



Agenda Item 6

**PART DEMOLITION OF
DWELLINGHOUSE, SUBDIVISION OF
GARDEN GROUND AND ERECTION OF
DWELLINGHOUSE WITH ASSOCIATED
INFRASTRUCTURE AT 6 BOOTH
PLACE, FALKIRK, FK1 1BA, FOR
MR JOHN ANDERSON - P/19/0071/FUL**

FALKIRK COUNCIL

Subject: PART DEMOLITION OF DWELLINGHOUSE, SUBDIVISION
OF GARDEN GROUND AND ERECTION OF
DWELLINGHOUSE WITH ASSOCIATED INFRASTRUCTURE
AT 6 BOOTH PLACE, FALKIRK, FK1 1BA, FOR MR JOHN
ANDERSON - P/19/0071/FUL

Meeting: PLANNING COMMITTEE

Date: 22 May 2019

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South

Councillor Lorna Binnie
Councillor John Patrick
Councillor Pat Reid

Community Council: No Community Council

Case Officer: Julie Seidel, (Planning Officer), Ext. 4880

[View Application in Public Access](#)

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 24 April 2018 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Tuesday 7 May 2019.
2. Following a summary of the proposal by the case officer, the applicant spoke in support of the proposal.
3. Objectors in attendance reiterated their representations including issues in relation to non-compliance with the Falkirk Local Development Plan and the Draft Falkirk Local Development Plan 2, privacy, overshadowing, design and materials, overdevelopment and setting.
4. Members of the Committee viewed drawings of the proposed development and viewed the application site and neighbouring garden at No. 8 Booth Place. Members sought clarification in relation to the position and height of the building, location of windows and site levels which was discussed and clarified at the site meeting.
5. Members also asked for the distance between the rear windows of the proposed development and the closest property at Rosehall Terrace. The distance is measured as approximately 24 metres.

6. Local Members Councillors Reid and Binnie commented on the position of the site relative to the Falkirk Town Centre Conservation Area and also in relation to privacy, design, overshadowing and road safety.
7. It is considered that no new matters have emerged from the site visit that would alter the officer recommendation to grant planning permission. The previous recommendation is therefore reiterated as follows:-

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. **No development shall commence on site until a method statement for the protection of the tree closest to the proposed development (identified on the approved plan, our online reference 02A) is submitted to and approved in writing. Thereafter, no development shall commence on site until the tree is fully fenced off (in accordance with BS5937:2012). Within the fenced area there shall be no level changes or trenching, material storage or machinery and the fencing shall remain in place until all construction works are completed.**
3. **The existing dropped kerb footway crossing shall be extended to 14m wide and formed in accordance with details to be agreed with Roads Services.**
4. **The development hereby approved shall 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 CO₂ 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.

5. **Samples of all external materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.**

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To protect the longevity and stability of a tree within a Tree Preservation Order Area.
3. To safeguard the interests of the users of the highway.
4. To ensure the development achieves the required CO₂ emission reduction as a result of development.
5. To safeguard the visual amenity of the area.

Informative(s):-

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

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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

5. The Roads Manager within Corporate and Commercial Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.

.....
pp Director of Development Services

Date: 10 May 2019

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. The Draft Falkirk Local Development Plan 2.
3. Representation received from Mr McCaffery, 8 Booth Place, Falkirk, FK1 1BA on 27 February 2019.
4. Objection received from Mr and Mrs Sinclair, Gandpsinclair@hotmail.co.uk on 27 February 2019.
5. Objection received from Mr and Mrs Duff, 4 Rosehall Terrace, Falkirk, FK1 1PY on 13 February 2019.
6. Objection received from Mr and Mrs Duff, 4 Rosehall Terrace, Falkirk, FK1 1PY on 26 February 2019.
7. Objection received from Mr McCaffery, 8 Booth Place, Falkirk, FK1 1BA on 11 February 2019.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

FALKIRK COUNCIL

Subject: PART DEMOLITION OF DWELLINGHOUSE, SUBDIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE WITH ASSOCIATED INFRASTRUCTURE AT 6 BOOTH PLACE, FALKIRK, FK1 1BA, FOR MR JOHN ANDERSON - P/19/0071/FUL

Meeting: PLANNING COMMITTEE

Date: 24 April 2019

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South

Councillor Lorna Binnie
Councillor John Patrick
Councillor Pat Reid

Community Council: No Community Council

Case Officer: Julie Seidel, (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the erection of a dwellinghouse in the side garden of 6 Booth Place, Falkirk. A 1 ½ storey side extension and outbuilding would be demolished to facilitate the development proposed.
- 1.2 Access would be taken via Booth Place. The proposed development would be 2-storey and of contemporary design.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.2 The application was called in by Councillor Reid for the following reason:
- The application is contrary to HC06, HC07 and HC08 of the LDP2. The proximity to Falkirk Town Centre Conservation area would dictate that its impact on that area require to be considered.

3. SITE HISTORY

- 3.1 A planning application (F/92/0890) for an extension to the dwellinghouse was granted on 04 November 1992.
- 3.2 A planning application (P/11/0804/FUL) for the formation of raised decking was granted on 09 February 2012.

- 3.3 A planning application (P/18/0652/FUL) for the same development as that proposed in this application was withdrawn on 6 December 2018.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit have raised no objection to the application.
- 4.2 The Council's Environmental Protection Unit have raised no objection to the application.
- 4.3 The Falkirk Community Trust Executive Office, Heritage Engagement Officer has raised no objection to the application. The line of the Antonine Wall in this area is incorrectly shown on the OS maps and the proposed development would occupy the northern part of the berm and the Antonine ditch. The trial trench demonstrates that any possible Roman remains are buried well below the depth of the foundations or service trenches for the proposed development. The upper levels have already been heavily disturbed by modern development, including the extension and outbuilding to be demolished on site. The visual impact on the World Heritage Site would be minimal as the application would result in a replacement structure of a similar scale, in an urban setting.
- 4.4 Historic Environment Scotland have raised no objection to the application.
- 4.5 The Coal Authority have raised no objection to the application.
- 4.6 Scottish Water have raised no objection to the application.

5. COMMUNITY COUNCIL

- 5.1 There is no community council formed in this area.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 5 objection letters (from 3 neighbouring properties) were submitted. The salient issues are summarised as follows:-
- The proposed development would result in a loss of privacy to neighbouring properties.
 - The development would restrict the open view and overshadow surrounding properties which is a violation of Human Rights.
 - The proposed development could damage the roots of trees within a Tree Preservation Order Area.
 - The proposed development could cause subsidence to neighbouring properties, as the houses were built on the remains of the Antonine Wall. The trial excavation relates to only a small area and is not representative of subsoil conditions.
 - The design and materials are not in-keeping with the surrounding area and the proposed house would be overbearing.
 - The application would represent an overdevelopment of the site.
 -

- The north side of the street is a conservation area and the proposed development would be unsympathetic to the appearance and character of the surrounding area. The application is in an area of townscape value and would be detrimental to the quality, character and amenity of the area.
- The construction of the house would require access to the neighbouring property which would not be allowed.
- Construction works would be disruptive to local residents.
- The proposed driveway could not accommodate 5 cars. The application would be to the detriment of highway safety and would increase traffic generation.
- There are drainage issues in the area and there is a sewer manhole in the site which would require to be moved.
- The proposed development would amplify transport noise which is a statutory noise nuisance.
- The title deeds have burdens attached, which prohibits the subdivision and erection of additional dwellinghouses. It is assumed that the application site has a similar burden.
- The application is contrary to the Local Development Plan and the Proposed Local Development Plan 2.
- Planning application P/11/0804/FUL was not finished in accordance with the approved plans as a larger window was installed. This raises concerns that this application would not be built in accordance with the approved plans.

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 Falkirk Local Development Plan (LDP) 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 HSG01 'Housing Growth' states:-

1. *The Council will aim to achieve an average housing growth of 675 dwellings per year across the Council area over the Plan period, and will ensure that a five year effective land supply is maintained;*
2. *The Council will monitor and update the effective housing land supply figures annually to make sure that a minimum five year supply is maintained at all times. If this Housing Land Audit process identifies a shortfall in the effective land supply, the Council will consider supporting sustainable development proposals that are effective, in the following order of preference:*
 - *Urban Capacity sites*
 - *Additional brownfield sites*
 - *Sustainable greenfield sites*

In doing so, account will be taken of other local development plan policies and of any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

3. *The overall scale of housing allocations in each settlement area to meet the target level of growth, including flexibility, will be as shown in Figure 3.1.*
4. *The specific sites where new housing will be promoted are listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
5. *The locations for most significant growth are identified as Strategic Growth Areas (SGAs). Within these areas, the preparation of development frameworks, masterplans and briefs, as appropriate, and the co-ordination of social and physical infrastructure provision, will be a particular priority. Site requirements are set out in Appendix 2.*

7a.3 The application is supported by HSG01 'Housing Growth' as it would make a modest contribution to the Council's housing land supply.

7a.4 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.5 The application site is located within the garden ground of the donor property, with an extension and outbuilding currently occupying the site. It is considered that the proposed dwellinghouse would be compatible with the surrounding, predominantly, residential area. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreation and other community facilities. Existing physical infrastructure can accommodate the proposed development and the site is not at significant risk from flooding. The application accords with other LDP policies including HSG05. The application accords with policy HSG03 'Windfall Housing'.

7a.6 Policy HSG04 'Housing Design' states:-

The layout, design and density of the new housing development should conform with any relevant site-specific design guidance, Supplementary Guidance SG02 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved.

7a.7 There is no site-specific design guidance for the application site. It is considered that the proposed development accords with Supplementary Guidance SG02 and the Scottish Government's policy on Designing Streets. The proposal would be distinctive, safe and pleasant, easy to move around, welcoming, adaptable and resource efficient. The application accords with policy HSG04 'Housing Design'.

7a.8 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.9 It is considered that the contemporary design would respect the townscape character of the area. Adequate garden ground can be provided to serve the proposed house without an unacceptable impact on the size and functioning of the existing garden. Adequate privacy would be afforded to neighbouring properties (this is discussed in greater detail in section 7b.6 of this report). The development would not result in the loss of any features such to affect the character of the area adversely. Vehicular access and parking are acceptable and the application accords with other LDP policies. The application accords with policy HSG05 'Infill Development and Subdivision of Plots'.

7a.10 Policy INF02 'Developer Contributions to Community Infrastructure' states:-

Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:

1. *Specific requirements identified against proposals in the LDP or in development briefs;*
2. *In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
3. *In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
4. *In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
5. *Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments.

7a.11 The erection of one dwellinghouse would not exacerbate deficiencies in or impose significantly increased burdens on existing infrastructure. As such there is no planning gain required in accordance with INF02 'Developer Contributions to Community Infrastructure'.

7a.12 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.13 The application site is not located in a Tree Preservation Order (TPO) area. There are two trees in the neighbouring garden, adjacent to the existing outbuilding, which are covered by a TPO. The Council's Landscape Officer advises that the trees are not of high amenity value or in good condition and it is likely that the roots will have grown away from the application site as a result of the outbuilding. It is considered that the application would not adversely affect the longevity, stability or appearance of the trees, subject to appropriate tree protection. The application accords with policy GN04 'Trees Woodland and Hedgerows'.

7a.14 Policy D11 'Areas of Townscape Value' states:-

The Council recognises the architectural and historic merit and potential of the additional areas of townscape value identified on the Proposals Map, which do not currently have Conservation Area status. Within these areas:

- 1. The Council will undertake Character Appraisals to determine whether the areas merit designation as Conservation Areas, either as new Conservation Areas, or as extensions to existing ones; and*
- 2. Development proposals will be required to fit with the distinctive 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.*

7a.15 The application site is within an area of townscape value, which is characterised (in the immediate vicinity of the application site) by detached and semi-detached, 2 and 1 ½ storey houses of traditional design and materials. It is considered that the scale, massing and materials of the proposed house would complement the character of the surrounding area. The proposed development is contemporary in design, however, the proportions, ridge height, building line and architectural quality would fit the distinctive character and settlement pattern of the area. The application accords with policy D11 'Areas of Townscape Value'.

7a.16 Policy D07 'Antonine Wall' states:-

The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- 1. There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*
- 2. There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other LDP policies; and*
- 3. Supplementary Guidance SG07 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' will be applied in assessing development proposals along the line, or affecting the setting, of the Antonine Wall.*

7a.17 The submitted Archaeological Investigation demonstrated that any possible archaeological remains are buried well below the depth of the foundations or service trench for the proposed development. In addition, the site has already been heavily disturbed by previous development. The visual impact on the World Heritage Site is not considered significant as the development relates to a replacement structure within an urban setting. The application accords with policy D07 'Antonine Wall'.

7a.18 Policy D02 'Sustainable Design Principles' states:-

New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

1. *Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
2. *Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
3. *Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
4. *Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
5. *Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
6. *Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.

7a.19 Policy D03 'Urban Design' states:-

New development should create attractive and safe places for people to live, work and visit. Accordingly:

1. *Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*

2. *The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
5. *Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm.*

7a.20 The proposed development would achieve a contemporary high standard of design quality and compliance with principles of sustainable development, in accordance with policies D02 'Sustainable Design Principles' and D03 'Urban Design'.

7a.21 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.22 A planning condition in relation to low and zero carbon development, in accordance with D04 'Low and Zero Carbon Development', is considered to be appropriate.

Supplementary Guidance forming part of Local Development Plan

7a.23 The application accords with the guidance contained in SG02 'Neighbourhood Design' in relation to good design.

7a.24 The Council's Landscape Officer advises that the tree closest to the proposed development is low quality and has been heavily cut back in the past. It is also considered that the roots of the trees would have grown away from the application site as there is a substantial outbuilding in the application site. The application shows a 2 metre wide tree protection area around the closest tree during construction, in accordance with SG06 'Trees and Development'.

7a.25 The application can progress with a planning condition in relation to low and zero carbon generating technology, in accordance with SG15 'Low and Zero Carbon Development'.

7a.26 Accordingly, the application accords with the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are the Falkirk Local Development Plan 2 (LDP2), the assessment of public representation and the consideration of the site in relation to coal mining legacy.

Falkirk Local Development Plan 2 (Proposed Plan)

7b.2 The current Falkirk Local Development Plan is in the process of being replaced by a new plan, LDP2. The Proposed Falkirk Local Development Plan 2 (LDP2) has been approved by the Council for consultation. The consultation period ran 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. In the case of this particular planning application, the proposed plan in its current form does not introduce any new policy considerations or land use allocations which would alter the above assessment and justify a refusal of planning permission in this instance.

Assessment of Public Representation

7b.3 The proposed development is assessed as being acceptable within the setting of the surrounding area of townscape value and neighbouring conservation area. The contemporary design, materials, proportions and footprint would respect the special character and settlement pattern of the area.

- 7b.4 The applicant has submitted a drawing which demonstrates that there would not be a significant impact on the daylight of the adjoining property at No. 8 Booth Place to justify refusal. The main habitable windows and main living areas for the house are located away from the side elevation closest to the proposed development. The existing site conditions including the 1 ½ storey extension, high boundary wall and substantial outbuilding are noted.
- 7b.5 The levels have been checked on site and are considered to be accurate.
- 7b.6 It is considered that the proposed development would not have a significant impact on the privacy of neighbouring properties. The houses to the rear of the site at Rosehall Terrace would be more than 18 metres away, in accordance with privacy guidance set out in Supplementary Guidance SG03 'Residential Extensions and Alterations'. There would be bedroom windows overlooking the partial garden to the rear of 8 Booth Place, however, the angles of the windows and the use of the rooms as bedrooms would not create a significant privacy impact to justify refusal.
- 7b.7 The Roads Development Unit do not object to the proposed development. A parking area is shown to the front of the site which would accommodate the required level of parking for the proposed and donor property. It is not considered that the application would cause a significant increase in traffic generation within the town centre location.
- 7b.8 Scottish Water do not object to the application. If manholes require to be moved, this would be addressed as part of the Building Warrant application. Similarly structural stability will be considered under Building Regulations.
- 7b.9 Transportation noise is not a statutory noise nuisance. It is accepted that there may be a degree of noise and disturbance at the construction phase of development, however, in isolation does not warrant refusal of the application. Any complaints in relation to noise would be investigated by the Environmental Protection Unit.
- 7b.10 Legal and land ownership issues, including access from neighbouring property and possible title deed restrictions, are not a material planning consideration.
- 7b.11 It is considered that the proposed measures to protect the root area of the tree closest to the proposed development area are acceptable.
- 7b.12 The application is assessed as being in accordance with the LDP and LDP2.
- 7b.13 Planning application P/11/0804/FUL related to the installation of a raised deck. The slapping in of a window does not require the benefit of planning permission and did not form part of the planning application.

Consideration of the Site in relation to Coal Mining Legacy

- 7b.14 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. Any development proposal not exempt on grounds of type or nature, which would intersect with the ground requires the submission of a desk based Coal Mining Risk Assessment and Consultation with the Coal Authority.

7b.15 The process recognises the need for flexibility and in cases where a further application (Matters Specified in Conditions) is necessary, the Coal Mining Risk Assessment may be deferred until that stage. If an assessment has been received and the views of the Coal Authority sought, these are summarised within the consultation responses above and appropriate conditions and/or informatives have been applied.

7c Conclusion

7c.1 The application is assessed as being in accordance with the Local Development Plan. The issues raised by third parties are addressed in the body of this report. There are no material planning considerations which outweigh the provisions of the LDP and would warrant refusal of the planning application.

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. No development shall commence on site until a method statement for the protection of the tree closest to the proposed development (identified on the approved plan, our online reference 02A) is submitted to and approved in writing. Thereafter, no development shall commence on site until the tree is fully fenced off (in accordance with BS5937:2012). Within the fenced area there shall be no level changes or trenching, material storage or machinery and the fencing shall remain in place until all construction works are completed.**
- 3. The existing dropped kerb footway crossing shall be extended to 14m wide and formed in accordance with details to be agreed with Roads Services.**
- 4. The development hereby approved shall 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 CO₂ 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.

5. Samples of all external materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.

Reasons for the conditions above:

1. As these drawings and details constitute the approved development.
2. To protect the longevity and stability of a tree within a Tree Preservation Order Area.
3. To safeguard the interests of the users of the highway.
4. To ensure the development achieves the required CO₂ emission reduction as a result of development.
5. To safeguard the visual amenity of the area.

Informative(s):-

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

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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

5. **The Roads Manager within Corporate and Commercial Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.**

.....
pp Director of Development Services

Date: 9 April 2019

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. The Draft Falkirk Local Development Plan 2
3. Representation received from Mr McCaffery, 8 Booth Place, Falkirk, FK1 1BA on 27 February 2019.
4. Objection received from Mr and Mrs Sinclair, Gandpsinclair@hotmail.co.uk on 27 February 2019.
5. Objection received from Mr and Mrs Duff, 4 Rosehall Terrace, Falkirk, FK1 1PY on 13 February 2019.
6. Objection received from Mr and Mrs Duff, 4 Rosehall Terrace, Falkirk, FK1 1PY on 26 February 2019.
7. Objection received from Mr McCaffery, 8 Booth Place, Falkirk, FK1 1BA on 11 February 2019.

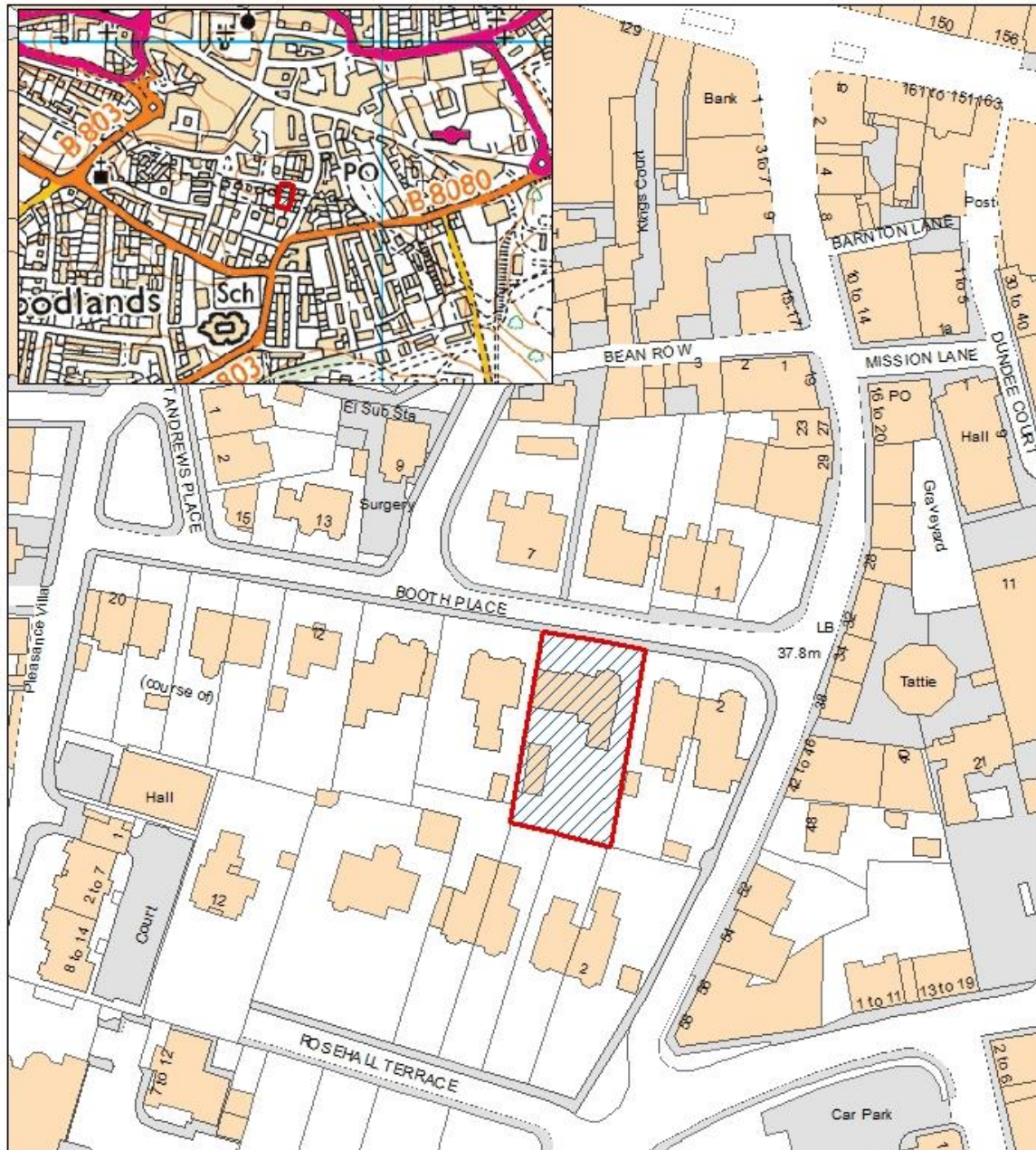
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/19/0071/FUL

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



Reproduced by permission of Ordnance Survey on behalf of HM SO.
© Crown copyright and database right 2019. All rights reserved.
Ordnance Survey Licence number 100023384