

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE (DETAILED) AT 39A & 39B
WAGGON ROAD, BRIGHTONS, FALKIRK FK2 0EL FOR MR & MRS
MACDONALD – P/08/0353/FUL
Meeting: PLANNING COMMITTEE
Date: 22 April 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Reddingmuirhead and Wallacestone

Case Officer: Kevin Brown (Planning Officer), ext 4701

UPDATE REPORT FOLLOWING CONTINUATION

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 25 February 2009, on site on 19 March 2009 and again by the Planning Committee on 25 March 2009 (copy of previous reports appended), when it was agreed to continue consideration to allow privacy issues to be considered further.
2. Following receipt of an additional letter of representation on 23 March 2009, the plans have been amended to remove the proposed terrace area above the garage. As outlined in the previous report to Committee, a condition is also proposed to be attached to any consent given. The wording of this condition has been altered slightly following discussion with the objectors.
3. In addition to the concerns raised over the garage roof area, the letter dated 23 March 2009 and subsequent emails have reiterated the objector's concerns in relation to scale design, residential amenity and road safety. These concerns are noted and have been addressed in the previous reports to Committee. It is not considered that any new information or points of concern have been brought forward that would alter the recommendation to approve detailed planning permission in this instance.
4. A further letter dated 9 April 2009 has also been received from the objector's representatives. This letter reiterates the concerns previously mentioned and also raises the issue of disabled access to the property. Disabled access is not a material planning consideration and is controlled by Building Standards as opposed to Development Management. Any alterations to the proposed development required as part of the Building Warrant process, would have to be assessed on their own merits and consideration would be given to whether or not these changes require planning permission in their own right.

5. RECOMMENDATION

5.1 The recommendation contained in the previous report is reiterated, with the additional condition, as follows:-

5.2 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)** The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the access road.
- (3)** Any access gates shall only open inwards.
- (4)** A 2.0 metre wide footway shall be constructed over the site's frontage to Waggon Road in accordance with Falkirk Council's Design Guidelines and Construction Standards and the existing dropped kerbs shall be extended to suit the width of the proposed driveway; the footway shall be constructed and completed prior to the occupancy of the dwellinghouse hereby approved.
- (5)** There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the road edge over the site frontage to Waggon Road.
- (6)** All of the windows on both gable elevations at both ground and first floor level shall be obscure glazing.
- (7)** In accordance with the details on the approved plans, the garage roof shall not be used as a roof terrace or sitting area and the proposed 1.1m high railings shall be retained in perpetuity. At no time shall the garage roof area be accessible to the occupants / visitor of the dwellinghouse unless solely for maintenance purposes.

Reason(s):

- (1)** To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5)** To safeguard the interests of the users of the highway.
- (6-7)** To safeguard the privacy of the occupants of adjacent properties.

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For Director of Development Services

Date: 15 April 2009

LIST OF BACKGROUND PAPERS

1. Letter from David Wardrop (Montgomery Forgan Associates) dated 20 March 2009.
2. E-mail from David Wardrop (Montgomery Forgan Associates) – to Bernard Whittle dated 26 March 2009.
3. E-mail from Bernard Whittle to David Wardrop (Montgomery Forgan Associates) dated 27 March 2009.
4. Letter from David Wardrop (Montgomery Forgan Associates) dated 09 April 2009.

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WAGGON ROAD, BRIGHTONS, FALKIRK FK2 0EL FOR MR & MRS
MACDONALD – P/08/0353/FUL
Meeting: PLANNING COMMITTEE
Date: 25 March 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Reddingmuirhead and Wallacestone

Case Officer: Kevin Brown (Planning Officer), ext 4701

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 25 February 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 19 March 2009.
2. At the site meeting the applicant and agent were heard in support of the proposal. They advised that the proposal had been amended to take account of officer advice, particularly in relation to privacy issues.
3. The objectors' representative was then heard in opposition to the proposal and raised a number of concerns including; building line and cramming overdevelopment, backland development and privacy relating to the proposed garage and terrace area to the front of the proposed house. Concerns were also raised in relation to road safety at the proposed access. Objectors pointed out that a number of conditions of previous outline permissions on this site, in relation to drainage and visibility, have not been applied to this current application. In relation to this it was confirmed that each application requires to be assessed on its own merits and, following consultation on this detailed application, there was no requirement for these conditions to be applied.
4. The Roads Development Unit advised that the proposed access and visibility meets accepted standards, and reiterated that they have no objection to the proposal on road safety grounds.
5. Members raised issues in relation to privacy and drainage and it was confirmed that Scottish Water offered no objection to the proposal, and there is no evidence to suggest that the proposed development would result in flooding problems.

6. The applicant and agent confirmed that they were willing to delete the proposed terrace area above the garage. The drawings have since been amended to reflect this and it is considered appropriate for a condition to be attached to any permission given to ensure this area is not used as a terrace in the future.
7. Local Members Councillors Fry and Hughes stated that they appreciated the Committee visiting the site to allow all relevant matters to be considered.

8. RECOMMENDATION

8.1 The recommendation contained in the previous report is reiterated, with the additional condition, as follows:-

8.2 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) The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the access road.**
- (3) Any access gates shall only open inwards.**
- (4) A 2.0 metre wide footway shall be constructed over the site's frontage to Waggon Road in accordance with Falkirk Council's Design Guidelines and Construction Standards and the existing dropped kerbs shall be extended to suit the width of the proposed driveway; the footway shall be constructed and completed prior to the occupancy of the dwellinghouse hereby approved.**
- (5) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the road edge over the site frontage to Waggon Road.**
- (6) All of the windows on both gable elevations at both ground and first floor level shall be obscure glazing.**
- (7) Notwithstanding any detail shown on the Approved Plans, the roof of the garage shall at no time be used as a terrace or sitting area.**

Reason(s):

- (2) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2-5) To safeguard the interests of the users of the highway.**

(6-7) To safeguard the privacy of the occupants of adjacent properties.

A handwritten signature in black ink, appearing to be 'M. J. Bell', written in a cursive style.

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For Director of Development Services

Date: 23 March 2009

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE (DETAILED) AT 39A & 39B
WAGGON ROAD, BRIGHTONS, FALKIRK FK2 0EL FOR MR & MRS
MACDONALD – P/08/0353/FUL
Meeting: PLANNING COMMITTEE SITE VISIT
Date: 19 March 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Reddingmuirhead and Wallacestone

Case Officer: Kevin Brown (Planning Officer), ext 4701

1. UPDATED SITE HISTORY

- 1.1 Since the preparation of the report on this application to Committee dated 25 February 2009, it has become necessary to update the site history for Members' consideration.
- 1.2 Firstly, paragraph 3.1 of the previous report contains a typing error referring to the granting of planning permission F/96/0769 in February 2007. This should in fact read February 1997. This has been amended (see paragraph 1.5 of this report).
- 1.3 Secondly, the separate planning application for a container on the site, referred to in paragraph 1.2 of the previous report, has now been determined.
- 1.4 The updated site history now reads as follows:
- 1.5 F/96/0769 – erection of dwellinghouse (outline) – granted 20 February 1997.
- 1.6 F/2001/0045 – erection of dwellinghouse (outline) – granted 22 March 2001.
- 1.7 P/08/0370/FUL – siting of storage container (retrospective) – refused 22 January 2009.

2. RECOMMENDATION

2.1 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) All individual driveways shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the access road.**
- (3) Any access gates shall only open inwards.**
- (4) A 2.0 metre wide footway shall be constructed over the site's frontage to Waggon Road in accordance with Falkirk Council's Design Guidelines and Construction Standards and the existing dropped kerbs shall be extended to suit the width of the proposed driveway; the footway shall be constructed and completed prior to the occupancy of the dwellinghouse hereby approved.**
- (5) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the road edge over the site frontage to Waggon Road.**
- (6) All of the windows on both gable elevations at both ground and first floor level shall be obscure glazing.**

Reason(s):

- (3) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2-5) To safeguard the interests of the users of the highway.**
- (6) To safeguard the privacy of the occupants of adjacent properties.**



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For Director of Development Services

Date: 17 March 2009

LIST OF BACKGROUND PAPERS

1. Letter of representation from Giulio Di Placido, Hollybank, 37 Waggon Road, Brightons, Falkirk FK2 0EL on 09 May 2008.
2. Letter of representation from Giulio Di Placido, 39A Waggon Road, Brightons, Falkirk FK2 0EL on 9 May 2008.
3. Letter of representation from Mr & Mrs Blackburn, Ben Lewis, 41 Waggon Road, Brightons, Falkirk on 9 May 2008.
4. Polmont and District Local Plan.
5. Falkirk Council Local Plan Finalised Draft (Deposit Version).
6. Supplementary Planning Guidance Note - Housing Layout and Design.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown (Planning Officer).

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE (DETAILED) AT 39A & 39B
WAGGON ROAD, BRIGHTONS, FALKIRK FK2 0EL FOR MR & MRS
MACDONALD – P/08/0353/FUL
Meeting: PLANNING COMMITTEE
Date: 25 February 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Reddingmuirhead and Wallacestone

Case Officer: Kevin Brown (Planning Officer), ext 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application relates to the erection of a detached, one and a half storey dwellinghouse.
- 1.2 The application site is a vacant gap site within an established residential area fronting onto Waggon Road, Brightons. The site is currently untidy grassland and has a steel storage container located on it. This container is subject to a separate planning application.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application has been called in by Councillor John McLuckie.

3. SITE HISTORY

- 3.1 F/96/0769 - erection of dwellinghouse (outline) - granted 20 February 2007
- 3.2 F/2001/0045 - erection of dwellinghouse (outline) - granted 22 March 2001

4. CONSULTATIONS

- 4.1 The Roads Development Unit has indicated a number of conditions that they wish to have attached to any consent given.

4.2 The Environmental Protection Unit has no objection to the proposal and has not requested that any conditions be attached to any consent given.

4.3 Scottish Water has no objections to the proposal.

5. COMMUNITY COUNCIL

5.1 The Brightons Community Council have not made representation.

6. PUBLIC REPRESENTATION

6.1 Three letters of objection have been received following the neighbour notification process. These letters of objection raised the following points:

- Loss of privacy to adjacent dwellings.
- Removal of hedgerows and walls.
- It is a 'back garden development'.
- Visual impact.
- Building line.
- Road safety and traffic volume.
- Impact on existing sewers.

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 in the Structure Plan that relate to the proposal and therefore, no strategic issues require to be addressed.

Polmont and District Local Plan

7a.2 Policy POL 3.6 ‘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:

- (i) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (iii) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (iv) 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;*
- (v) the proposed houses would have a direct street frontage; and the proposed vehicular access and other infrastructure is of an adequate standard.”*

7a.3 The application site is a clear gap site in an established residential area.

7a.4 The scale, density, disposition and design of the proposed dwellinghouse is considered appropriate for this location.

7a.5 The proposal has a direct street frontage and it is considered the dwelling would not adversely impact the character or amenity of the area or privacy enjoyed by neighbouring properties.

7a.6 Adequate privacy would be achieved for the proposed dwellinghouse as well as the existing houses in the vicinity of the site. The gable windows on both sides of the proposed dwellinghouse would be fitted with obscure glass.

7a.7 It is considered that the proposed vehicular access is designed to an appropriate standard.

7a.8 Accordingly, the proposal complies with Policy POL 3.6 and accords with the Development Plan.

7b Material Considerations

7b.1 The material planning considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the representations received in so far as they relate to material planning considerations and additional information submitted by the applicant and supplementary planning guidance.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 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 houses would have a direct street frontage; and*
- (6) *the proposed vehicular access and other infrastructure is of an adequate standard.”*

7b.3 The above policy reinforces the policies of the Development Plan.

Representations Received

- 7b.4 It is not considered that there would be an unacceptable loss of privacy to adjacent dwellings. The windows at first floor level on each gable elevation are proposed as kitchen, bathroom or en suite and toilet windows only and they would have obscure glass.
- 7b.5 The removal of hedgerows and walls do not require planning permission.
- 7b.6 The proposed development is set back in the plot however it would have a direct street frontage and would not constitute ‘backland development’.
- 7b.7 The proposal is considered to have a minimal impact on the visual amenity of the area given the mixture of sizes and designs of the surrounding properties in Waggon Road.
- 7b.8 The Roads Development Unit has assessed the proposal and has raised no objections.
- 7b.9 Scottish Water has not objected to the proposal and the method of construction and impact on existing services during this construction phase is not a material planning consideration.

Additional Information

- 7b.10 The applicants have submitted additional correspondence outlining the importance of this project to their business in the current economic climate and to providing valuable jobs in the area. Whilst the importance of this project to the applicants' financial situation is not in question, this is not a material planning consideration and cannot therefore influence any consideration of this application.

Supplementary Planning Guidance Note - Housing Layout and Design

- 7b.11 The guidance set out in this document refers primarily to larger scale housing developments, however, section 2.7 in reference to infill development is considered relevant to this proposal. This guidance reinforces the position of the Polmont Local Plan as it is considered that the scale, density and disposition of the proposed dwellinghouse is acceptable for this location. The proposal is therefore in accordance with the terms of this guidance.

7c Conclusion

- 7c.1 It is considered that the proposal is an acceptable form of development and is in accordance with the terms of the Development Plan. There are no material planning considerations which warrant a refusal of planning permission in these circumstances.

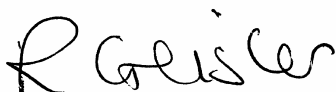
8. RECOMMENDATION

8.1 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) All individual driveways shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the access road.
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- (4) A 2.0 metre wide footway shall be constructed over the site's frontage to Waggon Road in accordance with Falkirk Councils Design Guidelines and Construction Standards and the existing dropped kerbs shall be extended to suit the width of the proposed driveway; the footway shall be constructed and completed prior to the occupancy of the dwellinghouse hereby approved.
- (5) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the road edge over the site frontage to Waggon Road.
- (6) All of the windows on both gable elevations at both ground and first floor level shall be obscure glazing.

Reason(s):

- (4) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5) To safeguard the interests of the users of the highway.
- (6) To safeguard the privacy of the occupants of adjacent properties.



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Director of Development Services

Date: 18 February 2009

LIST OF BACKGROUND PAPERS

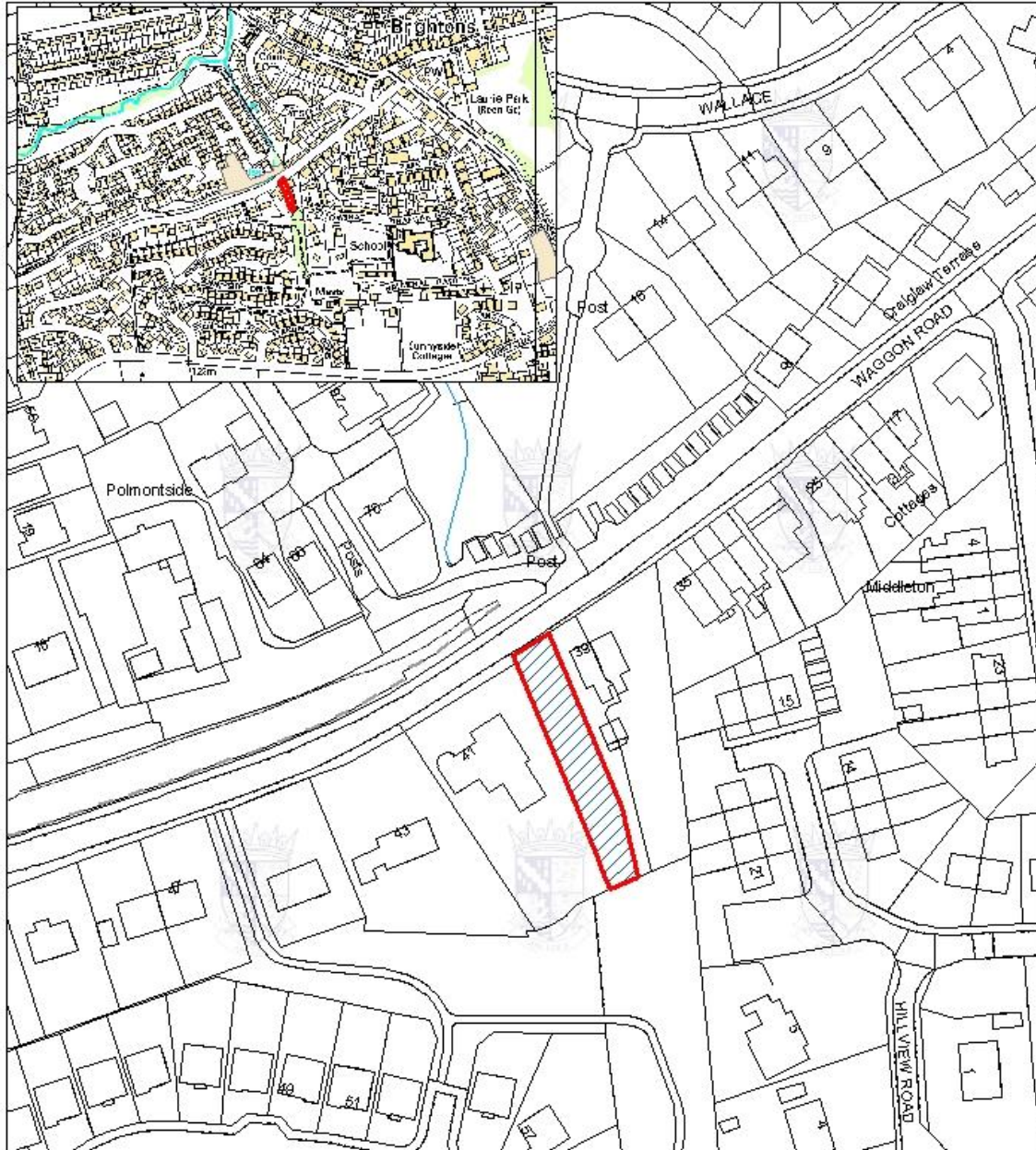
1. Letter of representation from Giulio Di Placido, Hollybank, 37 Waggon Road, Brightons, Falkirk FK2 0EL on 09 May 2008.
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Planning Committee

Planning Application Location Plan **P/08/0353/FUL**

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



Falkirk Council

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