

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AT THE OAKS, ARBOUR GROVE, ARBUTHNOT STREET, FALKIRK, FK1 4BX FOR MR & MRS B FLYNN – P/10/0631/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **23 February 2011**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Falkirk South**
Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: **None**

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 26 January 2011 (copy of previous report appended), when it was agreed to continue the application to undertake a site visit. This visit took place on 7 February 2011.
2. At the site visit Members viewed the site of the application, surrounding properties and proposed access via Arbuthnot Street. The site was also viewed from the garden ground of an objector's property at Greenacre which bounds the site.
3. The applicant's representative was heard in support of the proposal and referred to the surrounding area as being of a mixed design character rather than having a single identifying design feature. He also referred to pre-application discussions and design amendments to the proposal which, in his view, addressed comments raised by Planning Officers, and took into account some of the concerns expressed by objectors. He pointed out that Arbuthnot Street had been upgraded by the applicant following the construction of the two dwellinghouses granted planning permission in 2002. If granted permission, the development would probably commence quickly and would provide employment for local companies.
4. Objectors were heard in relation to their concerns which related to the design, scale and position of the proposed dwellinghouse being out of character with the surrounding area. Likely impacts on adjacent properties by virtue of overshadowing, overlooking and increased use of the access road were also raised.

5. At the site meeting, concerns in relation to the possibility of roosting bats were discussed and it was noted that, although a bat survey had been carried out on the Ash tree on the site, another Ash tree, which appeared to be outwith the site, had potential for roosting bats. Following the site meeting of the Committee, Planning and Landscape Officers re-visited the site, and the tree would appear to be on or very close to the boundary. This matter was discussed with the applicant and, given the discussion at the Committee, he agreed that he would commission a further survey to address this issue. This survey was undertaken, and an inspection of the basal cavity found no evidence of roosting bats or use by roosting bats. In relation to two potential cavities higher up the tree, an inspection of these was not possible due to a dispute in relation to the ownership of the tree. In view of this, it is considered that the informative (2) attached to the original report on this application should be amended to also include the findings of the most recent bat survey.
6. It should be noted that, following the site visit, an additional representation from a resident in Arbuthnot Street has been received, and this expands on concerns in relation to loss of outlook, storey height and design of existing houses adjacent to the site. Reference is also made to the most recent bat survey. A new objection, also from a resident in Arbuthnot Street, refers to the design of the proposed dwellinghouse and potential damage to Arbuthnot Street.
7. No matters were raised which would amend the original recommendation to grant planning permission

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) 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.**
- (3) 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.**
- (4) 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.**

- (5) 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.
- (6) Samples of roof tiles, brick/stone, render and boundary enclosures to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (7) For the avoidance of doubt the en-suite bathroom window on the north elevation shall be glazed with opaque glass.
- (8) 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.
- (9) There shall be no obstruction to visibility above 1 metre in height above carriageway level within 2.5 metres at the carriageway edge along the site frontage to private road.
- (10) Any access gates shall open in an inward direction only.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5) To ensure the ground is suitable for the proposed development.
- (6) To safeguard the visual amenity of the area.
- (7) To protect the privacy of adjacent properties.
- (8-10) To safeguard the interests of the users of the highway.

Informative(s);

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference numbers(s) 01A, 02,- 04, 05A, 06, 07 and supporting documents.
- (2) Development shall be carried out in accordance with Appendix II: Bat Mitigation Method Statement contained within the Bat Surveys by Echoes Ecology Ltd dated 25 October 2010 and 14 February 2011.

.....
Pp Director of Development Services

Date: 15th February 2011

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Adopted Falkirk Council Local Plan
3. Falkirk Council's Supplementary Planning Guidance Note on 'Housing Layout and Design.
4. Letter of Objection from Ann Broadley, 8 Arbuthnot Street, Falkirk FK1 4BW on 28 September 2010.
5. Letter of objection from Mr Stephen Campbell, 10 Arbuthnot Street, Falkirk FK1 4BW on 29 September 2010.
6. Letter of Objection from Mrs Georgina McLaughlan, Greenacre, Arbuthnot Estate, Dorrator Road, Camelon FK1 4BN on 19 September 2010.
7. Letter of Objection from Mrs Lisa Chiles, 1 South Mews, Bennecourt Drive, Coldstream TD12 4EG on 28 September 2010.
8. Letter of Objection from Mrs Emma Chittick, Sunnybrae House, 10 Arbuthnot Street, Falkirk FK1 4BW on 2 February 2011.
9. Letter of Objection from Miss Carol Wilson, 6 Arbuthnot Street, Camelon, Falkirk FK1 4BW on 13 February 2011.

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

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AT THE OAKS, ARBOUR GROVE, ARBUTHNOT STREET, FALKIRK, FK1 4BX FOR MR & MRS B FLYNN – P/10/0631/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **26 January 2011**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Falkirk South**
Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: **None**

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks planning permission for the erection of one dwellinghouse at Arbuthnot Street, Falkirk. The proposed house type is of contemporary design character with a mono pitch roof and accommodation provided over 2 floors with an integral garage.
- 1.2 The application site lies on the south side of Arbuthnot Street and forms a grouping with two existing large properties again of contemporary design character, The Oaks and the Willows at Arbour Grove. Vehicular access would be taken via the existing access serving Arbour Grove.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Georgie Thomson.

3. SITE HISTORY

- 3.1 An application for temporary day nursery accommodation (F/91/1152), relating to the use of the application site as a day nursery, refused planning permission on 5 February 1992, subsequent appeal dismissed.
- 3.2 F/2000/0753 – erection of 4 dwellinghouses – granted on 10 August 2001.
- 3.3 F/2002/0269 – erection of 2 dwellinghouses (amendment to planning permission F/2000/0753) – granted on 22 July 2002.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit advise that the proposal would be accessed via an existing private access road serving more than three dwellinghouses, contrary to the Unit's practice. The Unit did advise of conditions to be applied to any granting of planning permission.
- 4.2 Scottish Water has no objection to the proposal, but did not guarantee a connection to Scottish Water infrastructure.
- 4.3 The Environmental Protection Unit advise of conditions relating to ground contamination.

5. COMMUNITY COUNCIL

- 5.1 The Camelon, Bantaskine and Tamfourhill Community Council is not currently operating.

6. PUBLIC REPRESENTATION

- 6.1 Four objections to the application have been received. The concerns raised can be summarised as follows:-
 - The proposal would overshadow adjacent properties and restrict outlook;
 - The proposal would affect the seclusion and privacy of adjacent properties;
 - The proposal is not in-keeping with the architectural style or height of the original dwellinghouses in the surrounding area;
 - Planning conditions for the area limit property height to single storey;
 - The two adjacent properties are owned by the applicant's family;
 - The applicant and his family are good neighbours, however support cannot be given to the proposal;
 - The two adjacent properties, within the same site, are unsightly, uncharacteristic and disproportionate to the surrounding area;
 - The tree within the application site houses bats;
 - The proposal will devalue adjacent properties;
 - The proposal reflects the style of the two adjacent properties, but it is not sympathetic to the older properties within the site; and
 - Falkirk Council do not maintain the access road, which cannot sustain any more traffic.

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 There are no policies of relevance contained within the approved Structure Plan.

Adopted Falkirk Council Local Plan

7a.2 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."*

7a.3 Policy SC8 seeks to prevent insensitive infill whilst allowing development where a legitimate opportunity exists and can be integrated successfully into the urban fabric. The scale, density, disposition and design of the proposed dwellinghouse respects the architectural and townscape character of the area. Whilst the proposed dwellinghouse is of contemporary design character it would harmonise with the existing properties within the site of the former nursery and the adjacent traditional properties, on the other side of Arbuthnot Street. The density is considered similar to the Willows and the terraced properties directly adjacent to the site on the other side of the access road.

- 7a.4 The proposal would provide an appropriate form of development in terms of scale and design between the two large dwellinghouses already developed within the site and the smaller scale 1 ½ storey traditional properties on the north side of Arbuthnot Street. The disposition is unusual in that the proposal would only have usable garden ground to the front elevation, however, this is considered necessary to maintain an open frontage to the existing properties at the Arbour Grove site and to prevent a form of backland development being created in relation to the Oaks. Adequate garden ground would be provided with no impact on the existing properties and adequate privacy would be maintained (the site has the appearance of a vacant plot and is not utilised as garden ground for either existing property). A tree which is not covered by a Tree Preservation Order would be lost within the application site without an adverse effect on the amenity of the area. The proposed vehicle access and other infrastructure would be of an adequate standard. The proposal accords with Local Plan Policy SC8.
- 7a.5 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations in respect of this application are Falkirk Council's Supplementary Planning Guidance, the consultation responses, representations received, the planning history for the site and summary of assessment under the Conservation (Natural Habitats etc) Regulations 1994.

Falkirk Council Supplementary Guidance Note

- 7b.2 The proposal accords with Falkirk Council's Supplementary Planning Guidance Note on 'Housing Layout and Design', in particular in relation to corner gable treatment, models for house grouping and building form and elevational composition. The innovative layout prevents the creation of backland development in relation to the Oaks. The applicant has submitted a site section that demonstrates that the proposal would not overshadow the adjacent property to the east, Greenacre. Due to the proposed sloping roof and the proposed position within the application site, which is slightly offset, it is considered that the property on the opposite site of the access road, 8 Arbuthnot Street, would not be significantly overshadowed.

Planning History

- 7b.3 Planning permission for the erection of 4 dwellinghouses (Ref: F/2000/0753) on the overall application site, including The Oaks and the Willows, was approved on 10 August 2001. Whilst it is acknowledged that a later application amended planning permission to 2 dwellinghouses (Ref: F/2002/0269) the principle of an additional dwellinghouse on the site is accepted. It should be noted that the current application site is the same site as the original consent for house plot 1 (Ref F/2000/0753).

Response to Consultation

- 7b.4 The Roads and Development Unit raised concern in relation to the proposal being taken from a private access road. The same applicant received planning permission for 4 dwellinghouses on the overall application site. Further the applicant has resurfaced Arbuthnot Street in accordance with previous planning permissions. The applicant has submitted a land certificate which specifies that the applicant bears an equal share of maintaining, repairing or renewing the common access road. The land certificate does not state that the applicant does not have access rights. In cognizance of these points the Roads and Development Unit have advised of appropriate conditions.
- 7b.5 Other matters raised through consultation could be the subject of appropriate conditions.

Summary of Assessment under the Conservation (Natural Habitats etc) Regulations 1994

- 7b.6 Third party representation raised the issue of bats roosting within a tree to be felled on the application site. The applicant has submitted a bat survey concluding that the Ash tree does not house bats. Falkirk Council's Biodiversity Officer has ratified the survey and requests that the actions contained in the 'bat mitigation method statement' be included as a condition of any planning approval.

Representations Received

- 7b.7 The concerns raised in the objections received in relation to the application are summarized in section 6 of this report. In response to these concerns, the following comments are considered to be relevant:-
- It is considered that the proposal would not significantly overshadow adjacent properties and the applicant has submitted a site section which shows the relationship with the directly adjacent property, Greenacre;
 - The proposal would not significantly affect the seclusion or privacy of adjacent properties given the relationship of the proposal within the plot and the proposed boundary enclosures;
 - The contemporary architectural style of the proposal would harmonise with surrounding properties;
 - There are no planning conditions which would limit the height of the proposal;
 - The ownership of the two adjacent properties by the applicant's family and comments in relation to the neighbourliness of the occupants are noted but are not material planning considerations;
 - Comments in relation to the visual appearance of the two existing properties are noted, however the application relates to the consideration of one dwellinghouse within the remaining plot;
 - The applicant has submitted a bat survey which demonstrates that the tree does not house bats;

- The impact on adjacent property value is not a material planning consideration; and
- It is accepted that Falkirk Council do not maintain the access road. Appropriate conditions are recommended.

7c Conclusion

- 7c.1 The proposal has been assessed as being in accordance with the Development Plan and Supplementary Planning Guidance. The points raised through consultation and representation are addressed in the body of this report. Accordingly the application is recommended for approval.

8. RECOMMENDATION

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.

- (6) Samples of roof tiles, brick/stone, render and boundary enclosures to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (7) For the avoidance of doubt the en-suite bathroom window on the north elevation shall be glazed with opaque glass.
- (8) 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.
- (9) There shall be no obstruction to visibility above 1 metre in height above carriageway level within 2.5 metres at the carriageway edge along the site frontage to private road.
- (10) Any access gates shall open in an inward direction only.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5) To ensure the ground is suitable for the proposed development.
- (6) To safeguard the visual amenity of the area.
- (7) To protect the privacy of adjacent properties.
- (8-10) To safeguard the interests of the users of the highway.

Informative(s);

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference numbers(s) 01A, 02,- 04, 05A, 06, 07 and supporting documents.
- (2) Development shall be carried out in accordance with Appendix II: Bat Mitigation Method Statement of the approved Bat Survey by Echoes Ecology Ltd dated 25 October 2010.

Pp

.....
Director of Development Services

Date: 18 January 2011

LIST OF BACKGROUND PAPERS

1. Structure Plan
2. Adopted Falkirk Council Local Plan
3. Falkirk Council's Supplementary Planning Guidance Note on 'Housing Layout and Design.
4. Letter of Objection from Ann Broadley, 8 Arbuthnot Street, Falkirk FK1 4BW on 28 September 2010.
5. Letter of objection from Mr Stephen Campbell, 10 Arbuthnot Street, Falkirk FK1 4BW on 29 September 2010.
6. Letter of Objection from Mrs Georgina McLaughlan, Greenacre, Arbuthnot Estate, Dorrator Road, Camelon FK1 4BN on 19 September 2010.
7. Letter of Objection from Mrs Lisa Chiles, 1 South Mews, Bennecourt Drive, Coldstream TD12 4EG on 28 September 2010.

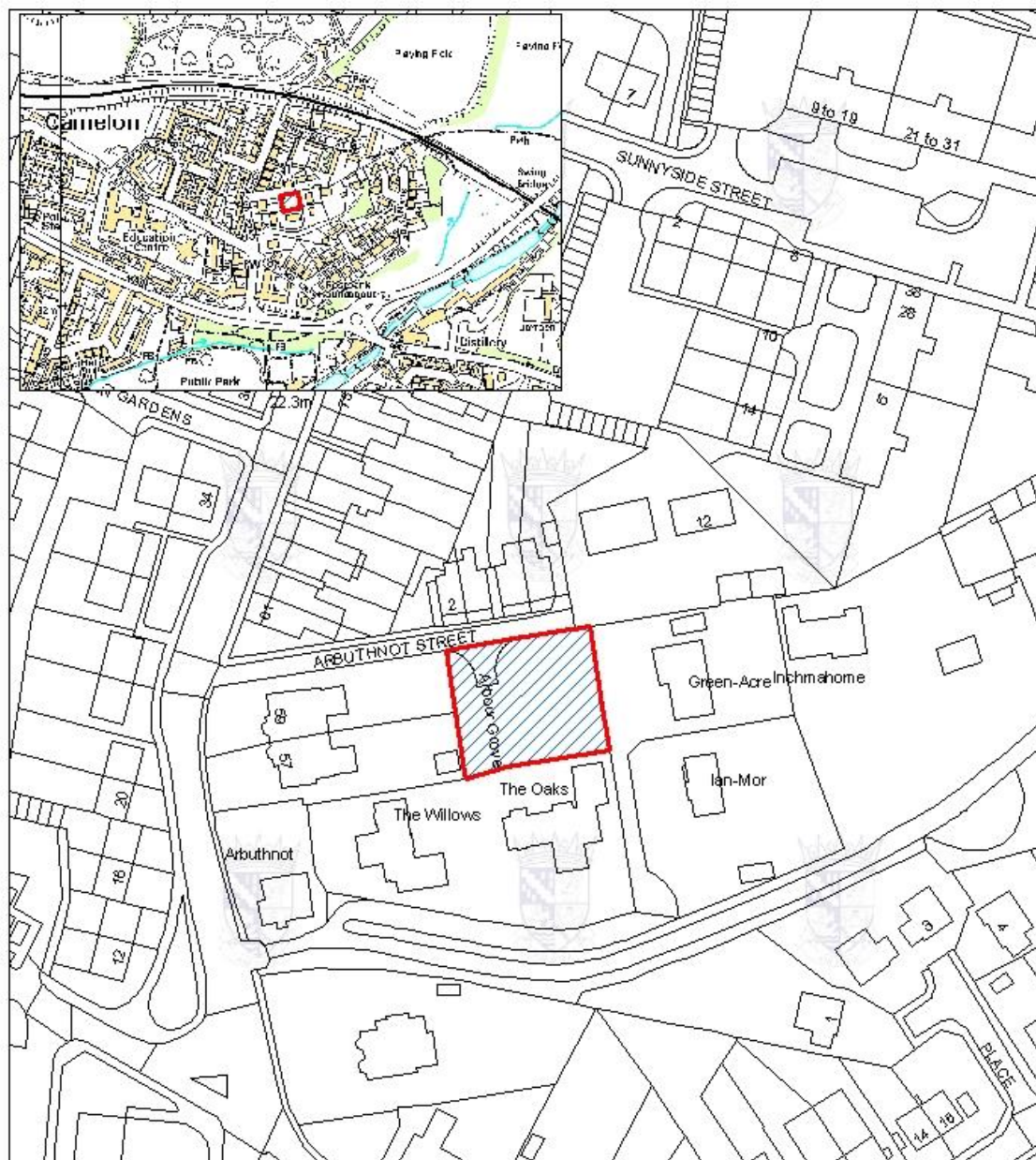
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0631/FUL

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2011. All rights reserved.
Ordnance Survey Licence number 100023384