

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES
AT LOCKUPS, GRAHAMSDYKE ROAD, BO'NESS FOR
BENJAMIN CADELL – P/10/0630/PPP

Meeting: PLANNING COMMITTEE

Date: 23 March 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness
Councillor John Constable
Councillor Ann Ritchie
Councillor Adrian Mahoney

Community Council: Bo'ness

Case Officer: Kevin Brown, Planning Officer Ext. 4701

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this planning application was originally considered at the Planning Committee on 23 February 2011 (copy of previous report appended), when it was agreed to continue the planning application for a site visit. This visit took place on Monday 7 March 2011.
2. At the site meeting the applicant was heard in support of the proposal and advised that this is an application for planning permission in principle and as such no detailed plans have yet been drawn up.
3. Objectors were heard in opposition to the proposal primarily on the grounds of road safety and residential amenity. A number of residents did however express that developing the site in some way would improve security in the area.
4. Members asked about the tight vehicular access particularly in regard to emergency vehicles. The Roads Development Unit advised that the site access complies with visibility, width and alignment standards for a development containing only three units but accepted that fire appliances may find it difficult to navigate the tight corner into the site. It should also be noted that the existing use of the site as a parking/garage area could intensify without the need for planning permission.
5. Vehicular access for emergency vehicles is not a material planning consideration but is something which is required to be demonstrated at the building warrant stage of any development such as is proposed.

6. Following discussions with the Building Standards Unit, it would appear that the building regulations do not always require a fire appliance to be able to reach the exact position of every building. In instances where an appliance cannot reach the access to each building other solutions can be found including the installation of new dry riser inlets to supply portable pumps. It is advised that in order to ensure compliance with the building regulations, the applicant, or any future prospective developer, should contact the Fire Service to discuss options and constraints fully. It is considered however that these considerations require to be assessed on submission of a building warrant application and would not be a material consideration for refusal of planning permission in principle.

7. RECOMMENDATION

- 7.1 It is therefore recommended that Committee grant planning permission in principle subject to the following conditions:

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
 - (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access and parking arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping;
 - (d) details of boundary treatments;
 - (e) details of drainage.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
- (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) Development on the site shall be limited to no more than three dwellinghouses.
- (5) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (6) The sketch drawing and plan (our reference 02) is not approved.

Reason(s):

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To safeguard the interests of the users of the highway.
- (5) To ensure the ground is suitable for the proposed development.
- (6) For the avoidance of doubt.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.

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Director of Development Services

Date: 15 March 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of Objection from Miss H Williamson, 21 Graham Crescent Bo'ness EH51 9QQ on 12 October 2010
4. Letter of Objection from Mr & Mrs Meikle, 31 Graham Crescent Bo'ness EH51 9QQ on 12 October 2010
5. Letter of Objection from Jackie and Lawson Thomson, Manzel 38 Grahamsdyke Road Bo'ness EH51 9EA on 19 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.

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Councillor Adrian Mahoney

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks planning permission in principle for the development of an existing privately owned garage compound for residential purposes.
- 1.2 The application site is located to the rear of existing dwellinghouses on Grahamsdyke Road, and Graham Crescent, Bo'ness and is accessed via the existing garage compound access adjacent to number 40 Grahamsdyke Road.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Constable.

3. SITE HISTORY

- 3.1 F/93/0472 – erection of dwellinghouse (outline) – refused 17 August 1993.
- 3.2 F/93/0478 – erection of dwellinghouse (outline) – refused 17 August 1993.

4. CONSULTATIONS

- 4.1 Environmental Protection Unit – no objections raised, however a request has been made for a Contaminated Land Survey to be undertaken. It is considered that this can be adequately covered by a condition attached to any permission given.

4.2 Scottish Water – no objections.

4.3 Roads and Development Unit – no objections have been raised. However, it has been noted, that as the only access to the site is effectively a private drive leading from Grahamsdyke Road, development on the site should be restricted to three dwellinghouses. It is considered that visibility at the existing access onto Grahamsdyke Road is sufficient to serve this level of development.

5. COMMUNITY COUNCIL

5.1 The Bo'ness Community Council has not commented on the proposal.

6. PUBLIC REPRESENTATION

6.1 12 letters of objection were received following the neighbour notification process. Issues raised include:

- Overshadowing.
- Overbearing height of development.
- Overlooking/privacy.
- Disturbance due to traffic movements.
- Limited access and potential damage to boundary of 40 Grahamsdyke Road during construction.
- Road safety and parking provision.
- Narrow nature of sited.
- Loss of a view.
- Drain on local infrastructure.
- Access for emergency vehicles.
- Impact on drainage/sewerage infrastructure.

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

The Falkirk Council Structure Plan

7a.1 The site raises no strategic considerations.

Falkirk Council Local Plan

7a.2 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, 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."*

7a.3 The application site is on brownfield land within the urban limit and it is considered that the proposed residential land use is compatible with the neighbouring residential uses. As the site access is restricted in terms of width and cannot be improved to an adoptable standard, it is considered relevant to limit development on the site to three dwellinghouses. It is considered that existing community facilities and physical infrastructure can accommodate an additional three houses. The proposal accords with Policy SC2.

7a.4 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."*

7a.5 The applicant accepts that development on the site requires to be limited to three dwellinghouses and has submitted an indicative layout demonstrating how three houses could theoretically be accommodated on the site. Bearing in mind that this is an application for planning permission in principle and is not a full application, it is considered that the submitted layout demonstrates that three houses can be accommodated in a manner which would respect the scale, density, disposition and design of the area and would provide adequate garden ground and parking provision. Despite the narrow nature of the site, it is considered that there is sufficient space to ensure adequate privacy, and residential amenity levels are maintained. The proposed access is considered suitable for three dwellinghouses, particularly when considering that the existing garage compound use on the site could intensify and generate more traffic movements without requiring any planning permission. The proposal accords with Policy SC8.

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

7b Material Considerations

7b.1 The material considerations relating to this proposal are the representations received.

Representations Received

7b.2 The submitted indicative layout demonstrates that development can be achieved whilst maintaining adequate privacy levels, including window to window distances in excess of the recommended 18 metres, while ensuring that distances between properties would result in no overshadowing concerns. These issues can be further assessed on receipt of further detailed proposals.

7b.3 Disturbance and damage to property during construction is not a material planning consideration.

7b.4 The existing access is considered sufficient to accommodate three houses on the site with plenty of space available for in-curtilage parking and turning provision well in excess of required standards. While it is accepted that three houses would generate traffic movements at the site, it is not considered that these would total more than what could be generated were the existing garage compound to be better used. The expected traffic coming and going from the site is not anticipated to cause adverse impacts on existing residential amenity levels.

7b.5 Access for emergency vehicles would be no different to the current restrictions at the site and is not considered to be a determining factor in this application.

7b.6 Loss of a view is not a material planning consideration.

7b.7 Existing local community facilities and physical infrastructure are considered able to cope with the provision of three additional houses.

7c Conclusion

7c.1 The proposal is considered to be an acceptable form of development and is considered to be in accordance with 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 therefore recommended that Committee grant planning permission in principle subject to the following conditions:

(1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:

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Informative(s):

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Director of Development Services

Date: 15February 2011

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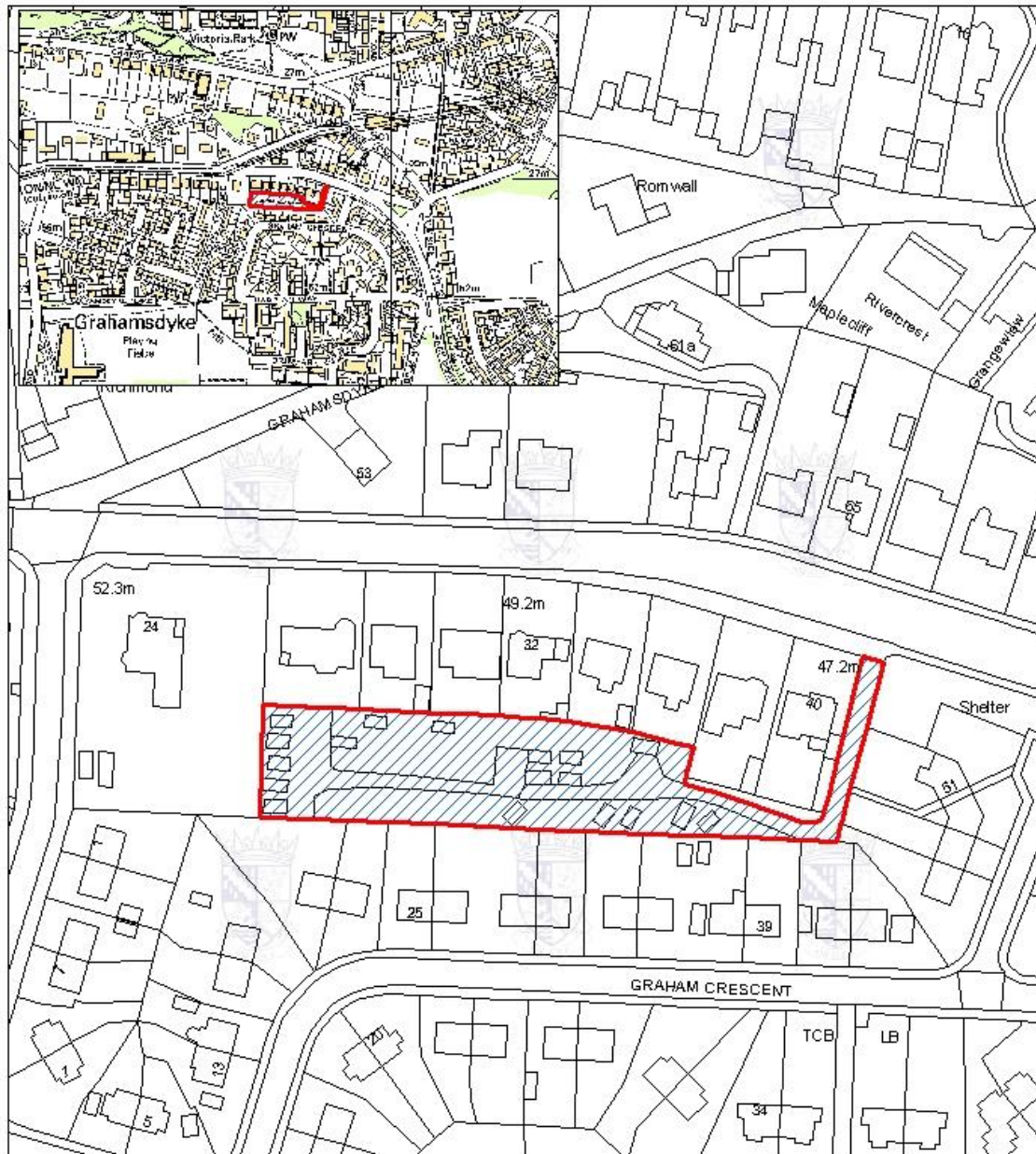
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0630/PPP

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



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