



Agenda Item 4

**FORMATION OF VEHICULAR
ACCESS AT 138 CARRONSHORE
ROAD, CARRON, FALKIRK, FK2 8EB,
FOR MR DAVID FOLEY -
P/19/0044/FUL**

FALKIRK COUNCIL

Subject: FORMATION OF VEHICULAR ACCESS AT
138 CARRONSHORE ROAD, CARRON, FALKIRK, FK2 8EB,
FOR MR DAVID FOLEY - P/19/0044/FUL
Meeting: PLANNING COMMITTEE
Date: 22 May 2019
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Gary Bouse
Councillor Joan Coombes
Councillor Jim Flynn
Councillor Laura Murtagh

Community Council: No Community Council

Case Officer: Kirsty Hope (Assistant Planning Officer), Ext. 4705

[View Application in Public Access](#)

UPDATE REPORT

1. Members will recall that this application was originally considered by the Planning Committee on 24 April 2019 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Tuesday 7th May 2019.
2. The proposal was summarised by the case officer and the applicant's wife spoke in support of the application.
3. Members viewed the site and asked questions in relation to other vehicle accesses nearby, the potential for sharing the neighbouring driveway and possible use of the front garden for in curtilage turning.
4. Other existing accesses close to the site are historic and there are no recent examples of planning permission being granted within the vicinity. The neighbouring access and driveway are outwith the application site and the control of the applicant. It would not therefore be possible to incorporate it within this application. The applicant wishes to retain the front garden and advised that vehicles would, in practice, reverse into the driveway.
5. Councillor Flynn spoke as a Local Member in relation to the application, seeking clarification in relation to the issue of the potential for sharing the neighbouring driveway.

6. It is considered that no new matters have been raised that would alter the officer recommendation to refuse planning permission. The previous recommendation is therefore reiterated as follows:-

7. RECOMMENDATION

- 7.1 It is therefore recommended that the Committee refuse planning permission for the following reason(s):-

1. The proposal would result in the formation of a vehicular access onto a classified road with no in curtilage turning facilities and would not be in the best interests of road safety. The proposal is contrary to the terms of both Policy HSG07 - Residential Extensions and Alterations of the Falkirk Local Development Plan and Supplementary Guidance SG03 - Residential Extensions and Alterations.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02 and 03.

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pp Director of Development Services

Date: 10 May 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance Forming Part of the LDP
3. Proposed Falkirk Local Development Plan 2 (Proposed Plan)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

FALKIRK COUNCIL

Subject: FORMATION OF VEHICULAR ACCESS AT
138 CARRONSHORE ROAD, CARRON, FALKIRK, FK2 8EB,
FOR MR DAVID FOLEY - P/19/0044/FUL
Meeting: PLANNING COMMITTEE
Date: 24 April 2019
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Gary Bouse
Councillor Joan Coombes
Councillor Jim Flynn
Councillor Laura Murtagh

Community Council: No Community Council

Case Officer: Kirsty Hope (Assistant Planning Officer), Ext. 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application proposes the formation of a vehicular access and parking area in the front garden of an end terraced property. The proposed driveway would take access directly from the layby parking area on the east side of Carronshore Road. The road is classified 'C' class.
- 1.2 The applicants property comprises of a two storey end-terraced dwelling located within a well established residential area, with a garden located at the front, side and rear of the property. Parking currently exists on street.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Joan Coombes to allow further examination of road safety issues.

3. SITE HISTORY

- 3.1 No relevant planning history. However, it is worth noting that there is a driveway within close proximity that was approved in 1992, with no turning facility.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit advise in the interests of road safety that a turning facility should be provided within the curtilage of the property to allow vehicles to access and egress in a forward gear.

- 4.2 This application falls within the Coal Authority “Development Low Risk Area”. A desk based Coal Mining Risk Assessment is therefore not required.

5. COMMUNITY COUNCIL

- 5.1 There is no Community council for this application.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, no letters of objection or representation were received.

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 Falkirk Local Development Plan

- 7a.1 The Falkirk Local Development Plan (FLDP) 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.2 Policy HSG07 ‘Residential Extensions and Alterations’ states: -

Extensions and alterations to residential properties will be permitted where:

- 1. The scale, design and materials are sympathetic to the existing building;*
- 2. The location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and*
- 3. It will not result in overdevelopment of the plot, thereby giving rise to adverse impacts on the functioning of garden ground, unacceptable loss of off-street parking, or road safety issues.*

Proposals should comply with the detailed guidance on these criteria set out in the Supplementary Guidance SG03 ‘Residential Extensions and Alterations’.

- 7a.3 The proposal would have minimal impact on the visual amenity of the area and would not impact adversely upon residential amenity levels. The Roads Development Unit have expressed concerns over the potential road safety impact of the proposal given that vehicles would not have sufficient turning space to enter and exit the driveway in a forward gear. It is considered that the proposal would not be in the best interests of road safety and is therefore contrary to policy HSG07.

- 7a.4 Accordingly the application is considered to be contrary to the Development Plan.

Supplementary Guidance Forming Part of the LDP

- 7a.5 Whilst it is noted that the surface on the front garden area is permeable monoblock and artificial grass, there is insufficient space for a turning area to be provided within the front garden, to allow cars to access or egress the site in a forward gear. Options to have a turning facility to the rear of the property were discussed with the applicant, however the applicant did not agree that this would be a viable option, given extensive garden works that had already taken place.
- 7a.6 Carronshore Road is a busy classified road and this would not be in the best interests of road safety, therefore the application is contrary to SG03 Residential Extensions and alterations.
- 7a.7 The proposal does not accord with the guidance as set out in the SG03.

7b Material Considerations

- 7b.1 The following matters were considered to be material in the consideration of the application:
- Coal Mining Legacy
 - Falkirk Local Development Plan 2 (Proposed Plan)

Consideration of the Site in relation to Coal Mining Legacy

- 7b.2 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.

Proposed Falkirk Local Development Plan 2 (LDP2)

- 7b.3 The Proposed Falkirk Local Development Plan 2 (LDP2) has been approved by the Council for consultation. The consultation period runs from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received it is expected that LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 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.4 The policy relating to the proposed development within the LDP2 does not differ from that contained within the FLDP to affect the assessment of this application.

7c Conclusion

- 7c.1 The application for the formation of vehicular access to 138 Carronshore Road, Carron is assessed as being an unacceptable form of development as it would have a detrimental impact upon road safety due to the lack of an in curtilage turning facility and would therefore be contrary to the Development Plan.

8. RECOMMENDATION

8.1 It is therefore recommended that the Planning Committee refuse planning permission for the following reason(s):-

- 1. The proposal would result in the formation of a vehicular access onto a classified road with no in curtilage turning facilities and would not be in the best interests of road safety. The proposal is contrary to the terms of both Policy HSG07 - Residential Extensions and Alterations of the Falkirk Local Development Plan and Supplementary Guidance SG03 - Residential Extensions and Alterations.**

Informative(s):-

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02 and 03.**

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pp Director of Development Services

Date: 9 April 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance Forming Part of the LDP
3. Proposed Falkirk Local Development Plan 2 (Proposed Plan)

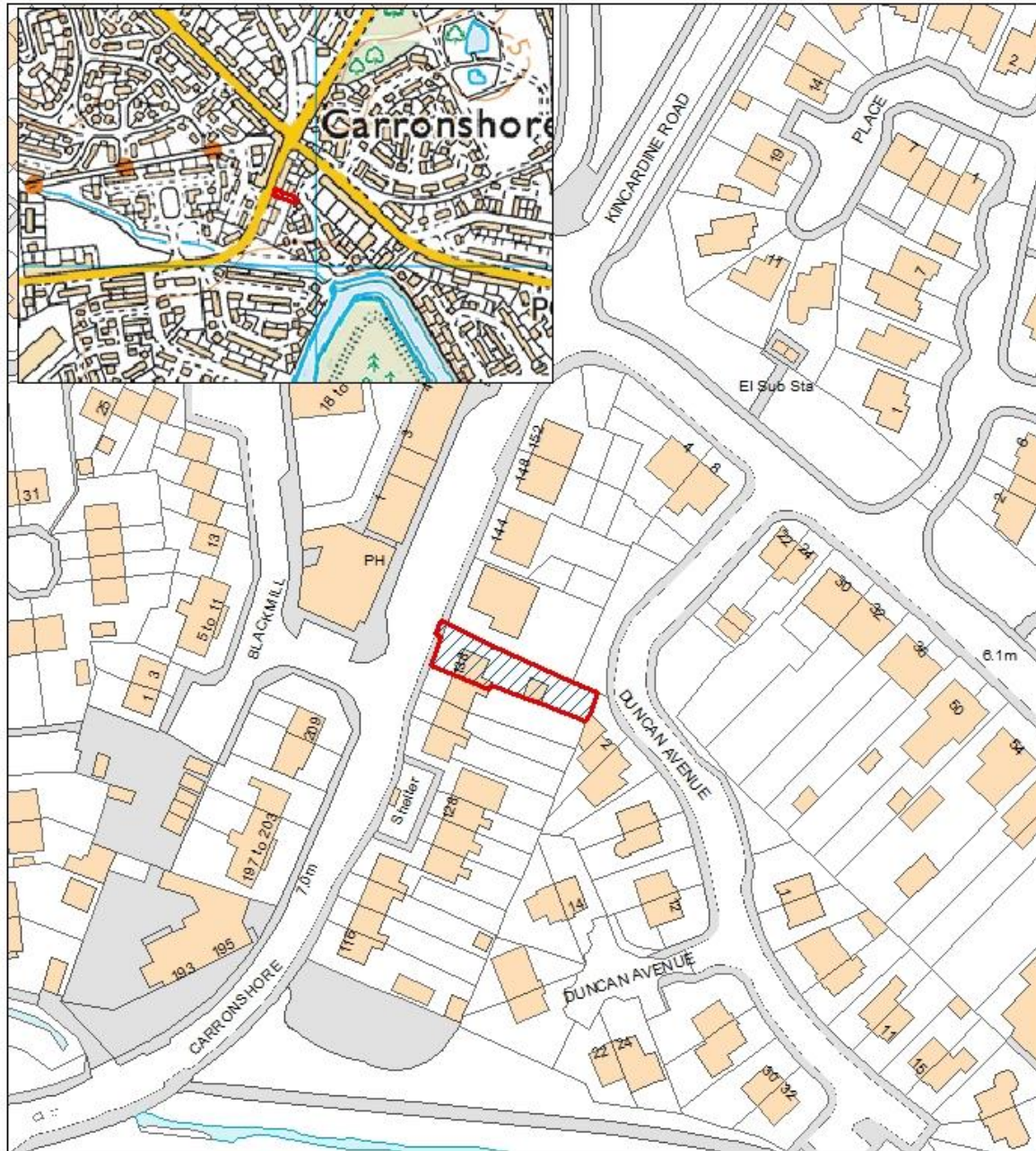
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/19/0044/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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