

PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING

PROPOSAL : Sub-Division of Plot and Erection of New Dwellinghouse
LOCATION : Rumah, Shieldhill Road, Reddingmuirhead, Falkirk, FK2 0DU
APPLICANT : Mr David Donaldson
APPN. NO. : P/11/0465/PPP
REGISTRATION DATE : 18 July 2011

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

This application for planning permission in principle proposes the erection of a single dwellinghouse within the grounds of an existing detached dwellinghouse on the western edge of Reddingmuirhead. The application proposes a new vehicular access onto Shieldhill Road to serve the new dwellinghouse.

The application includes a supporting document addressing road traffic and access related concerns raised as a result of a previous application.

2. SITE HISTORY

P/08/0755/OUT - Subdivision of plot and erection of 2 dwellinghouses west of the existing dwellinghouse. Refused 09.07.2009.

P/09/0572/PPP - Subdivision of plot and erection of single dwellinghouse east of the existing dwellinghouse utilising the existing access. - Granted 05.11.2009.

P/10/0306/PPP - Subdivision of plot and erection of single dwellinghouse west of the existing dwellinghouse, including formation of new access. - Refused 24.08.2010.

It is noted that previous applications have been refused permission on grounds of road safety. Application P/10/0306/PPP is of particular relevance as the current application is a resubmission of this proposal, together with a supporting statement of case. It is noted that the refusal of application P/10/0306/PPP was subject to a local review. The local review upheld the decision to refuse planning permission in principle on road safety grounds.

3. CONSULTATIONS

The following responses to consultation were received:

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| Scottish Water | No objections. |
| Environmental Protection Unit | Contamination and window detail to be conditioned. |
| Roads Development Unit | Has advised that visibility eastwards towards a blind summit would be restricted to the extent that it is considered that road safety would be compromised. Granting of Planning Permission in Principal is advised against. |
| Reddingmuirhead And Wallacestone Community Council | Contrary to the Development Plan. Could set precedent for development in the countryside. Would constitute overdevelopment of the site on the basis that there is permission to erect a house at the |

east side of the existing house.

The proposal was previously refused. This decision was subject to local review and subsequently dismissed. A further application cannot be submitted within 5 years.

The proposal would be detrimental to road safety.

The supporting statement states that :-

- The applicant has been advised that the proposal is acceptable in planning terms.
- Information provided to the applicant by the Roads authority suggest that speeds adopted by traffic adjacent to the application site and the accident record in respect of the road would suggest that the proposal would not be detrimental to road safety.
- There would be sufficient visibility at access to meet Council standards.

Where the local Community Council requested consultation, their comments appear above.

4. PUBLIC REPRESENTATION

In the course of the application, 6 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

The proposal would result in an increase in the traffic taking access from the B810 which has a poor road accident record.

There would not be sufficient visibility at the proposed access, which would be in close proximity to a blind summit to the east. The proposal is detrimental to road safety.

Neighbour notification has not been carried out properly.

The applicant timed the submission of the application to coincide with the summer holiday period, when people are likely to be absent from home.

The information in the applicants supporting statement is not accurate.

The proposal would be detrimental to the safety of pedestrians using the footway abutting the application site, particularly school children.

5. THE DEVELOPMENT PLAN

The proposed development was assessed against the undernoted Development Plan(s) :

Falkirk Council Structure Plan.

There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

The proposed development was assessed against the following policy or policies:

SC02 - Windfall Housing Development Within the Urban/Village Limit

SC08 - Infill Development and Subdivision of Plots

5A. MATERIAL CONSIDERATIONS

Falkirk Council Supplementary Guidance

Responses to Consultation

Information Submitted in Support of the Proposal

Information Submitted in Support of the Proposal

Information Submitted in Support of the Proposal

Assessment of Public Representations

6. PLANNING ASSESSMENT

The Development Plan

The proposal raises no strategic issues and was therefore assessed against the Falkirk Council Local Plan alone.

Local Plan Policies

The proposal is located within the urban limits as defined in the development plan and represents a subdivision of an existing large garden ground. The proposed development would benefit from sufficient space to accommodate adequate garden ground and parking provision for the proposed and the donor property and it is considered the site can accommodate a dwellinghouse whilst maintaining adequate privacy and good standards of design. The proposed vehicular access to the site out onto Shieldhill road is however problematic and it is considered that due to traffic speeds and the proximity of the access to a blind summit, the proposed access would not be in the best interests of road safety.

The proposed does not therefore accord with policies SC2 and SC8 of the Falkirk Council Local Plan "Windfall Housing Development Within The Urban/Village Limit "and" Infill Development and Subdivision of Plots" respectively.

Falkirk Council Supplementary Guidance

It is considered that adequate garden ground could be afforded to both the proposed and existing dwellinghouse. Conditions could be attached to ensure that the new dwellinghouse would reflect the character of the area in terms of scale and design. Boundary treatments could be considered as part of an application for approval of matters specified in conditions, to ensure that the rural edge is suitably treated. The proposal accords with the principals of Supplementary Planning Guidance Note "Housing Layout and Design".

Responses to Consultation

Contamination can be addressed by condition.

The Roads Development Unit has advised that the visibility eastwards towards a blind summit would be restricted to the extent that it is considered that road safety would be compromised. Granting planning permission in principle is advised against.

The concerns of the Community Council detailed above are noted.

The Development Plan assessment section of this report is noted. The proposal does not accord with the Development Plan.

It is not considered that setting a precedent for future development in the countryside is a relevant issue. The application site lies within the urban limit as identified in the Falkirk Council Local Plan. There would be no impact on the robustness of countryside related policies.

The planning history detailed above is noted. However, in terms solely of physical fit, the application site could accommodate a new dwellinghouse which affords adequate garden ground to the new, and the existing, dwellinghouse and which would sufficiently safeguard amenity and privacy. In terms of physical fit, the proposal would not constitute overdevelopment.

There is no restriction on the number, or timing, of planning applications that can be submitted in respect of a proposal.

It is noted that the Roads Development Unit has advised that would not be possible to achieve sufficient visibility at the proposed access to meet the Council's road safety standards.

There is no evidence to support the view that the applicant has been advised by the Planning Authority that the proposal is acceptable.

It is noted that the applicant received information from the Network Unit under freedom of information. This issue is addressed in the "Supporting Information" section of this report.

Information Submitted in Support of the Proposal

The applicant notes that the Council provided information at the Local Review in respect of application P/10/0306/PPP, detailed above, relating to the accident record at the B810, traffic speeds and visibility, which did not reflect well on the proposal.

The applicant has taken steps to collate information regarding these issues, which is claimed to be more accurate, and supports the proposal.

The applicant has submitted evidence to suggest that an eastwards visibility splay towards the blind summit of 6m x 70m can be achieved which would consequently accord with Council standards.

The applicant has received information from the Council's Network Unit under freedom of information which shows that:-

- There was no recorded accidents at the B810 in a three year period and
- Traffic travelling from the 40mph zone to the 30mph zone, in which the application site is located, have sufficiently reduced speed to render the proposed access safe.

Information Submitted in Support of the Proposal

The Roads Development Unit has carried out further site surveys to test the supporting statement. The Unit is satisfied that it is not possible to achieve a visibility splay of 6m x 70m eastwards towards the blind summit from the proposed new access. This is principally due to the falling levels and curvature of the road beyond the blind summit, and also to roadside vegetation

The traffic survey data provided to the applicant under FOI was taken on Reddingmuirhead Road/Shieldhill Road but not at the specific location that the applicant states, i.e. at a telegraph pole to the west of Rumah. The Traffic Survey in the support statement was part of the bi-annual programme of traffic counts and could have been taken at any point on that particular section of road. It is not known

exactly where on the B810 these speed statistics were taken and so they should be disregarded.

Information Submitted in Support of the Proposal

The Roads Development Unit has actual data taken at the location to which the applicant refers in the supporting statement, approximately 100m to the west of the application site in the 40mph limit, taken between 23 June 2010 and 29 June 2010. The survey provided the actual speed of vehicles coming down the hill from Shieldhill. The 85%ile speed was found to be 45mph (the 85%ile speed is used when determining visibility requirements for road calculations). To be consistent, a traffic survey was carried out directly adjacent to Rumah itself within the 30mph limit. It was found that the 85%ile speed for westbound traffic was 42.4mph and 40mph eastbound. This clearly shows that most vehicles are travelling at least 33% faster than the legal speed limit at the blind summit. It is not therefore considered that this is a location where extra manoeuvring, overtaking, parking or queuing on the road should for safety reasons be encouraged. Albeit that traffic travelling faster than the legal speed limit is outwith the control of the applicant, the surveys emphasise the importance of satisfactory visibility at this location.

Furthermore, when the information under FOI was provided, the fact that there were no recorded personal injury accidents for 3 years may have been correct. There is now available more up to date and complete data. The up to date data shows that since 1987 there has been 8 personal injury accidents, 5 slight and 3 serious, all within 75m of the access to Rumah. This relates to an accident severity ratio of 37.5%. The normal ratio is considered to be 26%.

It is considered that road safety at this location is a concern.

The supporting statement submitted by the applicant does not demonstrate that concerns in respect of road safety can be overcome.

Assessment of Public Representations

The consultation response of the Roads Development Unit and the "Supporting Information" section of this report are noted in terms of visibility and road safety.

The Planning Authority carried out the neighbour notification procedure in accordance with legislative requirements.

There is no restriction in terms of the timing of the submission of planning applications.

The "Supporting Information" section of this report addresses the issues raised in the applicant's supporting statement.

7. CONCLUSION

The proposal does not accord with the Development Plan.

The proposal would result in an unacceptable risk to road safety by virtue of the creation of a new vehicular access in close proximity to a blind summit where traffic speeds commonly exceed the recognised limit.

The supporting statement submitted by the applicant does not demonstrate that concerns in respect of road safety can be overcome.

There are no material considerations to justify a departure from the Development Plan in this case.

8. RECOMMENDATION

Refuse Planning Permission in Principle


Refusal is recommended for the following**Reason(s):**

1. The proposal would result in an unacceptable risk to road safety, by virtue of the creation of a new vehicular access in close proximity to a blind summit where traffic speeds commonly exceed the recognised limit, and as such is contrary to the terms of Policies SC2 "Windfall Housing Development Within The Urban/Village Limit" and "SC8 " Infill Development And Subdivision Of Plots" of the Falkirk Council Local Plan.

Informatives:

1. For the avoidance of doubt, the plans to which this decision refers bear our reference 01, 02, 03, 04, 05 and 06.



 Director of Development Services

16.9.11
Date

Contact Officer : David Paterson
(Planning Officer) 01324 504757

Reference No. P/11/0465/PPP



Falkirk Council

Please note: this permission does not carry with it any necessary consent or approval for the proposed development under any other statutory enactments.

**Town and Country Planning (Scotland) Acts as Amended
Issued under a Statutory Scheme of Delegation.**

Refusal of Planning Permission in Principle

Agent

Mr David Napier
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ML10 6EU

Applicant

Mr David Donaldson
5 Denford Court
Demford Avenue
St Annes On Sea
FY8 1ES

This Notice refers to your application registered on 18 July 2011 for permission in respect of the following development:-

Development Sub-Division of Plot and Erection of New Dwellinghouse at

Location Rumah, Shieldhill Road, Reddingmuirhead, Falkirk, FK2 0DU

The application was determined under Delegated Powers. Please see the attached guidance notes for further information, including how to request a review of the decision.

In respect of applications submitted on or after 1 January 2010, Falkirk Council does not issue paper plans. Plans referred to in the informatives below can be viewed online at <http://eplanning.falkirk.gov.uk/online/>. In accordance with the plans docquetted or itemised in the attached informatives as relative hereto, Falkirk Council, in exercise of its powers under the above legislation, hereby

Refuses Planning Permission in Principle

The Council has made this decision for the following reasons.

Reason(s):

1. The proposal would result in an unacceptable risk to road safety, by virtue of the creation of a new vehicular access in close proximity to a blind summit where traffic speeds commonly exceed the recognised limit, and as such is contrary to the terms of Policies SC2 "Windfall Housing Development Within The Urban/Village Limit" and "SC8 " Infill Development And Subdivision Of Plots" of the Falkirk Council Local Plan.

Informatives:-

1. For the avoidance of doubt, the plans to which this decision refers bear our reference 01, 02, 03, 04, 05 and 06.

16 September 2011


Director of Development Services

Windfall Housing Development within the Urban and Village Limits

- 4.10 In addition to the housing proposals identified specifically in the Local Plan, other housing development within the Urban or Village Limits will be supported where it meets the criteria set out in Policy SC2. Such windfall development will generally be on brownfield sites and will assist in meeting the general objective of recycling redundant land and minimising take up of greenfield sites. However, sites must meet requirements in terms of accessibility, amenity and infrastructure availability. An estimate of the output from windfall sites has been built into the housing land requirement calculation, and monitoring will take place to check the actual output against the estimate.

4.11

SC2 WINDFALL HOUSING DEVELOPMENT WITHIN THE URBAN/VILLAGE LIMIT

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.

Housing in the Countryside

- 4.12 There is continuing pressure for the development of individual houses or groups of houses in the countryside. Structure Plan Policy ENV.1 and Local Plan Policy EQ19 set out the broad approach of restricting new development in the countryside unless a countryside location is required. Policy SC3 contains detailed criteria for assessing the acceptability of proposals. In general, housing will be permitted where it is required to support a genuine rural economic activity. Further opportunities will arise from the rehabilitation of redundant properties and from appropriate infill sites.

4.13

SC3 HOUSING DEVELOPMENT IN THE COUNTRYSIDE

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 all of the following:
 - 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; and
 - 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 all of the following criteria are met:
 - 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; and
 - 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 residential buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.

Infill Development and Plot Subdivision

- 4.30 The quality of residential areas can often be threatened by inappropriate infill development, sometimes termed 'town cramming'. Infill proposals, particularly where they involve the subdivision of the curtilage of existing houses, frequently take little account of the overall grain of the surrounding area, or of the setting and amenity of neighbouring properties. Policy SC8 seeks to prevent insensitive infill whilst allowing development where a legitimate opportunity exists and can be integrated successfully into the urban fabric.

4.31

SC8 INFILL DEVELOPMENT AND SUBDIVISION OF PLOTS

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.

Extensions and Alterations to Residential Properties

- 4.32 There is a need to ensure that alterations and extensions to residential properties do not, individually or cumulatively, detract from the environment of residential areas. Policy SC9 sets out the key considerations in determining the acceptability of proposals, dealing with the impact of changes on the integrity of the property itself, on the amenity of neighbouring properties and on the character of the area as a whole. Detailed guidance may be found within the Council's SPG Note on House Extensions and Alterations.

4.33

SC9 EXTENSIONS AND ALTERATIONS TO RESIDENTIAL PROPERTIES

Extensions and alterations to residential properties will be permitted where:

- (1) the scale, design and materials are sympathetic to the existing building;
- (2) the location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and
- (3) it will not result in overdevelopment of the plot, thereby giving rise to adverse impacts on the functioning of garden ground, or the unacceptable loss of off-street parking.

4.34

Creating and Maintaining Residential Amenity - Actions and Indicators

Actions:

- Prepare development briefs for outstanding housing sites

Indicators:

- Quality as assessed through periodic audit of major built developments against sustainable development principles