

**FALKIRK COUNCIL**

**Subject:** **ERECTION OF REPLACEMENT FARMHOUSE AND OUTBUILDING ANNEXE, INCORPORATING GARAGE AND ESTATE OFFICE AT LAND TO THE WEST OF NETHERVIEW COTTAGE, BONNYBRIDGE FOR BLACK BULL ESTATES LTD - P/13/0741/FUL**

**Meeting:** **PLANNING COMMITTEE**

**Date:** **26 March 2014**

**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:** **Brent Vivian (Senior Planning Officer), Ext. 4935**

**UPDATE REPORT FOLLOWING SITE VISIT**

1. Members will recall that this application was originally considered by the Planning Committee on 26 February 2014 (copy of previous report appendix), when it was agreed to continue the application for a site visit. This site visit took place on 10 March 2014.
2. At the site visit, the Development Manager summarised the planning report, the applicant's agent spoke in support of the application and the objectors to the application were heard.
3. The agent confirmed that Tomfyne Farm extends to approximately 526 hectares with the opportunity for expansion. He spoke in support of the need for the proposed development on operational grounds, and due to the existing farmhouse being unsuitable for continued use as a residence due to its proximity to a proposed new quarry. He advised that the existing farmhouse is now owned by Aggregate Industries and will be used as offices in association with the new quarry.
4. The objectors to the application reiterated the concerns raised in their representations which included a lack of need for the proposed farmhouse, the alienation of the existing farmhouse from the holding, visual impact, drainage impacts and design concerns.

5. Members of the Planning Committee and Local Members were heard and had a number of queries in relation to drainage, flooding, visual impact and the scale and design of the proposed development. The size of the proposed replacement farmhouse compared to the size of the existing farmhouse was queried. Concern was raised by a Member that the proposed new operational hub did not appear to resemble a traditional steading arrangement as no facilities were shown for the housing of livestock.
6. The agent advised that a Klargester Bio Disc Treatment Plant is proposed to deal with the foul water. It was noted that a planning condition is recommended in the report to finalise the strategy to deal with surface water drainage.
7. The agent advised that visibility of the proposed buildings from the A803 would be limited as the road enters a dip in the landscape along the site frontage. He also advised that the visual impact would be mitigated by proposed planting and the lie of the land which rises to the north.
8. The applicant advised that the livestock are currently housed on neighbouring land and there are plans for additional agricultural buildings either at the site of the proposed new operational hub or other locations on the holding.
9. The case officer advised that the design of the proposed development is considered to be acceptable, taking an overall view of the proposal against the Council's Design Guide for Buildings in Rural Areas which promotes development sympathetic to traditional Scottish architecture, whilst recognising the scope for more contemporary and innovative approaches. It is important to consider the individual merits of the case, and the bespoke nature and high quality of the proposed development are recognised.
10. It is considered that no new issues were raised at the site visit that would alter the previous recommendation to grant planning permission. The previous recommendation is therefore reiterated as follows.

## **11. RECOMMENDATION**

### **11.1 It is therefore recommended that the Committee grant planning permission subject to the following conditions: -**

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2) Before the development commences, the exact details of the colour and specification of the proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**

- (3) Before the development commences, the exact details of the height, location and construction of all proposed fences, walls and other means of enclosure shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order), no fence, wall, gate, or other means of enclosure exceeding one metre in height shall be erected without the prior express consent of this Planning Authority.
- (5) For the avoidance of doubt, the defined curtilage of the proposed dwellinghouse shall be as defined on approved plan 04A (Drawing Number RMDL/254/001 Revision E).
- (6) Before the development commences, a scheme of soft landscaping works (including the proposed plant bund) shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):-
  - i. Existing and finished ground levels/profiles in relation to a fixed datum, preferably ordnance;
  - ii. An indication of existing landscape and planting features to be removed, those features to be retained and, in the case of damage, proposals for their restoration;
  - iii. The location of new trees, shrubs, hedges and grassed areas;
  - iv. A schedule of plants to comprise species, plant sizes and proposed numbers/density; and
  - v. A programme of completion and subsequent maintenance.

No existing vegetation shall be removed prior to approval of the scheme of soft landscaping works, and, following approval of the scheme, the development shall be carried out in accordance with the approved details.

- (7) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by this Planning Authority.
- (8) Before the development commences, a proposed strategy to deal with surface water run-off shall be submitted to and approved in writing by this Planning Authority. Thereafter, the approved strategy shall be fully implemented prior to the development being brought into use.

- (9) The dwellinghouse hereby approved shall be used and occupied in all-time coming for no other purpose than exclusively for a person employed, or last employed, in the farm business associated with the proposed development, or widow or widower of such persons, and any resident dependants of such a person.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2-4,6) To safeguard the visual amenity of the area.
- (5) In order to confirm the defined curtilage for the proposed dwellinghouse.
- (7) To ensure the ground is suitable for the proposed development.
- (8) To ensure that adequate drainage is provided.
- (9) The proposed development is at a countryside location and is considered to be inappropriate unless tied to the agricultural use of the land.

**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, 02, 03, 04A, 05, 06, 08 and 09.
- (3) Scottish Water have advised that any planning approval granted by the local authority does not guarantee a connection to their infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

- (4) The Coal Authority have advised that the proposed development lies with a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

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Director of Development Services

Date: 14 March 2014

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

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).
4. Falkirk Council Design Guidelines for Buildings in Rural Areas.
5. Letter of objection received from Mr Claud Wilson, Cedarhill, Auchencloch, Banknock, Bonnybridge FK4 1UA on 19 November 2013.
6. Letter of objection received from Mr Ross Main, Orchard Grove, Bonnybridge, FK4 1UA on 17 December 2013.
7. Letter of objection received from Ms Fiona Main, Orchard Grove, Bonnybridge, FK4 1UA on 18 December 2013.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

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**Case Officer:** Brent Vivian (Senior Planning Officer), Ext. 4935

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

- 1.1 The application site consists of land within an agricultural holding to the north of Kilsyth Road (A803). The site sits within an open landscape, which rises to the north. The holding is an upland livestock unit consisting of breeding ewes and a cow beef herd, which also produces silage and includes commercial forestry.
- 1.2 The application seeks planning permission for the erection of a replacement farmhouse and outbuilding annexe, incorporating garaging and an estate office. The farmhouse would replace the existing farmhouse (Tomfyne) which is to be utilised as part of a new quarry operation, and it would become the new administrative and operational hub for the holding. A solicitor's letter accompanies the application confirming that Aggregate Industries UK Limited is now the heritable proprietor of the farmhouse and steading at Tomfyne Farm.
- 1.3 The proposed new administrative and operational hub consists of a main two storey building core, flanked by lower, one and a half storey 'wings' (including an outbuilding annexe). The buildings would be finished in traditional materials (natural stonework, wet dash render and natural slate). The actual site of the proposed buildings is a flat area and presently unused. Proposals for new tree planting and a planted bund along the quarry access road are also included within the application site.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as granting it would be contrary to the Development Plan.

## **3. SITE HISTORY**

- 3.1 Planning applications P/12/0026/FUL and P/13/0013/FUL to Falkirk Council for the erection of a replacement farmhouse and outbuilding annexe were withdrawn in July 2012 and April 2013 respectively. These applications were considered to be premature pending the outcome of the planning applications described in paragraphs 3.2 and 3.3 below, for a new quarry and restoration of an existing quarry. The new quarry operation is proposed to utilise the existing Tomfyne farmhouse.
- 3.2 Planning application P/12/00729/FUL to North Lanarkshire Council for the extraction of 35,000 tonnes per annum of hard rock over a 21 year period and associated landscape, earthworks and access road upgrade was granted permission on 1 October 2013 subject to the satisfactory conclusion of a Section 75 planning obligation. This obligation has not yet been concluded.
- 3.3 Planning application P/12/0380/FUL to Falkirk Council for landscape restoration of quarry void (Cowdenhill Quarry) and earthworks restoration and upgrading of southern section of road leading to the A803 was granted permission on 30 October 2013 subject to the satisfactory conclusion of a Section 75 planning obligation. This obligation has not yet been concluded.
- 3.4 Planning application P/13/0109/FUL to Falkirk Council for the erection of two agricultural workers dwellinghouses was pending consideration at the time of writing of this report.
- 3.5 Planning application P/13/0110/FUL to Falkirk Council for the erection of an agricultural shed was granted on 26 April 2013. A vehicular access to serve the new shed has recently been formed.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have no objection in principle to the application and request the submission of a proposed strategy for dealing with surface water run-off, as the watercourse downstream of the site is flood sensitive.

- 4.2 The Environmental Protection Unit are satisfied that the proposed planted bund and surfacing of the southern section of the access road would protect the proposed dwellinghouse from noise and dust nuisance. In addition, they note that vibration from blasting from the new quarry would be covered by conditions of grant of planning application P/12/00729/FUL (see paragraph 3.2 above). However, the new residential property may still experience vibration, but this would be within the accepted criteria. In addition, they have requested the submission of a contaminated land assessment due to the presence of agricultural activities, mining, quarrying and other potential sources of contaminated land within 250 metres of the application site. In addition, they have advised that the proximity of the proposed quarry to the existing farmhouse (Tomfyne) would render the farmhouse unsuitable as a residential property.
- 4.3 Scottish Water have no objection to the application and advise that the Carron Valley Water Treatment Works and the Bonnybridge Waste Water Treatment Works currently have capacity to service the proposed development.
- 4.4 The Coal Authority have advised that the specific part of the application site where new development is proposed falls outwith the defined Development High Risk Area therefore they do not consider that a Coal Mining Risk Assessment is necessary. Accordingly they do not object to the application.
- 4.5 The Council's Agricultural Consultants have reviewed the supporting information for the business and agricultural justification for the proposed development and accept the submitted operational need and labour requirement in the interests of good practice and animal welfare. They therefore have no objection to the proposed development.
- 4.6 North Lanarkshire Council have no objection to the proposed development.

## **5. COMMUNITY COUNCIL**

- 5.1 The Banknock, Haggs and Longcroft Community Council have not made any representations.

## **6. PUBLIC REPRESENTATION**

- 6.1 Three objections to the application have been received. The concerns raised in these objections can be summarised as follows: -
- There are errors in the application form;
  - There is no obvious necessity for the administrative offices and an owner's private residence to be located in the proposed location. Administration could equally be undertaken in the nearby urban areas; indeed Banton would provide a hub location more central to the majority of the holding;
  - The existing farmhouse at Tomfyne has been alienated from the holding by binding it to an application for quarrying applications;
  - No valid reasons have been given for excluding Doups farmhouse from consideration as a possible alternative;



- The proposed complex of buildings will be highly visible;
- The application appears to disregard the Council's 'Design Guide for Buildings in the Rural Areas'. In particular, the proposed structure shows no attempt to integrate with the surroundings, it is set in a prominent position where concealment is impossible, the external composition follows neither a symmetrical or an asymmetrical design approach, the frontage gable protrudes to a far greater extent than reasonable, the frontage gable is composed almost entirely of glass and the single chimney is not positioned at a gable or positioned symmetrically;
- The proposed dwelling is not comparable in scale to the existing Tomfyne farmhouse. It is considerably larger by a factor of 2 to 3 times;
- Drainage from the septic tank of the new properties will be by discharge to watercourses. This suggests drainage into Auchincloch Burn;
- There are also plans for two houses for farm workers and additional land purchase to expand the enterprise further, which will represent an undesirable surge of major building works and countryside residences;
- The field was pasture and Green Belt; and
- The application is contrary to Structure and Local Plan policy.

## 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 The proposed development does not raise any strategic issues and therefore the application has been assessed solely against the Falkirk Council Local Plan.

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

- 7a.2 The application site lies outwith the urban limits, within the countryside, as defined within the Falkirk Council Local Plan.
- 7a.3 Policy SC3 - 'Housing Development In The Countryside' states:

*"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:*
- *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*
  - *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*
- *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*
  - *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 buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7a.4 This policy provides for housing in the countryside in certain circumstances. In this instance, part 1 of the policy is considered to be relevant, and requires certain criteria to be satisfied in order to demonstrate an essential need for a countryside location. With regard to criterion 1 of part 1 of the policy, the essential operational need for the proposed dwellinghouse can be justified if it is considered in the context of the overall labour requirement for the holding (6.56 labour units). However, it is recognised that the proposal is for a replacement farmhouse and outbuilding annexe, to form a new administrative and operational hub for the holding. The existing 'hub' is at Tomfyne farmhouse and steading, which has been sold for use as part of a new quarry operation. The existing dwellinghouse, to meet the administrative and operational need, has therefore been alienated from the holding, which is contrary to criterion 2 of part 1 of the policy. With regard to criterion 3 of part 1 of the policy, the applicant has submitted information which indicates that the majority of the former dwellinghouses are small in size and ruinous, whilst Doups Cottage is currently occupied and located remotely in the upper part of the holding and accessed from the east via Denny (7 mile round trip from Doups to Tomfyne). In light of these submissions, it is accepted that there are no existing dwellinghouses on the holding that could reasonably meet the need (for a new administrative and operational hub), or any reasonable opportunities to reuse or convert redundant buildings to meet the need. With regard to criterion 4 of part 1 of the policy, no financial information has been submitted in support of the application. However, it is noted that the business is existing, the holding is large (some 157 hectares), the operation includes around 2000 breeding ewes and a suckler cow beef herd of 75 cows, and there is a significant labour requirement (6.56 units).

7a.5 Given that the existing farmhouse has been alienated from the holding, the application is considered to be contrary to this policy.

7a.6 Policy EQ19 - 'Countryside' states:

*“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

*(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7a.7 Policy EQ19 states that the scale, siting and design of development will be strictly controlled to ensure there is no adverse impact on the character of the countryside. The site of the proposed development is open in aspect, but the buildings would be set against the backdrop of a rising hill slope (beneath the skyline and concealed from certain views) and tree planting and sensitive curtilage treatments are proposed which, over time, would assist to integrate the development into its surroundings. In terms of scale and design, the applicant has stated that the development is based on the concept of an estate farmhouse, with a main two-storey building core and lower, subservient one and a half storey 'wings'. In that regard, it is evident that the proposal draws on traditional vernacular building styles. In addition, the proposed development is considered, overall, to comply with the Council's Design Guidance for Buildings in Rural Areas (see paragraphs 7b.4 to 7b.6 of this report). The application is therefore considered to accord with this policy.

7a.8 Policy EQ24 - 'Ecological Sites and Features' states:

- “(1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse effect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*

- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest."*

- 7a.9 This policy presumes against development likely to have an adverse effect on protected species. The locality hosts a significant population of great crested newts, but it is considered that a species licence is unlikely to be required, based on the species protection plan produced for the Cowdenhill quarry application (ref. P/12/0380/FUL). No adverse effects on great crested newts are therefore anticipated, and the application is considered to accord with this policy.
- 7a.10 The application is considered to be contrary to the Development Plan, for the reason that the existing farmhouse, which could have served the need for an administrative and operational hub for the holding, has been alienated from the holding.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed in respect of this application are the Falkirk Local Development Plan (Proposed Plan), the Council's Design Guide for Buildings in Rural Areas, the consultation responses and the representations received.

### ***Falkirk Local Development Plan (Proposed Plan)***

- 7b.2 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.
- 7b.3 The application site lies outwith the urban limits, within the countryside, as defined in the Proposed Plan. The Proposed Plan contains similar policies to those of the Falkirk Council Local Plan of relevance to the proposed development, whilst the specific policy criterion for housing in the countryside will be set out in supplementary guidance. It is considered that the Proposed Plan does not introduce any new matters in consideration of this application and is contrary to emerging policy in respect of housing development in the countryside (Policy CG03).

### ***Falkirk Council's Design Guide for Buildings in Rural Areas***

- 7b.4 The aim of the design guide is to reconcile the functional requirements of contemporary buildings with the principles of good layout, design and setting in the countryside. It promotes buildings of quality which respect their landscape setting, design which takes cognisance of traditional Scottish rural architecture, and buildings of character and style which are aesthetically pleasing and hold a 'sense of place'. In addition, it encourages innovative design solutions which draw on sound architectural principles. The guide recognises that technological and other advances can be incorporated with traditional design principles to give an appropriate contemporary design style. It highlights, for example, that large expanses of glazing are not incompatible with traditional principles of design where appropriately integrated.

- 7b.5 The proposed development is considered to achieve the overall aims of the guide, as it is considered to be of high quality, cognisance has been taken of traditional Scottish rural architecture in terms of such matters as layout, form, roof pitch, elevational treatment and external finishes, and the bespoke nature of the development would create a 'sense of place'. In addition, the proposed areas of larger glazing and the one and a half storey wing set at an angle to the main building core, reflect a more contemporary or innovative approach whilst integrating well with traditional design. In terms of the setting, the proposed development utilises an existing flat vacant area, which minimises disruption to the landform (through significant changes in level), and would be framed and partly concealed by landform, whilst planting is proposed which would assist to integrate the buildings into the setting.
- 7b.6 At the same time, it is recognised that the proposed development does not meet every single aspect of the guidance. For example, the main two storey building core does not strictly follow a symmetrical or balanced asymmetrical design approach (although the two storey element can be seen to be counter-balanced by the one and a half storey wings). However, it is important to take an overall view of the application against the guide and consider the individual merits of the case. Overall the proposed development is considered to comply with the Council's Design Guide for Buildings in Rural Areas.

### ***Consultation Responses***

- 7b.7 The consultation responses are summarised in section 4 of this report. No objections to the application were received in the consultation responses and the matters raised in the responses could be the subject of conditions or informatives of any grant of planning permission.

### ***Representations Received***

- 7b.8 The concerns raised in the public objections to the application are summarised in section 6 of this report. In response to those concerns, the following comments are considered to be relevant:-
- An amended application form has been submitted to address the previous errors/ omissions;
  - Justification for the proposed replacement dwellinghouse in terms of operational need, and alienation of the existing farmhouse from the holding, are considered in paragraph 7a.4 of this report;
  - The use of Doups cottage as an alternative is also considered in paragraph 7a.4. It is accepted that use of this farmhouse as the new administrative and operational hub is constrained by a number of factors, including its location and access;
  - The visual impact has been considered in paragraph 7a.4 of this report and the proposed development is considered to be acceptable in the setting and subject to suitable mitigation;
  - The Council's Design Guide for Buildings in Rural Areas is discussed in paragraphs 7b.4 to 7b.6 of this report;

- It is recognised that the proposed replacement farmhouse is larger than the existing farmhouse, but this is considered to be acceptable within the terms of Policy EQ19 of the Falkirk Council Local Plan (see paragraph 7a.7). The applicant has submitted that the residential floor area of the original farmhouse and adjacent steading measured approximately 420m<sup>2</sup> and the residential floor area of the proposed farmhouse measures 651m<sup>2</sup>, whilst the replacement farmhouse and associated outbuildings have totaling a surface ground area of approximately 1103m<sup>2</sup> (62% of the original farm);
- The foul water drainage would be considered as part of building warrant processes and would need to accord with the advice of SEPA for private waste water discharges;
- A planning application for two agricultural workers cottages at the holding is being considered separately. This application, and any future development requiring planning permission, would be considered on its individual merits;
- The application site lies within the countryside but does not form part of a designated Green Belt; and
- This report assesses the application against the relevant Development Plan policies.

## **7c Conclusion**

- 7c.1 The application does not accord with the Development Plan, as the existing dwellinghouse (Tomfyne farmhouse) that could have served the need for an administrative and operational hub has been sold and therefore alienated from the holding. However, the individual circumstances of the case are recognised, in that the existing farmhouse and steading have been sold for use in a new quarry operation and the proximity of the new quarry to the existing farmhouse would render it unsuitable as a residential property. This is considered to be a relatively unique circumstance and does not necessarily give rise to concerns of further alienation of the holding and subsequent pressure for additional farmhouses, or set an undesirable precedent for alienation of farmhouses from other holdings. In other respects, the terms of the Development Plan are considered to be satisfied and the high quality of the proposal is recognised.
- 7c.2 In conclusion, it is considered that the terms of the Development Plan can be set aside in this instance. In taking all matters into account, the application is recommended for the grant of planning permission subject to appropriate conditions.

## 8. RECOMMENDATION

8.1 It is therefore recommended that the Committee grant planning permission subject to the following conditions: -

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) Before the development commences, the exact details of the colour and specification of the proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3) Before the development commences, the exact details of the height, location and construction of all proposed fences, walls and other means of enclosure shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order), no fence, wall, gate, or other means of enclosure exceeding one metre in height shall be erected without the prior express consent of this Planning Authority.
- (5) For the avoidance of doubt, the defined curtilage of the proposed dwellinghouse shall be as defined on approved plan 04A (Drawing Number RMDL/254/001 Revision E).
- (6) Before the development commences, a scheme of soft landscaping works (including the proposed plant bund) shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):-
  - i. Existing and finished ground levels/profiles in relation to a fixed datum, preferably ordnance;
  - ii. An indication of existing landscape and planting features to be removed, those features to be retained and, in the case of damage, proposals for their restoration;
  - iii. The location of new trees, shrubs, hedges and grassed areas;
  - iv. A schedule of plants to comprise species, plant sizes and proposed numbers/density; and



- v. A programme of completion and subsequent maintenance.

No existing vegetation shall be removed prior to approval of the scheme of soft landscaping works, and, following approval of the scheme, the development shall be carried out in accordance with the approved details.

- (7) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by this Planning Authority.
- (8) Before the development commences, a proposed strategy to deal with surface water run-off shall be submitted to and approved in writing by this Planning Authority. Thereafter, the approved strategy shall be fully implemented prior to the development being brought into use.
- (9) The dwellinghouse hereby approved shall be used and occupied in all-time coming for no other purpose than exclusively for a person employed, or last employed, in the farm business associated with the proposed development, or widow or widower of such persons, and any resident dependants of such a person.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2-4,6) To safeguard the visual amenity of the area.
- (5) In order to confirm the defined curtilage for the proposed dwellinghouse.
- (7) To ensure the ground is suitable for the proposed development.
- (8) To ensure that adequate drainage is provided.
- (9) The proposed development is at a countryside location and is considered to be inappropriate unless tied to the agricultural use of the land.

**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, 02, 03, 04A, 05, 06, 08 and 09.

- (3) Scottish Water have advised that any planning approval granted by the local authority does not guarantee a connection to their infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.
- (4) The Coal Authority have advised that the proposed development lies with a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

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Director of Development Services

Date: 14 February 2014

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

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).
4. Falkirk Council Design Guidelines for Buildings in Rural Areas.
5. Letter of objection received from Mr Claud Wilson, Cedarhill, Auchencloch, Banknock, Bonnybridge FK4 1UA on 19 November 2013.
6. Letter of objection received from Mr Ross Main, Orchard Grove, Bonnybridge, FK4 1UA on 17 December 2013.
7. Letter of objection received from Ms Fiona Main, Orchard Grove, Bonnybridge, FK4 1UA on 18 December 2013.

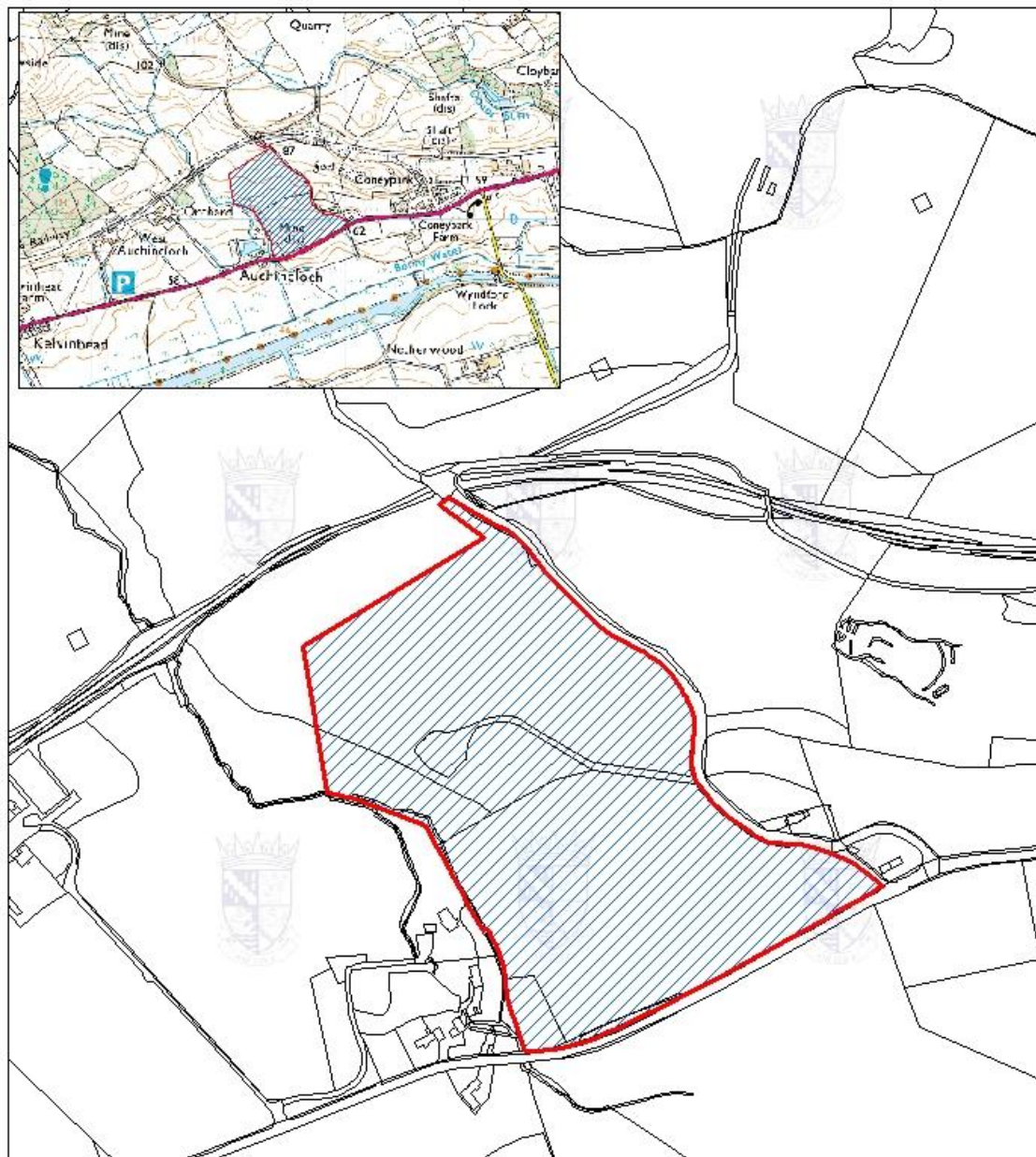
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/13/0741/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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