents;*
- (iv) *the proposal will not result in a loss of trees such as to cause unnecessary detriment to the amenity of the neighbourhood;*
- (v) *the proposal is satisfactory in terms of access and car parking; and*
- (vi) *the proposal does not constitute backland development (i.e. development of a plot without a road frontage).*

7a.4 This application for planning permission in principle deals with the principle of a dwellinghouse on the site and the scale, design and disposition of the proposed house would be dealt with at the detailed application stage. It is considered the application site will allow an adequate amount of garden ground for the proposed dwelling and the existing dwelling will retain a generous level of garden ground, given the size of the house. It is considered the proposed dwelling can be designed and sited so as to minimise any impact on privacy. It is considered the proposed development would not result in the loss of trees, such as to cause detriment to the amenity of the neighbourhood. The proposal is acceptable in terms of access and car parking and the dwelling would have a direct street frontage. The application accords with policy BNS 10 'Infill Development and Plot Sub-Division' of the adopted Bo'ness Local Plan.

7a.5 Policy BNS 39 'Conservation Areas' states:

"The visual amenity and character of each Conservation Area including its setting, buildings, open space and trees will be protected. In general, 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 existing character in terms of size, scale and design."

7a.6 It is considered that the erection of an additional dwellinghouse within the garden ground of Garthland would, in principle, respect the character and appearance of the Conservation Area, in particular the settlement pattern of the area. Issues in relation to the appearance, size, scale and design of the proposed dwellinghouse would be carefully considered at the detailed application stage to ensure that any development at the application site makes a positive contribution to the Conservation Area. The application accords with Policy BNS 39 'Conservation Areas' of the adopted Bo'ness Local Plan.

7a.7 Policy BNS 43 '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 considered favourably."

7a.8 The application site is within the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site. The application site is also located 200 metres to the north-east of a scheduled section of the Antonine Wall (Antonine Wall, Kinglass, Roman Camp), which also forms part of the World Heritage Site. As the development lies outwith the area of the nearest scheduled section of the wall, there will be no direct impact on the monument. The application site is located within a built up, established, urban area and the proposal will not have an adverse impact on the line, setting or amenity of the Antonine Wall. The application accords with policy BNS 43 'Antonine Wall' of the adopted Bo'ness Local Plan.

7a.9 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), National Planning Policy, Supplementary Planning Guidance Note (SPG) on “Housing Layout and Design”, letters of representation / objection and the planning history of the site.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

7b.2 Policy EQ12 - ‘Conservation Areas’ states:

“The Council will protect the historic character and visual amenity of each Conservation Area. Accordingly:

- (1) The Council will prepare Character Appraisals of individual Conservation Areas and, on the basis of these, will review existing boundaries and Article 4 Directions, prepare detailed design guidance as appropriate, and draw up enhancement schemes as resources permit;*
- (2) New development in Conservation Areas, including extensions and alterations to existing buildings, will only be permitted where it preserves or enhances the character of the area, with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features;*
- (3) Demolition of buildings within Conservation Areas will not be permitted unless they make no material contribution to the character and appearance of the area. Where demolition is proposed, the considerations set out in Section 4.26 of the Memorandum or Guidance should be adhered to; and*
- (4) Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features on unlisted buildings in Conservation Areas should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials.”*

7b.3 Policy EQ12 reinforces policy BNS 39 'Conservation Areas' of the adopted Bo'ness Local Plan and the related assessment. It is considered that the erection of an additional dwellinghouse within the garden ground of Garthland would, in principle, preserve or enhance the character of the Conservation Area, with particular reference to the historic pattern and density of development of the area. Issues in relation to the appearance, size, scale and design of the proposed dwellinghouse will be carefully considered at the detailed stage to ensure that any development at the application site makes a positive contribution to the Conservation Area. The application accords with policy EQ12 'Conservation Areas' of the emerging District wide Local Plan.

7b.4 Policy EQ17 ‘Antonine Wall’ states:

“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- (1) There will be a presumption against development which would have an adverse impact on the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*

- (2) *There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and it complies with other Local Plan policies; and*
- (3) *The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall."*

7b.5 Policy EQ17 reinforces policy BNS 43 'Antonine Wall' of the adopted Bo'ness Local Plan and the related assessment. The application site is within the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site. The application site is also located 200 metres to the north-east of a scheduled section of the Antonine Wall (Antonine Wall, Kinglass, Roman Camp), which also forms part of the World Heritage Site. As the development lies outwith the area of the nearest scheduled section of the wall there will be no direct impact on the monument. The application site is located within a built up, established urban area and the proposal will not have an adverse impact on the line, setting or amenity of the scheduled monument. The application accords with policy EQ17 'Antonine Wall' of the emerging District wide Local Plan.

7b.6 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- (1) *Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) *In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) *Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

7b.7 The application site is covered by a Tree Preservation Order (TPO) and is within a Conservation Area. A dwellinghouse could be located within the site without the removal of any trees. The application accords with policy EQ26 'Trees, Woodland And Hedgerows' of the emerging District wide Local Plan.

7b.8 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

"Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal."*

7b.9 The proposed housing use is compatible within the establish residential area. The application site is currently utilised as garden ground and outline planning permission (Ref: P/07/0262/OUT) has recently lapsed, for a proposed dwellinghouse on the application site, since submission of the current application. As such it is considered that the principle of the application site for a housing use is acceptable. The site enjoys good accessibility by public transport, walking, cycling, shopping, recreation and other community facilities and existing infrastructure is readily available. The application satisfies policy SC8 and accords with Policy SC2 'Windfall Housing Development within the Urban / Village Limit' of the emerging District wide Local Plan.

7b.10 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.11 Policy SC8 reinforces policy BNS 10 'Infill Development and Plot Sub-Division' of the adopted Bo'ness Local Plan and the related assessment. This application for planning permission in principle deals with the principle of a dwellinghouse on the site. The scale, design and disposition of the proposed house would be dealt with at the subsequent detailed application stage. It is considered the application site would allow for an adequate amount of garden ground for the proposed dwelling and the existing dwelling would retain a generous level of garden ground, given the size of the house. It is considered a dwelling can be designed and sited on the land so as to minimise any impact on privacy. It is considered the proposed development would not need to result in the loss of trees, such as to cause detriment to the amenity of the neighbourhood. The proposal is acceptable in terms of access and car parking and the dwelling would have a direct street frontage. The application accords with policy SC8 'Infill Development and Subdivision of Plots' of the emerging District wide Local Plan.
- 7b.12 Accordingly, the proposed development accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

National Planning Policies and Guidance

- 7b.13 Scottish Planning Policy ('a statement of the Scottish Government's policy on nationally important land use planning matters') advises that conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Their designation provides the basis for the positive management of an area and a proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area. Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance the character or appearance of the area.
- 7b.14 Scottish Planning Policy seeks to protect the scheduled monument and its setting. Development which would have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted.
- 7b.15 It is considered the principle of a dwellinghouse at the application site is acceptable, particularly as development on the site would accord with the general settlement pattern of the area. It is considered that the integrity of the Antonine Wall would be unaffected as a result of the proposals. Issues in relation to design, layout and materials will be carefully considered at the appropriate stage.

SPG Housing Layout and Design

- 7b.16 In terms of the subdivision of plots and infill development, the SPG emphasises that it is important to achieve a harmonious "fit" of new and existing. This should pay attention to the adjacent building line, height, scale, windows and other door arrangements, proportions, decoration and materials.
- 7b.17 It is considered that the application site and its relationship to adjacent properties offers an opportunity to achieve a harmonious "fit" under the criteria emphasised in the SPG.

7b.18 Accordingly, the proposed development accords with the SPG.

Response to consultation

7b.19 No issues in principle have been identified through consultation and any other issues raised can be the subject of condition of any planning permission in principle.

Planning History

7b.20 It is noted that the principle of development of the site has previously been granted by the Council under the terms of planning permission P/07/0262/OUT, detailed in section 3 of this report. As this current application was validated prior to outline consent lapsing, the application is considered to be for a renewal of permission. Outline planning permission reflects that the Council has previously accepted the principle of residential development on the application site and it should be noted that there has been no significant change to policy, guidance or other material considerations affecting the site.

Letters of Objection

7b.21 There have been no concerns raised by the Roads and Development Unit with regard to the issues raised by the objector concerning road safety.

7c Conclusion

7c.1 This application is a renewal of planning permission P/07/0262/OUT. There are no significant policy, guidance or other material consideration changes since the granting of planning permission in 2007 and as such it is recommended the application should be renewed and further permission granted.

7c.2 The proposed development accords with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version (April 2007) as amended by the Final Proposed Modifications (June 2010). No significant issues have been raised through consultation and the matters raised could be subject to conditions within any approval of the application. The concerns raised in the representation to the application have been noted and addressed in this report.

8. RECOMMENDATION

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

(1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:

(a) the siting, size, height, design & external appearance of the proposed development;

- (b) details of the access arrangements;
 - (c) details of landscaping of the site.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (5) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- (6) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

- (7) 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.
- (8) No development shall take place within the site until a scheme of archaeological investigation, including a timetable, has been submitted to and approved in writing by the Planning Authority. The investigation shall, thereafter, be carried out in accordance with the approved detail.
- (9) Development shall not begin until a scheme for protecting the proposed dwellinghouse from transportation noise has been submitted to and approved in writing by the Planning Authority. The dwellinghouse shall not be brought into use until the measures in the approved noise prevention scheme have been implemented.
- (10) Excluding any garage facility, off street parking shall be provided at a rate of one space for a one and two bedroom dwelling and two spaces for a dwelling with three or more bedrooms.
- (11) A standard turning area, in accordance with the 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997 (as amended January 2000)', shall be formed within the confines of the site.
- (12) 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 public road.
- (13) There shall be no obstruction to visibility over 1 metre in height, 2.5 metres from the edge of the carriageway along the northern boundary of the site.
- (14) Any access gates shall only open inwards.
- (15) The dwellinghouse shall not exceed 2 storeys in height.
- (16) For the avoidance of doubt no permission is given for the indicative layout.

Reason(s):

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4-7) To ensure the ground is suitable for the proposed development.
- (8) To ensure that any archaeological remains are safeguarded.

- (9) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (10) To ensure that adequate car parking is provided.
- (11-14) To safeguard the interests of the users of the highway.
- (15) To safeguard the visual amenity of the area.
- (16) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.
- (2) The applicant is advised to liaise with Falkirk Council Development Management Unit during the preparation of the submission for approval of matters specified in conditions. For further advice, please contact the case officer, Ms Seidel (01324 504880).

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Director of Development Services

Date: 18 August 2010

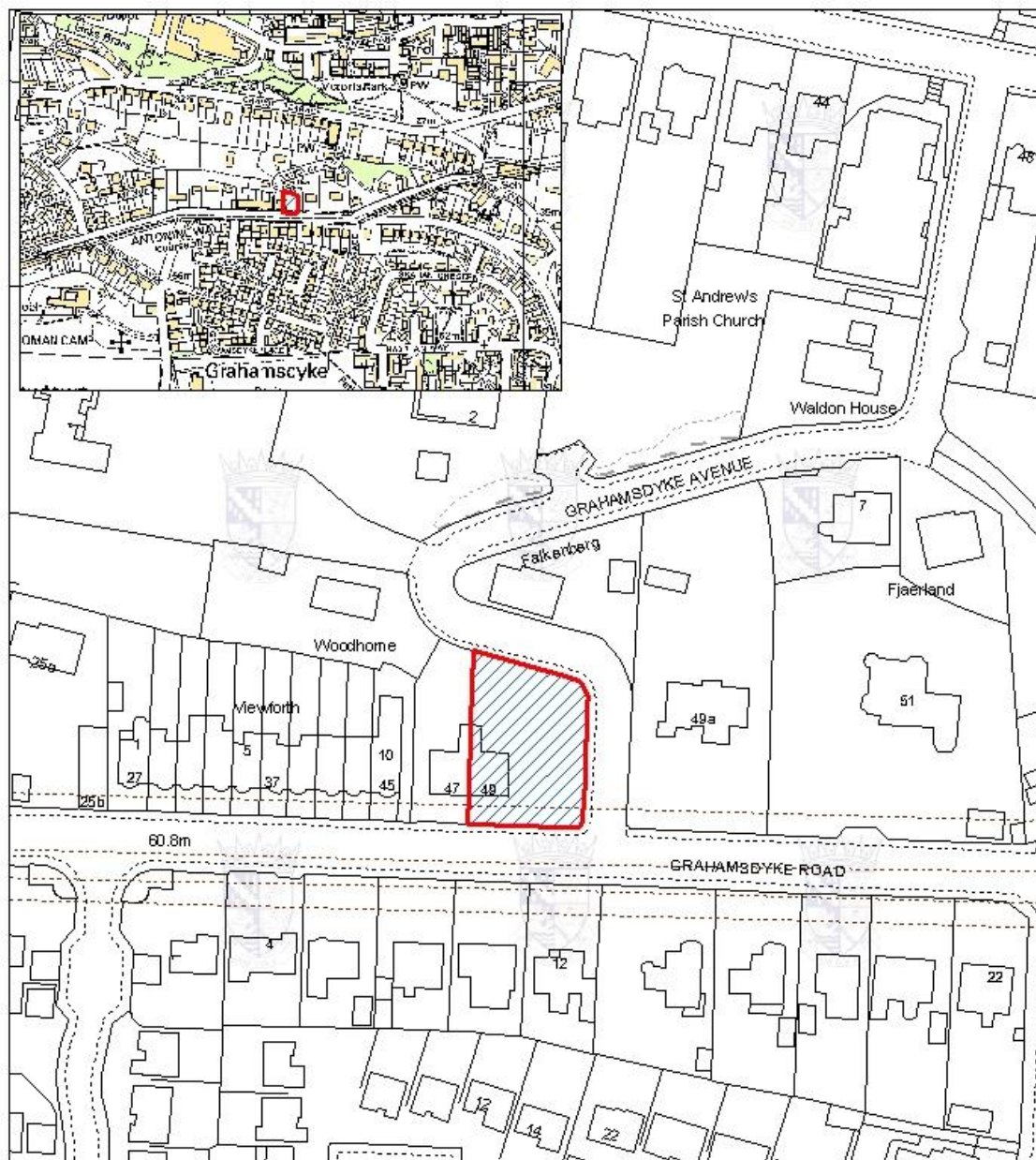
LIST OF BACKGROUND PAPERS

- 1. Bo'ness Local Plan
- 2. Falkirk Council Local Plan Finalised Draft Deposit Version (April 2007) as amended by the Final Proposed Modifications (June 2010)
- 3. Scottish Planning Policy
- 4. Supplementary Planning Guidance "Housing Layout and Design"
- 4. Outline Planning permission P/07/0262/OUT
- 5. Letter of objection from James Hannah Falkenberg, Grahamsdyke Avenue, Bo'ness on 3 June 2010.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

P/10/0305/PPP

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