

FALKIRK COUNCIL

Subject: **FORMATION OF VEHICULAR ACCESS/DRIVEWAY AT
ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS
FOR MR V. DUPLOYEN - P/11/0716/LBC**

Meeting: **PLANNING COMMITTEE**

Date: **4 April 2012**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward – Bo'ness and Blackness
Councillor Adrian Mahoney
Councillor Ann Ritchie
Councillor Sandy Turner**

Community Council: **Bo'ness Community Council**

Case Officer: **Alan Scott (Assistant Planning Officer), Ext. 4909**

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 7 March 2012 (copy of previous report appended), when it was agreed to continue the application for a site visit. This visit took place on 19 March 2012.
2. The case officer introduced the proposed development to the Planning Committee and referred to the salient points of assessment as set out in the Committee report.
3. The applicant's representative spoke in support of the application and stated that discussions had taken place with the Council's Landscape officers regarding the proposed loss of trees.
4. Several local residents spoke in opposition to the proposal, reiterating the various points raised in their submissions.
5. In response to the points raised, the applicant's representative reiterated that the location of the garage is for indicative purposes only. It was also confirmed that the existing lamppost would be moved further west to accommodate the new access.
6. The Roads Development officer confirmed that the proposed new access point complied with the Council's requirements in terms of visibility.

7. Members of the Committee, as well as local Members, were given the opportunity to raise any questions or comments regarding the proposal. Clarification was sought on the Tree Preservation Order area and which trees were proposed for removal and which were to remain should the application be granted consent.
8. It is confirmed that the application site is located within the Grange Terrace Tree Preservation Order (TPO) area. The TPO covers a wide range which extends from Grange Loan to Erngath Road. The proposed block plan and site section (Drawing No. 03), submitted with this application, identify specific trees which it is intended would be removed should the proposed development be granted consent.
9. No matters were raised which would amend the original recommendation to be minded to grant listed building consent subject to conditions.

10. RECOMMENDATION

10.1 It is therefore recommended that Committee be minded to grant listed building consent subject to the following condition(s):-

1. The works permitted by this consent shall be commenced within 3 years of the date of this consent.

Reason(s):

1. In order to comply with Section 20(3) of the Planning etc. (Scotland) Act 2006.

Informative(s):

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 – 05.

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Director of Development Services

Date: 27 March 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan
2. Letter of objection from Gerry and Mandy Weir, Cruachan, 22 Grange Terrace, Bo'ness, EH51 9DS received on 21 November 2011.
3. Letter of objection from Jennifer and Pascal Lardet, Blinkbonny, 24 Grange Terrace, Bo'ness, EH51 9DS received on 23 November 2011.
4. Letter of objection from Mrs Frampton, Rondebush, 20 Grange Terrace, Bo'ness received on 23 November 2011.
5. Letter of objection from Sheila Stewart, 40 Grange Terrace, Bo'ness received on 29 November 2011.
6. Petition received on 29 November 2011 with 17 signatories.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504909 and ask for Alan Scott, Assistant Planning Officer.

FALKIRK COUNCIL

Subject: FORMATION OF VEHICULAR ACCESS/DRIVEWAY AT
ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS
FOR MR V. DUPLOYEN - P/11/0716/LBC

Meeting: PLANNING COMMITTEE

Date: 7 March 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward – Bo'ness and Blackness
Councillor Adrian Mahoney
Councillor Ann Ritchie
Councillor Sandy Turner

Community Council: Bo'ness Community Council

Case Officer: Alan Scott (Assistant Planning Officer), Ext. 4909

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 Roman House is a grade 'B' listed dwellinghouse which is located on the south side of Grange Terrace and within the Grange Conservation Area in Bo'ness. The surrounding area is predominantly residential with an area of open space (Victoria Park) to the north. The house benefits from an extensive area of garden ground.
- 1.2 Listed Building Consent is sought for the formation of a new vehicular access and driveway to serve the existing dwellinghouse. It is proposed that the new access would be formed towards the eastern end of the front boundary wall with the new driveway formed between the house and the eastern boundary wall and linking into the existing parking area to the front (north).
- 1.3 A self draining paved driveway is proposed with 4 No. holly trees and a section of the front boundary wall to be removed. Two further trees within the garden which are in a dangerous condition are also to be removed.
- 1.4 An area for a new garage to serve Roman House has been identified and a further application for planning permission will require to be submitted.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Councillor Sandy Turner.

3. SITE HISTORY

- 3.1 P/10/0785/FUL - Erection of Dwellinghouse in Garden Ground and Form New Driveway to Existing Dwellinghouse - Application Withdrawn - 10.02.2011
- 3.2 P/10/0397/FUL - Subdivision of Garden Ground and Erection of Dwellinghouse & Formation of New Vehicular Access to Existing Dwelling - Application Returned - 17.09.2010
- 3.3 P/11/0714/FUL – Erection of Dwellinghouse and Formation of Driveway – pending decision.

4. CONSULTATIONS

- 4.1 Historic Scotland have raised no objections to the proposal.
- 4.2 The Council's Archaeological advisor has raised no objections to the proposal.
- 4.3 The Scottish Civic Trust has expressed concerns regarding the associated proposal for a new house. However they have not objected to this proposal.
- 4.4 No comments have been received from the West Lothian History and Amenity Society.

5. COMMUNITY COUNCIL

- 5.1 No comments have been received from Bo'ness Community Council.

6. PUBLIC REPRESENTATION

- 6.1 During the course of the application, four letters of objection and one petition with 17 signatories were received by the Council. The salient issues are summarised below:
 - Proposal is contrary to planning policy;
 - Proposal cannot be considered to preserve or enhance the character of the Grange Conservation area;
 - Proposal will detract from setting of Conservation Area and Listed Building;
 - If granted permission, this proposal could set a precedent for future applications;
 - Object to loss of trees;
 - Proposal will separate elements of the Statutory Listing for Roman House;
 - Object to loss of garden ground;
 - Contrary to Supplementary Planning Guidance on Housing Layout and Design;

- Proposal will exacerbate traffic problems on Grange Terrace;
- Proposed drive and garage will be too close to a number of mature trees; and
- Loss of privacy and overdevelopment.

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 relevant to this proposal contained in the Structure Plan.

Falkirk Council Local Plan

7a.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 Area, or affecting their setting, 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 the relevant Historic Scotland guidance notes should be adhered to; and*
- 4. Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials.*

7a.3 Policy EQ14 – ‘Listed Buildings’ states:

The Council will seek to preserve the character and appearance of listed buildings. Accordingly:

- 1. Development affecting a listed building, or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.*

2. *Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the Council that the building:*
 - *has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and*
 - *is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report; and*
3. *RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded.*

7a.4 Sub paragraph (2) of Policy EQ12 (Conservation Areas) states that new development in Conservation Areas will only be permitted where it preserves or enhances the character of the area. It is not considered that this proposal for a new access and driveway would have an adverse impact on the overall conservation area.

7a.5 Policy EQ14 (Listed Buildings) seeks to preserve the character and appearance of listed buildings. Sub paragraph (1) states that the layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting. The creation of a new access through the existing front boundary wall and the new driveway would not have a detrimental impact on overall listing of Roman House.

7a.6 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the consultation responses, the public representations and supporting information.

Consultation Responses

7b.2 Neither Historic Scotland or the Council's Archaeological Advisor raised any objections to the proposal. If the committee is minded to grant listed building consent under Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 the Council is required to refer the application to Historic Scotland for formal clearance.

7b.3 While the Scottish Civic Trust have expressed concerns regarding the associated proposal for a new house, they have no specific objections to the proposed new access and driveway.

Assessment of Public Representations

7b.4 The concerns raised have been summarised in Section 6 of this report. In response to the concerns, the following comments are considered relevant:

7b.5 It is considered that the proposal would not have an adverse impact on the Conservation Area or the adjacent listed building;

7b.6 The proposed new access and driveway would not have a significant adverse impact on either the Conservation Area or Listed Building;

- 7b.7 The trees to be removed as a result of the proposal are not considered to be worthy of retention and their removal would not have a detrimental impact on the TPO area;
- 7b.8 Historic Scotland has been consulted and has not raised any objections to the proposal;
- 7b.9 It is considered that construction of the proposed new access and driveway would not adversely impact on a significant number of trees and those which are highlighted for removal are currently in a poor condition or are not deemed worthy of retention;
- 7b.10 It is considered that the proposal would not have an adverse impact on the Conservation Area or the adjacent Listed Building;
- 7b.11 The Roads Development Unit have been consulted and have raised no objections in terms of traffic impact;
- 7b.12 While it is accepted that some trees would be lost as a result of this proposal, this is considered not to have a detrimental impact on the TPO; and
- 7b.13 It is not considered that the proposed access and new driveway would have an adverse impact on existing levels of amenity or privacy. It is considered that the proposal will not have an adverse impact on the Conservation Area or the adjacent listed building;

Supporting Information

- 7b.14 A Design Statement has been submitted in support of the application which provides some background to the proposal as well as providing additional information in respect of application reference P/11/0714/FUL (also on this agenda) for a new house to the western side of the property including the proposals for external site treatment, access to the existing house and external features of the proposed new house.

7c Conclusion

- 7c.1 It is considered that the proposal is acceptable development and is in accordance with Policies EQ12 and EQ14 of the Falkirk Council Local Plan. There are no other material planning considerations which would justify a refusal of Listed Building Consent.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee be minded to grant listed building consent subject to:-
 - (a) Referral of the application to Historic Scotland for formal clearance as required by the Planning (Listed Building and Conservation areas) (Scotland) Act 1997, and
 - (b) the following conditions:
 - (1) The works permitted by this consent shall be commenced within 3 years of the date of this consent.

- (2) Prior to commencement of the development, details of the surfacing materials to be used in the construction of the driveway, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials.

Reason(s):

- (1) In order to comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- (2) To ensure the Planning Authority to consider this aspect 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, 02 and 03.
- (2) For the avoidance of doubt this consent does not permit the erection of a new garage. The consent relates solely to the formation of the vehicular access and driveway.

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Director of Development Services

Date: 28 February 2012

LIST OF BACKGROUND PAPERS

7. Falkirk Council Local Plan
8. Letter of objection from Gerry and Mandy Weir, Cruachan, 22 Grange Terrace, Bo'ness, EH51 9DS received on 21 November 2011.
9. Letter of objection from Jennifer and Pascal Lardet, Blinkbonny, 24 Grange Terrace, Bo'ness, EH51 9DS received on 23 November 2011.
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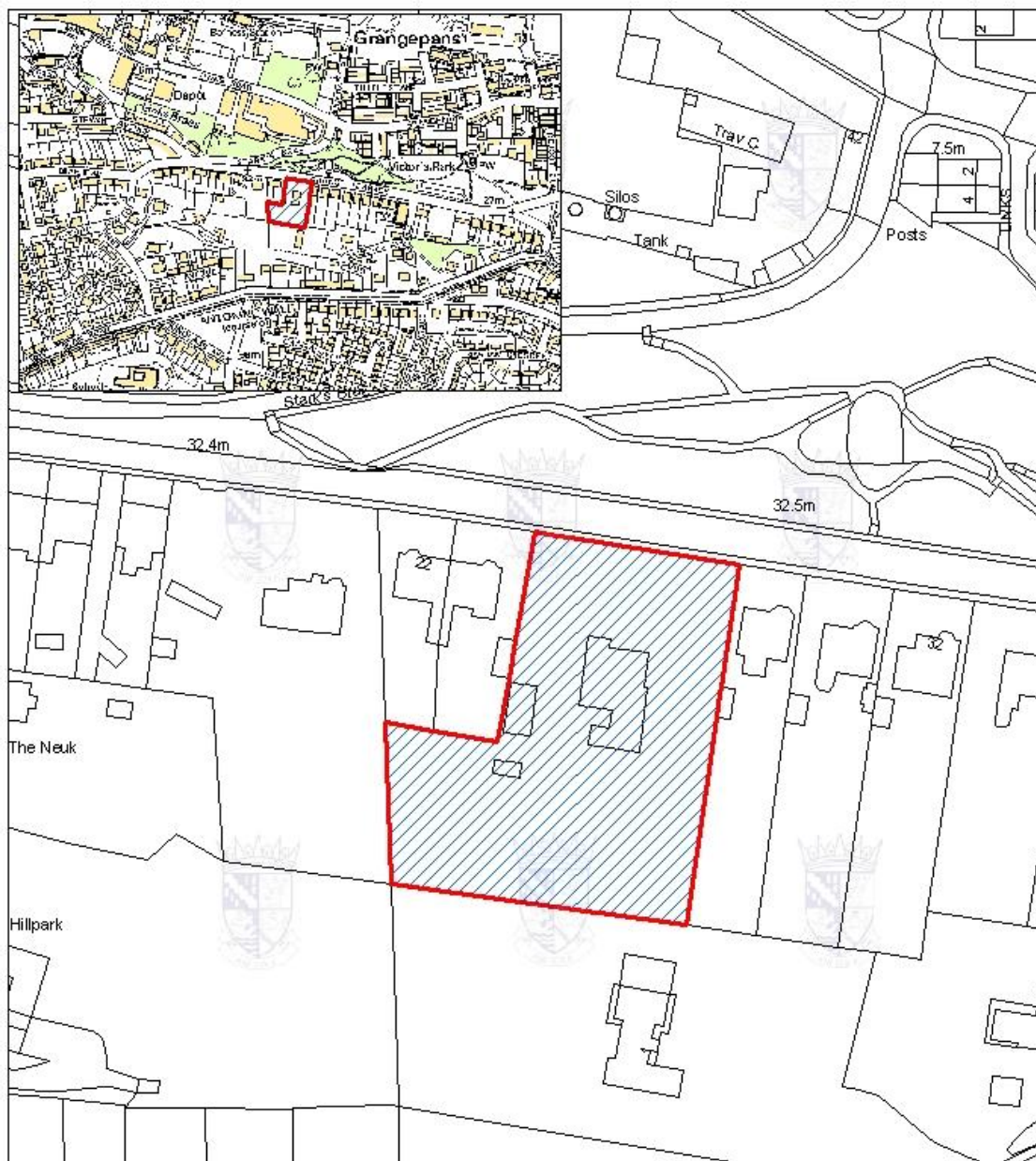
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504909 and ask for Alan Scott, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0716/LBC

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



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