



Agenda Item 5

**AMENDMENT TO PLANNING PERMISSION
P/13/0514/FUL - REPOSITIONING OF 20M NATIVE
BROADLEAF SPECIES TREE PLANTING,
FORMATION OF INDIVIDUAL VEHICULAR
ACCESS AND RE-POSITIONING OF
DWELLINGHOUSE - PLOT 2 AT LAND TO THE
SOUTH EAST OF BYWAYS, GLEN ROAD,
TORWOOD FOR ROY MITCHELL - P/19/0349/FUL**

FALKIRK COUNCIL

Subject: AMENDMENT TO PLANNING PERMISSION P/13/0514/FUL -
REPOSITIONING OF 20M NATIVE BROADLEAF SPECIES
TREE PLANTING, FORMATION OF INDIVIDUAL
VEHICULAR ACCESS AND RE-POSITIONING OF
DWELLINGHOUSE - PLOT 2 AT LAND TO THE SOUTH
EAST OF BYWAYS, GLEN ROAD, TORWOOD FOR ROY
MITCHELL - P/19/0349/FUL

Meeting: PLANNING COMMITTEE

Date: 23 October 2019

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost William Buchanan
Councillor Niall Coleman
Councillor David Grant

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

[View this Application on Public Access](#)

UPDATE REPORT

1. Members will recall that this application was originally considered by the Planning Committee on 24 September 2019 (copy of previous report attached), when it was agreed to continue the application for a site visit. This site visit took place on Monday 7 October 2019.
2. Following a summary of the application by the case officer the applicant in relation to the application on plot 2 spoke in relation to the applications on plots 1, 2 and 3. The applicant commented on the history of previous planning refusals and concerns raised by Forestry and Land Scotland (formerly Forestry Commission Scotland).
3. Questions were asked by Members of the Committee. In particular, Members requested that:-
 - (a) A copy of the finalised scheme for the 20m landscape strip to the front of the site be attached to the update report;
 - (b) Comment be sought from Falkirk Council's Biodiversity Officer as to the consequences of potentially moving the landscape strip to the rear of the site; and
 - (c) Could the specification of the landscape strip be addressed through planning condition, should the application be approved?

4. To address these matters, the following comments are offered:-

- (a) A copy of the approved landscape scheme for the front of the site is attached.
- (b) Comments on biodiversity impact will be provided at the meeting as, at time of writing, this information is not available.

However, it should be noted that the decision of the Planning Review Committee to create a 20m depth of native broadleaf species tree planting along Glen Road frontage of the site was "To safeguard the visual amenity of the area, integrate the development into its surroundings and assist to compensate for the permanent loss of woodland at the site".

The Planning Review Committee was satisfied that the applicant's proposal to create a native broadland woodland elsewhere at Whinnie Muir would, on balance, adequately compensate for the permanent loss of woodland habitat as a consequence of development.

No reference to the landscape strip forming a "wildlife corridor" is made within the Planning Review Committee decision letter.

- (c) It is considered that a planning condition could be imposed to address the matter of landscape specification should the application be granted.

Such a condition would be considered prudent, in that the applicant intends to utilise the existing 13 metre wide treescape already in-situ to the rear of the site - as opposed to introducing a completely new landscape strip as previously intended.

Therefore, a revised scheme will be required and could be addressed through a planning condition stating:-

"Prior to the construction of the dwellinghouse, a scheme of soft landscaping shall be submitted to and approved in writing by the Planning Authority. Not least, the scheme shall include (a) the provision of a 20m depth of native broadleaf species tree planting along the rear of the site, (b) a scheme of planting and maintenance and (c) provision to retain this feature in perpetuity.

Reason:- To safeguard the visual amenity of the area and assist for loss of woodland at the site".

5. No issues were raised at the site visit which would alter the officer recommendation to refuse planning permission.

6. RECOMMENDATION

6.1 It is recommended to refuse planning permission for the following reason(s):-

- 1. **The proposed relocation of the 20 metre landscape strip of native broadleaf species to the rear of the site would fail to integrate the proposed dwellinghouse into its surroundings, or safeguard or enhance existing woodland character contrary to Policy GN04 'Trees, Woodlands and Hedgerows' of the Falkirk Local Development Plan..**

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.

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pp Director of Development Services

Date: 11 October 2019

LIST OF BACKGROUND PAPERS

1. Local Review Board Decision letter dated 3 July 2017.
2. Falkirk Local Development Plan.
3. Planning Decision Notice P/13/0514/FUL.

FALKIRK COUNCIL

Subject: AMENDMENT TO PLANNING PERMISSION P/13/0514/FUL -
REPOSITIONING OF 20M NATIVE BROADLEAF SPECIES
TREE PLANTING, FORMATION OF INDIVIDUAL
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Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to an existing extant planning permission for a single dwellinghouse located off Glen Road, Torwood. The application relates to Plot 2 of three dwellinghouses previously granted planning permission by Falkirk Council through a Local Review Body decision. The applicant seeks to reposition a required 20m landscape strip from the front of the site to the rear, serve each plot by direct road access rather than all three plots served by a shared vehicular access and reposition the dwellinghouse within the existing plot. The current proposed vehicular access and egress points to serve the three dwellinghouses are located at Plot 1 and Plot 3.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application was called in by Provost Buchanan to allow consideration of the impact of the proposed amendments to the existing planning permission on the visual amenity, landscape character and setting of the area.

3. SITE HISTORY

- 3.1 P/08/0377/FUL - Detail Refused on 26 May 2009 - Erection of 5 Dwellinghouses.
- 3.2 P/09/0525/FUL - Detail Refused on 05 November 2009 - Erection of 5 No. Dwellinghouses.
- 3.3 P/11/0797/FUL - Detail Refused on 10 April 2012 - Erection of 3 Dwellinghouses with Detached Domestic Garages.
- 3.4 P/13/0509/FUL - Review Allowed with Conditions on 03 December 2013 - Erection of Detached Dwellinghouse and Detached Domestic Double Garage (Plot 3).
- 3.5 P/13/0513/FUL - Review Allowed with Conditions on 16 December 2013 - Erection of Detached Dwellinghouse and Detached Domestic Double Garage (Plot 1).
- 3.6 P/13/0514/FUL - Review Allowed with Conditions on 15 November 2013 - Erection of a Detached Dwellinghouse and Detached Domestic Double Garage (Plot 2).
- 3.7 P/19/0349/FUL - Pending Consideration - Amendment to Planning Permission
P/13/0514/FUL - Repositioning of 20m Native Broadleaf Species Tree Planting.
- 3.8 Formation of Individual Vehicular Access and Re-positioning of Dwellinghouse - Plot 2.
- 3.9 P/19/0350/FUL - Pending Consideration - Amendment to Planning Permission
P/13/0509/FUL - Repositioning of 20m Native Broadleaf Species Tree Planting,
Formation of Individual Vehicular Access and Re-positioning of Dwellinghouse - Plot 3.
- 3.10 F/2002/0846 - Detail Refused on 18 February 2003 - Provision of Access, Hard Standing/Turning Area in Connection with Timber Extraction Operation.
- 3.11 F/2002/0881 - Outline Refused on 17 January 2003 - Erection of Dwellinghouse.
- 3.12 F/2002/0882 - Outline Refused on 17 January 2003 - Erection of Dwellinghouse.

4. CONSULTATIONS

- 4.1 Falkirk Council's Roads Development Unit has no objection but has advised that previous planning conditions should be imposed.
- 4.2 Scottish Water has no objections.
- 4.3 Falkirk Council's Environmental Protection Unit has no objection.
- 4.4 The Case Officer - Coal Standing Advice Area has advised that no Coal Mining Risk Assessment is required.

5. COMMUNITY COUNCIL

- 5.1 No active Community Council.

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 Development Plan

- 7a.1 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.2 Policy CG03 - Housing in the Countryside states:-

Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

- 1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
- 2. Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*
- 3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
- 4. Appropriate infill development;*
- 5. Limited enabling development to secure the restoration of historic buildings or structures; or*
- 6. Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.

7a.3 In this instance, planning permission has already been approved by Falkirk Council and the principle of development need not be subject to review. The matters under review are the specific alterations requested to the extant planning permission.

7a.4 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.5 Matters under review are the specific alterations requested to the extant planning permission, which include the repositioning of a 20m landscape strip from the front of the site to the rear of the site. The inclusion of a 20m landscape strip to the front of the site was a specific requirement of the Local Review Board when assessing the original application, to safeguard the visual amenity of the area, integrate the development into its surroundings and assist to compensate for the permanent loss of woodland at the site. While the compensatory element may not be adversely impacted by the revised position of the landscape strip, this proposed alteration is considered contrary to part 5 of the above policy, where landscaping should enhance the development and assist integration of the development with its surroundings.

7a.6 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.7 The planning application site was an area of woodland, felled through the course of unauthorised works, unrelated to planning legislation. However, in approving development of the site, the Local Review Board were mindful of this matter and imposed the planning condition regarding the placement of a 20m landscape strip to the front of the site. This approach was consistent with Policy GN04 part 3, where compensatory planting was sought to address previous loss of trees and part 4, where the enhancement and management of felled woodland fronting Glen Road is to be encouraged.

7b Material Considerations

7b.1 The material consideration to be assessed are Consideration of the Site in Relation to Coal Mining Legacy, Planning History, Responses to Consultation, Information Submitted in Support of the Proposal, Additional Planning Considerations and 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. 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.

Planning History

- 7b.3 It should be noted that the application site has extensive history with regard to submitted planning applications, most of which have been refused as contrary to Development Plan policies. On submission of planning application ref P/13/0509/FUL, this application was again refused as, in the opinion of the Planning Authority, the application was contrary to Development Plan policies.
- 7b.4 On approach to Falkirk Council through appeal, the Local Review Board (LRB) decided to approve the application, subject to several imposed planning conditions. Condition (6) sought a scheme of soft landscaping to include the provision of a 20m depth of native broadleaf species tree planting along the Glen Road frontage of the site, in accordance with full details to be approved in writing by this Planning Authority. The reasoning was to safeguard the visual amenity of the area, integrate the development into its surroundings and assist to compensate for the permanent loss of woodland at the site. In addition, there is also a condition and informative requiring that the three plots be served by a shared access. The reason for this condition was to safeguard the visual amenity of the area. The applicant has initiated development of the site.

Responses to Consultation

- 7b.5 There are no objections to the proposals from consultees.

Information Submitted in Support of the Proposal

- 7b.6 The applicant has submitted that the premise of moving the landscape strip from the front elevation to the rear elevation would still provide a landscape buffer on the site, contributing to proposed replacement planting on the plot. The introduction of individual vehicular access provision would allow dedicated vehicular access to each plot, rather than shared access being generated through the two vehicular access points to serve the three plots (via plots 1 and 3). The repositioning of the dwellinghouse is considered a fairly minor alteration.

Additional Planning Considerations

- 7b.7 The considerations of the Local Review Board in approving the application potentially contrary to the Development Plan are key to the current consideration of allowing amendment to the determined proposals. It seems clear that the LRB placed significant weight on the imposition of a 20m landscape strip to the front of the site, to safeguard the visual amenity of the area, integrate the development into its surroundings and assist to compensate for the permanent loss of woodland at the site. From this reasoning, the transfer of the landscape strip to the rear of the plot would not address two of the aspects to be safeguarded, namely visual amenity and development integration to the site. In terms of the formation of three independent vehicular accesses, this particular plot (plot 2) is not currently served by a dedicated vehicular access, relying on access from either plot 1 or plot 3. The main difference in the proposal would be that a vehicular access would uniquely serve plot 2, rather than rely on a communal vehicular access of all three plots. In this regard, there will be little change, in visual terms, to the frontage of the site as a consequence of the proposals. The minor change to house position is not considered to be contentious in planning terms and does not raise any issues with regard to visual setting, privacy, sunlight or daylight provision to neighbouring property.

Falkirk Local Development Plan 2 (Proposed Plan)

- 7b.8 Falkirk Local Development Plan 2 will guide the future development of the Falkirk Council area in the period 2020-2040. The Proposed Plan contains policies and proposals indicating where development should or should not take place. It provides guidance on the future provision of housing, business, transport and infrastructure, recreation and community infrastructure, and will become the basis for determining planning applications. At this stage it is a material consideration when assessing any proposed development. There are no intended changes to Development Plan policies which would require revision of the assessment or recommendation of this application.

7c Conclusion

- 7c.1 It is considered that the reasoning behind the decision to allow development of the site has been explained through the Planning Review Committee Decision Notice and accompanying schedule of planning conditions and reasons. From these documents, it is interpreted that the Local Review Board places significant weight on development of the site being acceptable by imposing restrictive planning conditions to a) secure a 20m depth of native broadleaf species tree planting along the Glen Road frontage and b) a shared access to the three plots granted planning permission. The reasoning behind these planning conditions relate to safeguarding the visual amenity of the area, integrate the development into its surroundings and assist to compensate for the permanent loss of woodland at the site. In reviewing the proposals, it is considered that the relocation of the landscape strip may contribute to the loss of woodland at the site, but would fail to safeguard the visual amenity of the area nor integrate the development into its surroundings. The proposals are therefore considered contrary to Development Plan policy GN04 in that the enhancement and management of and existing woodland which was removed is not best served by its placement to the rear of the plot nor serves to integrate the development by failing to restore an area of felled woodland fronting Glen Road. The introduction of an individual access is not considered to have an adverse impact upon the visual amenity and it does not raise any concerns in respect of road safety.

8. RECOMMENDATION

- 8.1 **It is recommended to refuse planning permission for the following reason(s):-**
- 1. The proposed relocation of the 20 metre landscape strip of native broadleaf species to the rear of the site would fail to integrate the proposed dwellinghouse into its surroundings, or safeguard or enhance existing woodland character contrary to Policy GN04 'Trees, Woodlands and Hedgerows' of the Falkirk Local Development Plan..**

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.

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pp Director of Development Services

Date: 13 September 2019

LIST OF BACKGROUND PAPERS

1. Local Review Board Decision letter dated 3 July 2017.
2. Falkirk Local Development Plan.
3. Planning Decision Notice P/13/0514/FUL.

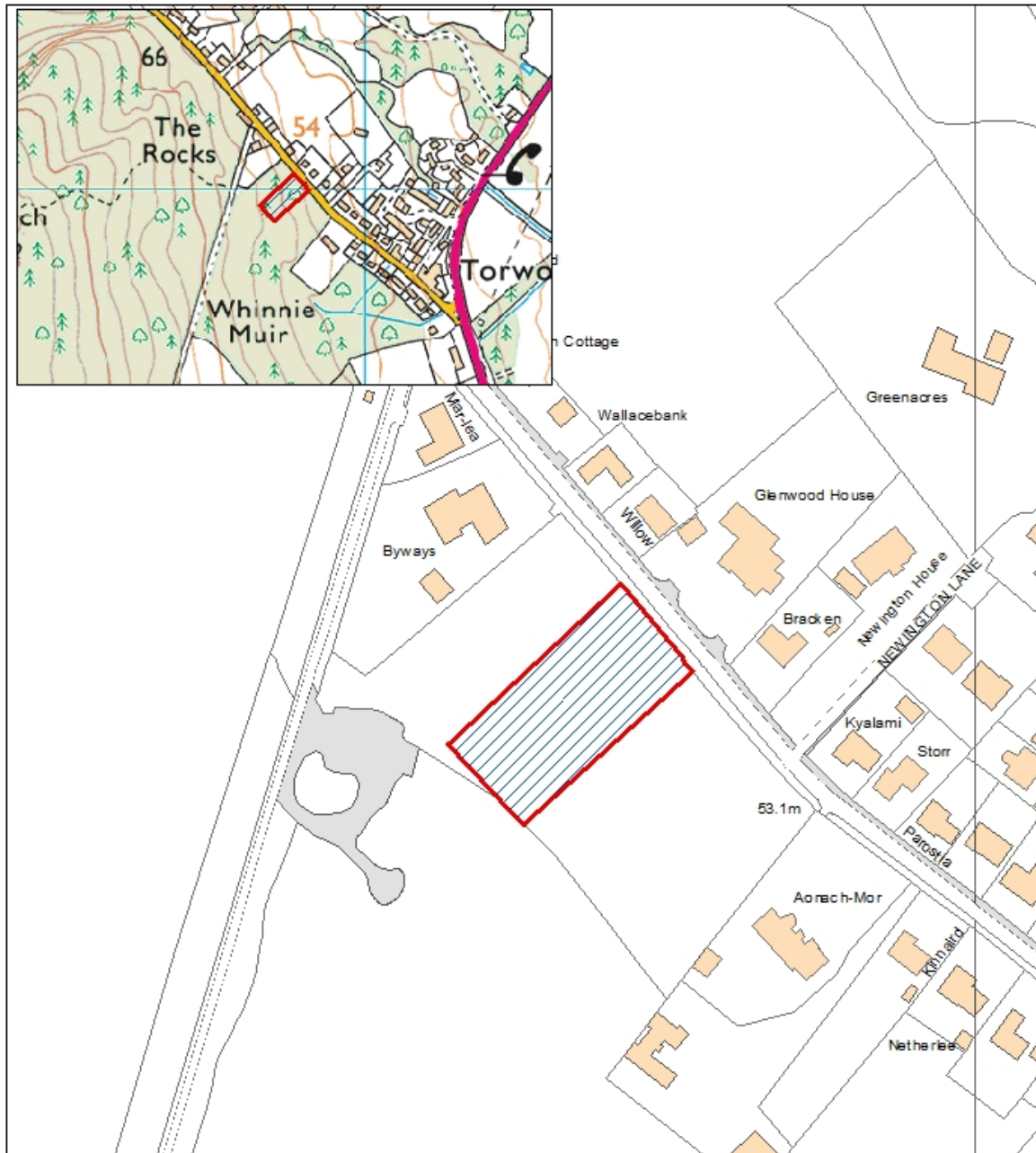
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/19/0349/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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