

# **AGENDA ITEM**

**6**

**Erection of 2 Dwellinghouses at  
Inches House, Bellsdyke Road,  
Larbert FK5 4EL for Mr John  
Pollock –  
P/16/0476/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 2 DWELLINGHOUSES AT  
INCHES HOUSE, BELLSDYKE ROAD, LARBERT, FK5 4EL,  
FOR MR JOHN POLLOCK - P/16/0476/FUL

**Meeting:** PLANNING COMMITTEE  
**Date:** 26 October 2016  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert

Baillie Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Larbert, Stenhousemuir and Torwood

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

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

1.1 The site consists of two areas of ground. The main area has a single storey dwelling and detached garage located within expansive garden grounds, accessed by a single lane track from Bellsdyke Road, with the access currently being used to serve an additional two properties. The access track is also used by members of the public for pedestrian access through to the Inches housing estate. The site is surrounded on all sides by residential properties, the majority being two storey detached dwellings. Most of the main site area contains mixed foliage, as well as some large mature trees. It is now being proposed to sub-divide the existing garden ground of the single dwelling and erect two detached dwellings. As part of the proposal, the access to Bellsdyke Road would be upgraded and re-aligned, with a second access being created (in the smaller red lined area of the site) to the two properties which are also served from the current access.

**2. REASON FOR COMMITTEE CONSIDERATION**

2.1 The application has been referred to the Planning Committee at the request of Councillor Coleman, the reason for the call-in being the effect on current educational capacity and back land development.

**3. SITE HISTORY**

3.1 06/0166/FUL - Detail - Granted 13.03.2006 - Extension to Dwellinghouse.

3.2 P/09/0689/PPP - Planning Permission in Principle Granted 22.04.2010 - Sub-Division of Garden Ground and Erection of Dwellinghouse.

- 3.3 P/11/0148/FUL - Application Withdrawn 08.08.2011 - Erection of 3 Dwellinghouses and Detached Domestic Garage.
- 3.4 P/12/0148/FUL - Application Withdrawn 18.12.2012 - Demolition of Existing Dwellinghouse, Erection of 2 Dwellinghouses, Detached Domestic Garage and Guest House.
- 3.5 P/13/0164/FUL - Detail - Granted 13.09.2013 - Demolition of Dwellinghouse and Garage, Erection of 2 Dwellinghouses, Domestic Garage and Guest House (Class 7).
- 3.6 F/2002/0323 - Advertisement Consent Granted 27.06.2002 - Display of Non-illuminated Advertisement.
- 3.7 F/92/0656 - Detail - Granted 29.07.1992 - Installation of Liquid Petroleum Gas Tank (Detailed).
- 3.8 F/2001/0079 - Outline Granted 10.07.2001 - Erection of 2 Dwellinghouses.
- 3.9 F/99/0182 - Detail - Granted 13.04.1999 - Amendment to House Types (Plots 201 & 202) and Road Layout (Detailed).
- 3.10 F/2001/0262 - Detail - Granted 14.06.2001 - Extension to Dwellinghouse and Erection of Garage.
- 3.11 F/2002/0830 - Detail - Granted 05.12.2002 - Erection of Domestic Garage.

#### **4. CONSULTATIONS**

- 4.1 Falkirk Council's Roads Development Unit has no objection to the proposal. It is noted that two accesses will be formed onto Bellsdyke Road. This will allow one access to serve two properties, and the second to serve three properties.
- 4.2 No response was received from Scottish Water.
- 4.3 Falkirk Council's Environmental Protection Unit has no objection to the proposal.
- 4.4 The Scottish Rights of Way and Access Society have no objection to the proposal.

#### **5. COMMUNITY COUNCIL**

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council made no representations in respect of the application.

#### **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, 6 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.
  - Reduction in privacy to adjacent neighbouring properties.

- Reduction in light and overshadowing of neighbouring properties and their garden grounds.
- Increased noise levels to adjacent properties.
- A significant increase in traffic on the access track which is used by school children.
- No other dwellings in the adjacent residential estate have access roads both to the front and rear, which would occur if the proposal was granted.
- Concerned about construction traffic to the site.
- There would be a loss of trees in the site that provide a habitat for wildlife.
- The visual impact any multi-storey building may have on the existing area.
- A proposal for 14 parking spaces would appear excessive on the site.
- It is considered that Plot 3 is too close to existing dwellings.
- Will the public footpath be dug up to allow for new services to be installed to the site.
- There will be an impact on existing education and healthcare.

## 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

The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

#### 7a.1 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.”*

7a.2 The proposed use of the site would be compatible with neighbouring uses, which are residential. It is also considered that a satisfactory level of residential amenity could be achieved, especially given the large plot sizes proposed. The site itself enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities. Existing physical infrastructure, such as roads and drainage, water supply, 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 could be upgraded where necessary. The site is also not at significant risk of flooding, and there is no conflict with any other Local Plan policy. It is therefore considered that the proposal accords with Policy HSG03.

7a.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.”*

7a.4 The scale, density, disposition and design of the development respect the architectural and townscape character of the area, with plot sizes substantially larger than neighbouring dwellings. Adequate garden ground would be provided to the proposed properties, and it is considered that adequate privacy would be afforded to both the proposed development and existing, neighbouring properties. The proposal would see the removal of trees and other foliage, with a landscaping plan being required and conditioned if the application were to be granted. This would require to be approved prior to works commencing on site, and would take into account any lost trees and foliage, with suitable replacement specimens. It is not considered that the overall amenity of the area would be adversely affected by removal of the noted trees and foliage, and the replacement planting should ensure a higher quality of finalised planting. The vehicular access to the site is proposed to be upgraded, and would require to be in place before occupation of the properties. Other infrastructure at the site is considered adequate. It is therefore considered that the proposal accords with Policy HSG05.

7a.5 Policy “GN04 - 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. Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. 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 and implement an appropriate Management Plan; 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.6 The site is not covered by a Tree Preservation Order, but it does contain mature trees, especially around the site boundary. Several trees would have to be removed to allow development, although the majority around the site boundary could be maintained. If the proposal were to be granted, it could be conditioned that a tree survey and landscaping plan be submitted. It is therefore considered that the proposal accords with Policy GN04.

7a.7 Policy “D04 - Low and Zero Carbon Development” states: -

- “1. All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
- Proposals for change of use or conversion of buildings;*
  - Alterations and extensions to buildings;*
  - Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
  - Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
  - Temporary buildings with consent for 2 years or less; and*
  - Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
- 2. The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
- 3. Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.”*

7a.8 If the proposal is granted it should be a condition of the approval that information is provided noting that the required on-site low and zero carbon generating technologies have been incorporated within the design of the dwellings, to demonstrate the required reduction in CO2 emissions will be achieved. It is therefore considered that where possible the proposal will demonstrate accordance with Policy D04.

### **Supplementary Guidance Forming Part of the Falkirk Local Development Plan**

7a.9 Falkirk Council Trees and Development Supplementary Guidance SG06 - The site is not covered by a Tree Preservation Order (TPO), but is seen to contain trees of varying size and age. The relevant guidance has been followed and a Tree and Arboricultural Constraints Report submitted with the application. This has been assessed by Falkirk Council’s Landscape Officer and, apart from some minor amendments, was considered as an acceptable approach to the site. It is therefore considered that the proposal accords with the Falkirk Council Trees and Development Supplementary Guidance SG06.

### **7b Material Considerations**

7b.1 The material considerations to be assessed are the representations received and consideration of the site in relation to coal mining legacy.

## ***Representations Received***

- 7b.2 It is not considered that there would be an unacceptable reduction in privacy of neighbouring dwellings, given the current proximity and overlooking that exists. The proposed properties would also be orientated to offer maximum privacy to existing neighbouring dwellings.
- 7b.3 It is not considered that the proposed development would reduce light and/or overshadow neighbouring dwellings to an unacceptable level. The proposed properties have been orientated to create minimal effect on the existing dwellings, and have been kept to a low density with large plots. Given the layout of the site and its orientation, any overshadow to existing neighbouring dwellings would be kept to a minimum, and would not warrant refusal of the proposal.
- 7b.4 It is not considered that the proposal would increase the noise levels to an unacceptable level at adjacent properties, with the Environmental Protection Unit not considering noise as an issue with this proposal.
- 7b.5 It is not considered that the access track would see a significant increase in use. The Roads Unit has assessed the proposal and is satisfied with the scheme, with no road safety issues being highlighted.
- 7b.6 There is no access road proposed behind the existing properties, but there is a driveway proposed. Given that one property would be accessed from the driveway, it would be unlikely to see heavy use, and would not cause any unacceptable amenity issues with the adjacent properties. The driveway would also be buffered by existing fencing and a small strip of land which is likely to be planted up. It is not considered that this would lead to a front and rear access road.
- 7b.7 The noted parking number takes into account not only the required three on-site parking spaces, but also the garage spaces being provided. It is not considered that the number shown is excessive for the site, as it meets the current requirements for parking.
- 7b.8 It is not considered given the surrounding dwellings and their layout that the proposed plot 3 is too close to existing dwellings. Plot 3 has been positioned to ensure maximum privacy to it and the existing dwellings, as well as minimal effect on existing dwellings.
- 7b.9 The requirement for the footpath to be dug up is not a material planning consideration in this case. If required, this would have to go through the relevant process where permission is required from the Council.
- 7b.10 It is not considered that the development would have an unacceptable impact on education and health provision in the area, given its scale.

## ***Consideration of the Site in Relation to Coal Mining Legacy***

- 7b.11 The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.

7b.12 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

## **7c Conclusion**

7c.1 It is considered that the proposal is acceptable development and is in accordance with Policies HSG03, HSG05, GN04 and D04 of the Falkirk Local Development Plan. There are no material planning considerations which would justify a refusal of planning permission.

## **8. RECOMMENDATION**

**8.1 It is therefore recommended that the 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. Before works commence on site, a surface water drainage strategy shall be submitted and agreed in writing by the Planning Authority.**
- 3. Before occupation of the dwellings, visibility splays measuring 2.4m x 70m require to be provided in either direction from both accesses onto Bellsdyke Road. There shall be no obstruction above carriageway level within these splays.**
- 4. Before occupation of the dwellings, visibility splays measuring 2.4m x 30m require to be provided in either direction from the accesses within the site onto the private access road to Bellsdyke Road. There shall be no obstruction above carriageway level within these splays.**
- 5. 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.**
- 6. 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**

- 7. The group of 11 small stems of Birch & Rowan (tree group 8519) shall be retained and thinned, with the best stems retained, and shall be agreed and approved in writing by the Planning Authority prior to works commencing on-site.**
- 8. The temporary protective fencing around the retained trees (delineating the 'Construction Exclusion Zone') as shown on the tree survey (and to include the Birch /Rowans in group 8519) shall be positioned prior to any works commencing on site and shall remain in position until all construction works are complete. No level changes, trenching, material storage or machinery access must take place within the fenced off 'Construction Exclusion Zone'.**
- 9. Before the dwellings are occupied, the car parking shown on the approved plan shall be completed.**
- 10. The development hereby approved will not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:**
  - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and**
  - ii) a Statement of Conformity which confirms that 10%, of the required CO<sub>2</sub> emissions reduction is achieved through the installation of low and zero carbon generating technologies.**

**Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.**

**Reasons for the conditions above:**

- 1. As these drawings and details constitute the approved development.**
- 2. To ensure that adequate drainage is provided.**
- 3,4,5. To safeguard the interests of the users of the highway.**
- 6. To safeguard the visual amenity of the area.**
- 7,8. To safeguard the environmental amenity of the area.**
- 9. To ensure that adequate car parking is provided.**
- 10. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.**

**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, 03, 04, 05 and 06.
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.
3. 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.
4. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

<b>Monday to Friday</b>	<b>08:00 - 18:00 Hours</b>
<b>Saturday</b>	<b>09:00 - 17:00 Hours</b>
<b>Sunday / Bank Holidays</b>	<b>10:00 - 16:00 Hours</b>

**Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.**

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**Director of Development Services**

Date: 17 October 2016

## **LIST OF BACKGROUND PAPERS**

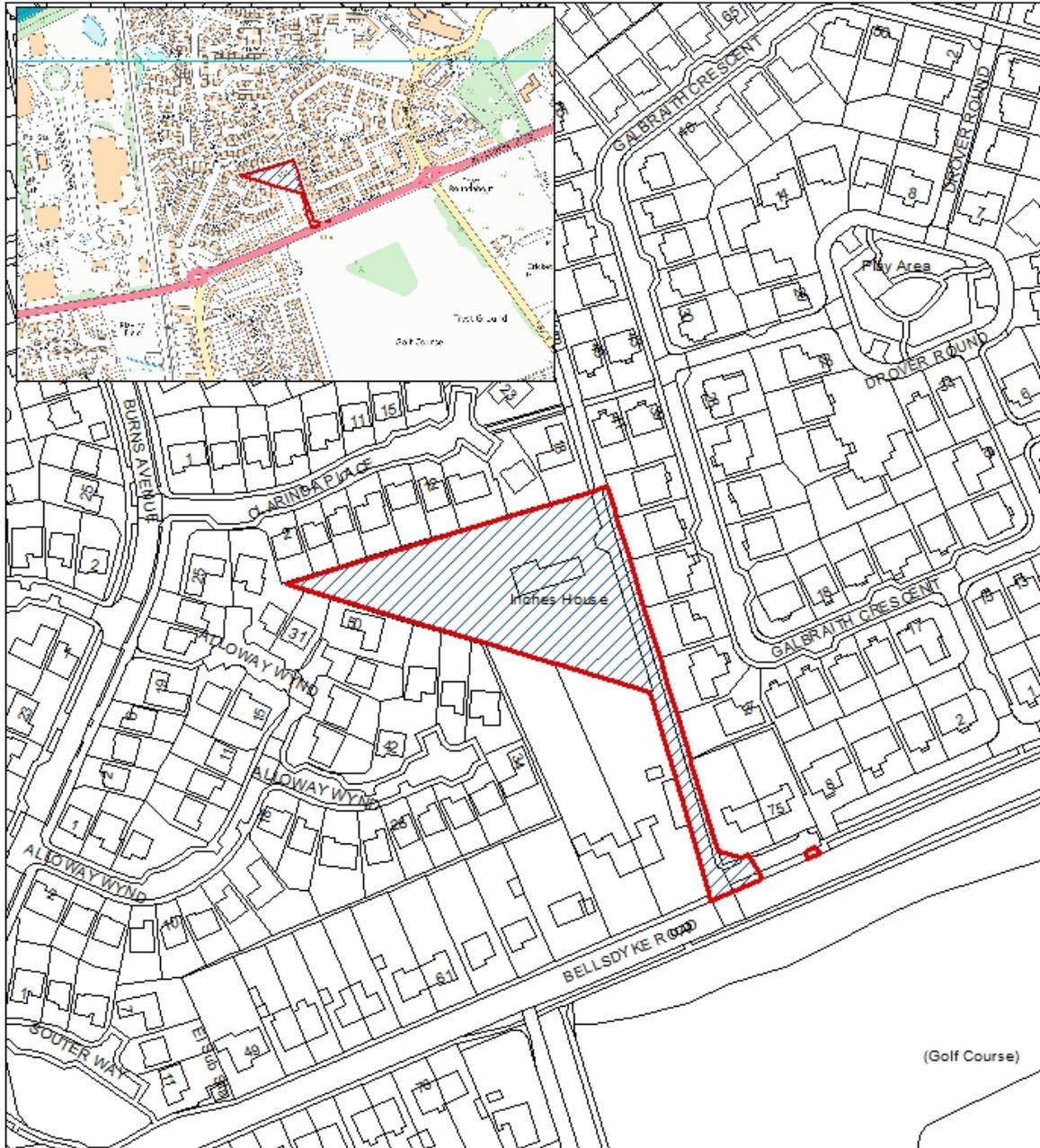
1. The Falkirk Local Development Plan.
2. Supplementary Guidance SG06, 'Falkirk Council Trees and Development'.
3. Objection received from Mr Robert Ferguson, 10 Clarinda Place, Larbert, FK5 4FG on 14 August 2016.
4. Objection received from Mr Steven Dougan, 33 Galbraith Crescent, Larbert, FK5 4GZ on 14 August 2016.
5. Objection received from Mr Robert Ferguson, 10 Clarinda Place, The Inches, Larbert, FK5 4FG on 14 August 2016.
6. Objection received from Dr James McGee, 40 Alloway Wynd, Larbert, FK5 4FE on 7 August 2016
7. Objection received from Mrs Fiona McGee, 40 Alloway Wynd, LARBERT, FK5 4FE on 7 August 2016.
8. Objection received from Mrs Jacqueline Robinson, 31 Galbraith Crescent, Larbert, FK5 4GZ on 15 August 2016.

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

# Planning Committee

## Planning Application Location Plan **P/16/0476/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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