

**FALKIRK COUNCIL**

**Subject:**        **FORMATION OF DRIVEWAY (DETAILED) AT TIDINGS HILL, 15A  
CADZOW CRESCENT, BO'NESS EH51 9AZ FOR MR & MRS TONER -  
P/08/0246/FUL**  
**Meeting:**       **PLANNING COMMITTEE**  
**Date:**           **25 February 2009**  
**Author:**        **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:**        **Councillor John Constable  
Councillor Harry Constable  
Councillor Adrian Mahoney**

**Community Council:**    Bo'ness

**Case Officer:**           Julie Seidel (Planning Officer), ext 4880

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1.        Members will recall that this application was originally considered at the meeting of the Regulatory Committee on 28 January 2009 (copy of previous report appended), when it was agreed to continue consideration to allow a site visit to be carried out. This visit took place on 10 February 2009.
2.        At the site inspection Members were shown the position of the proposed driveway within the garden ground of Tidings Hill.
3.        In support of the proposal, the applicant advised that the proposed new driveway sought to reduce problems with manouvering within the curtilage of Tidings Hill and also resolve ownership issues. He also advised that replacement of the existing gates had been originally proposed however this had been deleted from the proposal.
4.        An objector (owner of one of the two dwellings at Tidings Hill) spoke in relation to his concerns and stated that in his view the report considered at the meeting of the Regulatory Committee on 28 January 2009 was specifically designed to convince Members to approve the application. He invited Committee to refuse the application and circulated a number of documents for Members' consideration.
5.        It was clarified that the Scottish Civic Trust had not been consulted on this application nor had the Trust made comment to the planning authority. It was also clarified that Falkirk Council's Keeper of Archaeology and Local History had not been formally consulted on the application. A review of the file has shown that his views were requested by e-mail and he submitted comments, these being summarized in the report which was presented at Regulatory Committee on 28 January 2009.

6. The views of Historic Scotland, were also clarified in that they had some concern regarding the originally proposed gate replacement, however in relation to the re-formation of the driveway they offered no comment.
7. It is considered that the proposal represents an acceptable form of development within the curtilage of a Listed Building.
8. **It is recommended that planning permission be granted subject to the following conditions:**
  - (1) The development to which this permission relates must be begun within five years from the date of this permission.
  - (2) Samples of brick work to be used in the formation of any retaining structures shall be submitted for the consideration of the Planning Authority and the work shall not begin until written approval of the Planning Authority has been given.
  - (3) The depth of excavation required for the formation of the driveway shall not exceed 250mm.
  - (4) The height of any retaining wall required for the formation of the driveway shall not exceed 450mm as referred to in the approved plan Ref: T17 WD 02.
  - (5) The gravel to be used in the development shall match in terms of texture and appearance, the gravel on the adjoining drive.

**Reason(s):**

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,4,5) To safeguard the visual amenity of the area.
- (3) To safeguard the health of the mature tree.

**Informative(s):**

- (1) Any removed shrubbery or rhododendron bush should be replanted within the application site wherever possible.
- (2) For the avoidance of doubt the timber fence and satellite dish referred to on drawing Ref: ZO L02 do not form part of this application.

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**For Director of Development Services**  
**Date: 18 February 2009**

### **LIST OF BACKGROUND PAPERS**

1. Bo'ness Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Historic Scotland's memorandum of Guidance on Listed Buildings and Conservation Areas (pg 144, 1.8.3).
4. Letter of representation from Tom Scamman, Cadzow Crescent, Bo'ness EH51 9AZ on 07 April 2008
5. Letter of representation from Katherine Scamman, 15B Cadzow Crescent, Bo'ness EH51 9AZ on 08 April 2008
6. Letter of representation from Lyn Cranwell, The Knowe, Erngath Road, Bo'ness EH51 9EN on 29 March 2008
7. Letter of representation from Susan Rodger, Eastmount, 15 Erngath Road, Bo'ness on 28 March 2008
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18. Letter of representation from Robert MacPherson, Dumyat, 13 Cadzow Crescent, Bo'ness on 11 April 2008
19. Letter of representation from E J Roberts, Hawthorn, 14 Braebank, Bo'ness EH51 9DN on 10 April 2008

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:** FORMATION OF DRIVEWAY (DETAILED) AT TIDINGS HILL, 15A CADZOW CRESCENT, BO'NESS EH51 9AZ FOR MR & MRS TONER - P/08/0246/FUL  
**Meeting:** REGULATORY COMMITTEE  
**Date:** 28 January 2009  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Member:** Councillor John Constable  
Councillor Harry Constable  
Councillor Adrian Mahoney

**Community Council:** Bo'ness

**Case Officer:** Julie Seidel (Planning Officer), ext 4880

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

- 1.1 The application site comprises a category 'B' listed residential property which has been subject to internal division forming two dwellings. The property is, in appearance, a large detached structure set within an extensive garden area, served by a single vehicular access point from Cadzow Crescent, Bo'ness.
- 1.2 This application relates to the formation of a driveway at Tidings Hill. The application will require the removal of turf, mature shrubbery and a section of rhododendron bush.
- 1.3 This application previously included the replacement of the iron gates, however this has now been removed from the proposals and the application relates solely to the proposed driveway.

**2. REASON FOR REFERRAL TO COMMITTEE**

- 2.1 The application has been called in to the Regulatory Committee, at the request of Councillor John Constable.

**3. SITE HISTORY**

- 3.1 F/2000/0180 – extension to dwellinghouse (detailed) – granted 30 November 2000.
- 3.2 F/2000/0185 – extension to dwellinghouse (dormer) (listed building consent) – granted 21 December 2000.

- 3.3 F/2002/0943 – erection of dwellinghouse (outline) – granted 19 March 2003.
- 3.4 F/2004/0122 – erection of dwellinghouse (detailed) – granted 24 May 2004.
- 3.5 P/08/0180/LBC – internal alterations to listed building (listed building consent) – granted 23 July 2008.
- 3.6 P/08/0245/LBC – formation of driveway – (listed building consent) – pending consideration.

#### **4. CONSULTATIONS**

- 4.1 Historic Scotland do not object to the proposal and offer no comment.
- 4.2 Falkirk Council's Roads Development Unit advises that there are no roads related conditions to be attached to any planning permission.
- 4.3 Falkirk Council's Keeper of Archaeology and Local History has advised that the proposed development is unnecessary and out of keeping with the building. He advises that the proposed development would take the driveway up against the wall of the south wing impairing the setting of the building and approach for pedestrians.

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

- 5.1 Bo'ness Community Council have not made any representation.

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

- 6.1 16 letters of representation from 14 individuals have raised concerns regarding the proposals. 9 of the representations relate to the proposed driveway. Many of the letters and comments refer to the internal alteration to Tidings Hill (P/08/0180/LBC now approved) and the replacement of the iron gates which have now been removed from the application. The issues raised that relate to the application under consideration can be summarized as follows:-

- There is no need for the rhododendron bush to be removed.
- Shrubs and trees will be removed as part of the development and a large expanse of lawn would be lost to gravel or paving;
- The park like setting of the listed building will be destroyed with the creation of a new driveway;
- The proposed driveway would run exactly next to the existing drive for 15B Cadzow Crescent, this would affect amenity;
- The removal of the shrubs will make the property look like a prison;

- The design and layout of the existing drive forms part of the setting of a listed building and should not be substantially altered;
- There is ample room for parking and manoeuvrability at present;
- The drive has held its current form for over 100 years;
- There is not enough detail in the submitted plans;
- The effect of the application would result in a car park with a mound of grass in the middle;
- This application is change for the sake of change; and
- The application would destroy and adversely affect the setting of a listed building.

6.2 5 individual letters of support to the proposals have been received, commenting:-

- The applicants are committed to the restoration of the established property and are investing a significant amount of time, effort and finance to do this;
- The plans reflect the quality of workmanship the property truly deserves. The quality and standard of the applicants projects are very high;
- The property requires to be brought up to a standard suitable for modern-day living;
- Large houses require a balance between modern living, preserving the built heritage and management of the property;
- The applicants long term plan is to restore this property to its former glory and they have consulted all the correct bodies and carried out significant research into the property and the best method of restoration;
- A family who originate from Bo'ness have returned to the area;
- The application has the full support of Historic Scotland and the Scottish Civic Trust; and
- The plans should not be blocked by the personal dislikes of their neighbours.

## 7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

*“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

Accordingly,

## 7a The Development Plan

### ***Falkirk Council Structure Plan***

7a.1 There are no specific policies of a strategic nature which are relevant to the proposals.

### ***Bo'ness Local Plan***

7a.2 Policy BNS 30 'Pipeline Consultation Zone' states:

*"Within the Pipeline Consultation Zone identified on the Policies, Proposals and Opportunities Map, development will not normally be permitted unless the District Council is satisfied that :*

*(i) future users or occupants will not significantly add to the number of people exposed to the existing risk from the pipeline; and*

*(ii) the development will not in any way affect the operation of the pipeline."*

7a.3 The application site is located within the BP Forties Pipeline consultation zone. It is considered that the proposed driveway would not add to the number of people exposed to risk from the pipeline and would not affect the operation of the pipeline. The application does not offend the terms of the above policy.

7a.4 Policy BNS 41 'Listed Buildings' states:

*"There will be a presumption against proposals which would destroy, or adversely affect, the architectural character, appearance or setting of Listed Buildings. The re-use of vacant Listed Buildings will be encouraged provided that the proposed use would have no detrimental impact upon the building, its setting or the amenity of the surrounding area."*

7a.5 Bo'ness has a considerable number and diversity of buildings listed as being of architectural or historical interest. The above policy reinforces the Council's commitment to protect the setting of listed buildings. The proposed development involves the creation of an additional section of driveway at the south east of the application site. The driveway would connect with and make a loop with the existing drive which would allow the applicant and any visiting vehicles to drive in a circular motion without having to manoeuvre and turn to exit the property. The drive would be located at the principal entrance to the site and would involve the removal of turf and some mature shrubbery. It is considered that the proposed extension to the drive serving the main house would have a limited impact on the setting of the building and may rationalize the current asymmetrical arrangement. The approach to the house would be unaffected by the development and the central lawn and remaining shrubbery and tree would remain a feature of the listed property. As such, it is considered that the proposed works would not adversely impact on the architectural character, appearance or setting of the listed building. Accordingly, it is understood that the application satisfies the aims of this policy.

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

## 7b Material Considerations

- 7b.1 The material considerations to be addressed are policies within the Falkirk Council Local Plan Finalised Draft (Deposit Version), advice promoted through Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas and points raised through comment.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

- 7b.2 The application site does not fall within the Pipeline Consultation Zone as defined in this Plan.
- 7b.3 Policy EQ13 - '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."*

- 7b.4 It is considered that the proposed development would not affect the distinctive character of the area in particular in relation to the historic pattern and landscape treatments. The proposed gravel driveway would match the existing driveway and as a large section of lawn and mature tree would be retained, it is considered there would be no impact on the townscape character of the established residential area. The proposal accords with the provisions of this policy.

- 7b.5 Policy EQ14 'Listed Buildings' states:

*"The Council will seek to preserve the character and appearance of listed buildings. Accordingly:*

- (1) Development affecting a listed building, or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.*
- (2) Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the Council that the building:*
  - has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and*
  - is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report; and*
- (3) RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded."*



- 7b.6 The above policy reinforces policy BNS 41 'Listed Buildings' of the adopted Bo'ness Local Plan. It is considered that the proposed driveway is appropriate to the character and appearance of the listed building and would have a minimal effect on the overall setting of the building. Accordingly, it is considered that the proposal satisfies the provisions of this policy.

### ***Memorandum of Guidance on Listed Buildings and Conservation Areas***

- 7b.7 Historic Scotland's Memorandum of Guidance advises that gravel drives and other elements of hard landscaping will often be found within the grounds of a listed building. Their presence, form and detailing will frequently make a significant contribution to the setting of the building. A proposal to remove, lay out in a different way or resurface in a different material any such element within the grounds may detract from the setting and overall quality of the building. Unless the work will only affect minor areas of little or no landscape significance well away from principal elevations and approaches to the listed building, such works are discouraged by Historic Scotland.
- 7b.8 Consultation with Historic Scotland offered no comment in relation to the proposals. It is considered the subdivision of the dwellinghouse into two semi-detached dwellinghouses has eroded the setting of the listed building. Within this context it is considered the proposed development would have a minimal effect on the setting of the building and constitutes a considered extension to the existing access arrangements. The existing landscaping affected by the proposals do not appear to be important structural or historic planting.
- 7b.9 The line of the proposed driveway would not appear, from the site visit and the submitted plans, to significantly affect the root mass of the mature tree. Falkirk Council's Landscape Planning Officer has indicated that excavations limited to 250mm should not affect the health of the tree.

### ***Points Raised Through Comment***

- 7b.10 No issues were raised through formal consultation. The Keeper of Archaeology and Local history has raised concerns about the proposals in particular in relation to the setting of the building. It is considered that the formation of an additional driveway at the application site would have a minimal impact on the setting of the building.
- 7b.11 It is accepted that a section of lawn including mature shrubs would have to be removed to enable the driveway to be formed, however this is not considered to be a 'large expanse' and the applicant has indicated that the shrubs will be replanted within the site.
- 7b.12 The proposed driveway would be separated from the adjacent driveway serving 15 B Cadzow Crescent by lawn a fence and mature shrubbery. It is not considered that the proposed development would unacceptably affect the amenity of this adjacent property.
- 7b.13 It is not accepted that the property would look like a prison or a car park with a mound of grass in the middle post development.
- 7b.14 It is considered that the additional driveway would not constitute a substantial alteration to the listed building.

- 7b.15 It is considered that there is a reasonable area for parking at present given the size of the property, however the applicant has expressed concerns in relation to maneuverability when more than two cars are parked within the grounds.
- 7b.16 It is accepted that the present drive configuration relating to the application site would date back to the dwellings construction 100 years ago.
- 7b.17 It is considered that the submitted plans are detailed enough to assess the proposed development.

## **7c Conclusion**

- 7c.1 It is considered that the proposals are acceptable and accord with Development Plan policies and Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas. There are no material considerations which would merit the refusal of planning permission.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that Committee grant detailed planning permission subject to:**

- (1) The development to which this permission relates must be begun within five years from the date of this permission.**
- (2) Samples of brick work to be used in the formation of any retaining structures shall be submitted for the consideration of the Planning Authority and the work shall not begin until written approval of the Planning Authority has been given.**
- (4) The depth of excavation required for the formation of the driveway shall not exceed 250mm.**
- (4) The height of any retaining wall required for the formation of the driveway shall not exceed 450mm as referred to in the approved plan Ref: T17 WD 02.**
- (5) The gravel to be used in the development shall match in terms of texture and appearance, the gravel on the adjoining drive.**

### **Reason(s):**

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2,4,5) To safeguard the visual amenity of the area.**
- (3) To safeguard the health of the mature tree.**

**Informative(s):**

- (1) Any removed shrubbery or rhododendron bush should be replanted within the application site wherever possible.
- (2) For the avoidance of doubt the timber fence and satellite dish referred to on drawing Ref: ZO L02 do not form part of this application.

A handwritten signature in black ink, appearing to be 'M. J. L.', is written over a light grey rectangular background.

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For Director of Development Services

Date: 20 January 2009

### **LIST OF BACKGROUND PAPERS**

1. Bo'ness Local Plan
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3. Historic Scotland's memorandum of Guidance on Listed Buildings and Conservation Areas (pg 144, 1.8.3).
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