

**FALKIRK COUNCIL**

**Subject:** **ERECTION OF 2 DWELLINGHOUSES AND FORMATION OF ACCESS ROAD AT LAND TO THE EAST OF MEADOWBANK, BONNYBRIDGE FOR MR WILLIAM DOW - P/12/0107/FUL**  
**Meeting:** **PLANNING COMMITTEE**  
**Date:** **28 November 2012**  
**Author:** **DIRECTOR OF DEVELOPMENT SERVICES**

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

**Councillor Jim Blackwood**  
**Councillor Brian McCabe**  
**Councillor John McNally**  
**Councillor Martin David Oliver**

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

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

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

- 1.1 This detailed application proposes the erection of two single storey detached dwellinghouses on a brownfield site to the south west of Banknock. The site sits in a predominantly rural location adjacent to a small grouping of residential properties and immediately within the proposed Banknock SIRR.

**2. REASON FOR COMMITTEE CONSIDERATION**

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

**3. SITE HISTORY**

- 3.1 Whilst the application site has no relevant planning history, the site has previously been used for storage by the owning farmer. The site has been historically land raised from the adjacent burn and surrounding land.

**4. CONSULTATIONS**

- 4.1 The Roads Development Unit has no objection to the application however a flood risk assessment has been requested

- 4.2 Scottish Water has no objection to the application.
- 4.3 The Environmental Protection Unit has no objection. However a contaminated land survey has been requested to be undertaken. This can be adequately addressed by way of a condition attached to any planning permission given.
- 4.4 Museum Service has no objection to the application.
- 4.5 Historic Scotland has no objection to the application
- 4.6 Scottish Environment Protection Agency has no objection to the application

## **5. COMMUNITY COUNCIL**

- 5.1 The Banknock, Higgs and Longcroft Community Council has not commented on the application.

## **6. PUBLIC REPRESENTATION**

- 6.1 During consideration of the application, no letters of objection or representation were received.

## **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 relevant policies within the Falkirk Council Structure Plan.

#### ***Falkirk Council Local Plan***

- 7a.2 Policy EQ17 – ‘Antonine Wall’ states:

*“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:*

- (1) *There will be a presumption against development which would have an adverse impact on the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*

- (2) *There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other Local Plan policies; and*
- (3) *The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall."*

7a.3 The proposed development is located within the buffer zone for the Antonine Wall World Heritage Site. Consultation has taken place with Archaeological Services and Historic Scotland who have both confirmed that the site is not of significant enough scale to adversely impact upon the setting of the Wall itself.

7a.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, 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.5 The site is considered to be a brownfield infill site and is located adjacent to the urban limit as defined in the Falkirk Council Local Plan and within the Banknock SIRR. The proposed housing use is compatible with neighbouring land uses and the site enjoys good accessibility to public transport links and community facilities. Existing physical infrastructure such as roads, water supply, sewage capacity, community facilities, education and healthcare are considered to be sufficient to accommodate the development proposed.

7a.6 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.7 The scale, density, disposition and design of the houses proposed are considered to be acceptable for the location and respect the character of the surrounding area. The proposed properties would benefit from ample garden ground and off street parking provision whilst adequate privacy and residential amenity levels are maintained. The proposal would not result in a loss of important features such as walls, trees or vegetation.

7a.8 Accordingly, the proposal accords with the Development Plan.

## **7.b Material Considerations**

7b.1 The material considerations to be assessed are in relation to the consultation response from the Roads Development Unit.

### ***Responses to Consultations***

7b.2 The Roads Development Unit expressed initial concerns in relation to flood risk for the site and land raising. Consultation was subsequently undertaken with SEPA in regard to these issues. SEPA have since removed their objection. The site has already been assessed for flood risk as part of the Banknock SIRR and the historical land raising at the site has resulted in the application site sitting much higher than the land to the south of the site. Whilst a burn does flow close to the eastern boundary of the site, the topography of the area is such that the properties would have an insignificant risk of flooding in this instance. The proposed development would not exacerbate any flooding issues further downstream of the development.

## **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 therefore 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) i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
- iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
- iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) Samples of all external finishing materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (4) Development shall not begin until details of a 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) To ensure the ground is suitable for the proposed development.

(3-4) 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) 01B, 02, 03, 04, 05, 06 and 07.
- (2) The applicants should be aware that this site is within the area covered by the SEPA indicative flood maps and is therefore identified as being potentially at risk of flooding. The topography of the site and surrounding landform should provide some degree of comfort in this regard however the responsibility for operational resilience remains the applicants responsibility.

.....  
Pp Director of Development Services

Date: 20 November 2012

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

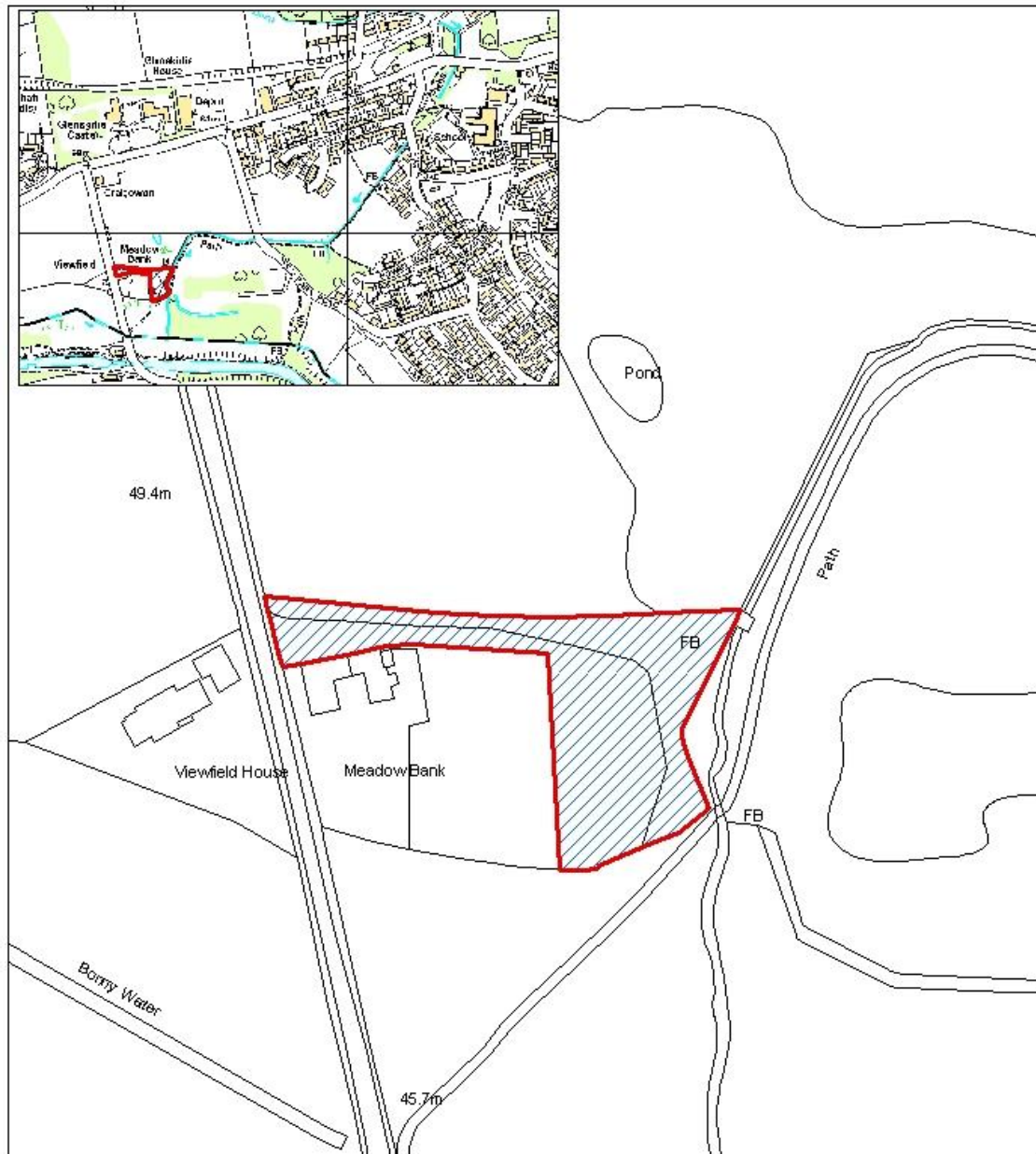
1. Falkirk Council Local Plan

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/12/0107/FUL**

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.  
© Crown copyright and database right 2012. All rights reserved.  
Ordnance Survey Licence number 100023384