

FALKIRK COUNCIL

Subject: **FORMATION OF VEHICULAR ACCESS AND DRIVEWAY AND REMOVAL OF WALL AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/12/0534/LBC**

Meeting: **PLANNING COMMITTEE**
Date: **27 February 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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 30 January 2013 (copy of previous report appended), when it was agreed to continue the application for a site visit. This visit took place on 11 February 2013.
2. At the site meeting, the case officer summarised the report, the applicant spoke in support of the application and Local Members were heard.
3. The applicant's agent explained the development proposal, commenting that consultation was carried out to ensure that the application was in accordance with Falkirk Council Policy and Guidance.
4. Officers showed Local Members the position of the proposed driveway. The Council's Roads Officer confirmed that the proposed vehicular access would not present a problem for disabled users. It was also noted that the type of vehicular access into properties in Grange Terrace were of a style no longer standard within the Falkirk Council area.
5. Four representations had been received. None of the objectors spoke in relation to the application.
6. Accordingly, it is considered that no matters were raised at the site visit that would alter the recommendation to grant listed building consent. The previous recommendation is therefore reiterated as follows:-

7. RECOMMENDATION

7.1 It is therefore recommended that the Planning Committee indicate it is minded to grant Listed Building Consent subject to referral of the application to Scottish Ministers in accordance with the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and subject to the Scottish Ministers consenting the application to remit the Director of Development Services to grant Listed Building Consent subject to the following condition(s):-

- (1)** Prior to commencement of the development, details of the surfacing materials to be used in the construction of the driveway, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials.

Reason(s):-

- (1)** To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):-

- (1)** In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (2)** For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-04 and supporting documents.
- (3)** For the avoidance of doubt this consent does not permit the erection of a new garage and relates solely to the formation of a vehicular access and driveway.

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Director of Development Services

Date: 19 February 2013

LIST OF BACKGROUND PAPERS

- 1.** Falkirk Council Local Plan.

2. Letter of objection from Nicholas and Kirsty Leonard, Berriedale, 18 Cadzow Crescent, Bo'ness, EH51 on 20 September 2012.
3. Letter of objection from Jennifer and Pascal Lardet, Blinkbonny, 24 Grange Terrace, Bo'ness, EH51 9DS on 2 October 2012.
4. Letter of objection from Mr Garry Macdonald, 8a Grange Terrace, Bo'ness, EH51 9DS on 22 September 2012.
5. Letter of objection from Mrs Mandy Weir, 22 Grange Terrace, Bo'ness, EH51 9DS on 24 September 2012.

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

FALKIRK COUNCIL

Subject: FORMATION OF VEHICULAR ACCESS AND DRIVEWAY AND REMOVAL OF WALL AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/12/0534/LBC

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 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 benefits from an extensive area of garden ground.
- 1.2 Listed Building Consent is sought for the formation of a new vehicular access and driveway to serve the existing dwellinghouse. It is proposed that the new access would be formed towards the eastern end of the front boundary wall with the new driveway formed between the house and the eastern boundary wall and linking into the existing parking area to the front (north).
- 1.3 A self draining paved driveway is proposed with 4 No. holly trees and a section of the front boundary wall to be removed. Two further trees within the garden which are in a dangerous condition would also be removed.
- 1.4 An area for a new garage to serve Roman House has been identified and a further application for planning permission and listed building consent would be required for any future garage.
- 1.5 It is considered that the erection of a proposed new dwellinghouse in the south west of the garden does not require the benefit of listed building consent and as such is not included in this application.

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 on 10 February 2011.
- 3.2 P/11/0714/FUL - erection of dwellinghouse and formation of driveway - refused on 9 May 2012.
- 3.3 P/11/0716/LBC - formation of vehicular access/driveway - refused on 9 May 2012.
- 3.4 P/12/0533/FUL - subdivision of garden ground and erection of dwellinghouse and formation of new vehicular access to existing dwelling - pending consideration.

4. CONSULTATIONS

- 4.1 Historic Scotland have no objections.
- 4.2 The Museum Services have not responded to consultation, but raised no objections to the previous application, reference P/11/0716/LBC.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 4 contributors submitted letters of objection to the Council. The salient issues are summarised below:-
- This application is a resubmission of a previously refused application;
 - The proposal is inappropriate and would adversely affect the character and setting of Roman House;
 - The proposal is contrary to the policies of the Development Plan;
 - The proposed vehicular access is next to a tall tree which belongs to the neighbouring property;
 - Vehicles exiting/entering the site stop pedestrians from walking on the adjoining pavement;

- The garden is overgrown and reduces visibility and access from the application site;
- Roman House should only have one driveway;
- The application site is covered by a tree preservation order and will result in the loss of trees; and
- An additional driveway will exacerbate existing traffic problems of Grange Terrace.

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 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.3 Policy EQ12 (Conservation Areas) 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 will have an adverse impact on the conservation area and as such accords with the terms of Policy EQ12.

7a.4 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.5 Policy EQ14 (Listed Buildings) seeks to preserve the character and appearance of listed buildings and 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 creation of a new access through the existing front boundary wall and the new driveway would not have a detrimental impact on the overall listing of Roman House and as such accords with Policy EQ14.

7a.6 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.7 Policy EQ26 (Trees, Woodlands and Hedgerows) seeks to protect the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. It is considered that the proposal would not adversely affect the longevity, stability or appearance of trees. Falkirk Council's Landscape Architect has visited the application site and has raised no objection to the proposed development or the required removal of trees. The application accords with Policy EQ26.

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

7b Material Considerations

7b.1 The material considerations to be assessed are the planning history, public representations and consultation responses.

Planning History

7b.2 This application is an identical submission to application ref: P/11/0716/LBC where the recommendation was to grant listed building consent. The application was refused by the Planning Committee for the following reason:-

- (1) The proposal is considered contrary to Falkirk Council Local Plan policies EQ12 "Conservation Areas" and EQ14 "Listed Buildings" in that the proposal has an adverse affect on the visual amenity of the area and does not preserve or enhance the character and appearance of the application site and the surrounding area.

7b.3 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 listed building consent is still appropriate.

Assessment of Public Representations

7b.4 It is acknowledged that this application is a resubmission of a previously refused application.

7b.5 The application is assessed as being in accordance with the Development Plan.

7b.6 It is considered that the proposed development would not have an adverse impact on the listed building or character and setting of the conservation area.

7b.7 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 Tree Preservation Area.

7b.8 The Roads Development Unit were consulted on the application and do not share the concerns in relation to road safety. The unit do not object to the application and advise of conditions relating to road standards, visibility etc to be applied to any granting of planning permission.

7b.9 It is accepted that the proposed driveway is in close proximity to various trees, both within the application site and in neighbouring properties.

7b.10 Post development Roman House would have only one driveway as the existing driveway would be used by the proposed house.

Views of Consultees

- 7b.11 Historic Scotland have not objected to the proposed development, however the application will require referral to Scottish Ministers should Members be minded to grant Listed Building Consent.

7c Conclusion

- 7c.1 It is considered that the proposal is acceptable development and is in accordance with the terms of the Development Plan. The issues raised through third party representation and addressed in the body of the report and the comments of the consultees are noted. There are no material planning considerations which would justify a refusal of Listed Building Consent and the application is recommended for approval.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Planning Committee indicate it is minded to grant Listed Building Consent subject to referral of the application to Scottish Ministers in accordance with the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and subject to the Scottish Ministers consenting the application to remit the Director of Development Services to grant Listed Building Consent 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) Prior to commencement of the development, details of the surfacing materials to be used in the construction of the driveway, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials.

Reason(s):-

- (1) In order to comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- (2) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-04 and supporting documents.

- (2) For the avoidance of doubt this consent does not permit the erection of a new garage and relates solely to the formation of a vehicular access and driveway.

Pp

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Director of Development Services

Date: 22 January 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Letter of objection from Nicholas and Kirsty Leonard, Berriedale, 18 Cadzow Crescent, Bo'ness, EH51 on 20 September 2012.
3. Letter of objection from Jennifer and Pascal Lardet, Blinkbonny, 24 Grange Terrace, Bo'ness, EH51 9DS on 2 October 2012.
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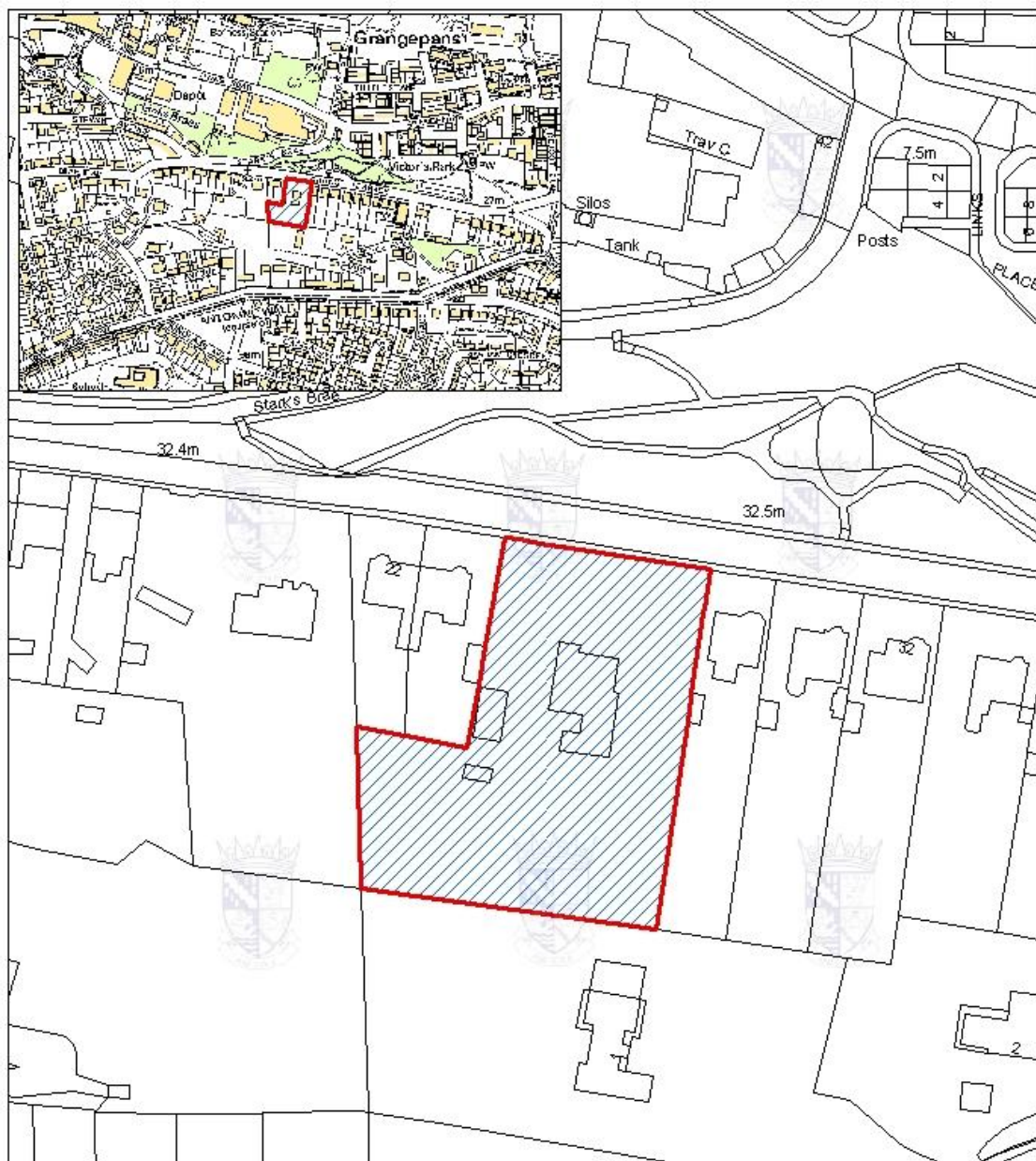
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/12/0534/LBC

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



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