

FALKIRK COUNCIL

Subject: DEMOLITION OF EXISTING STABLES AND DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT HOME FARM, DROVE LOAN, HEAD OF MUIR, DENNY, FK6 5LH FOR MR STEVEN RUSSELL – P/14/0140/PPP

Meeting: PLANNING COMMITTEE

Date: 27 November 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: Denny and District

Case Officer: Bernard Whittle (Development Management Co-ordinator), Ext. 4875

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 29 October 2014 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on 10 November 2014.
2. At the site visit, a planning officer from the Council's Development Management Unit summarised the report to Committee, Mrs Anne Russell spoke on behalf of the applicant (her husband, Mr Steven Russell) and Members of the Planning Committee and Local Members asked questions in relation to ownership of the private access road, removal of asbestos roofing from the building and details of the street lighting proposals.
3. The planning officer highlighted that the proposed development was technically contrary to the Development Plan but there were material considerations in support of the proposal. These included that the proposed development would utilise brownfield land, adjoin existing buildings and be contained within the footprint of an existing development area.
4. Mrs Russell advised that she and her husband had retired from the riding school business and, as a result of the riding school no longer operating, vehicle numbers on the private access road had reduced considerably. She advised that street lighting would be placed at 25 metre intervals along the private access road and the details would be agreed with the Council. She indicated that bushes and shrubs would be removed along the side of the private access road to provide a walking area for pedestrians. She confirmed that the applicant owned the private access road.
5. The Environmental Health officer advised that the asbestos material on the indoor riding building would need to be removed by an asbestos licensed operator.

6. It is considered that no new issues were raised at the site visit that would alter the previous recommendation to grant planning permission in principle. The recommended conditions require the Council's approval of the details of the access arrangements. The applicant's proposal to remove existing vegetation to provide a walking area for pedestrians could be considered within the terms of these conditions. The recommended conditions also require the Council's approval of a street lighting scheme.
7. The previous recommendation is therefore reiterated as follows.

8. RECOMMENDATION

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

- (1) Plans and particulars of the matters specified below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval. The specified matters are:**
 - (a) the siting of the building(s);**
 - (b) the design of the building(s);**
 - (c) the external appearance of the building(s);**
 - (d) details of the access arrangements;**
 - (e) details of landscaping of the site; and**
 - (f) details of proposed boundary treatment.**
- (2) As part of any application for Matters Specified in Conditions, details of the following shall be submitted to the Planning Authority and only the approved details shall be implemented:**
 - (a) siting, size, height, design and external appearance, including all external finishing materials, of the proposed development;**
 - (b) details of access arrangements;**
 - (c) details of all boundary fences;**
 - (d) details of surface water and foul drainage arrangements;**
 - (e) details of landscaping of the site and future maintenance of landscaping; and**
 - (f) a scheme for protecting the new dwellinghouses from noise transportation noise.**
- (3) As part of any application for Matters Specified in Conditions, details of the provision of lighting along the access road and future maintenance of the lighting shall be submitted to the Planning Authority. The approved details shall be implemented before occupation of any of the dwellinghouses and thereafter retained and maintained.**

Reason(s):-

- (1) To ensure that the matters specified are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) act 2006.
- (2) To ensure that an appropriate level of detail is considered prior to work commencing on site.
- (3) To safeguard the interests of the users of the private access road.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.
- (2) Plans and particulars of the matters listed above shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as planning authority has been given, and the development shall be carried out in accordance with that approval.
- (3) The applicant is requested to complete and return the attached Agricultural Questionnaire.
- (4) In the event that any made ground, suspect substances or odours are encountered during any site works/operations following the commencement of the development, the applicant is advised to cease all work on the affected part of the site, notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. The applicant is advised to only recommence the development with the prior written approval of the Planning Authority.
- (5) The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

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

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

Pp

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Director of Development Services

Date: 17 November 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504875 and ask for Bernard Whittle, Development Management Co-ordinator.

FALKIRK COUNCIL

Subject: **DEMOLITION OF EXISTING STABLES AND DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT HOME FARM, DROVE LOAN, HEAD OF MUIR, DENNY, FK6 5LH FOR MR STEVEN RUSSELL - P14/0140/PPP**

Meeting: **PLANNING COMMITTEE**

Date: **29 October 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: **Denny and District**

Case Officer: **Bernard Whittle (Development Management Co-ordinator), Ext. 4875**

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks planning permission in principle to demolish an existing stables and menage and develop the land for residential purposes.
- 1.2 The application site comprises stables, a riding school menage (indoor) and a car-park for the riding school. The site lies at the eastern edge of a complex of buildings which include a retail shop, a coffee shop and cottages. Access to the site is via a private road.
- 1.3 The applicant had been invited to supply more information in order to allow the application to be determined but did not do so until after it had been placed on the weekly delegated list with a recommendation to refuse permission on the basis of the application as it stood at that time. The new information was material to the planning considerations and resulted in the item being removed from the weekly list and the recommendation subsequently being altered to grant permission with conditions.
- 1.4 The applicant has made the following submissions in support of the application:-
 - The site in question has formed part of a commercial Riding School business, therefore, the site is brownfield;
 - The footprint of the application site could be contained within the existing developed area;

- The buildings which would be demolished have asbestos roofs, and there would be an environmental benefit to have this hazardous material removed;
- A precedent has been set by Falkirk Council in this area due to the fact that a workshop at Caulderfield was demolished and two plots were granted on the site;
- The development would constitute an appropriate infill opportunity within the envelope of an existing group of residential buildings, where the development would not result in ribbon, backland or sporadic development;
- The access road to the proposed site is owned by the applicant and he would be minded to provide lighting along the road; and
- The traffic over the access road would be reduced considerably when comparing the Riding School (no longer in operation) to the proposed residential development. As an example, the number of journeys over the access road associated with the Riding School was 96 on both Saturdays and Sundays and livery journeys to the stable were likely to have been 60 over 5 days of the week.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 There is an extensive planning history at Home Farm, which is summarised below.
- 3.2 Planning application F/95/0267 for the erection of a dwellinghouse was refused in October 1995 and a subsequent appeal was dismissed.
- 3.3 Planning application F/96/0211 for the erection of a dwellinghouse for tourist accommodation was granted in June 1999.
- 3.4 Planning application F/2002/0431 for the erection of a dwellinghouse for tourist accommodation (renewal of F/96/0211) was granted in December 2002.
- 3.5 Planning application F/2002/0813 to delete Conditions 4 and 5 contained in planning permission F/2002/0431 was granted in December 2002.
- 3.6 Planning application F/2003/1046 for the erection of a dwellinghouse was granted in January 2004.
- 3.7 Planning application P/07/0584/OUT for the development of land for two semi-detached holiday cottages was granted in February 2008.
- 3.8 Planning application P/08/0002/OUT for the erection of a coffee shop was granted in December 2008.
- 3.9 Reserved Matters application P/08/0466/REM for the erection of two semi-detached holiday cottages was approved in August 2008.

- 3.10 Reserved Matters application P/08/0826/REM for the erection of a coffee shop was approved in December 2008.
- 3.11 Planning application P/09/0745/FUL for a change of use of existing stables (half) to form a gift shop was granted in February 2010.
- 3.12 Planning application P/11/0344/FUL for an extension and alterations to two semi-detached dwellinghouses to form one dwellinghouse was granted in September 2011.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that vehicular access to the site is from Drove Loan via an existing bellmouth leading to a private drive which is restricted in width and alignment with no footway or lighting provision. They advise that vehicular access to the proposed development, via a private drive, would be contrary to their practice and not in the best interests of road safety. Their principal safety concerns relate to the lack of a footway (or designed refuge for pedestrians). Whilst noting the vehicle reductions stated by the applicant and acknowledging that a well designed and maintained system of street lighting would be likely to improve pedestrian safety, the private access would remain without a dedicated pedestrian footway.
- 4.2 The Environmental Protection Unit have advised that the applicant should confirm in writing that no made ground, suspect substances or odours have been encountered within the site, and return the requisite agricultural questionnaire.
- 4.3 Scottish Water have not responded.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 No public representations have been received in respect of the application.

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 and a Green Belt, as defined in 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 residential 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 new housing development in the countryside in certain circumstances as described in the policy. The proposed development is not considered to satisfy any of these circumstances. In particular, the application site sits at the edge of a group of residential and commercial buildings rather than within the envelope of (i.e. fully enclosed by) a group of existing residential buildings, and the proposal could be considered backland development. The application therefore does not accord with this policy.

7a.5 Policy EQ20 - 'Green Belt' states:

"There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:

- (1) The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3; and*
- (2) The proposal will not undermine the role of the Green Belt by detracting from its existing landscape character; reducing the visual separation between settlements; or compromising its existing or potential future use for countryside recreation.*

Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21."

7a.6 Policy EQ20 strongly presumes against development in the Green Belt except where it can be demonstrated that the proposal satisfies the relevant countryside policies and would not undermine the role of the Green Belt by detracting from existing landscape character, reducing the visual separation between settlements or compromising its existing or future use for countryside recreation. Owing to the existing character of the site, it is accepted that the proposed development would be unlikely, subject to sensitive design, to undermine the role of the Green Belt. However, the application is contrary to this policy by virtue of it being contrary to Policy SC3 (see paragraph 7a.4 above).

7a.7 Accordingly, the proposal does not accord with the Development Plan.

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 consultation responses and the site characteristics.

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 and a Green Belt, as defined in the Proposed Plan. The relevant policies of the Proposed Plan are similar to those of the Falkirk Council Local Plan which the application has been assessed in this report as being contrary to. The Proposed Plan affords some additional flexibility in that it specifically provides for replacement dwellinghouses in the countryside. However, this is not relevant in this case and the application is assessed as also being contrary to the Proposed Plan.

Consultation Responses

- 7b.4 The consultation responses are summarised in Section 4 of this report. The concerns of the Roads Development Unit are noted. However, it is relevant to compare the traffic likely to be generated by the proposed development against the traffic generated by the previous Riding School/stable use. In that respect, the Roads Development Unit have noted the vehicle reductions stated by the applicant. In addition, the Roads Development Unit have acknowledged that the applicant is minded to provide lighting along the road, which would be likely to improve pedestrian safety.
- 7b.5 The comments of the Environmental Protection Unit could be the subject of an informative in any grant of permission.

Site Characteristics

- 7b.6 The proposal is to replace buildings and land associated with a previous commercial Riding School and livery operation with a small housing development (the application indicates 3 detached dwellinghouses). The site itself lies at the south-east corner of an established group of buildings which lie to the south and at the end of a private access road. As such, whilst the application is technically contrary to the countryside policies of the Development Plan (as it does not fully satisfy the infill housing criteria), the proposed development would utilise brownfield land, adjoin existing buildings and be contained within the footprint of the existing development area. As such, the proposal would not undermine the objective of the countryside policies to retain the open and spacious character of the countryside. In addition, subject to sensitive design, the visual impact of the proposal is likely to be less than the previous use.
- 7b.7 The site lies in close proximity to Bonnybridge and Denny and there are public footpaths leading to both of these settlements from the private access road serving the proposed development. The site can therefore be considered to be a relatively sustainable location in that it is reasonably accessible by means other than private car.

7c Conclusion

- 7c.1 The application is considered to be contrary to the Development Plan, for the reasons detailed in this report. However, it is considered that there are material considerations to justify setting aside the terms of the Development Plan in this instance. These considerations have been detailed in paragraphs 7b.6 and 7b.7 of this report and relate to the character and location of the site. The likely reduction in traffic use of the private access road, the small number of dwellinghouses indicated (3 detached dwellinghouses) and, the applicant's advice that he is minded to provide lighting along the road are also considerations in support of the application.

8. RECOMMENDATION

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

- (1)** Plans and particulars of the matters specified below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval. The specified matters are:
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- (3)** As part of any application for Matters Specified in Conditions, details of the provision of lighting along the access road and future maintenance of the lighting shall be submitted to the Planning Authority. The approved details shall be implemented before occupation of any of the dwellinghouses and thereafter retained and maintained.

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Pp

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Director of Development Services

Date: 20 October 2014

LIST OF BACKGROUND PAPERS

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2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504875 and ask for Bernard Whittle, Development Management Co-ordinator.

Planning Committee

Planning Application Location Plan

P/14/0140/PPP

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



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