

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AND FORMATION OF DRIVEWAY AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR & MRS DUPLOYEN - P/11/0714/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **4 April 2012**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward – Bo'ness and Blackness**
Councillor Adrian Mahoney
Councillor Ann Ritchie
Councillor Sandy Turner

Community Council: **Bo'ness Community Council**

Case Officer: Alan Scott (Assistant Planning Officer), Ext. 4909

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 7 March 2012 (copy of previous report appended), where it was agreed to continue the application for a site visit. This visit took place on 19 March 2012.
2. The case officer introduced the proposed development to the Planning Committee and referred to the salient points of assessment as set out in the Committee report.
3. The applicant's representative spoke in support of the application and explained that the proposed new house was intended for the applicant to live in. The applicant's representative stated that elements of the design of the proposed house would reflect aspects of the existing Roman House and other houses in the area.
4. Several local residents spoke in opposition to the proposal, reiterating the various points raised in their submissions.
5. In response to the points raised, the applicant's representative stated that the proposed stairwell is intended to provide easier access to the roofspace and retaining walls would be constructed around the proposed new house. Removal of the asbestos roof on the existing outbuilding would be dealt with under a separate Building Warrant application. The applicant's representative also stated that the living accommodation would be located to the rear of the house with bedrooms to the front, the intention being to reduce any potential impacts on privacy to neighbouring properties located to the north.

6. Members of the Committee, as well as local Members, were given the opportunity to raise any questions or comments regarding the proposal. The local Member raised concerns in terms of this proposal setting a precedent for future similar applications in the area. The overall design and finishing materials for the new dwellinghouse were also discussed as were the loss of trees and the application site being within a Tree Preservation Order area.
7. It is confirmed that the application site is located within the Grange Terrace Tree Preservation Order (TPO) area. The TPO covers a wide area which extends from Grange Loan to Erngath Road. The proposed block plan and site section (Drawing No. 03), submitted in support of this application, identify specific trees which it is intended would be removed should the proposed development be granted permission. A condition has been attached requesting further details regarding proposed planting, should permission be granted.
8. The application site was also viewed by the Committee from within the garden of the neighbouring property at No. 24 Grange Terrace. The applicant's representative highlighted the distance from the proposed house to the rear of No. 24, which would be a distance of over 30 metres.
9. No matters were raised which would amend the original recommendation to grant planning permission.

10. RECOMMENDATION

10.1 It is therefore recommended that 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. Access to the new driveway shall be by means of a standard dropped kerb footway crossing point formed in accordance with the “Design Guidelines and Construction Standard for Roads in the Falkirk Council Area”.
3. The driveway shall be formed with a maximum gradient of 10% and such that no surface water is discharged or loose material is carried onto the public road.
4. The driveway shall be at least 3m wide.
5. Any access gates shall only open inwards.
6. There shall be no obstruction to visibility above 1m in height above carriageway level within 2.5m of the carriageway edge along the site frontage.
7. (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.
8. Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.

Reason(s):

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

Informative(s):

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 – 05.
- 2. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

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

3. 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.
4. The applicant will require to obtain a Minor Roadworks Consent from my colleagues at Roads Services, Roads Depot, Earls Road, Grangemouth, FK3 8XD prior to carrying out any works on the public road. An application form can be obtained from the Falkirk Council website at:
www.falkirk.gov.uk/services/development/roads_services/roads_maintenance/Application_for_minor_roadworks_consent.pdf

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Director of Development Services

Date: 27 March 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan
2. Letter of objection from B.W. and M.G.H. Frost, 32 Grange Terrace, Bo'ness, EH51 9DS received on 17 November 2011.
3. Letter of objection from Nicholas and Kirsty Leonard, 18 Cadzow Crescent, Bo'ness, EH51 9AZ received on 21 November 2011.
4. Letter of objection from Gerry and Mandy Weir, 22 Grange Terrace, Bo'ness, EH51 9DS received on 21 November 2011.
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8. Letter of objection from Sheila Stewart, 40 Grange Terrace, Bo'ness received on 29 November 2011.
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Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504909 and ask for Alan Scott, Assistant Planning Officer.

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AND FORMATION OF DRIVEWAY AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR & MRS DUPLOYEN - P/11/0714/FUL

Meeting: PLANNING COMMITTEE

Date: 7 March 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward – Bo'ness and Blackness
Councillor Adrian Mahoney
Councillor Ann Ritchie
Councillor Sandy Turner

Community Council: Bo'ness Community Council

Case Officer: Alan Scott (Assistant Planning Officer), Ext. 4909

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 Full planning permission is sought for the subdivision of the existing garden ground and erection of a single storey dwellinghouse in the south-western corner. It is proposed that the new house would utilise the existing driveway and garage/outbuilding. The proposed house would be single storey in height and orientated to the north. A new beech hedge boundary would be created to separate the new house from the existing Roman House and its side and rear garden ground.
- 1.2 Roman House is a grade 'B' listed dwellinghouse which is located on the southside of Grange Terrace and within the Grange Conservation Area in Bo'ness. The surrounding area is predominantly residential with an area of open space (Victoria Park) to the north. The house has an extensive area of garden ground.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Councillor Sandy Turner.

3. SITE HISTORY

- 3.1 P/10/0785/FUL - Erection of Dwellinghouse in Garden Ground and Form New Driveway to Existing Dwellinghouse - Application Withdrawn - 10.02.2011

- 3.2 P/10/0397/FUL - Subdivision of Garden Ground and Erection of Dwellinghouse & Formation of New Vehicular Access to Existing Dwelling - Application Returned - 17.09.2010.
- 3.3 P/11/0716/LBV – Formation of Vehicular Access/ Driveway – pending decision.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have no objections to the proposal. The Unit has requested that, should planning permission be granted, conditions should be attached regarding the proposed new driveway.
- 4.2 The Environmental Protection Unit has raised no objection to the proposal, however they have requested that a condition relating to contaminated land be attached to any consent given and an informative relating to noise during construction work.
- 4.3 Scottish Water have raised no objections to the proposal.

5. COMMUNITY COUNCIL

- 5.1 No comments have been received from Bo'ness Community Council.

6. PUBLIC REPRESENTATION

- 6.1 During the course of the application, seven letters of objection and one petition with 17 signatories were received by the Council. The salient issues are summarised below:
- Contrary to Local Plan policy re Conservation Areas and Listed Buildings;
 - Could set precedent for similar proposals;
 - Contrary to Grange Terrace Conservation Area Appraisal Consultative Draft Feb 2011;
 - Adverse impact on existing 'monkey puzzle' tree;
 - Loss of trees in a Tree Preservation Order (TPO) area;
 - Proposal would have limited garden ground and outlook;
 - Adverse impact on traffic travelling along Grange Terrace;
 - The proposed new access driveway will have an adverse impact on existing trees;
 - Loss of amenity / privacy;
 - Overdevelopment of site;
 - Question whether the proposal is energy efficient;

- Proposed house would be visible from neighbouring properties;
- Proposal is backland development which is out of character with the surrounding area;
- Proposed design does not reflect character of the area;
- Area of proposed garden ground is not of a useable space; and
- No new build within a conservation area.

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 relevant to this proposal contained in the Structure Plan.

Falkirk Council Local Plan

7a.2 Policy EQ12 – ‘Conservation Areas’ states:

The Council will protect the historic character and visual amenity of each Conservation Area. Accordingly:

- 1. The Council will prepare Character Appraisals of individual Conservation Areas and, on the basis of these, will review existing boundaries and Article 4 Directions, prepare detailed design guidance as appropriate, and draw up enhancement schemes as resources permit;*
- 2. New development in Conservation Area, or affecting their setting, including extensions and alterations to existing buildings, will only be permitted where it preserves or enhances the character of the area, with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features;*
- 3. Demolition of buildings within Conservation Areas will not be permitted unless they make no material contribution to the character and appearance of the area. Where demolition is proposed, the considerations set out in the relevant Historic Scotland guidance notes should be adhered to; and*
- 4. Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials.*

7a.3 Policy EQ14 – ‘Listed Buildings’ states:

The Council will seek to preserve the character and appearance of listed buildings. Accordingly:

1. *Development affecting a listed building, or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.*
2. *Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the Council that the building:*
 - *has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and*
 - *is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report; and*
3. *RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded.*

7a.4 Policy EQ26 – ‘Trees, Woodland and Hedgerows’ states:

The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

1. *Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
2. *In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
3. *Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
4. *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
5. *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.*

7a.5 Policy SC08 – ‘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.6 Sub paragraph (2) of Policy EQ12 states that new development in Conservation Areas will only be permitted where it preserves or enhances the character of the area. It is not considered that this proposal would have an adverse impact on the conservation area. The application site is located on a disused area of garden ground and would not set any precedent for encroaching into the central landscaped area.
- 7a.7 Policy EQ14 (Listed Buildings) seeks to preserve the character and appearance of listed buildings. Sub paragraph (1) states that the layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting. Revisions to the previously submitted proposal are considered to comply with the requirements of this policy. The overall design of the proposed new dwellinghouse is considered to be in compliance with the policy and the proposed boundary between the two houses has been strengthened.
- 7a.8 According to EQ26 (Trees, Woodland and Hedgerows), development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. While it is accepted that several trees would be lost as a result of this proposal, it is considered that this would not have a significantly adverse impact on the remaining trees or the overall TPO.
- 7a.9 Policy SC8 (Infill Development and Subdivision of Plots) seeks to ensure that a variety of factors are considered with proposals such as this, including that the scale, density, disposition and design of the proposed house respects the architectural and townscape character of the area. The development should also result in adequate garden ground being retained for both the proposed and donor properties. It is considered that this proposal does not conflict significantly with any of the factors contained within this policy.
- 7a.10 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the consultation responses, the public representations and supporting information.

Consultation Responses

- 7b.2 Scottish Water have not objected to the proposal.
- 7b.3 The Council's Roads Development Unit have requested that, should the application be approved, conditions should be attached regarding access.
- 7b.4 The Council's Environmental Protection Unit have suggested conditions/informatives relating to contaminated land and noise during construction be attached should the application be granted.

Assessment of Public Representations

- 7b.5 The concerns raised have been summarised in Section 6 of this report. In response to the concerns, the following comments are considered relevant:
- 7b.6 It is considered that the proposal would not have an adverse impact on the Conservation Area or the adjacent listed building;
- 7b.7 All applications are considered on their own merits;
- 7b.8 It is considered that the proposal is not detrimental to the aspirations of the Conservation Area Appraisal;
- 7b.9 The applicant proposes to retain the 'monkey puzzle' tree to the front of the listed building;
- 7b.10 The trees to be removed as a result of the proposal are not considered to be worthy of retention and their removal would not have a detrimental impact on the TPO area;
- 7b.11 The proposed garden ground meets the current standards;
- 7b.12 The Roads Development Unit have been consulted and have raised no objections in terms of traffic impact;
- 7b.13 As stated previously, it is not considered that loss of these trees would have an adverse impact on the TPO;
- 7b.14 It is considered that the proposed new dwellinghouse would be well screened and would not have an adverse impact on the amenity or privacy of adjacent properties;
- 7b.15 The existing dwellinghouse is afforded a large area of side and rear garden ground and a large amount of undeveloped ground would remain as a result of this proposal;
- 7b.16 The energy efficiency of the proposed dwellinghouse is not a material planning consideration and will be considered through the separate Building Standards process;
- 7b.17 While it is accepted that the proposed dwellinghouse would be visible from adjacent properties, it is not considered that it would have an adverse impact on existing levels of amenity or privacy;
- 7b.18 The proposed new dwellinghouse is located on a disused garden plot and developing on it would not set a precedent for further encroachment into this area;
- 7b.19 The proposed design has been amended as a result of previous discussions with the applicant's agent and is considered to be a sympathetic design for a new house within a designated conservation area;
- 7b.20 As mentioned previously, the proposed garden ground meets the standards required.

Supporting Information

7b.21 A Design Statement has been submitted in support of the application which provides some background to the proposal as well as providing additional information including the proposals for external site treatment, access to the existing house and external features of the proposed new house.

7c Conclusion

7c.1 The proposal is considered to be an acceptable form of development in this particular location and accords 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 therefore recommended that 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) Access to the new driveway shall be by means of a standard dropped kerb footway crossing point formed in accordance with the "Design Guidelines and Construction Standard for Roads in the Falkirk Council Area".
- (3) The driveway shall be formed with a maximum gradient of 10% and such that no surface water is discharged or loose material is carried onto the public road.
- (4) The driveway shall be at least 3m wide.
- (5) Any access gates shall only open inwards.
- (6) There shall be no obstruction to visibility above 1m in height above carriageway level within 2.5m of the carriageway edge along the site frontage.
- (7)
 - (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.
- (8) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - ii. location of new trees, shrubs, hedges and grassed areas;
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - iv. programme for completion and subsequent maintenance.
- (9) Prior to commencement of the development, details of the proposed hedge between Roman House and the proposed new house, shall be submitted to and approved by the Planning Authority. The hedge shall thereafter be planted as per the approved details.

Reason(s):

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

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 – 05.
- (2) The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
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- (4) The applicant will require to obtain a Minor Roadworks Consent from my colleagues at Roads Services, Roads Depot, Earls Road, Grangemouth, FK3 8XD prior to carrying out any works on the public road. An application form can be obtained from the Falkirk Council website at:
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Director of Development Services

Date: 28 February 2012

LIST OF BACKGROUND PAPERS

10. Falkirk Council Local Plan
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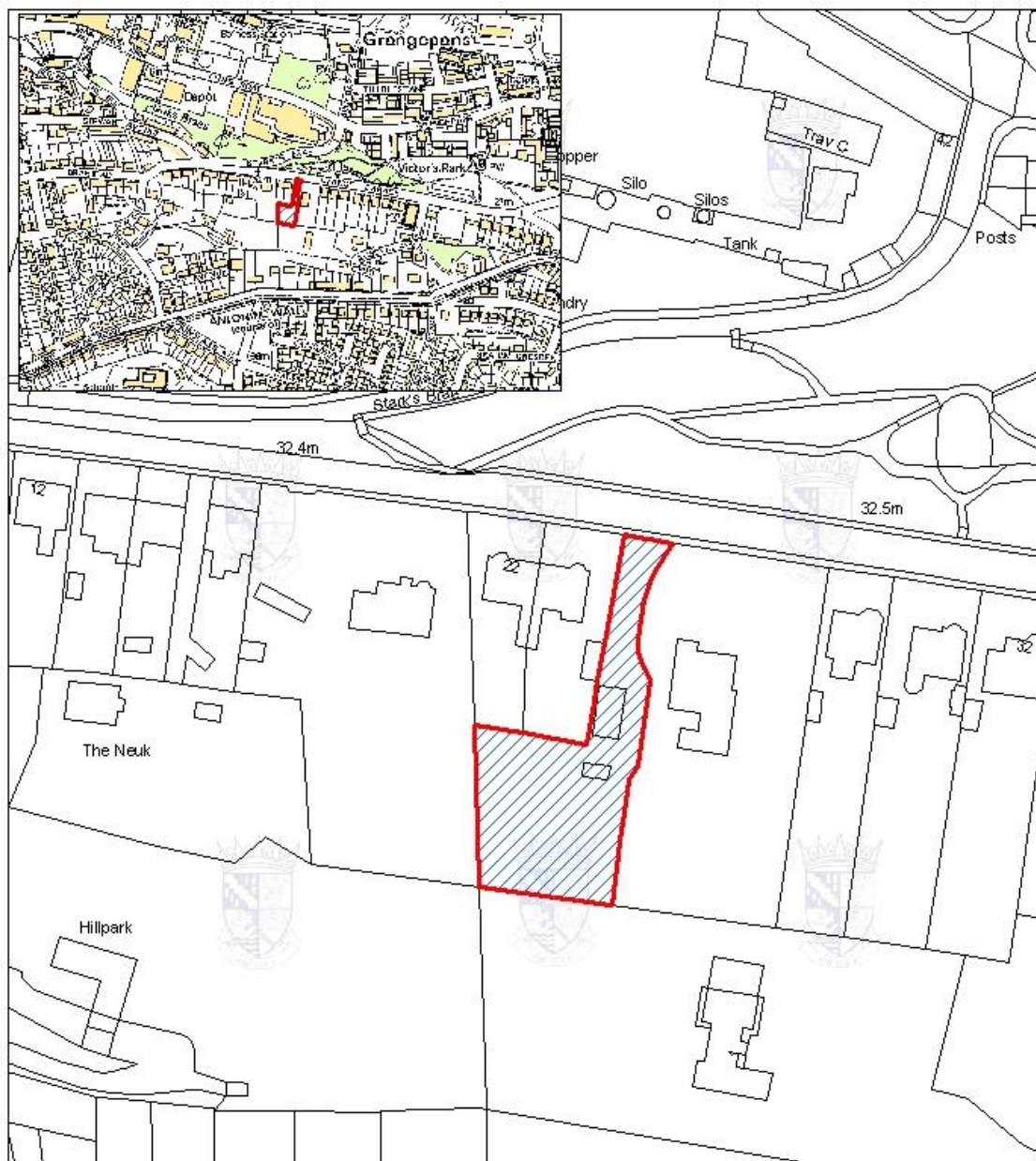
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504909 and ask for Alan Scott, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0714/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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