

FALKIRK COUNCIL

Subject: DEMOLITION OF EXISTING DWELLINGHOUSE, ERECTION OF NEW DWELLINGHOUSE AND CHANGE OF USE OF FIELD TO GARDEN GROUND AT MACLAREN PARK, GLEN ROAD, TORWOOD, FK5 4SN FOR MR & MRS C FREW (P/09/0038/FUL)
Meeting: PLANNING COMMITTEE
Date: 20 MAY 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: Stephen McClure (Planning Officer), ext 4702

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposal comprises the demolition of the existing dwelling and erection of a new large dwelling within the current Maclaren Park site, and a change of use of the section of field to the rear of the Maclaren Park site to garden ground.
- 1.2 The overall site comprises both the existing Maclaren Park dwelling and its garden ground, and a section of the field which bounds the garden ground at the rear. Maclaren Park and its existing garden ground are located in an established residential area and are contained within the existing village limit of Torwood as identified in the Rural Local Plan.
- 1.3 The section of field to the rear of Maclaren Park is currently out with the existing village limit and is therefore considered to be classified as countryside. It has been proposed to extend the existing northern boundary of Maclaren Park in a straight line until the boundary with the Greenacres dwellings garden ground. The section of field proposed would be used for garden ground associated with the new replacement dwellinghouse at MacLaren Park with no structures proposed. This section is currently bound on three sides by existing garden ground, including that of Maclaren Park.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposal will extend the current plot out with the existing village Limit. Therefore, the proposal does not accord with the Development Plan.

3. SITE HISTORY

- 3.1 P/08/0707/FUL was submitted by the previous owner of the site to also demolish the existing dwelling and erect a new dwelling and create a second plot for a future dwelling. This was withdrawn after discussions with the applicant and the Development Management Unit. The site was then sold on and the new owner has now submitted the current proposal.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has been consulted on the application and is satisfied with the proposed access, turning and parking arrangements.
- 4.2 The Environmental Protection Unit has advised that it would require a site investigation to be undertaken to establish if contamination (as defined by Part 2a of the Environmental Protection Act 1990) is present on site.
- 4.3 Scottish Water did not object to the application at this stage.

5. COMMUNITY COUNCIL

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council has not made representations.

6. PUBLIC REPRESENTATION

- 6.1 Three letters of objection have been received during the neighbour notification process. Issues raised:
- The electrical supply to the neighbouring property, Bracken Lea, is connected to the underground cable at one of the proposed entrances for the new dwelling.
 - The height and scale of the proposed dwellinghouse is out of proportion to the existing dwellings on either side of the site.
 - The owner of the neighbouring property of Willowdene, applied for planning permission in 1994 to extend their bungalow to a two storey dwelling. At the time they were told that only a 1½ storey extension would be acceptable. Why would this not apply to the proposed dwelling?
 - Again, in 1994 the owner of the neighbouring property of Willowdene, was told that they could not have a car port or garage added onto the side of their dwelling. It was said that planning policy was to protect amenity and maintain gaps between the properties on Glen Road. It would therefore be expected that the proposed garage at the new dwelling is removed from the plans.
 - The proposed dwelling does not follow the building line along this section of Glen Road and the proposed dwelling should be moved forward towards Glen Road.
 - The application site extends into McLaren Park. This would be contrary to the local plan policy of extending beyond the existing village limit.
 - If the site does not extend into McLaren Park, the proposed property would be an overdevelopment of the existing plot.

- There are currently no three storey dwellings in the village of Torwood.
- Glen Road currently experiences a large number of vehicle movements and has been identified by the Roads Authority as an area of traffic calming. The application would add another access into Glen Road which would increase the dangers on the road.

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.

The Rural Local Plan

7a.2 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.3 The dwelling which is being proposed at Maclaren Park would actually be within the village limit of Torwood. This would result in the existing dwelling on the site being demolished and the proposed dwelling placed further back on the plot. Due to the larger dwelling and it being repositioned on the existing plot, it is proposed to extend the overall plot by encompassing a section of the grass field to the rear, which would be used as garden ground. This section of field is currently outwith the existing village limit of Torwood.
- 7a.4 Although outwith the existing village limit, extending the garden at this location would not contribute to ribbon, backland or sporadic development forms. The section of the field which the applicant proposes to include in the redevelopment of Maclaren Park is currently surrounded by existing residential developments on three sides. The proposal is to use this section of the field as garden ground, which the proposed dwelling would require due to its larger size and repositioning on the existing plot. Currently, this ground to the rear is a section of the larger grass field which runs along a section of the rear of Glen Road. By encompassing the section of grass field proposed, it would create a more established boundary to the urban growth of the village.
- 7a.5 It must also be noted that several existing and established dwellings within Torwood Village have garden grounds which extend beyond that of the existing village limit. The proposed dwelling would therefore not be an individual case. It is proposed to keep the existing tree line to the north-east of the site and where possible on the south-east boundary. The applicant also proposes to plant up around the boundary of the site to amplify the privacy to the Maclaren Park plot and the proposed extended garden ground.
- 7a.6 Accordingly, the proposal as it comprises a garden area is an appropriate infill site which will not lead to sporadic, backland or ribbon development and is in accordance with the development plan.
- 7a.7 Policy RURAL 2 'Village Limits' states:
- "That the boundary of the village areas as indicated on the Village Maps is regarded as the desirable limit to the growth of the villages at least for the period of the Local Plan. Accordingly, there will be a general presumption against proposals for development which would either extend the village areas beyond this limit or which would constitute undesirable sporadic development in the countryside."*
- 7a.8 The proposed garden ground would extend beyond the existing village limit into a section of grass field to the rear. This would not, however, constitute undesirable sporadic development into the countryside, as the section of field proposed as garden ground is currently surrounded on three sides by residential developments. The proposed garden ground would therefore create a more established boundary to urban growth within this section of the village.

7a.9 As stated before, there are several established dwellings within the village with garden grounds which extend beyond the village limit. The proposed would not, as with some of the other examples within village, create a sporadic push into the countryside. On the contrary, it would create a neat infill and more established perimeter to the urban development within this section of the village.

7a.10 Accordingly, the proposal does not fully accord with the Development Plan.

7a.11 Policy RURAL 3 ‘Development within the Village Areas’ states:

“That within the village areas as defined on the Village Maps :-

- 1. Development will generally be acceptable provided that it is compatible with neighbouring uses and the character of the village and it accords with the Local Plan strategy and all other relevant District Council policies and standards of provision.*
- 2. Favourable consideration will only be given to business activities which are compatible with the residential character of the village and in particular, there will be a presumption against class 5 - 10 industrial uses, in terms of The Town and Country Planning (Use Classes) (Scotland) Order 1989.*
- 3. Development proposals should take cognisance of the District Council’s “Design Guide For Buildings In The Rural Areas” and any relevant supplementary design briefs.”*

7a.12 The current use of the Maclaren Park plot is residential, currently there is one dwelling located on the plot. This would remain with the proposed development, with the existing dwelling demolished and replaced by a larger dwelling, set further back within the plot. The surrounding area is residential and consists of a mixture of plot sizes and dwelling types. The proposed dwelling is of a modern design; although it retains some very traditional features.

7a.13 The village of Torwood, and Glen Road especially, contain a wide variety of dwelling types and sizes. Although the dwelling would be larger than some of its immediate neighbours, it has used the natural slope in the ground to facilitate this and incorporates a design which takes cognisance of the sloping nature of the site. This allows a two storey design at the front reaching to 3 storeys at the rear.

7a.14 The proposed dwelling, as stated previously, is of a modern design, although has where possible taken into consideration the Council's “Design Guide for Buildings in the Rural Areas”. The proposal uses materials and stonework which is more traditionally found within rural areas and the design is a modern interpretation of a traditional large country manor.

7a.15 The proposed section of the development within the village limit is therefore compatible with neighbouring uses and the character of the village. It has also taken into consideration the Council's “Design Guide for Buildings in the Rural Areas”. Overall, the section proposed within the village limit complies with the relevant policies and guidance. However, this is only possible due to the additional area of ground included in the proposed site which, as stated before, is out with the village limit.

7a.16 Accordingly, the proposal does not fully accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note and the representations received in so far as they relate to material planning considerations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EQ19 - 'Countryside' states:

“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7b.3 The proposed demolition of Maclaren Park and the erection of a new larger dwelling on the site are within the existing village limit. However, to accommodate the repositioning of the proposed dwelling on the plot and its larger size, garden ground would have to be taken from the grass field to the rear of the existing plot.

7b.4 As stated before, it would be considered that the proposed section of the field to be converted to garden ground occupies an area which would be a logical extension to the site, despite the fact that it lies outwith the exist village boundary. It is currently surrounded on three sides by residential plots, and by extending the garden to accommodate this section of the grass field, would create a more prominent boundary to the urban growth of the village. It can also be seen that there are existing established dwellings with garden ground out with the village limit. However, several of these existing dwellings have created more sporadic development, the proposed garden ground being a more natural extension to the existing plot. The existing tree lines would also be kept around the site, and the applicant proposes to establish further tree planting bounding onto what would be the remaining area of the grass field.

7b.5 As stated before, the development as a whole is making use of its surrounding natural features to integrate into the landform, and appears as a two storey dwelling to the front, blending in with the mixed streetscape. The dwelling has also taken consideration of the Council's "Design Guide for Buildings in the Rural Areas", and will be using boundary and curtilage treatments expected of a dwelling in a rural village.

7b.6 Accordingly, the proposal does not fully accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.7 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.8 The proposed plot extends beyond the village limit; however, the proposed dwelling would be contained within the existing boundary with only proposed garden ground extending beyond. As stated previously, the proposed extension to the garden ground outwith the village limit would not create ribbon, backland or sporadic development. The proposed garden ground would extend into an area of the grass field which runs along the rear of a section of Glen Road. However, the proposed section to be used is surrounded on three sides by residential dwellings and would be considered as the natural route to extending the plot. The resulting plot as a whole would then create a more established urban boundary to the village at this location.

7b.9 Accordingly, the proposal is in accordance with Policy SC3 as identified in the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.10 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.11 The scale, disposition and design of the proposed dwelling would respect the architectural and townscape character of the area. Glen Road currently consists of a mix of dwelling sizes and styles. The combined plot would provide adequate garden ground to the proposed dwelling and would not have an unacceptable impact on any existing garden grounds.

7b.12 Adequate privacy would be afforded to both the proposed dwelling and the neighbouring properties. The proposed dwelling would have a raised terrace to the rear; however, this is using the existing land gradients and would not sit too much higher than the existing ground levels. The terrace has also been designed to have the main element to the centre rear area of the proposed dwelling. The existing tree lines would also be maintained, where possible, for added privacy, and the applicant intends to plant up the boundary of the property. The garage has been positioned on the north-west of the site to allow more privacy to the proposed dwelling and the neighbouring property of Willow Dene. The dwelling has also been positioned to ensure no window to window overlooking occurs. Its position also increases the overall privacy to the proposed dwelling and the existing neighbouring dwellings.

7b.13 The proposal is to keep the existing established tree lines at the property and the applicant has proposed to plant up the remaining boundary areas to provide additional privacy. The proposed property to be removed is of no great architectural interest and is not a traditional countryside property. No features would therefore be lost which would adversely affect the character and amenity of the area, the proposed dwelling's design being more in keeping with the Design Guidance for a rural area, albeit in a modern style.

7b.14 The proposal is satisfactory from the Roads Units point of view. Adequate turning facilities and parking would be provided within the proposed layout of the site.

7b.15 Accordingly, the proposal is in accordance with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

The Falkirk Council Housing Layout and Design Supplementary Guidance Note

- 7b.16 The proposed dwelling is of a very modern design and has complied where possible with the above guidance. There is no specific character of properties in this particular location and therefore the design, although individual, has tried to follow the building line, height and scale of neighbouring dwellings. The materials used are also of a high quality and are general those found in more traditional rural dwellings.
- 7b.17 The property is located on sloping ground and, as stated in the above guidance, has used this to its advantage by creating a split level design. As per the guidance, the property has used window openings and glazing to avoid large blank walls.
- 7b.18 Overall, the proposed dwelling has complied with the Falkirk Council Housing Layout and Design Supplementary Guidance where possible on such a modern and individual design.

Representations Received

- 7b.19 The positioning of underground electrical cabling is not a material planning consideration in this case.
- 7b.20 The proposed dwelling although of a large scale has been positioned and designed to take this into account and is compatible with the neighbouring properties. Glen Road in Torwood has a mixture of dwelling sizes and types, and the proposed follows this tradition in being individually designed. With the larger plot proposed, the dwelling would be comfortably accommodated and has been designed as two storey to the front elevation onto Glen Road. Owing to the mixed property types and sizes along Glen Road, the property would not appear out of proportion in size or height.
- 7b.21 Each individual application is looked at on its own merits. There are no specific policies or guidance which restricts dwellings to a certain number of storeys. Therefore, this would not be a material planning consideration in this case.
- 7b.22 Again, each application is looked at individually and the proposal is to erect a separate garage to the north-west of the site, primarily to offer greater privacy to Willow Dene. The garage location is similar in position to that of Wallacebank, the neighbouring property at the opposite side of Willow Dene. Owing to the size of the proposed plot and position of the main dwelling, the amenity of the street and individual plots would be maintained.
- 7b.23 There is no established building line on Glen Road in Torwood, therefore the dwelling's position would not require to be altered.
- 7b.24 The proposed plot includes a section of the grass field to the rear of the existing Maclaren Park. This would be outwith the existing village limit but, as stated above, is considered an infill site and therefore would not be contrary to policy.
- 7b.25 The proposal would not be a full three storey dwelling, it would be split level using the existing ground levels at the site. There are several examples of this style of dwelling within the village of Torwood.
- 7b.26 The Roads Unit were consulted on the application and are satisfied with the proposals for accessing and exiting the site.

7c Conclusion

- 7c.1 It is considered that, although the proposal does not fully accord with the relevant policies, the overall development would on its own merits be acceptable. The section of grass field included in the proposal is currently surrounded on three sides by residential dwellings. The extension to form the garden ground creates a natural infill and would create a more established boundary to the urban growth of the village, even if outwith the existing established village limit. Several established properties within the village already contain garden ground which is outwith the established village limit in a sporadic manner. The proposal would not form sporadic, ribbon or backland development by extending the original plot. The proposed dwelling is acceptable in its design and location in the proposed plot and has, where possible with a modern design, followed the relevant Council guidance for dwellings within the rural area. It is therefore considered appropriate to recommend the proposal for approval.
- 7c.2 Members should also be advised that the proposal does not constitute a significant Departure to the Development Plan for reasons local to the application site and would therefore not require to be referred to Scottish Ministers prior to the grant of planning permission.

8. RECOMMENDATION

8.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years of the date of this permission.**
- (2) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - i. the nature, extent and types(s) of contamination on the site.**
 - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.**
 - iii. measures to deal with contamination during construction works.**
 - iv. condition of the site on completion of decontamination measures.****

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (3) 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.**
- (4) Any access gates shall only open inwards.**
- (5) At the proposed accesses to the site from Glen Road, there shall be no building, structure, tree, shrub or other obstruction to visibility above carriageway/footway level within a visibility splay of 2.4 metres by 70 metres in both directions.**

- (6) Vehicular access to the dwellinghouse shall be by means of dropped kerb footway crossing formed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area."
- (7) The applicant shall submit details of the proposed boundary treatments and access gates at the site before work commences on the dwelling.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3-6) To safeguard the interests of the users of the highway.
- (7) To safeguard the residential amenity of the area.

Informative:-

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference 01, 02, 03, 04, 05, 06, 07, 08, 09 and 10.
- (2) The Roads Manager within Development Services should be contacted to obtain a Minor Roadworks Consent before forming the vehicular accesses onto the public road or undertaking any work on, or under, the public road. Two lighting columns and a telegraph pole on Glen Road, within the frontage of the proposed development site, may require to be relocated at the applicant's expense to allow the proposed driveway to be accommodated.

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 Director of Development Services

Date: 13 May 2009

LIST OF BACKGROUND PAPERS

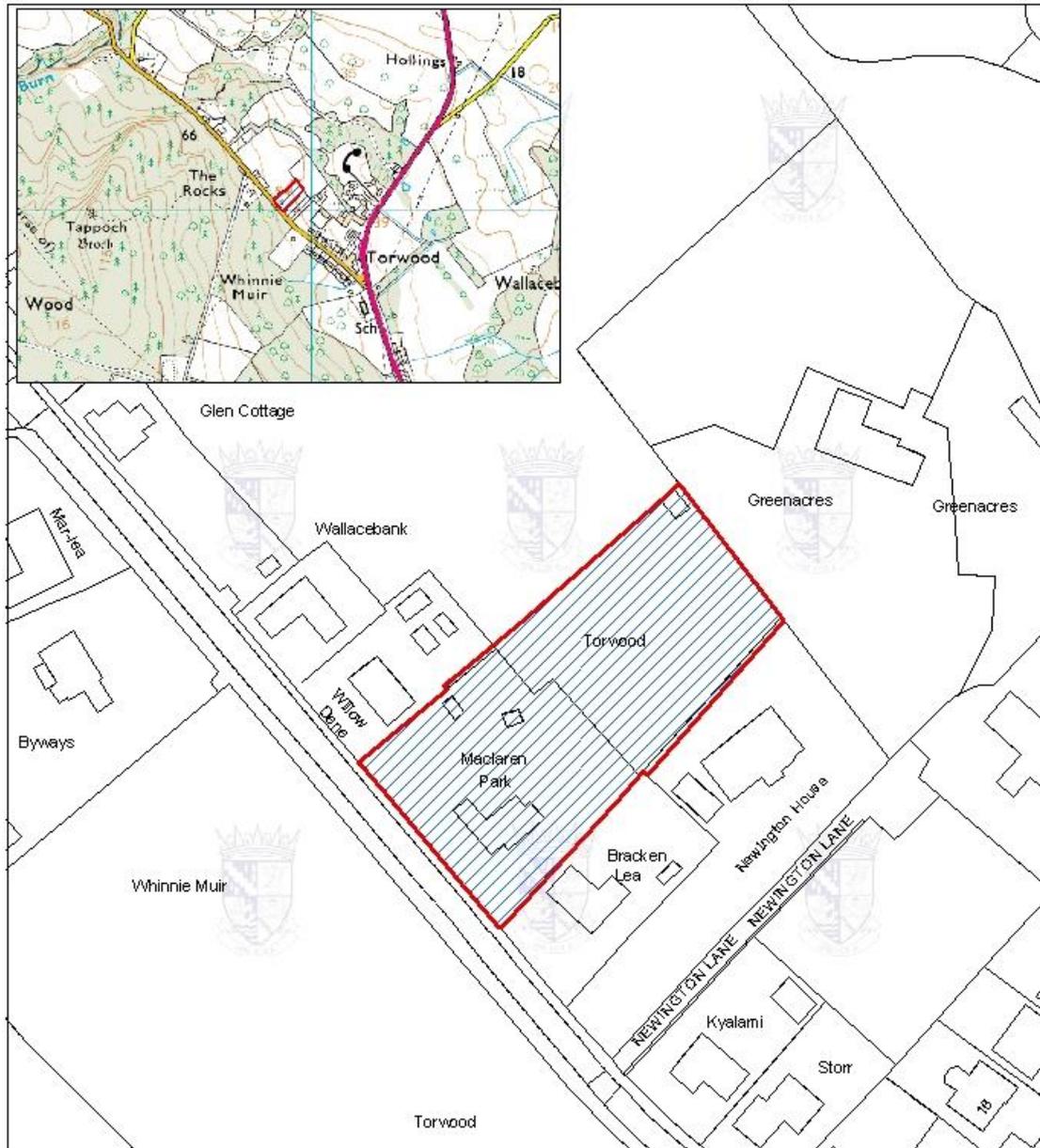
- 1. Letter of Objection – Bracken Lea, Glen Road, Torwood.
- 2. Letter of Objection – Willowdene, Glen Road, Torwood.
- 3. Letter of Objection – Rowandale, Glen Road, Torwood.
- 4. Falkirk Council – The Rural Local Plan.
- 5. Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 6. The Falkirk Council Housing Layout and Design Supplementary Guidance Note.
- 7. Falkirk Council – Design Guide for Buildings in the Rural Area.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

Planning Committee

Planning Application Location Plan **P/09/0038/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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