

FALKIRK COUNCIL

Subject: SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT AONACH-MOR, GLEN ROAD, TORWOOD, LARBERT, FK5 4SN FOR MR MICHAEL BLOCK - P/10/0589/PPP

Meeting: PLANNING COMMITTEE

Date: 23 February 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne (Senior Planning Officer), ext. 4815

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 26 January 2011 (copy of previous report appended), where it was agreed to continue the application and to undertake a site visit. The site visit took place on 10 February 2011.
2. At the site meeting, the applicant highlighted that the rear portion of garden ground which makes up the majority of the planning application site is outwith the settlement boundary of Torwood as identified in the recently adopted Falkirk Council Local Plan. Although it is accepted that it falls within an area designated as countryside it was put forward that the character of the site was akin to it being garden ground, urban in character as opposed to countryside. The applicant's agent also advised that there would be no impact upon existing trees as it was confirmed that the site boundary as originally submitted was incorrect. This indicates possible tree loss within the ownership of the adjoining neighbour. At the time of writing this report, a revised site plan is awaited from the applicant.
3. The Planning Committee viewed the site access which would be taken from Glen Road and run parallel to the existing site access which serves Aonach-Mor and serve the rear garden area which is the site of the proposed house. The position of the house (although indicative only) does show that privacy/overlooking can be addressed.

4. Neighbours were in attendance but no new comments were raised at the meeting. Comments were made in support of the proposal by the applicants agent citing the land was urban in character, was an infill site and not backland and the application should be treated in line with other recent planning decision.
5. In response to the above comments, the recently granted developments comprise a single house and plotted development. However, neither of these developments are 'backland' developments which this proposal constitutes. The other plots referred to all have proportional street frontage while this proposal has a street frontage of circa 3 metres (width of vehicle access only). The predominant street form of Glen Road constitutes a linear pattern. This proposal does not comply with this aspect and it could equally be considered that in approving such a proposal, it would set an undesirable precedent.
6. The large shed in the rear garden is to be removed as part of the proposal as it is in a state of disrepair due to recent snow damage.
7. There is an extensive history of refusals on the site for housing applications and there are no material changes in circumstances which would merit reversal of these decisions.
8. No matters were raised which would amend the original recommendation to refuse planning permission.

RECOMMENDATION

- 8.1 It is recommended that the Planning Committee refuse planning permission for the following reason(s):-**
- (1) The proposal is considered contrary to Falkirk Council Structure Plan Policy ENV.1 - Countryside and Protected Areas - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.**
 - (2) The proposal is considered contrary to Falkirk Council Local Plan Policy SC3 - Housing development in the Countryside- and Policy EQ19 – Countryside - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.**
 - (3) The proposal is considered contrary to Falkirk Council Local Plan Policy SC8 - Infill Developments and Sub-Division of Plots – as it would result in tandem/backland development, not respecting the townscape character of the area and, if approved, the application would represent an unwarranted precedent which could not be fairly resisted in similar application sites.**

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Director of Development Services

Date: 16 February 2011

LIST OF BACKGROUND PAPERS

1. Scottish Planning Policy.
2. Falkirk Structure Plan.
3. Falkirk Council Local Plan.
4. Letter of Objection received from Sheila Dow, Kinnaird, Glen Road, Torwood, Larbert on 27 August 2010.
5. Petition, containing 32 signatories of support.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

FALKIRK COUNCIL

Subject: SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT AONACH-MOR, GLEN ROAD, TORWOOD, LARBERT, FK5 4SN, FOR MR MICHAEL BLOCK - P/10/0589/PPP

Meeting: PLANNING COMMITTEE

Date: 26 January 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne (Senior Planning Officer), ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises part of the rear and side garden area of a large 2 storey detached dwellinghouse at Glen Road, Torwood.
- 1.2 The application seeks to establish the principle of development on the site, with the suggested footprint of a dwellinghouse shown on the submitted block plan.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Billy Buchanan and Councillor Tom Coleman.

3. SITE HISTORY

- 3.1 F/2002/0593 - Erection of dwellinghouse (Outline) - refused.
- 3.2 F/92/0525 - Erection of dwellinghouse (Outline) - refused.
- 3.3 F/92/0524 - Erection of dwellinghouse (Outline) - refused.
- 3.4 F/91/0407 - Erection of dwellinghouse ((Outline) - refused.

- 3.5 F/91/0009 - Erection of dwellinghouse and garage (Detailed) – granted. This being the house known as Aonach-Mor, the donor property.

4. CONSULTATIONS

- 4.1 Falkirk Council's Environmental Protection Unit advises that, whilst no sources of land contamination are located within 250 metres of the application site, an informative addressing land contamination should be imposed on any issued planning permission.
- 4.2 Scottish Water advise that they have no objection to the application, but are not able to reserve capacity at the water and waste treatment facility in advance of any formal agreement with the applicant.
- 4.3 Falkirk Council's Roads Development Unit advise that, should the application be approved, conditions regarding road access, visibility and drainage be imposed.

5. COMMUNITY COUNCIL

- 5.1 Larbert, Stenhousemuir and Torwood Community Council object to the application for the following reasons:-
- Concern over the number of ongoing developments in the area outwith the local plan and housing allocation for the area.
 - The application is not for an infill site but instead appears to be expanding the settlement by backfill.
 - Concern over the impact on local infrastructure of this and other developments.
 - There would appear to be potential access issues to the site.
 - Concern over encroachment on the woodland area which we understood was protected.

6. PUBLIC REPRESENTATION

- 6.1 One letter of objection has been received, commenting that:-
- The proposal, if approved, would act as a precedent and may attract similar applications.
 - There are existing structures on site used for commercial purposes, including the storage of excavation machinery and building materials.
- 6.2 The applicant has submitted a petition of support to the application, containing 32 signatures.

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.1 ‘Countryside and Protected Areas’ states:

- “(1) *There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 No evidence has been submitted by the applicant that, in principle, development of a dwellinghouse at this site requires a countryside location.

Falkirk Council Local Plan

7a.3 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.”*

- 7a.4 Although the application site lies outwith the village boundary, no information has been submitted to support of the application in relation to the dwellinghouse location, in terms of tourism, rural employment or rural recreation. In addition, the proposed site is not a 'gap site', the site being part of the garden ground to the rear of an existing dwellinghouse.
- 7a.5 The site, if developed, would result in an unacceptable form of backland development as the site of the dwellinghouse does not enjoy a direct road frontage.
- 7a.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."*

- 7a.7 The application has failed to meet the terms of the above policy, as the proposed new dwellinghouse does not involve the rehabilitation or conversion of an existing building and no other provisions within the policy would favour the proposal, which would result in an unacceptable form of backland development.
- 7a.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.”*

7a.9 The proposal is considered to offend the above policy in that, if the application is approved, the proposal would not respect the townscape character of the area and result in tandem/backland development, where no direct road frontage would be enjoyed by the new dwellinghouse.

7a.10 In addition, the proposal would not comply with other Local Plan policies (see 7c.1 Conclusion).

7a.11 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.”*

7a.12 Policy EQ26 gives protection to existing areas of woodland, particularly of ancient or semi-natural origin, as a habitat resource, and affords protection to trees and hedgerows of amenity value affected by development.

7a.13 Given the surrounding woodland cover and the existing dwellings to the north-east along Glen Road, any single dwelling here would be screened in the wider landscape. However, if the proposal were to be accepted here, regardless of it being contrary to policy, it would set a precedent for further backland development of this type just outside the village limit; such further development would cumulatively result in woodland loss and make a permanent change to the local landscape character of the village as a result of additional build and loss of tree cover.

7a.14 There is some tree cover around the boundary of the current application site, which could potentially be affected should development occur.

7a.15 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are Scottish Planning Policy (February 2010) , the points raised through comment and the planning history of the site.

Scottish Planning Policy

7b.2 Scottish Planning Policy (SPP) gives more policy support to development in rural areas. Its provisions are directed at Development Plans which are expected to set out a strategy which "supports more opportunities for small scale housing development in rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holidays home and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding". The site is not supported by the adopted Falkirk Council Local Plan and the proposal is not supported by SPP.

Points Raised Through Comment

7b.3 With regard to the petition submitted by the applicant, no specific points have been raised by the contributors beyond voicing support to the proposal.

7b.4 With regard to the points raised by objectors:-

- The site, if approved, would constitute an unacceptable form of backland development.
- Some additional loss of landscape may result on the site if the proposal is approved, but no definitive proposals have been submitted through this application as this is an application for planning permission in principle only.
- The proposal, if approved, could act as an unwarranted precedent for future development in the area.

Site History

7b.5 Since the grant of planning permission for the existing house in 1991, a number of approaches have been made to develop the application site. The applicant has endeavoured to erect housing on various parts of the application site, all approaches being refused on planning concerns regarding the expansion of the village limit, unwarranted new development in the countryside and the introduction of backland development. Falkirk Council has been consistent in interpretation of Development Plan policy and no new factors have been introduced through the current application which would set aside previous considerations and conclusions.

7c Conclusion

- 7c.1 The proposal is located in the designated countryside, albeit in the garden ground of an existing dwellinghouse. In this circumstance there is an "in principle" policy presumption against development. Any proposal would have to demonstrate that it requires a countryside location and meet other exceptions to the general presumption against development. No justification for a countryside location has been provided. As regards other policy exceptions, the proposal represents backland development, and therefore would not conform to the policy exception in relation to infill development. There are issues around the potential cumulative loss of tree cover in this sensitive locality.
- 7c.2 It is therefore considered that there is a policy presumption against the proposed development.

8. RECOMMENDATION

- 8.1 It is recommended that the Planning Committee refuse planning permission for the following reason(s):-
- (1) The proposal is considered contrary to Falkirk Council Structure Plan Policy ENV.1 - Countryside and Protected Areas - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.
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Pp Director of Development Services

Date: 18 January 2011

LIST OF BACKGROUND PAPERS

1. Scottish Planning Policy.
2. Falkirk Structure Plan.
3. Falkirk Council Local Plan.

4. Letter of Objection received from Sheila Dow, Kinnaird, Glen Road, Torwood, Larbert on 27 August 2010.
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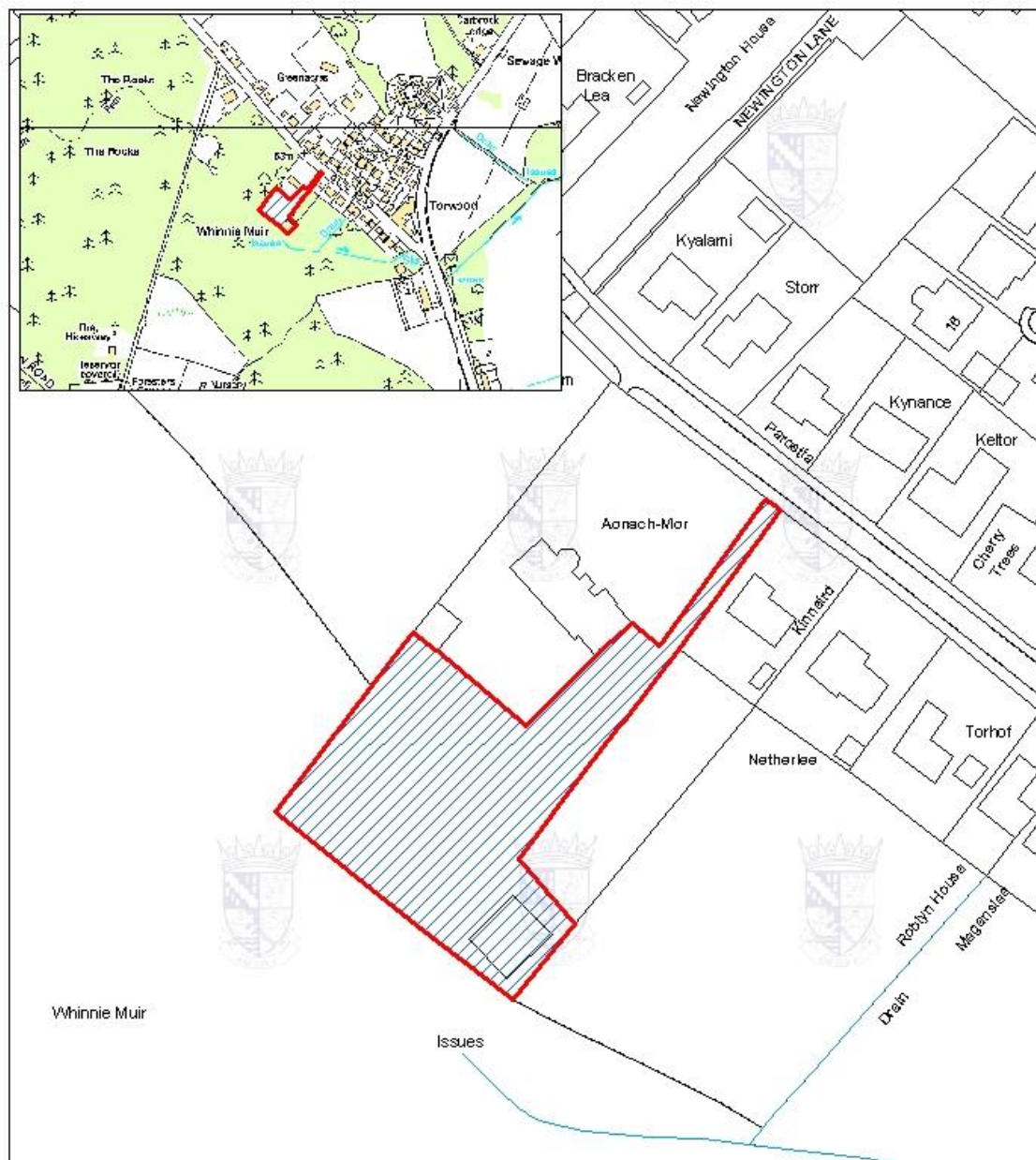
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0589/PPP

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



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