

**FALKIRK COUNCIL**

**Subject: ERECTION OF 3 NO. DWELLINGHOUSES AT LAND TO SOUTH OF ST LUKES RC CHURCH, GLENVIEW AVENUE, BANKNOCK FOR ALEXANDER BROWN - P/09/0352/FUL**  
**Meeting: PLANNING COMMITTEE**  
**Date: 23 September 2009**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** Jim Blackwood  
John McNally  
Martin David Oliver  
Alexander John Waddell

**Community Council:** Banknock, Haggs and Longcroft

**Case Officer:** Brent Vivian (Senior Planning Officer), ext 4935

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

- 1.1 The application seeks detailed planning permission for the erection of 3 one and half storey detached dwellinghouses.
- 1.2 The application site lies on the south side of Glenview Avenue, Haggs, at its junction with Garngrew Road. The Garngrew Road end of the site comprises made ground and provides access to an area to the south used for outdoor storage / tipping. The remainder of the site is overgrown and undulating land, descending from Glenview Avenue.
- 1.3 The site lies at the edge of the built up area at this location. A predominance of 2 storey terraced and semi-detached dwellinghouses lie to the west of the site. The land to the south descends to a cluster of buildings accessed from Cumbernauld Road. The M80/ A80 lies to the west.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The proposed development does not accord with the Development Plan.

### **3. SITE HISTORY**

- 3.1 The land to the south of Glenview Avenue, between Garngrew Road and the M80/ A80, has been subject to a number of planning applications for housing development, which have all been refused.
- 3.2 In 2001, outline planning application ref: F/2000/0166 for the development of land for residential purposes was refused.
- 3.3 In 2002, outline planning application ref: F/2002/0196 for the development of land for housing purposes was refused.
- 3.4 In 2004, outline planning application ref: F/2003/0941 for the development of land for housing purposes was refused.
- 3.5 In 2005, detailed planning application ref: F/2004/0947 for the erection of a dwellinghouse and detached garage was refused.

### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has detailed its requirements to ensure compliance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. These requirements relate to the provision of visibility splays at the Glenview Avenue / Garngrew Road junction, on-site parking and turning, visitor parking and provision of a 2 metre wide footway along the site boundaries.
- 4.2 The Transport Planning Unit has advised that the anticipated traffic generated by the proposed dwellinghouses would have a minimal impact on the surrounding road network, and that the current level of public transport provision in the area is acceptable.
- 4.3 The Environmental Protection Unit has accepted the findings of the Noise Impact Assessment submitted with the application, subject to confirmation of the window specification for the proposed dwellinghouses, and has requested the submission of a Contaminated Land Assessment.
- 4.4 Scottish Water has no objection to the application.
- 4.5 The Scottish Environmental Protection Agency has no comment.
- 4.6 Historic Scotland considers that the proposed development would not have any adverse impact on the setting of the Antonine Wall or the Forth and Clyde Canal as it would be viewed against the existing urban background. Historic Scotland therefore has not objected to the application.
- 4.7 Museum Services has advised that there are no known archaeological remains in this area and therefore has no objection to the application.

- 4.8 Community Services has advised that a development of this scale would have a minimal impact on existing open space and play facility provision in the area. A financial contribution towards the provision, upgrade and maintenance of open space/play facilities is therefore not requested by this Service.

## **5. COMMUNITY COUNCIL**

- 5.1 The Banknock, Haggs and Longcroft Community Council has not made any representations.

## **6. PUBLIC REPRESENTATION**

- 6.1 Five objections to the application have been received. The concerns raised in these objections can be summarised as follows: -

- The development is contrary to the village limit and countryside policies of the Development Plan.
- Granting the application would set an unwelcome precedent for development outwith established village boundaries.
- The development is on greenbelt land.
- Undermining of rural character of the village.
- Loss of residential amenity.
- Impact on natural sunlighting of residential properties in the area.
- Loss of views.
- Disruption and mess associated with construction works.
- The site is not suitable for housing due to proximity to the upgraded M80.
- Existing volumes of traffic are too much for the village.
- Garngrew Road cannot sustain any further increases in traffic.
- Loss of roadside parking spaces.
- Much of the land is used as a tip, which may mean that the tip has to be moved further into open countryside.

## 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

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

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

*“(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*

*(2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 The application site lies within the countryside under the *adopted Rural Local Plan*. Within the terms of this policy it has not been demonstrated that a countryside location is essential for the proposed dwellinghouses. In addition, they do not represent a form of agricultural diversification. The proposed development therefore does not accord with this policy.

#### ***Adopted Banknock and Bonnybridge Local Plan***

7a.3 Policy BON 1 states:

*“That the boundary of the urban area is regarded as the desirable limit to the growth of the Bonnybridge and Banknock area for the period of the Local Plan. Accordingly, there shall be a general presumption against proposals for development which would either extend the urban area beyond this limit or which would constitute sporadic development in the countryside. (Figures 1,2 and 3).”*

7a.4 The application site adjoins the boundary of the urban area as defined in the adopted Banknock and Bonnybridge Local Plan. As such, the proposed development would effectively extend the urban limit beyond its current limit. As the policy generally presumes against this, the proposed development is considered to be contrary to this policy.

## **Adopted Rural Local Plan**

7a.5 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 :-*

- *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.*
- *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”.*
- *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- *Industrial/ business development where there is an overriding national or local need and a rural site is the only suitable location.*
- *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.*
- *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.6 This policy generally presumes against new development in the countryside except in limited circumstances. It is considered that the proposed development does not satisfy any of the exceptions detailed in the policy. The proposed development therefore does not accord with this policy.

7a.7 Policy RURAL 17 ‘Antonine Wall’ states:

*“That along the Antonine Wall there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the wall. Proposals which would lead to a sympathetic use of the wall for tourism, local recreation and interpretation will generally be considered favourably.”*

7a.8 The Antonine Wall lies to the south of the application site. Historic Scotland considers that the proposed development would not have any adverse effect on the setting of the Antonine Wall, as the development would be viewed against the existing urban background. This view is supported. In addition, the proposed development would not directly affect the line of the Antonine Wall or its amenity. The proposed development is therefore considered to accord with this policy.

7a.9 Policy RURAL 18 'Canals' states:

*"That the recreation potential of the Forth and Clyde Canal and the Union Canal for water and canal related activities be recognised. Accordingly, favourable consideration will be given to proposals which would lead to a sympathetic use of the canals for tourism, local recreation and interpretation. However, there will be a general presumption against development which will have an adverse effect upon the amenity, setting or nature conservation value of the canals."*

7a.10 The Forth and Clyde Canal lies to the south of the application site. Historic Scotland considers that the proposed development would not adversely affect the setting of the Forth and Clyde Canal, as the development would be viewed against the existing urban background. This view is supported. In addition, the proposed development would not adversely affect the amenity or nature conservation value of this Canal. The proposed development is therefore considered to accord with this policy.

7a.11 In conclusion, the proposed development does not accord with the above-stated urban limit and countryside policies. It is therefore considered to be contrary to the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan (Deposit Version) as modified by Proposed Pre-Inquiry Modifications, the planning history for the site, the consultation responses and the representations received.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version) as modified by Proposed Pre-Inquiry Modifications***

7b.2 The application site lies within the urban limits and a housing opportunity area as a consequence of a Proposed Pre-Inquiry Modification to the Falkirk Council Local Plan Finalised Draft (Deposit Version). This proposed modification is not the subject of any representations under consideration in the local plan inquiry process. Accordingly, it is considered that significant weight can be afforded to this proposed modification. In addition, the boundary for the Banknock / Haggs Special Initiative for Residential Led Regeneration (SIRR) is amended by the proposed modification to include this new housing opportunity area.

7b.3 The accompanying text for this new housing opportunity states that it has a capacity for 4 to 5 units, that a strong frontage should be created along Glenview Avenue and that noise from the adjacent M80 should be mitigated to acceptable levels. It is also stated that development of the site will not be subject to the wider SIRR development framework.

7b.4 Policy EQ3 ‘Townscape Design’ states:

*“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:*

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7b.5 The proposed development is considered to contribute positively to the area. In particular, the corner plot has been orientated to face the junction, in keeping with the development pattern on the opposite side of Garngrew Road, and a strong frontage is presented to Glenview Avenue, as promoted in the proposed modification. In addition, the proposed one and half storey house type would contribute positively to the local housing mix whilst respecting the character of the area. The exact details of the external finishes would be the subject of a condition of any grant of planning permission. Accordingly, the proposed development is considered to accord with this policy.

7b.6 Policy EQ4 - ‘Landscape Design’ states:

*“Development proposals should include a landscape framework which enhances the development and assists integration with its surroundings. The landscape scheme should:*

- (1) Be informed by the surrounding landscape;*
- (2) Retain and incorporate existing vegetation, natural and cultural features where they contribute to the amenity and biodiversity of the site, with provision for replacement planting where removal is authorised;*
- (3) Integrate with strategies for the provision of open space, pedestrian access, and sustainable urban drainage systems on the site;*
- (4) Promote biodiversity, including the use of native tree and plant species (see Policy EQ25);*
- (5) Incorporate robust structure planting to provide structure in larger developments, and screen the edge of developments where necessary;*
- (6) Incorporate street trees and informal open space planting to assist in structuring and unifying streets and spaces;*
- (7) Incorporate high quality hard landscaping, including surface materials, boundary enclosures and street furniture which are robust and complement the development; and*
- (8) Demonstrate that satisfactory arrangements have been made for the future maintenance and management of all landscaped areas.”*

7b.7 The application site lies at the edge of the urban area as amended by the proposed modification, and is prominent from vantage points to the south. In order to integrate the proposed development into its surroundings and provide effective screening, a mixed hedge using native species is proposed for the southern boundary. This proposal satisfies the relevant aspects of this policy (4 and 5). Subject to satisfactory provision of the hedge, the proposed development is considered to accord with this policy.

7b.8 Policy SC6 - 'Housing Density and Amenity' states:

- “(1) Overall density in new residential developments should conform to the indicative capacity shown for allocated sites or, in the case of windfall sites, be dictated by the character of the surrounding area and the design objectives for the site, as established in the Design Concept Statement. Higher densities may be allowed where this helps to achieve design excellence.*
- (2) On large sites, housing density should be varied to create areas of different character, reflecting the structure of streets and spaces in the development. A mix of housing types will be required.*
- (3) Adequate properly screened private amenity space should be provided for dwellinghouses. In flatted developments, communal space for clothes drying and private amenity should be provided.*
- (4) Housing layouts should be designed to ensure adequate privacy and to avoid excessive overshadowing of houses or garden ground. A minimum distance between overlooking windows of 18 metres will generally be required.”*

7b.9 The indicative capacity for this new housing opportunity area is 4 to 5 units, as indicated in the proposed modification. The proposed development consists of 3 detached dwellinghouses occupying approximately half of the new housing opportunity area. The overall density of the new housing area should therefore generally conform to the indicative capacity. The proposed dwellinghouses have been provided with adequate private amenity space and no privacy or excessive overshadowing issues are anticipated. The proposed development is therefore considered to accord with this policy.

7b.10 Policy SC13 'Open Space and Play Provision in New Development' states:

*“New development will be required to contribute to open space and play provision. Provision should accord with the Council's open space audit and strategy and the SPG Note on 'Open Space and New Development', once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:*

- (1) The baseline standard for open space development in new residential development is 60 m<sup>2</sup> per dwelling, any alternative standard that may be set by the open space strategy, or any site-specific standard that may be set in a development brief;*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where:*
  - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
  - in residential developments, the size of the development falls below the threshold of 10 houses, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
  - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*



- *The required financial contribution per house will be set out in the SPG Note on ‘Open Space and New Development’.*
  - *The open space strategy indicates that there is a sufficient amount of open space in the area, and that priority should be given to qualitative improvements to existing open space;*
- (3) *The location and design of open space should be such that it:*
- *forms an integral part of the development layout, contributing to its character and identity;*
  - *is accessible and otherwise fit for its designated purpose;*
  - *links into the wider network of open space and pedestrian/ cycle routes in the area;*
  - *sensitively incorporates existing biodiversity and natural features within the site;”*
  - *promotes biodiversity through appropriate landscape design and maintenance regimes; and*
  - *enjoys good natural surveillance;*
- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

7b.11 The proposed development does not include any active or passive open space. However, such provision would not be practical or reasonable given the small scale / nature of the development and the small housing capacity of this housing opportunity area. The local area is served by Hollandbush Park, which has an existing play facility considered fit for purpose. This park is within close proximity to serve the proposed development. Community Services has advised that a financial contribution is not required for off-site provision in lieu of on-site provision, for the reasons detailed in paragraph 4.8. Having regard to the small scale of the proposed development and the proximity and quality of existing open space provision, the proposed development is considered to accord with this policy.

### ***Planning History***

7b.12 As detailed in paragraph 3, the land south of Glenview Avenue at this location has been subject to a number of refusals for housing development. The reasons for refusal relate to the general presumption against new development in the countryside and insufficient justification to set aside this general presumption. The current position is that the application site is countryside under the Development Plan, therefore the general presumption against new development applies. However, as detailed in paragraph 7b.2, the application site lies within the urban limits and a housing opportunity area as a consequence of a Proposed Pre-Inquiry Modification to the Falkirk Council Local Plan Finalised Draft (Deposit Version). As detailed, it is considered that significant weight can be afforded to this proposed modification. There has therefore been a change of circumstances, which overcomes the grounds for refusal of the previous applications.

### ***Consultation Responses***

7b.13 The consultation responses are summarised in paragraph 4.1. No objections have been received from any of the consultees. The matters raised by the Roads Development Unit and the Environmental Protection Unit have been addressed or would be the subject of conditions of any grant of planning permission.

## ***Representations Received***

7b.14 The concerns raised in the representations to the application are summarised in paragraph 6.1. In response to these concerns, the following comments are considered to be relevant:

- It is acknowledged that the application site lies within the countryside under the Development Plan. However, as detailed in this report, the site lies within the urban limits and a housing opportunity area as a consequence of a Proposed Pre Inquiry Modification to the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- No material impacts on residential amenity are anticipated. The proposed development consists of one and half storey dwellinghouses and is separated from existing dwellinghouses by Garngrew Road.
- A degree of disruption is to be anticipated during any construction works. Construction activity would be required to occur during normal working hours only, with more restrictive hours at the weekends.
- Loss of views is not a material planning consideration.
- The site is considered to be suitable to housing subject to the implementation of measures to mitigate traffic noise emanating from the M80.
- The Transport Planning Unit considers that a development of this scale would have a minimal impact on the surrounding road network. This view is accepted.
- Any relocation of the existing tip would require consideration of any requirement for an application for planning permission.

## **7c Conclusion**

7c.1 This application, for the erection of three dwellinghouses, is considered to be contrary to the Development Plan, for the reasons detailed in this report. The impact that this proposal has relates to the immediate locality and therefore it is not considered a significant departure from the Development Plan. Consequently there is no requirement to refer this planning application to Scottish Ministers. However, the proposed development is considered to accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by Proposed Pre-Inquiry Modifications. As detailed in this report, the application site lies within the urban limit and a housing opportunity site as a consequence of a proposed modification. No representations have been received to this proposed modification and therefore substantial weight can now be afforded to it. This represents a significant material consideration to justify setting aside the terms of the Development Plan and it is considered that there are no other material considerations to justify refusal of the application. The application is therefore recommended for approval subject to the imposition of appropriate conditions.

## **8. RECOMMENDATION**

**8.1** It is recommended that planning permission be approved subject to the following conditions: -

- (1)** The development to which this permission relates must be begun within three years of the date of this permission.
- (2)** Before the development commences, exact details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3)** Before the development commences, details of the location, height, colour and construction of all proposed fences, walls and any other means of enclosure shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (4)** Before the development commences, details of the plant sizes and numbers, density in respect of the proposed beech hedge, shall be submitted to and approved in writing by this Planning Authority.
- (5)** The hedge shall be planted in accordance with the approved details by the end of the first planting season following the completion of the first dwellinghouse. Any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.
- (6)** Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the dwellinghouses are occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion report / validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (7)** Before the development commences, exact details of the window specification for the proposed dwellinghouses shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (8)** Before the development commences, details of the proposed surface water drainage arrangements shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (9)** The new driveways shall meet the public road at right angles and be constructed at a gradient not exceeding 1 in 10 and in a manner to ensure that no surface water or loose material is discharged onto the public road.

**Reason(s):**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2-5) To safeguard the visual amenity of the area.**
- (6) To ensure the ground is suitable for the proposed development.**
- (7) To ensure the occupants of the property are safeguarded against excessive noise intrusion.**
- (8) To ensure that adequate drainage is provided.**
- (9) To safeguard the interests of the users of the highway.**

**Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refers bear our reference numbers 01B, 02, 03, 04, 05, 06, 07, 08, 09A, 10A, 11, 12A, 13A, 14, 15A, 16A, 17 and 18A.**
- (2) The requirement to provide a 2 metre wide footway, footway crossings and a visitor parking bay will require either a Minor Roadworks Consent, issued by Road Services, Earls Road, Grangemouth, or Road Construction Consent.**
- (3) There are existing bus stops on Glenview Avenue, immediately opposite the proposed development site, which could require to be relocated, at the expense of the developer.**
- (4) Surface water drainage from the development is required to comply with General Binding Rules 10 and 11 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). In order to comply with CAR, SEPA recommends the use of sustainable urban drainage systems.**
- (5) The Environmental Protection Unit has advised that the window specification should be confirmed as being 4-6-4, with a preference for a more soundproof double glazing unit being installed.**

- (6) Noisy works audible at the site boundary should be conducted between the following hours only:

Monday to Friday	0800 - 1800
Saturday	0900 - 1700
Sunday / Bank Holidays	1000 - 1600

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior written approval of the Environmental Health Manager.

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Director of Development Services

Date: 15 September 2009

#### **LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan.
2. Adopted Banknock and Bonnybridge Local Plan.
3. Adopted Rural Local Plan.
4. Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by Proposed Pre-Inquiry Modifications.
5. Letter of representation received from William McGuire 13 Garngrew Road, Haggs, Bonnybridge, FK4 1HP on 23 June 2009.
6. Letter of representation received from Helen McGuire, 13 Garngrew Road, Haggs, Bonnybridge, FK4 1HP on 23 June 2009.
7. Letter of representation received from Peter & Margaret Heaney, 1 Castlevue Terrace, Haggs, Bonnybridge, FK4 1HR on 22 June 2009.
8. Letter of representation received from Mrs Sarah White, 6 Castlevue Terrace, Haggs, Bonnybridge, FK4 1HR on 1 June 2009.
9. Letter of representation received from Mr Wilson, 3 Castlevue Terrace, Haggs, Bonnybridge, FK4 1HR on 1 June 2009.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

# Planning Committee

## Planning Application Location Plan

**P/09/0352/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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