

**FALKIRK COUNCIL**

**Subject:** DEMOLITION OF EXISTING FARM BUILDINGS AND FARMHOUSE, AND ERECTION OF 6 NO. DWELLINGHOUSES WITH ASSOCIATED WORKS AT NETHERTON, FALKIRK FK2 0BU FOR SPRINGFIELD PROPERTIES PLC - P/14/0716/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 25 March 2015

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor John McLuckie  
Councillor Rosie Murray

**Community Council:** Avonbridge and Standburn

**Case Officer:** Allan Finlayson (Senior Planning Officer), Ext. 4706

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

- 1.1 The application site comprises a vacant farmhouse and 5 derelict farm buildings on a site extending to 1.4 hectares at Netherton Farm, Candie, Falkirk. The site lies within a larger agricultural holding of approximately 30 hectares.
- 1.2 The application site is served by an existing vehicular access from the C62 Candie Road, taken from the A801. The site is level and surrounded on all sides by agricultural land. Mature tree planting screens the site to the immediate north and at a greater distance on the south, west and eastern boundaries.
- 1.3 The proposed development is for the demolition of all existing buildings and redevelopment of the site to provide 6 detached dwellinghouses arranged and constructed in a manner reflecting the arrangement and design of existing buildings on the site.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 Granting the application would be contrary to the Development Plan.

### **3. SITE HISTORY**

- 3.1 Planning application reference P/13/0706/FUL for the erection of 8 dwellinghouses on the same site was refused permission by the Planning Committee on 20 August 2014 as being contrary to the Development Plan and on road safety grounds. An appeal against this refusal of planning permission was dismissed by Scottish Ministers on 17 February 2015. The reasons for dismissing the appeal are considered in section 7b.16 of this report.

### **4. CONSULTATIONS**

- 4.1 Falkirk Council's Roads Development Unit has expressed concern that the development is proposed in the countryside on a rural road of restricted width, lacking footway and lighting provision and passing places. The Roads Development Unit considers that traffic generated by the proposed development could result in a road safety concern with the resulting increase in vehicular movements at the site and on surrounding rural roads.
- 4.2 The applicant now proposes the provision of two passing places on Candie Road to the north of the site. The Roads Development Unit has acknowledged that the passing places would be beneficial to the travelling public and that the proposed locations are acceptable. The provision of a third passing place has been requested to the south of the site. The applicant has agreed to the provision of a third passing place at the additional position identified by the Roads Development Unit.
- 4.3 The Council's Environmental Protection Unit has requested the imposition of a contaminated land condition in the event that planning permission is granted.
- 4.4 Scottish Natural Heritage has no objections to the proposed development.
- 4.5 Scottish Water has no objections to the proposed development.
- 4.6 The Coal Authority advises that the site is at risk of being affected by historic mine working activity. A mine entry is recorded to the south of the site. The applicant has provided a Coal Mining Report, which has been reviewed by the Coal Authority. A planning condition requiring pre-development investigation and, if necessary remediation, has been requested.

### **5. COMMUNITY COUNCIL**

- 5.1 No comment was received from Avonbridge and Standburn Community Council.

### **6. PUBLIC REPRESENTATION**

- 6.1 No letters of objection have been received during the consideration 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 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) *There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 The Structure Plan recognises the boundaries between urban areas and the countryside. To protect the countryside the aim is generally to confine built development to urban areas unless it can be demonstrated that it is essential for it to be located in the countryside or it is an appropriate form of agricultural diversification. The proposed development does not satisfy these criteria. An assessment of Local Plan policy follows.

### ***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 The proposed development is not essential to the pursuance of agriculture and no demonstration of operational need has been made. Whilst the proposal represents new development on the site, it can also be considered that rehabilitation of the site is taking place given that the layout and orientation of new buildings form a similar pattern to the existing form of the farmhouse and farm buildings.

7a.5 The proposed development is considered to represent a form of development that would positively contribute in visual terms to the rural landscape setting when compared with the existing dilapidated buildings. The applicant has provided a structural engineer’s report. This report confirms that the existing buildings lack foundations and are in such a poor state of repair that renovation is not a viable option.

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 The application site lies within the countryside. The proposed development of new houses in the countryside has not been demonstrated to be essential. The proposal does however utilise a similar layout and orientation to that of the existing buildings and stone would be re-used as feature elements of the proposed new houses.

7a.8 The proposed development is considered, on balance, to be contrary to policies ENV 1 of the Structure Plan and policies SC3 and EQ19 of the Falkirk Local Plan. However the development advances a sensitively designed proposal that seeks to replicate the layout of existing dilapidated buildings which are unsuitable for conversion. Proposed building styles are appropriate and re-use of existing stone is proposed. Boundary treatments and landscaping proposals are sensitively designed. The proposal is considered to represent a positive rehabilitation of this site that will also make a positive contribution, in visual terms, to this rural location.

7a.9 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.10 The application site has mature landscaping immediately adjacent to the north. Additional mature landscaping exists in proximity to the south, west and eastern boundaries. The landscaping to the north would require protection during construction works. The applicant has submitted satisfactory tree protection proposals. All remaining landscaping is to be retained and augmented with additional planting proposals.

7a.11 Policy ST1 - 'Core Path Network' states:

*"The Council will safeguard and promote the development of the core path network as and when this is defined. Where appropriate, developer contributions to the implementation of the network will be sought."*

7a.12 The proposed development has been negotiated to provide footpath and cycle linkage from the site to Falkirk Council Core Path 022/947. This in turn provides further linkage to Core Paths 022/905 and 022/944. The proposed development therefore represents an opportunity to link the site to Standburn to the north and the Avon Gorge to the south to aid sustainable travel and recreational use.

- 7a.13 Accordingly, the proposed development does not accord with housing development in the countryside policies of the Structure Plan (Policy ENV1) and the Falkirk Local Plan (Policies SC3 and EQ19) on the basis that the existing farmhouse and buildings would be demolished and rebuilt. However, the proposed development is considered to comply with all other relevant Development Plan policies in that a high quality design appropriate and sympathetic to the countryside is proposed.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed are Scottish Planning Policy, the policies contained within the emerging Falkirk Local Development Plan (Proposed Plan), Falkirk Council Supplementary Planning Guidance SG01 – Development in the Countryside, the views of Falkirk Council's Roads Development Unit, the previous refusal of planning permission, the subsequently dismissed appeal and supporting information submitted by the applicant.

### ***Scottish Planning Policy***

- 7b.2 In general terms Scottish Government Scottish Planning Policy (2014) recognises the opportunity to expand the opportunities for new development in the countryside through Development Plan policy. In addition, the possible opportunity for sensitive redevelopment of 'brownfield' sites is recognised. Falkirk, however, is distinguished as an 'accessible or pressured area' and a more restrictive approach to new development in the countryside is considered to be appropriate. This approach seeks to avoid sub-urbanisation of the countryside and unsustainable car based commuting.
- 7b.3 The proposal advances a high quality development of appropriate vernacular design on the site of a group of redundant farm buildings incapable of physical rehabilitation. The circumstances of the site and the proposed development are such that approval would not establish a precedent that would be contrary to the application of Scottish Planning Policy.
- 7b.4 The proposed development is considered to complement the guiding principles of Scottish Planning Policy by the utilisation of an existing 'brownfield' site with appropriately designed new development that is sustainably directed to land with an existing land use.

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

- 7b.5 The Falkirk Local Development Plan (Proposed Plan) 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 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.6 The following policies of the emerging Falkirk Local Development Plan (Proposed Plan) are relevant to the assessment of the application under consideration:

- Policy CG01 - Countryside
- Policy CG03 - Housing in the Countryside
- Policy GN04 - Trees, Woodland & Hedgerows
- Policy GN05 - Outdoor Access

7b.7 The above policies evolve policy considerations expressed in the extant Falkirk Council Local Plan and previously considered in this report. The most relevant policy evolution is contained in Policy CG03 – ‘Housing in the Countryside’ which introduces the acceptance of the replacement of substantially intact dwellinghouses in the countryside with sensitive new development and the redevelopment of redundant farm steadings to residential use.

7b.8 The proposed development is considered to accord with all relevant policies of the emerging Falkirk Local Development Plan (Proposed Plan).

#### ***Points Raised by Consultees***

7b.9 The Council’s Roads Development Unit has expressed concerns that the proposed development is not appropriate development for a rural location because of the nature of the C62 Candie Road in terms of restricted width, lack of footway and lighting and passing places.

7b.10 The applicant has submitted supporting information that provides a comparison between the traffic impacts resulting from the proposed six dwellinghouses and what could be expected to be generated if farming was re-established at the site. In addition the applicant has offered to provide a vehicular access junction and access road to the proposed development that is constructed to an adoptable standard. The Roads Development Unit considers that the suggested access arrangement would not address its more general concerns relating to increased vehicular use of rural roads. The comparison of traffic generation between farming and residential usage is noted by the Roads Development Unit. However, concerns remain that higher trip generation would result especially at the peak am and pm periods.

7b.11 Two opportunities exist to access the C62 Candie Road from the A801. Both are single track roads of limited width with no street lighting. The northern access from the A801 is of wider construction with opportunity for the passing of two vehicles. The southern access from the A801 is more restricted in width. Passing opportunities do however exist although less regularly. The applicant has agreed to provide three passing places, two north of the site and one south of the site, at locations agreed with the Roads Development Unit. In addition a new passing place has been provided on the southern access from the A801 negotiated during the approval of previous planning permission for the re-development of Melonsplace Farm, Candie.

7b.12 The re-development at Melonsplace Farm for a commercial plant nursery is a relevant example of the acceptance of new build development being directed towards former farm buildings. The acceptability of development at Melonsplace being justified on the basis of high quality new build development at an existing site with buildings incapable of viable restoration. Melonsplace Farm is located 500 metres to the south east of the site under consideration.

- 7b.13 It is considered that there is similarity between the traffic flows that would be generated in comparison of farming or residential use although the differences in peak time generation are noted. It is also considered that, given the proximity between accesses/egress of the C62 on the A801 and the increased width of the northern route, drivers are likely to select the northern route when accessing or egressing the C62 Candie Road. In determining the appeal against the previous refusal of planning permission for eight houses, the Reporter did not cite road safety as a reason for refusal of planning permission.
- 7b.14 On balance, it is considered that there is similarity between traffic generation of agricultural and residential uses and that the C62 Candie Road affords adequate capacity to serve limited residential development at the site.

### ***Supplementary Planning Guidance***

- 7b.15 Falkirk Council's Supplementary Planning Guidance SG01 – 'Development in the Countryside' guides new development in the countryside. The emphasis of SG01 is not on new build development but on the retention of steadings and the conservation of the original character of rural buildings. The particular circumstances of the site and the development proposed are considered to accord with the aims of SG01 in respect of the sensitive re-use of the site and high quality vernacular design avoidance in the proposed development.

### ***Previous Refusal of Planning Permission***

- 7b.16 Planning application P/13/0706/FUL was refused at the meeting of the Planning Committee on 20 August 2014 for the reasons given in paragraph 3.1. That proposal sought permission for the erection of 8 dwellinghouses. The current application has reduced the number of proposed dwellinghouses to 6 given the concerns of the Planning Committee at that time in relation to the proposed number of new dwellinghouses in the countryside and their relationship to the existing building footprints. In addition the applicant has proposed the formation of passing places on the C62 Candie Road to address the previous concerns of the Roads Development Unit.

### ***Appeal Decision***

- 7b.17 Subsequent to the refusal of planning permission P/13/0706/FUL the applicant submitted an appeal to the Directorate of Planning and Environmental Appeals (DPEA). The Reporter did not consider that road safety concerns were valid grounds for refusal of planning permission. However the DPEA dismissed the appeal on the grounds that the proposed erection of 8 dwellinghouses was contrary to the extant and emerging Development Plan, Falkirk Council Supplementary Guidance and Scottish Planning Policy. In addition the Reporter identified that insufficient supporting information in relation to structural building condition and financial viability had been provided as a material consideration that could justify a departure from Development Plan policy. The decision is considered to reinforce the previous refusal of planning permission by the Planning Committee.
- 7b.18 The current application reduces the total number of proposed dwellinghouses to six and is accompanied by a supporting building structural survey and financial viability statement. Whilst the proposal remains contrary to Development Plan policy it is considered that the reduction in the number of units acceptably respects the position of existing buildings on the site. In addition the submitted supporting information demonstrates that the condition of the buildings is such that restoration is unviable.



## **7c Conclusion**

- 7c.1 The proposed development has been demonstrated to be contrary to Policy SC3 - 'Housing Development in the Countryside' of the extant Falkirk Council Local Plan, given that neither the rehabilitation of existing former residential properties nor conversion of existing farm buildings is proposed. The proposed development is therefore considered to be a departure from the extant Development Plan, but not significantly so, on the basis that it is complementary to the principles advocated by Scottish Planning Policy, the emerging Falkirk Local Development Plan (Proposed Plan) and Falkirk Council Supplementary Guidance SG01 - Development in the Countryside.
- 7c.2 Material considerations relative to concerns over the ability of the existing road network to accommodate the proposed development are considered to have been adequately assessed. No significant adverse impact is considered likely to result should the proposed development be approved. A connection to the core path system would be constructed by the applicant.
- 7c.3 The applicant is considered to have satisfactorily addressed reasons for the refusal of previous planning application P/13/0706/FUL.

## **8. RECOMMENDATION**

- 8.1 It is recommended that the Planning 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 development commences, site investigations shall be undertaken as identified in the approved Coal Mining Risk Assessment Report. In the event that site investigations confirm the need for remedial works to ensure the safety and stability of the development all necessary works shall be undertaken prior to the occupation of any approved dwellinghouse. The developer shall inform Falkirk Council as Planning Authority in writing in advance of any necessary site remediation works.
  - (3) Before development commences on site samples of all construction materials for all masonry, slate, aluminium rainwater goods, wet dash render, timber fenestration and timber cladding shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.
  - (4) Before development commences on site construction techniques for the re-use of all retained natural stone in the approved dwellinghouses shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.
  - (5) Prior to the occupation of any approved dwellinghouse, the site access arrangements approved in the "Site Access Arrangements" plan (drawing number 16) shall be implemented.

- (6) Prior to the occupation of the last dwellinghouse, all approved core path connection works (drawing number 30) and Candie Road passing places (drawing number 17) shall be implemented.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) In the interest of public safety.
- (3-4) In the interests of visual amenity.
- (5) In the interest of road safety.
- (6) In the interests of recreation use.

**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 number(s) 01 - 16, 17A, 18A & 19.
- (3) The developer should contact Scottish Water and SEPA to seek water connection and approval of the proposed private drainage arrangements.

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pp Director of Development Services

Date: 16 March 2015

**LIST OF BACKGROUND PAPERS**

- 1. Falkirk Council Structure Plan.
- 2. Falkirk Council Local Plan.
- 3. Falkirk Council Supplementary Planning Guidance SG01 - Development in the Countryside.
- 4. Scottish Planning Policy.
- 5. Falkirk Local Development Plan (Proposed Plan).

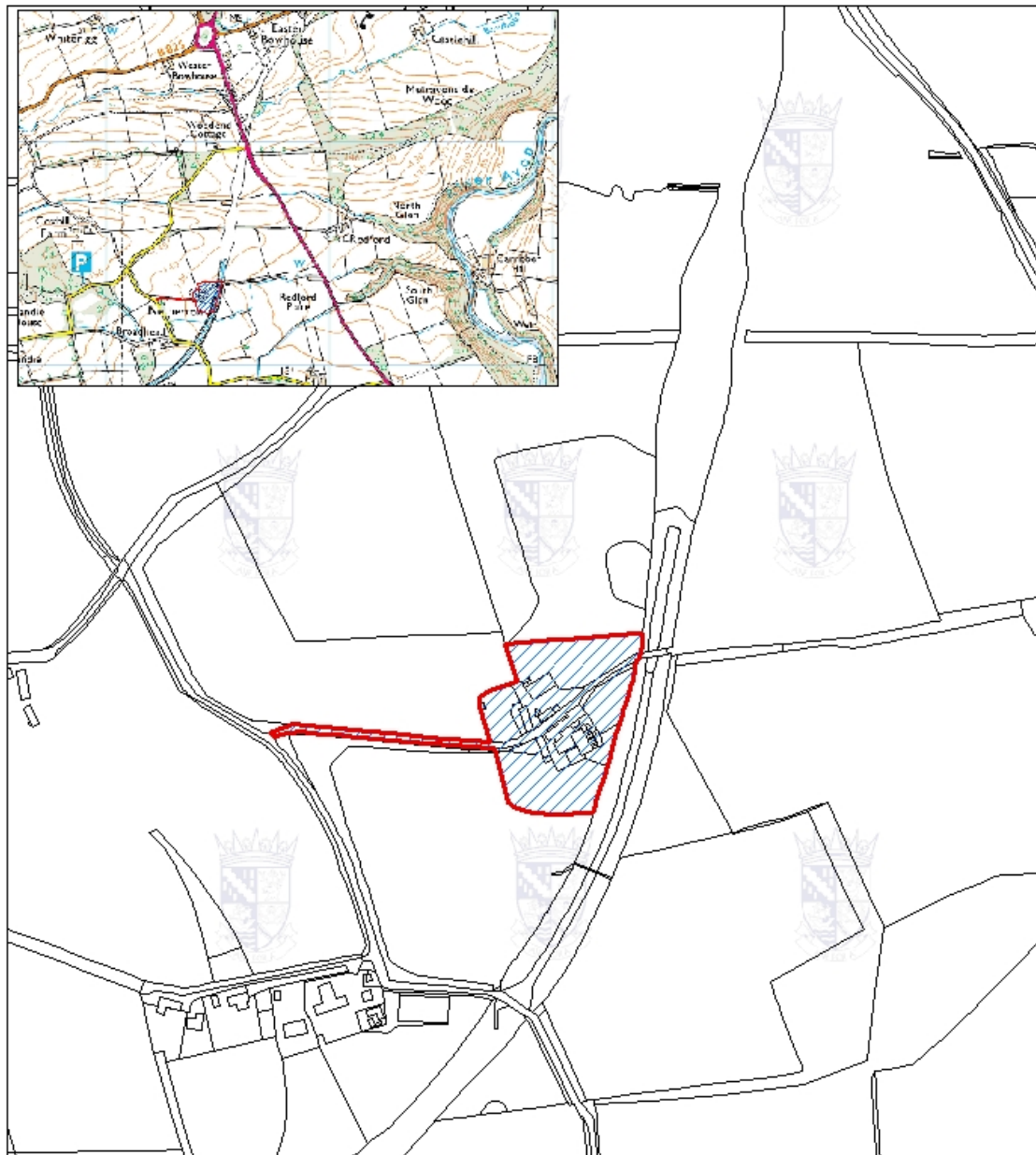
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/14/0716/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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