

FALKIRK COUNCIL

Subject: DELETION OF CONDITION 2 OF PLANNING PERMISSION
F/2006/0702 AT LAND AT WOODSIDE, GLEN ROAD, TORWOOD FOR
GILLIES GUTHRIE – P/08/0614/VRC
Meeting: PLANNING COMMITTEE
Date: 25 March 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Allan Finlayson (Planning Officer), ext 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks to delete condition 2 of planning permission (ref F/2006/0702) for the extension to a double garage within the curtilage of the existing dwellinghouse to form an additional residential unit. Condition 2 of this permission restricts the occupation of this accommodation to the existing dwellinghouse as ancillary residential accommodation.
- 1.2 The site plan indicates that there would be a separate vehicular access to both the existing dwellinghouse and the property which is the subject of this planning application.
- 1.3 The application site is located on Glen Road, approximately 200 metres to the west of the Torwood village limit.
- 1.4 The site is at two distinct levels. The land which is occupied by the applicant's dwellinghouse (Woodside) adjoining Glen Road is essentially at road level. The property which is the subject of this planning application sits lower to the north.
- 1.5 The land to the north and west of the site is open countryside containing a former quarry. The land to the east comprises dwellings. The land to the south, across Glen Road, is woodland.
- 1.6 The application under consideration is the re-submission of a proposal refused previously by the then Regulatory Committee on 23 April 2008 following a site visit.

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The application has been called in by Convenor William Buchanan.

3. SITE HISTORY

- 3.1 Planning permission was granted in 2000 for the erection of the dwellinghouse where the applicant resides (ref: F/2000/0258). This application was refused by Falkirk Council as contrary to the countryside policies of the Development Plan on the grounds that the site was outwith the Torwood Village envelope and the dwelling was not required for a rural purpose or required a rural location. The Council decision was subsequently overturned on appeal to Scottish Ministers.
- 3.2 Planning permission was granted in June 2005 for the extension of a domestic garage within the curtilage of the existing dwellinghouse to form an ancillary dwelling (ref: F/2005/0172). This application was submitted as an extension to an existing domestic garage to provide ancillary accommodation for an elderly parent. The permission restricted the occupation of the building as ancillary accommodation.
- 3.3 A planning application was approved on 16 March 2006 for the change of use of derelict land to garden ground and erection of a domestic garage and a workshop (ref: 05/1071/FUL).
- 3.4 A planning application (ref: 06/0702/FUL) was approved 16 August 2006 for the re-siting and architectural amendment to AN earlier permission (ref F/2005/0172). The approved amendments were limited to physical changes to the earlier approval and did not alter the restriction of accommodation as ancillary to the main dwellinghouse. Condition 2 of this permission restricted occupancy of the premises, and it is this condition the subject of this report, seeks to delete.
- 3.5 A planning application for the sub-division of garden ground and change of use from the above mentioned garage/workshop to form a dwellinghouse (ref: P/07/0895/FUL) was refused on 14 February 2008.
- 3.6 A planning application (Ref. P/07/1117/VRC) for the deletion of Condition 2 of planning permission F/2005/0172, restricting the occupation of the approved dwelling to accommodation ancillary to the main dwellinghouse (F/2000/0258) was refused by the then Regulatory Committee on 23 April 2008. This application sought planning permission for the same development as the subject of this report.

4. CONSULTATIONS

4.1 The Roads and Development Unit does not support the current proposal for the following reasons:

- Condition 2 of planning permission 06/0702/FUL restricts the accommodation to being ancillary to the main residence. With condition 2 removed the accommodation would become independent of the main residence. Each property would thereafter require the provision of parking and turning areas in compliance with Falkirk Council “Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000”. The development does not propose acceptable areas for parking and turning to serve two independent properties.

4.2 In addition, use of the existing footway crossing to Glen Road, which is currently the shared access for two dwellinghouses, Woodside and Torlene, by a third dwellinghouse would not comply with the above mentioned Roads Guidelines.

4.3 The deletion of Condition 2 of planning permission 06/0702/FUL is therefore not favoured on road safety grounds

4.4 The Environmental Protection Unit has no objections.

4.5 Scottish Water has no objections to the proposed development.

5. COMMUNITY COUNCIL

5.1 No consultation sent or requested.

6. PUBLIC REPRESENTATION

6.1 No representations to the application have been received.

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 The proposal gives rise to no issues of strategic significance.

Rural Local Plan

7a.2 In terms of the Rural Local Plan the site is located in the countryside, to the west of the Torwood village limits.

7a.3 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

1. *Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
2. *On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/ business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council’s “Design Guide For Buildings In The Rural Areas” and sympathetic to vernacular architectural forms will be expected.”

7a.4 Although the site is located within the countryside (i.e. outwith the village limit) it is between two existing residential properties and as such it could be considered as an infill site. Although no support has been put forward to demonstrate that the proposed development is essential to the pursuance of agriculture, forestry or the economic activity appropriate to a rural location, the proposal is not new development but the alteration / change of use of an existing building and the formation of a separate residential planning unit. The application is considered to be contrary to this policy as an inappropriate infill site which constitutes backland development of the property in particular was to become a separate planning unit which is now being proposed.

7a.5 The Village Statement for Torwood specifically states that further ribbon development is undesirable in terms of the character of the village and existing services constraints. In this particular context the property already exists and it is not considered that it contributes to further ribbon development in this instance.

7a.6 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), consultation responses received and a letter from the applicant in support of his application.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Under the Falkirk Council Local Plan Finalised Draft (Deposit Version), the site is located in the countryside.

7b.3 Policy SC3 - 'Housing Development In The Countryside' states:

"Housing development in the countryside will only be permitted in the following circumstances:

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - The operational need for the additional house in association with the business*
 - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
 - The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - The restored or converted building is of comparable scale and character to the original building*
 - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7b.4 The application is considered to be contrary to this policy as it is not considered to represent an appropriate infill opportunity within the envelope of an existing group of buildings. The proposal if approved would create a separate residential planning unit which would be considered as backland development.

7b.5 Policy SC8 'Infill Development and Subdivision of Plots' states:

“Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and 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 and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies.”*

7b.6 The location of the ancillary accommodation is to the rear of the curtilage of the existing dwellinghouse. The townscape character of Glen Road is characterised by large dwellinghouses within large curtilages.

7b.7 The proposed dwellinghouse would not enjoy an acceptable level of private amenity space and would compromise the amenity of the existing dwellinghouse with respect to distances to boundaries, overlooking and limited private garden ground. It is considered that whilst existing levels of privacy, garden ground and shared access are acceptable for ancillary accommodation they do not meet acceptable levels for that of a separate dwellinghouse.

7b.8 The proposal is therefore considered to be contrary to the terms of Policy SC8 with regard to density and disposition, inadequate garden ground and privacy and unacceptable vehicular access.

Consultation Responses

7b.9 The Roads and Development Unit objects to the application as previously described in this report.

7b.10 Scottish Water has no objections.

Supporting Information

7b.11 Planning permission for the same proposal was refused by the then Regulatory Committee at their meeting on 23 April 2008. The applicant has been asked to advise of any material considerations which would allow the opportunity for further assessment of this previous refusal.

- 7b.12 In a letter responding to this request the applicant advises that Falkirk Council, in two previous planning applications, acknowledges the existing building as a separate dwellinghouse and that the Scottish Assessors Association also considers the existing building as such.
- 7b.13 The occupation of the existing building is restricted by Condition 2 of planning permission 06/0702/FUL. The building has been described as a dwellinghouse ancillary to the dwellinghouse originally approved under the terms of planning permission F/2005/0172. No planning applications or correspondence subsequent to the grant of planning permission F/2005/0172 alter the buildings status as ancillary accommodation. The ancillary building was approved on the basis of a restricted use for extended family accommodation. The development would not have been supported for unrestricted accommodation.
- 7b.14 The views of the Assessors Association do not alter the planning permission restricting the use of the building and as such it is not a material planning consideration.

7c Conclusion

- 7c.1 The application is considered to be contrary to Policy Rural 1 of the Rural Local Plan as it represents an inappropriate infill site creating backland development.
- 7c.2 The application is also considered to be contrary to Policy SC3 - 'Housing Development In The Countryside' and Policy SC8 - 'Infill Development and Sub Division of Plots' of the Falkirk Local Plan Finalised Draft (Deposit Version) and in particular where the proposed dwellinghouse would not enjoy an acceptable level of private amenity space for prospective occupancy. Furthermore this would also compromise privacy for both the occupants of this property and those of the adjacent dwellinghouse (Woodside)
- 7c.3 It is further considered that the arrangement of the existing building in a clearly ancillary position within the curtilage of the existing dwellinghouse would not provide acceptable levels of residential amenity for a separate dwellinghouse. If the building were not to be used as ancillary accommodation, it should revert to domestic use incidental to the enjoyment of the existing dwellinghouse (Woodside).
- 7c.4 Although the site can provide adequate in curtilage turning, the access does not satisfy the Council's Design and Construction Standards as to the number of dwellings using the access would exceed the Council's Roads Standards.
- 7c.5 The application is therefore recommended for refusal as contrary to the above mentioned policies of the Development Plan and it is considered there are no material planning considerations to otherwise justify approval.
- 7c.6 However, if Members were minded to grant planning permission the application would not require to be referred to Scottish Ministers as the proposal is of a small scale and does not represent a significant departure to the Development Plan.

8. RECOMMENDATION

8.1 It is recommended that the planning application be refused for the following reasons:-

- (1) The application is contrary to Policy Rural 1 - 'New Development In The Countryside' of the adopted Rural Local Plan as it is considered that the proposed location of the development does not represent a clear gap site appropriate for infill development and would result in unacceptable backland development.**
- (2) The application is contrary to Policy SC3 - 'Housing Development in the countryside' of the Falkirk Council Local Plan Finalised Draft (Deposit Version). In particular, the proposal is not considered to represent an appropriate infill opportunity within the envelope of an existing group of buildings as it would result in backland development.**
- (4) The application is contrary to Policy SC8 - 'Infill Development and Subdivision of Plots' of the Falkirk Council Local Plan (Deposit Version) as acceptable levels of residential amenity in terms of distance to boundaries overlooking/privacy and limited private garden ground for an additional dwellinghouse cannot be achieved in the context of existing architectural and townscape character.**
- (5) The proposed access is contrary to Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997 as amended and would constitute a danger to road safety with regards to the number of dwellings served from a single private access.**

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For Director of Development Services

Date: 17 March 2009

LIST OF BACKGROUND PAPERS

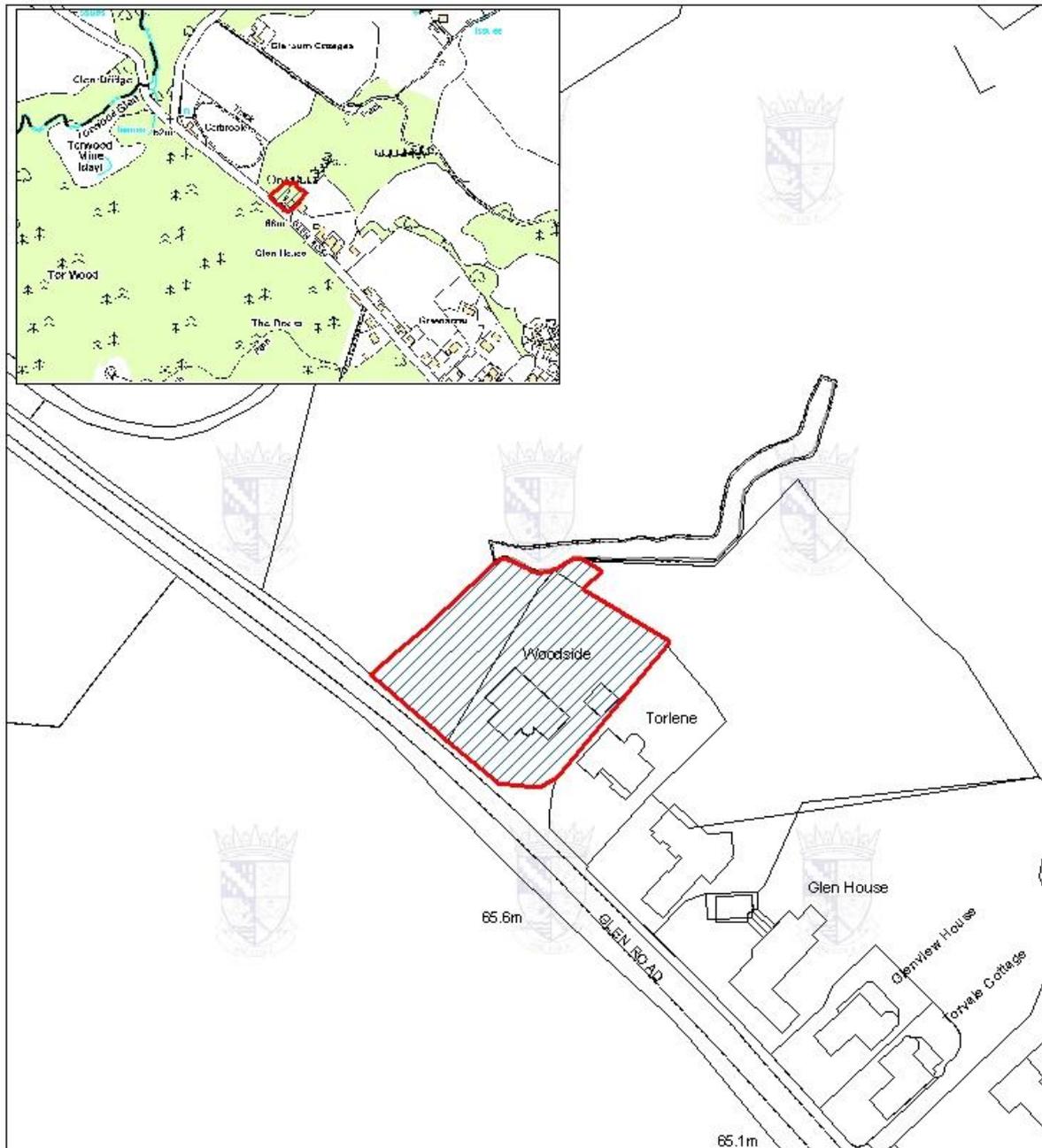
- 1. Application file reference F/2005/0172
- 2. Falkirk Council Structure Plan
- 3. Falkirk Council Rural Local Plan
- 4. Falkirk Council Local Plan Finalised Draft (Deposit Version)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Planning Officer).

Planning Committee

Planning Application Location Plan P/08/0614/VRC

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



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