

FALKIRK COUNCIL

Subject: **ERECTION OF FOUR DWELLINGHOUSES AT LAND TO THE SOUTH OF 58 ANNET ROAD, ANNET ROAD, HEAD OF MUIR, FOR MR MICHAEL O'NEILL - P/09/0872/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **1 December 2010**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Denny and Banknock**

Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: **Denny and District**

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that the application was originally considered at the meeting of the Planning Committee on 3 November 2010 (copy of previous report appended), when it was agreed to continue the planning application for a site visit. This visit took place on 18 November 2010.
2. Following comments from Members of the Committee, local Members and objectors, a number of issues were discussed in relation to road safety, disturbance during construction, noise impact, education capacity concerns and loss of trees. Members of the Committee were shown the areas of the site to be developed and the positioning of the proposed tree planting to mitigate the loss of the existing trees on the site. It was clarified by officers that the proposed access to the site and parking provision accords with Falkirk Council guidelines and standards of provision, and clarification was given that construction disturbance is not a material planning concern. The proposal, in terms of the number of dwellings, falls below the threshold for consultation with Education. Education Services also note all planning applications received, and made no request for a consultation. Therefore, this proposal is not considered to have any adverse impact upon local schools.
3. No matters were raised which would amend the original recommendation to grant planning permission.

4. It is recommended that the Planning Committee grant planning permission subject to the following condition(s):-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Development shall not begin until a scheme for protecting the new dwellinghouses from noise from transportation has been submitted to and approved in writing by the Planning Authority. The dwellinghouses shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.
- (3) Prior to the start of work on site details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (4) Prior to the occupation of the dwellinghouses, an unclimbable barrier of a type approved in writing by the planning authority shall be provided and maintained in perpetuity along the boundary of the site with the M876 trunk road.
- (5) Before any works start on site and notwithstanding the details on the approved plans, a scheme of landscaping indicating the siting, numbers, species, heights (at time of planting), future management and aftercare including retention / replanting of all trees, shrubs and hedges to be planted shall be submitted to and approved in writing by this planning authority thereafter all planting and aftercare shall be carried out in accordance with the terms of the approved scheme.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (3) To safeguard the visual amenity of the area.
- (4) To safeguard the interests of the users of the highway.
- (5) In the interests of visual amenity and to ensure landscaping works are completed at an appropriate stage in the development of the site.

Informative(s):-

- (1) This application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04 and 05A.

- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

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Director of Development Services

Date: 24 November 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Denny and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Supplementary Planning Guidance Advice Note in respect of Housing Layout and Design.
5. Supplementary Planning Guidance Note in respect of those Extensions and Alterations.
6. Letter of Objection received from Mrs Kim Trotter, 45 Annet Road, Head of Muir, Denny, FK6 5LQ on 27 January 2010.
7. Letter of Objection received from Mr and Mrs R Devlin, 47 Annet Road, Head of Muir, Denny, FK6 5LQ on 14 January 2010.
8. Letter of Objection received from Anne Reeves, 56 Annet Road, Head of Muir, Denny, FK6 5LQ on 14 January 2010.
9. Letter of Objection received from Mr Fred Hamilton, 58 Annet Road, Head of Muir, Denny, FK6 5LQ on 21 January 2010.

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 FOUR DWELLINGHOUSES, AT LAND TO THE SOUTH OF 58 ANNET ROAD, ANNET ROAD, HEAD OF MUIR FOR MR MICHAEL O'NEILL - P/09/0872/FUL

Meeting: PLANNING COMMITTEE

Date: 3 November 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward Denny and Banknock

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

Community Council: Denny and District

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of 4 detached 2 storey dwellinghouses at the end of an established cul de sac in Denny. The application site has been partially cleared of fir trees and backs onto an embankment sloping down towards the M876.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Oliver.

3. SITE HISTORY

- 3.1 Outline planning application 06/1078/OUT for the development of the site for housing purposes was withdrawn on 27/06/2007. The site previously formed part of a wider area of open space which was granted planning permission for the change of use to garden ground on 06/09/2006, application 06/0386/FUL.

4. CONSULTATIONS

- 4.1 Following amendments to the proposed layout to incorporate an appropriate turning facility, the Roads Development Unit have no objections.
- 4.2 Scottish Water has no objections.

- 4.3 The Environmental Protection Unit has no objections, but requests that a noise survey be carried out. This can be adequately covered by way of a condition attached to any consent given.
- 4.4 Transport Scotland has no objections, but requests that a non climbable barrier be erected along the boundary with the M876. This can be adequately covered by way of a condition attached to any consent given.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 4 contributors submitted letters to the Council. The salient issues are summarised below:
- Concerns in relation to road safety, construction traffic and noise, impact on wildlife and disruption of view. Concerns also raised in relation to lack of information submitted with the application in relation to levels details and finishing materials.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no policies in the Structure Plan relevant to this application.

Denny and District Local Plan

- 7a.2 Policy DEN 1 'Urban Limit' states:

"The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of Denny and District for the period of the Plan. Accordingly there will be a general presumption against development proposals which would extend the urban area beyond this limit. Within the Urban Limit, proposals for development or changes of use will generally be acceptable, provided that:

- (i) they are consistent with the policies and proposals contained in The Local Plan; and*
- (ii) access, car parking, drainage, and other servicing can be provided to a standard acceptable to the District Council.*

Note: Outwith the Urban Limit, development proposals will be subject to the relevant countryside policies of the Rural Local Plan (listed by Appendix 1). ”

7a.3 Policy DEN 8 ‘Infill Development and Subdivision of Plots’ states:

“Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on infill sites will be considered favourably, provided that:

- (i) the scale, design and disposition of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed house without a detrimental impact upon the size and function of existing gardens;*
- (iii) the privacy enjoyed by neighbouring residents would be protected; and*
- (iv) the proposal does not constitute backland development.*

Note : Backland development is normally defined as development of a plot without a road frontage”

7a.4 Policy DEN 30 ‘Protection of Open Space’ states:

“The Council will generally protect parks, playing fields and other major areas of public open space from unrelated development or changes of use which would diminish their recreational value. Applications from householders to introduce built development upon, or change the use of, small parcels of adjacent open space will normally be resisted where the Council considers that such a proposal would:

- (i) adversely affect the recreational value of active or passive open space considered in relation to overall standards of provision in the surrounding area;*
- (ii) result in a loss of amenity open space which could have a detrimental impact upon the character and appearance of the area or its setting; and*
- (iii) set an undesirable precedent for further incremental loss of open space such that the provision of amenity or recreation open space in the area would be eroded.”*

7a.5 The application site is located within the village limits as set out in the Denny and District Local Plan. The site is now garden ground following previous planning approval 06/0386/FUL and, as a result, serves no public open space recreational value. The felling of a number of trees on the site has diminished its visual amenity value by a significant degree however the proposal includes a planting strip to improve visual amenity and to mitigate the loss of the previous trees on the site. The site is not considered to be of significant ecological value and connectivity within the overall open space network will not be affected by the proposal. The loss of this area of open space is considered to be justified in this instance. The proposal does not constitute backland development and the proposed design, scale, layout and density of development is considered compatible with the surrounding area. A good degree of residential amenity would be created for each dwellinghouse with adequate garden ground and window to window distances in excess of the suggested 18m minimum set out in the Falkirk Council Supplementary Planning Guidance Note in respect of Housing Layout and Design. The proposal accords with the terms of the Denny and District Local Plan.

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

7b Material Considerations

7b.1 The following matters were considered to be material in the consideration of the application:-

- Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as Amended by the Final Proposed Modifications (June 2010);
- Assessment of Public Representations;
- Falkirk Council Supplementary Planning Guidance.

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)

7b.2 Policy SC12 – ‘Urban Open Space’ states;

“The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) In the case of recreational open space, it can be clearly demonstrated from the Council’s open space audit, or a site-specific local audit of provision in the interim, that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded.”*

7b.3 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.4 Policy SC2 – ‘Windfall Housing Development within the Urban/Village Limit’ states;

“Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal.”*

7b.5 The application site is located within the village limits as set out in the emerging local plan and is defined as an area of urban open space. The site is now garden ground following previous planning approval 06/0386/FUL and, as a result, serves no recreational value. The felling of a number of trees on the site has diminished its visual amenity value by a significant degree however the proposal includes a planting strip to improve visual amenity and to mitigate the loss of the previous trees on the site. The site is not considered to be of significant ecological value and connectivity within the overall open space network will not be affected by the proposal. The loss of this area of open space is considered to be justified in this instance. The proposed layout and density of development is considered compatible with the surrounding area and a good degree of residential amenity would be created for each dwellinghouse with adequate garden ground and window to window distances in excess of the suggested 18m minimum set out in the Falkirk Council Supplementary Planning Guidance Note in respect of Housing Layout and Design. The proposal is considered to accord with the terms of the emerging local plan.

Assessment of Public Representations

7b.6 Road safety issues and noise or disturbance resulting from construction work on the site is not a material planning consideration. Road safety issues associated with the proposed development have been assessed by the Roads Development Unit who have no objections. The site is not considered to hold any ecological value and whilst the appearance of the site post development would undoubtedly be different from the current outlook, the visual amenity of the area would not be adversely affected. The applicant has provided sufficient details to allow a full assessment of the proposal to be carried out including appropriate levels details. It is however considered necessary to place a condition on any consent given requesting an external finishing materials schedule to be submitted to and be approved in writing by the planning authority prior to the start of work on site.

7b.7 Supplementary guidance notes in the form of 'House Extension and Alterations' and 'Housing Layout and Design' are both considered relevant in the assessment of this application. Both documents set out guidance advising developers of expected standards of provision to achieve acceptable levels of residential and visual amenity. The proposed development accords with the provisions of those documents. In particular, the proposed window to window privacy distances and levels of garden ground provision, are considered to accord with the terms of this guidance.

7c Conclusion

7c.1 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 that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee grant planning permission subject to the following condition(s):-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Development shall not begin until a scheme for protecting the new dwellinghouses from noise from transportation has been submitted to and approved in writing by the Planning Authority. The dwellinghouses shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.
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Director of Development Services

Date: 26 October 2010

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

Planning Committee

Planning Application Location Plan

P/09/0872/FUL

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



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