

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST OF AVONDALE, MOSSCASTLE ROAD, SLAMANNAN FOR MR DUNCAN BENNIE – P/13/0784/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **30 April 2014**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Upper Braes**

Councillor Gordon Hughes

Councillor John McLuckie

Councillor Rosie Murray

Community Council: **No Community Council**

Case Officer: **Stephen McClure (Planning Officer), Ext. 4702**

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 26 March 2014 (copy of previous report appended), when it was agreed to continue the application for a site visit. This visit took place on 7 April 2014.
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 architect spoke in support of the proposal. It was noted that during the application process, discussions had taken place with Development Management and the architect in regards to the position of the property. This was subsequently altered, with the property being brought forward within the plot to ensure that the neighbouring dwellings rear garden ground was not overshadowed to an unacceptable level. It was also noted by the architect that the dwelling had been designed specifically for the plot, and it had been ensured that there was no overlooking to the neighbouring dwelling through careful placement of the windows. In doing so the main planning related concerns have been addressed.

4. The resident of the neighbouring property of Avondale spoke neither in support nor against the proposal, but wished to highlight that originally he had been concerned with the overshadowing due to the position of the proposed dwelling. Having now noted that the proposed dwelling had been altered and brought forward, he considered that this would appear to have resolved his initial concern. However, the neighbour did ask how the property would appear on the street line adjacent to his own property, as he wished to avoid it appearing like an urban residential estate with the properties grouped together in close proximity. The applicant's architect responded, advising that the design had taken this into consideration, and given the "L" shape design of the property, only a very small section will front onto the street, with the majority of the dwelling's mass remaining at the rear of the site. The neighbouring resident appeared to be satisfied with the response and had no further questions.
5. Members of the Planning Committee, as well as local Members, were given the opportunity to raise any questions or comments regarding the proposal. No Members of the Planning Committee wished to raise any issues or clarify any matters in relation to the proposal.
6. Councillor Hughes as Local Member sought clarification in respect of flooding in the immediate area, as well as the impact the proposed dwelling would have on this matter. It was noted that although there was a flooding issue within the immediate vicinity, the plot of land for the proposed dwelling was not included within the identified flooding zone. A condition to ensure that all drainage (both foul and rainwater) would enter the Scottish Water Network is included as part of the recommendation. This would ensure that the proposed development would not exacerbate local drainage issues.
7. Councillor Hughes also sought clarification on wider flood related issues within the current Falkirk Council Local Plan. However, this is not a relevant consideration as part of the assessment of this particular planning application.
8. No matters were raised which would amend the original recommendation to grant planning permission subject to conditions.

9. RECOMMENDATION

9.1 It is therefore recommended that the Planning Committee grant planning permission subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2) i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**

- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) A new vehicular access to the site shall be formed in accordance with Falkirk Council's Design Guidelines and Construction Standards.
 - (4) The new driveway shall be constructed in a manner which will ensure that no surface water will be discharged or loose material carried out from it onto the public road.
 - (5) There shall be no obstruction to visibility over 0.6 metres in height above carriageway level within 2.5 metres of the carriageway edge along the frontage of the application site.
 - (6) Before works commence on-site, it shall be confirmed in writing that all drainage, both foul and rainwater, will enter the Scottish Water Network.
 - (7) Before works commence on-site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
 - (8) Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum, preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates

- iv. soft and hard landscaping works

Reason(s):

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3-5) To safeguard the interests of the users of the highway.
- (6) To ensure that adequate drainage is provided.
- (7-8) To safeguard the environmental amenity of the area.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A and 02A.
- (2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

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Director of Development Services

Date: 17 April 2014

LIST OF BACKGROUND PAPERS

- 1. Falkirk Council Local Plan.
- 2. Falkirk Council Local Development Plan - Proposed Plan
- 3. Falkirk Council Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note
- 4. Letter of objection received from Mr Joe Veitch, Avondale, Mosscastle Road Slamannan FK13EL on 20 December 2013.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure, Planning Officer.

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST OF AVONDALE, MOSSCASTLE ROAD, SLAMANNAN FOR MR DUNCAN BENNIE – P/13/0784/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **26 March 2014**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Upper Braes**

Councillor Gordon Hughes

Councillor John McLuckie

Councillor Rosie Murray

Community Council: **No Community Council**

Case Officer: **Stephen McClure (Planning Officer), Ext. 4702**

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site consists of a small plot formed from the sub-division of the garden ground of the now adjacent property. The plot is located within the village of Slamannan, on a road containing a mix of property types and sizes, and was previously granted planning permission in principle for erection of a dwelling (P/10/0279/PPP). The current proposal is a detailed application for the erection of a single dwelling within the plot.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it was called in by called in by Councillor Hughes.

3. SITE HISTORY

- 3.1 P/07/0360/FUL - detail granted - 24 May 2007 - extension to dwellinghouse.
- 3.2 P/07/0596/OUT - outline granted - 11 September 2007 - erection of dwellinghouse.
- 3.3 P/10/0279/PPP - planning permission in principle granted - 16 August 2010 - erection of dwellinghouse (renewal of P/07/0596/OUT).
- 3.4 P/13/0416/FUL - detail refused - 16 August 2013 - erection of dwellinghouse.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have no objection to the proposal.
- 4.2 Scottish Water have no objection to the proposal
- 4.3 The Environmental Protection Unit have no objection to the proposal. However, due to the location, a Contaminated Land Assessment would require to be submitted and approved in writing by the Planning Authority before works commenced on-site.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council for this area.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 1 objector submitted a letter to the Council. The salient issues are summarised below.
- Concerned that the position of the proposed property would severely overshadow the existing neighbouring property of Avondale.

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

- 7a.1 The proposal raises no strategic issues and was therefore assessed against the Falkirk Council Local Plan.

Falkirk Council Local Plan.

- 7a.2 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."*

7a.3 The proposed housing use is compatible with neighbouring uses, the immediate site area being surrounded by residential properties. It is considered that a satisfactory level of residential amenity can be achieved, and the site is accessible by public transport, walking and cycling to shopping, recreational and community facilities. Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity and community facilities, have the capacity to accommodate the increase in use associated with the proposed dwellinghouse. The proposal is also seen to comply with Policy SC8 (below) and there is no conflict with any other Local Plan policy or proposal. It is therefore considered the proposal accords with Policy SC2.

7a.4 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.5 The scale, disposition and design of the proposed dwelling is considered to respect the architectural and townscape character of the area, which is mixed in dwelling type and size. The plot would provide adequate garden ground to serve the proposed dwelling, and would not be seen to have an unacceptable impact on existing neighbouring gardens. Adequate privacy would be afforded to both the proposed dwelling and neighbouring properties, and the proposal would not result in the loss of features such as trees, vegetation etc, such that the character or the amenity of the area would be adversely affected. The proposed vehicular access and other infrastructure are of an adequate standard, and the proposal complies with other relevant Local Plan policies. It is therefore considered that the proposal accords with Policy SC8.

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

7b Material Considerations

7b.1 The material consideration to be assessed are Falkirk Local Development Plan (Proposed Plan), Falkirk Council Supplementary Planning Guidance and the assessment of public representations.

Falkirk Council Local Development Plan - Proposed Plan

7b.2 Policy HSG03 – ‘Windfall Housing’ states:

“Housing development within the Urban and Village Limits, in addition to proposals identified within the LDP, will be supported where:

- 1. The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;*
- 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, sewage capacity, 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 INF02;*
- 5. The site is not at significant risk of flooding in the terms of Policy RW06;*
- 6. In the case of small gap sites and sub-divided plots, Policy HSG05 is satisfied; and*
- 7. It complies with other LDP policies.”*

7b.3 Policy HSG05 – ‘Infill Development and Subdivision of Plots’ states:

“Proposals for the erection of additional houses within the curtilage of existing properties or on small gap sites will be permitted where:

- 1. The scale, density, disposition and design of the proposed houses respect the 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, parking and other infrastructure is of an adequate standard for both proposed and existing houses; and*
- 6. The proposal complies with other LDP policies.”*

7b.4 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, and submitted to the Scottish Ministers for examination in February 2014. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council’s views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.

7b.5 The relevant policies contained within the Falkirk Local Development Plan (Proposed Plan April 2013) are considered to highlight the same issues as those within the current adopted plan. There are no material considerations within the policies which would require the proposal to be assessed in a different manner and/or justify a refusal of planning permission. It is therefore considered that the proposal accords with Policies HSG03 and HSG05 of the Falkirk Local Development Plan (Proposed Plan April 2013).

Falkirk Council Supplementary Guidance

- 7b.6 Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note - The proposed plot was formed from original garden ground of the neighbouring dwelling, however it has been fenced off for an extended period of time from this host dwelling. The proposed property would be seen to have adequate garden ground and would have direct frontage onto the street. The proposed dwelling styles on the street as a whole are varied, and therefore the proposed property, although slightly larger than the neighbouring host dwelling, would be a suitable fit within the overall street. It is considered that the proposed dwelling would create suitable residential amenity and would not adversely affect the neighbouring properties. The erection on the plot of the dwelling would be seen to finalise the redevelopment of the original host dwelling site, which also included land on the opposite side of the property to the current plot, and would see an inappropriate gap finally redeveloped. It is therefore considered that the proposal accords where relevant with the Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note.

Assessment of Public Representations

- 7b.7 The property position within the plot has been altered, being pulled forward to sit on the same street line as the neighbouring dwelling. This has resulted in the proposed property now not affecting the neighbouring dwelling to an unacceptable level in terms of overshadowing.

7c Conclusion

- 7c.1 It is considered that the proposal is acceptable development, is in accordance with Policies SC2 and SC8 of the Falkirk Council Local Plan and Policies HSG03 and HSG05 of the Falkirk Local Development Plan (Proposed Plan April 2013). There are no material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

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

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Director of Development Services

Date: 14 March 2014

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Planning Committee

Planning Application Location Plan

P/13/0784/FUL

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



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