

FALKIRK COUNCIL

Subject: SUBDIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND ASSOCIATED WORKS AND FORMATION OF VEHICULAR ACCESS AND DRIVEWAY TO EXISTING DWELLINGHOUSE AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/12/0533/FUL

Meeting: PLANNING COMMITTEE

Date: 30 January 2013

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

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 Roman House is a grade 'B' listed dwellinghouse which is located on the south side of Grange Terrace, within the Grange Conservation Area of Bo'ness. The surrounding area is predominantly residential with an area of open space (Victoria Park) to the north of the application site. The house has an extensive area of garden ground.
- 1.2 Planning permission is sought for the subdivision of the existing garden ground and the erection of a single storey dwellinghouse in the south-western corner of the application site. It is proposed that the new house would utilise the existing driveway and garage/outbuilding serving the existing house. 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. This application also includes the formation of a new vehicular access and driveway to serve the existing house. Some trees would be removed within the application site to facilitate the development.
- 1.3 This application is an identical submission of application P/11/0714/FUL, which was refused by the Planning Committee.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is called to the Planning 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- 3.1 P/10/0785/FUL - erection of dwellinghouse in garden ground and form new driveway to existing dwellinghouse - withdrawn on 10 February 2011.
- 3.2 P/11/0714/FUL - erection of dwellinghouse and formation of driveway - refused on 4 April 2012.
- 3.3 P/11/0716/LBC - formation of vehicular access/driveway - refused on 4 April 2012.
- 3.4 P/12/0534/LBC - formation of new vehicular access to existing dwelling - pending consideration.

4. CONSULTATIONS

- 4.1 The Coal Authority have no objections.
- 4.2 The Roads Development Unit have no objection but recommend conditions be attached regarding the proposed new driveway.
- 4.3 Scottish Water have no objections.
- 4.4 The Environmental Protection Unit have no objections to the proposal and advise of conditions relating to contamination.

5. COMMUNITY COUNCIL

- 5.1 The Bo'ness Community Council have not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 12 contributors submitted letters of objection to 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 surrounding area;
- Proposed design does not reflect character of the area;
- Area of garden ground is not of a useable space;
- No new build within a conservation area; and
- Public representations not available on the Falkirk Council website.

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 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.3 Policy 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 will be lost as a result of this proposal, it is considered that this would not have an adverse impact on the remaining trees or the overall TPO.

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 Policy SC8 (Infill Development and Subdivision of Plots) - The policy seeks to ensure that a variety of factors are considered with such proposals including that the scale, density, disposition and design of a 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.6 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 Areas, or affecting their setting, including extensions and alterations to existing buildings, will only be +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 note should be adhered to; and*
- (4) *Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features on unlisted buildings in Conservation Areas should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials.”*

7a.7 Policy EQ12 (Conservation Areas) - Sub paragraph (2) 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.

7a.8 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.9 Policy EQ14 (Listed Buildings) - This particular policy 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. The overall design of the proposed new dwellinghouse is now considered to comply with these policy requirements and the proposed boundary between the two houses has been strengthened.

7a.10 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are the Falkirk Council Supplementary Guidance, planning history, Grange Conservation Area Management Plan, assessment of public representations and additional planning considerations.

Falkirk Council Supplementary Planning Guidance (SPG)

- 7b.2 Falkirk Council's SPG 'Housing Layout and Design' gives advice in relation to tandem development where the main concerns relate to visual setting, amenity and outlook. It is considered, in this instance, that whilst the proposed development does represent a form of tandem development with Roman House that the size and functioning of the extensive garden ground and relationship to adjacent properties would result in an appropriate form of built development. Whilst it is acknowledged that the application site sits partially behind 24 Grange Terrace, the site benefits from a direct street frontage in the form of an existing driveway serving Roman House (a new driveway being formed to serve the original dwellinghouse). Post development it is accepted that the proposal would not fully respect the historic settlement pattern of the area, however it is considered that this would not be to the detriment of the conservation area setting and it is considered that the proposed dwellinghouse has been sensitively designed to complement the character and setting of the area.

Planning History

- 7b.3 This application constitutes an identical submission of application ref: P/11/0714/FUL, where the recommendation was to grant planning permission. The application was refused by the Planning Committee for the following reason:-
- (1) The proposal is considered contrary to Falkirk Council Local Plan Policy EQ12 "Conservation Areas" in that the proposal has an adverse impact on the visual amenity and does not preserve or enhance the character of the area in terms of location, setting the architectural style and materials of the building.
- 7b.4 There has been no change in policy, site characteristics or other material considerations since the time of the last application. It is considered that the previous recommendation to the Planning Committee to grant planning permission is still appropriate.

Assessment of Public Representations

- 7b.5 The application is assessed as being in accordance with the Development Plan and Grange Conservation Area Management Plan.
- 7b.6 Each application is assessed on its own merits so the issue of precedent is not material in this instance. However, it is considered that the application site is unique in terms of its size and shape within the conservation area, offering a unique opportunity for infill development.
- 7b.7 It is considered that one additional driveway would not have an adverse impact on traffic travelling along Grange Terrace, and note that the Roads Development Unit does not object to the proposal.
- 7b.8 It is accepted that trees would have to be lost to make way for the proposed driveway. However, this would not have an adverse impact on the remaining trees within the application site or remaining tree preservation order area.
- 7b.9 It is considered that the size of the application site can absorb the proposed development and the distance between the proposed new house and adjacent residential properties would result in a minimal impact on privacy and amenity. Further, the proposal meets the requirements of the Supplementary Planning Guidance (SPG) in relation to minimum garden length.

- 7b.10 It is considered that the proposal would not result in an overdevelopment of the site, Roman House being set in extensive garden ground.
- 7b.11 It is accepted that the proposed house would be visible from neighbouring properties. However, given the size of the application site, distance from neighbouring properties and mutual boundary screening it is considered the proposal would not result in a significant impact.
- 7b.12 It is accepted that the proposed development would result in a form of tandem development, however it is considered that the application site lends itself to an additional dwellinghouse.
- 7b.13 It is considered that the architectural design, scale, massing and materials harmonise with the character of Roman House and the surrounding conservation area.
- 7b.14 It is considered that Roman House and the proposed dwellinghouse would have an appropriate level of usable garden ground post development.
- 7b.15 There are no Falkirk Council planning policies or guidance that prohibit new development within a conservation area.
- 7b.16 Public representations are not currently available on the Falkirk Council website. The objector has been advised of this separately.

Additional Planning Considerations

- 7b.17 The Grange Conservation Area Management Plan advises that the conservation area is characterised by groupings of large detached, semi-detached and terraced buildings in sandstone dating from the late Victorian period and early 20th Century. The conservation area is enhanced by extensive garden grounds and mature tree cover.
- 7b.18 The management plan advises that the Council should ensure that any new development within the conservation area is designed to be sympathetic to the character, appearance and historic context of the conservation area in terms of scale, massing, materials and detailing. The management plan also recommends that any planning application should be supported by a design statement.
- 7b.19 The applicant has submitted a Design Statement in support of the proposed development which makes the following points:
- The application site has been allowed to deteriorate over the years and is generally overgrown and untended, with areas of extensive self seeding contributing to the sites appearance;
 - The low level of the proposed dwellinghouse would be achieved by designing a terraced garden stepped down by means of sandstone retaining walls, giving an unobtrusive roofscape and minimal overshadowing to surrounding properties;
 - The proposed house would be single storey, of modest size, with a 40 degree pitched slated roof and skews in line with the profile used in Roman House;
 - The windows would be timber with vertical emphasis and sandstone lintels and mullions;

- Rainwater goods would be black painted cast iron ogee profile gutters and downpipes; and
- External walls would be rendered with a smooth finish off white 'K Rend' textured finish.

7b.20 It is considered the proposal does not offend the terms of the management plan and the applicant has submitted a design statement which demonstrates the appropriateness of the proposed dwellinghouse within the context of Roman House and the wider conservation area.

7c Conclusion

7c.1 The proposal is considered to be an acceptable form of development 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 the Planning Committee grant planning permission subject to the following conditions:-

- (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 3 metres wide.**
- (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) 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.
- (7) Samples of all external 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.
- (8) Prior to the use of the vehicular access and driveway hereby approved coming into use, the street lighting column indicated on the approved plan (our online reference number 03) shall be relocated at the applicants cost.
- (9) Prior to the existing driveway being separated from Roman House, the driveway hereby approved shall be constructed and available for use by the residents of Roman House.
- (10) Prior to occupation of the dwellinghouse, hereby approved, the beech boundary hedging shall be planted in accordance with the approved plan (our online reference number 03 and Supporting Documents).

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4,8) To safeguard the interests of the users of the highway.
- (5) To ensure the ground is suitable for the proposed development.
- (6-7, 10) To safeguard the visual amenity of the area.
- (9) To ensure that adequate car parking is provided.

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 and supporting documents.

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Director of Development Services

Date: 22 January 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Supplementary Planning Guidance Note on "Housing Layout and Design".
3. Grange Conservation Area Management Plan.
4. Letter of objection from Mrs Elaine Campbell, 36 Grange Terrace, Bo'ness, EH51 9DS on 4 October 2012.
5. Letter of objection from Nicholas and Kirsty Leonard, Berriedale, 18 Cadzow Crescent, Bo'ness, EH51 9AZ on 20 September 2012.
6. Letter of objection from Mrs Mandy Weir, 22 Grange Terrace, Bo'ness, EH51 9DS on 24 September 2012.
7. Letter of objection from Mrs Frost, St Fillans, 32 Grange Terrace, Bo'ness, EH51 9DS on 1 October 2012.
8. Letter of objection from Mr Garry MacDonald, 8A Grange Terrace, Bo'ness, EH51 9DS on 22 September 2012.
9. Letter of objection from Mr Graham Garstang, 30 Grange Terrace, Bo'ness, EH51 9DS on 10 November 2012.
10. Letter of objection from Helen Happer on 25 September 2012.
11. Letter of objection from Terry Ralph on 25 September 2012.
12. Letter of objection from Mrs Arlene Bowmaker, 117 Stewart Avenue, Bo'ness, EH51 9NN on 25 September 2012.
13. Letter of objection from Jennifer and Pascal Lardet, Blinkbonny, 24 Grange Terrace, Bo'ness, EH51 9DS on 2 October 2012.
14. Letter of objection from Mr and Mrs G Weir, Cruachan, 22 Grange Terrace, Bo'ness, EH51 9DS on 1 October 2012.
15. Letter of objection from Mrs Frampton, Rondebush, 20 Grange Terrace, Bo'ness, EH51 9DS on 1 October 2012.

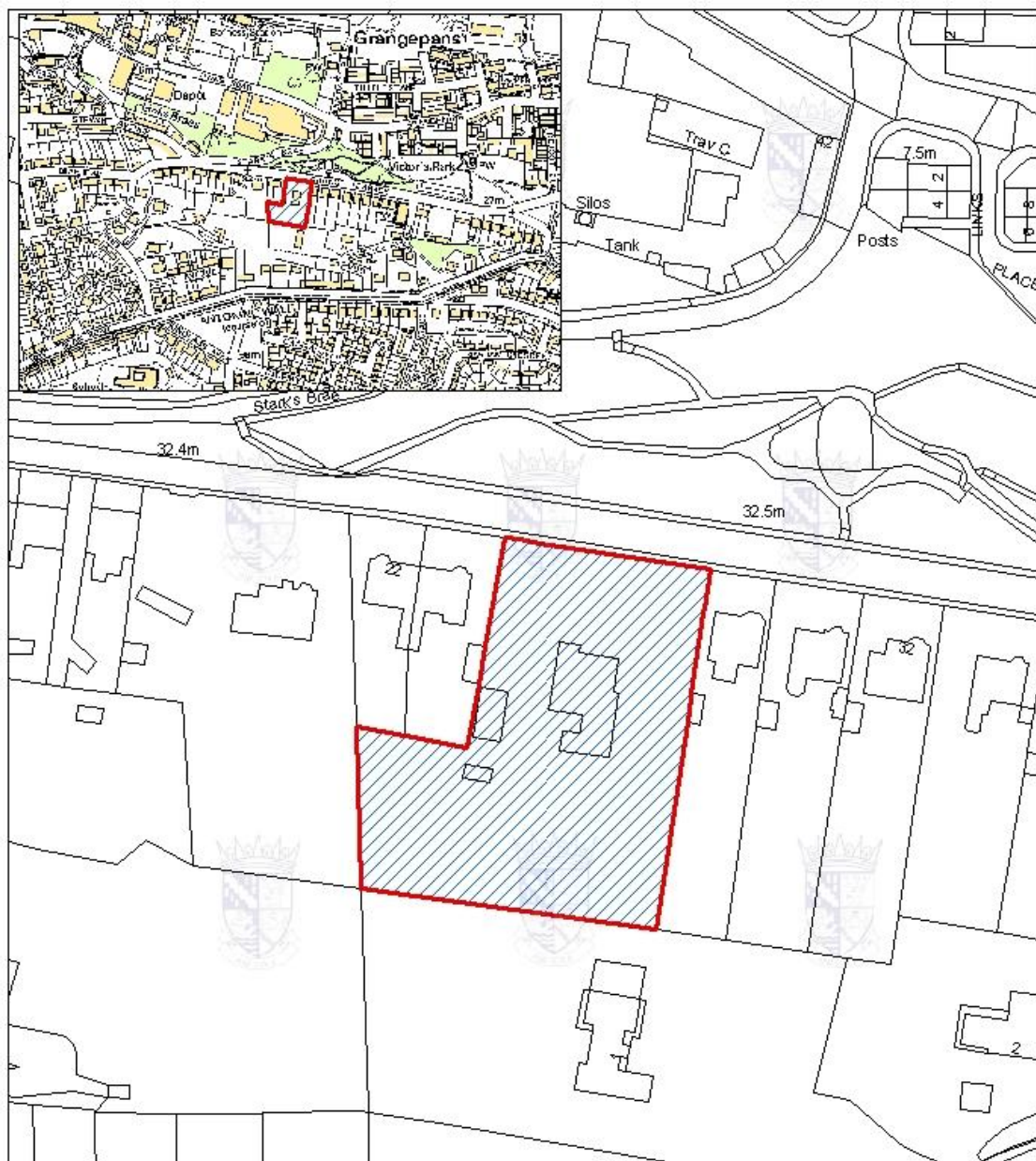
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/12/0533/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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