

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE NORTH EAST OF VICTORIA COTTAGE, AVONBRIDGE, FALKIRK FOR THE FIRM OF JAMES SHANKS & SONS - P/14/0741/FUL

Meeting: PLANNING COMMITTEE

Date: 27 May 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: John Milne (Senior Planning Officer), Ext. 4815

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 29 April 2015 (copy of previous report appended), where it was agreed to continue the application for a site visit. This visit took place on Monday 11 May 2015.
2. Members should be aware that one representation was received in support of the application, on 27 April 2015. The owner of a neighbouring property has no objections to the proposed development.
3. At the site visit, following the summary of the proposal by the case officer, clarification was sought over a number of issues:-
 - a) Vehicular activity on the B825 and Blackston Road

At the time of writing, road survey data is being considered. This will be verbally reported to the Planning Committee by a representative of the Roads Development Unit.
 - b) Additional Planning Conditions

As a consequence of discussions on site, further planning conditions are recommended to address 1) the construction of any access road prior to further development of the site, to ensure construction traffic is restricted to parking off the public highway, and

2) further details of existing hedge removal to the front of the site, to improve the visibility splay at the adjacent road junction.

c) Clarity of definition of 'gap site' or 'infill development'

Falkirk Council Local Plan Policy SC03 'Housing Development in the Countryside' – part (3) allows new housing through “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 SC8”. Further consideration of this matter is contained within parts 7a.6 to 7.10 of the previous report (appended).

In terms of National Planning Policy, the Proposed Falkirk Local Development Plan and the emerging supplementary guidance parts 7b.2 to 7b.15 of the previous report consider these matters.

4. A representative of Avonbridge and Standburn Community Council reiterated concerns expressed in part 5.1 of the previous report and Councillor Hughes expressed opinion on the application, particularly over the perception of residential cluster being restricted from Rosehill to Learigg only – effectively precluding the application site as an infill opportunity. No new matters were raised which require to be addressed through this update but these matters are considered within the original report.
5. In conclusion, the balance of consideration would provide a well designed and sensitively placed dwellinghouse within an existing residential cluster in a countryside location. The proposed dwellinghouse would result in the loss of a small area of agricultural land of limited value, but consolidate the existing residential cluster without detriment to visual amenity, ribbon, backland or sporadic development. The development would also result in some improvement, in terms of road safety, to the adjacent road junction through improvement to the visibility splay.
6. With no new matters arising, the previous recommendation is reiterated as follows, incorporating additional planning conditions as referred to above:-

7. RECOMMENDATION

7.1 It is recommended that the Planning Committee approve the planning application 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) i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites

should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.

- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority with regard to the external finishes of the dwellinghouse, including stone walling, slate roof and timber window and door finishes.
 - (4) Any access gates shall only open inwards.
 - (5) For the avoidance of doubt, the proposed vehicular access shall be installed prior to construction of the dwellinghouse, and no additional vehicular access provision shall be utilised or installed to facilitate development.
 - (6) Prior to works on site, further information shall be submitted to and approved in writing by the Planning Authority as to the removal of existing hedging to the front of the site and the position and type of replacement boundary treatment.

Reason(s):-

- (1) These drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (4) To safeguard the interests of the users of the highway.
- (5) In the interests of highway safety.
- (6) In the interests of highway safety.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05 and 06.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.
- (3) Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
- (4) 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.

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pp Director of Development Services

Date: 18 May 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Local Development Plan (Proposed Plan).
4. Supplementary Planning Guidance SG01 - Development in the Countryside.
5. Letter of Support received from Mr Andrew Skirton, Learigg, Standburn Road, By Avonbridge, Falkirk, FK1 2HL on 27 April 2015.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

FALKIRK COUNCIL

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Community Council: Avonbridge and Standburn

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises an area of land measuring 2,340sqm, most recently used for casual grazing of animals. The site is bounded on two sides by roads (the B825 and the unclassified Blackston Road), on one side by fenced agricultural land and a residential property on the remainder (Victoria Cottage).
- 1.2 The site is currently informally accessed from the adjoining roadway (Blackston Road) although the road is very narrow and the junction arrangements are not to an appropriate standard in terms of visibility. The site is also on a slight incline descending from Learigg and ascending slightly towards Victoria Cottage.
- 1.3 The proposed development consists of a 1½ storey dwellinghouse, of a traditional design character, finished in natural stone and with a slate roof. Access to the site would be via a newly constructed vehicular access to the west side and rear of the adjacent Victoria Cottage.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Hughes.

3. SITE HISTORY

- 3.1 An application for planning permission (ref: P/14/0515/FUL) for a similar development, with an alternative access onto the B825, was withdrawn on 22 December 2014.

4. CONSULTATIONS

- 4.1 Falkirk Council's Roads Development Unit have no objections following receipt of revised drawings taking into account the Unit's comments.
- 4.2 The Coal Authority have no objection to the proposed development.
- 4.3 Scottish Natural Heritage have no comment on the proposal.
- 4.4 Falkirk Council's Environmental Protection Unit have no objection to the proposal, subject to planning conditions regarding contaminated land and noise.

5. COMMUNITY COUNCIL

- 5.1 Avonbridge and Standburn Community Council object to the proposal, based on the following:-

- the application is contrary to the guidelines and policy for development in the countryside.
- the application is contrary to the proposed development sites as laid down in the local plan.
- the application is contrary to the development plan for this area of Falkirk and the site does not lie within any of the designated areas for housing as supported by the Community Council.
- the crossroads in the immediate vicinity is very dangerous as it is and the addition of a further property would lead to accidents.
- the site is outwith both village boundaries.
- the site would require a change of use from agricultural to residential; this is a fully agricultural site with no building whatsoever and no previous history of development.

6. PUBLIC REPRESENTATION

- 6.1 No representations were received in relation to 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.

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 The proposal does not raise any strategic issues and has therefore not been assessed in relation to the Structure Plan.

Falkirk Council Local Plan

- 7a.2 Policy EQ01 ‘Sustainable Design Principles’ states:-

New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

- 7a.3 It is considered that the proposed development would respond positively and sympathetically to the site's surroundings and create a building that would be attractive, of traditional design and using traditional materials.

- 7a.4 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 Councils 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.5 It is considered that the proposal does not meet the terms of essentially requiring a countryside location, nor seeks to utilise suitable existing buildings. However, the proposal can be considered “infill” development, given that the site is located between two existing dwellinghouses, and is of an appropriate design and would be in keeping with the established development character of the surrounding areas.

7a.6 Policy SC03 ‘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 all of the following:*
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; and
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 all of the following criteria are met:*
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.7 The applicant has not put forward a justification for the proposed development which would allow the dwelling to be considered essential to a countryside location. The key consideration is whether the proposal constitutes an infill opportunity.

7a.8 Policy SC08 'Infill Development and Subdivision of Plots' states:-

Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (2) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (3) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (4) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (5) the proposed vehicular access and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies.*

7a.9 The application meets the terms of the policy, although the policy itself lacks firm definition of what constitutes a 'gap site', although appendix 5 Glossary states:-

Infill Development refers to housing or other developments within the curtilage of existing or on small gap sites. The resulting subdivision of the curtilages of properties can distort the established form of the surrounding built environment and give the impression of over-development or cramming, and thus the character/visual attractiveness of an area can be affected.

7a.10 In this instance and with the limited definition available, it could be considered reasonable as to consider the application site as a gap site. The site is bounded on two sides – albeit with an intervening roadway – by the curtilages of existing residential properties and with a site width of 44 metres, could be considered comparable in plot size with neighbouring development.

7a.11 Policy EQ23 'Areas of Great Landscape Value' states:-

The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality.

7a.12 The designation of Area of Great Landscape Value extends to a wide area, bounded by the B825 roadway. The application site is on the fringe of the designated area, where there are existing dwellinghouses. In this instance, given the location of the site and the topography of the land, no landscape assessment has been requested.

7a.13 Accordingly, and on balance, the proposal is considered to accord with the provisions of the Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are National Policy, the Proposed Falkirk Local Development Plan, the emerging Supplementary Planning Guidance on Development in the Countryside and consultation responses.

Scottish Planning Policy

- 7b.2 Scottish Planning Policy (2014) recognises that the character of rural areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. The planning system should, in all rural areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces.
- 7b.3 In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land.

Paras 81-83 state:-

81. *In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:*

- *Guide most new development to locations within or adjacent to settlements; and*
- *Set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.*

82. *In some most pressured areas, the designation of green belts may be appropriate.*

83. *In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:*

- *Encourage sustainable development that will provide employment;*
- *Support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;*
- *Include provision for small-scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;*
- *Where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;*
- *Not impose occupancy restrictions on housing.*

- 7b.4 While it is recognised that the rural area is pressurised for development, the SPP does promote, where appropriate, the construction of single houses outwith settlements where they are well sited and designed to fit with local landscape character, taking account of landscape protection and other Local Plan policies. It is considered that the proposal is acceptable in this regard.

Falkirk Local Development Plan (Proposed Plan)

7b.5 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 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 Falkirk Local Development Plan (Proposed Plan) April 2013 promotes the following policies:-

7b.7 Policy CG03 – 'Housing in the Countryside' states:

"Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

- 1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
- 2. Restoration or replacement of houses which are still substantially intact, provided the restored/ replacement house is of a comparable size to the original;*
- 3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
- 4. Appropriate infill development;*
- 5. Limited enabling development to secure the restoration of historic buildings or structures; or*
- 6. Small, privately owned gypsy/ traveller sites which comply with Policy HSG08.*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment."

7b.8 Policy HSG05 – 'Infill Development and Subdivision of Plots' states:

Proposals for the erection of additional houses within the curtilage of existing properties or on small gap sites will be permitted where:

- 1. The scale, density, disposition and design of the proposed houses respect the townscape character of the area;*
- 2. Adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- 3. Adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- 4. The proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- 5. The proposed vehicular access, parking and other infrastructure is of an adequate standard for both proposed and existing houses; and*
- 6. The proposal complies with other LDP policies.*

7b.9 Policy GN02 – ‘Landscape’ states:

- 1. The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 ‘Landscape Character and Assessment’.*
- 2. Priority will be given to safeguarding the distinctive landscape quality of the Areas of Great Landscape Character identified on the Proposals Map.*
- 3. Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7b.10 In Policy CG03 – Housing in the Countryside – there clearly is opportunity to allow appropriate infill development. This infill opportunity does not depend on the housing being required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential. Detailed guidance on the application of criteria is contained within Supplementary Guidance SG01 – Development in the Countryside.

7b.11 Policy HSG05 – Infill Development and Subdivision of plots – appears to be directed towards development within the urban envelope. However, many of the identified criteria – scale, density, disposition, design, privacy and parking – would be equally applicable to development within the rural area.

7b.12 Policy GN02 – Landscape – seeks to protect and enhance landscape character and quality throughout the Council area. In this instance, the site is on the fringe of an Area of Great Landscape Value and not envisaged to visually detract from the overall setting.

Falkirk Council Supplementary Guidance SG01 – Development in the Countryside – (Finalised) (August 2014).

7b.13 The above Supplementary Guidance is finalised but not yet approved and, as such, there should be due regard to the material weight it affords to any planning recommendation or decision.

7b.14 Para 3.10 (4) Infill Development states:-

Appropriate infill development will be allowed between two residential properties where all of the following criteria are met:

- 1. The proposed infill development must occupy a clear gap between two existing residential properties.*
- 2. The scale, density and design of the proposed infill housing should respect the character of existing development. Proposals should respond to local distinctiveness.*
- 3. The existing residential properties must front a road or access lane and be less than 80 metres apart.*
- 4. The gap is not on the edge of an existing village or urban limit where the edge of the settlement has already been defined.*
- 5. The development should not constitute ribbon or backland development. (ribbon development is defined as the outward linear growth of development along a road).*
- 6. If there is a predominant building line this should be adhered to.*
- 7. The terms of LDP Policy HSG05 (Infill Development and Subdivision of Plots) should be met.*

7b.15 In considering the proposal, the following points may be considered:-

1. The application site is located directly between the existing cottages of Learigg and Victoria Cottage, albeit intervened by a roadway, Blackston Road.
2. The proposal has been reviewed in terms of scale and design and is considered acceptable. In terms of density, the plot size is comparable with neighbouring property. For the avoidance of doubt, the curtilage of Learigg extends south west of the dwellinghouse to meet the boundary roadway.
3. The existing residential properties front a road, the B825. The curtilages of the adjoining properties – Victoria Cottage and Learigg are 51 metres apart, although some 5.5 metres of this is intervening roadway. However, the distance from each residential dwelling is 174 metres. This is, not least, a consequence of Victoria Cottage being set within the south west corner of its curtilage and Learigg being set within the north east corner of its curtilage.
4. The gap is not considered to be on the edge of an existing village. It is considered that the grouping of properties from Rosehill to Victoria Cottage represent a cluster of residential properties detached from the adjoining agricultural land.
5. The proposal is not considered to constitute ribbon development. The ‘End Stops’ for the grouping are considered to be Victoria Cottage in the south west and Rosehill in the north east.
6. The established building line is staggered, but the proposed dwelling is considered to be in keeping with the well established frontage pattern of the building group, formed along the B825.
7. This confirms that the previously urban criteria for infill development should be adopted. There are no issues of privacy, design or scale arising as a consequence of development.

Consultation Responses

7b.16 With regard to the objections raised by Avonbridge and Standburn Community Council, the following points may be considered:-

- Development Plan policy allows new residential development within the countryside without the applicant demonstrating essential need.
- The crossroads would not form part of the direct vehicular access to the site and the addition of vehicle movement from a single dwellinghouse is unlikely to impact unacceptably on the road network.
- The site is recognised as being outwith established village boundaries.
- The site is of limited agricultural use, being formerly used for grazing.
- There is no previous planning history on the site which would justify further development; however, this is not essential for new development.

7c Conclusion

7c.1 This application raises a number of issues, relating to Development Plan policy and, specifically, the emerging Falkirk Council Plan Policy relating to infill development within the rural area. As a consequence, the terms of the emerging Supplementary Guidance 1 - Housing in the Countryside - are subject to consideration. In general terms, it is agreed from Development Plan policy that new infill development within the rural area is acceptable, without rural justification or 'need' demonstrated by the applicant. In consideration of whether this site is appropriate for new residential development, a number of matters need to be addressed:

- Does the existing residential cluster extend from Rosehill to Victoria Cottage, or more tightly from Rosehill to Learigg?
- Does the positioning of Victoria Cottage and Learigg – at opposing edges of their curtilages – effectively preclude development of the intervening site, given the guideline of 80 metres dwellinghouse to dwellinghouse infill restriction within the Supplementary Guideline?
- Does the topography of the housing cluster – the site being at the lower point of area – diminish the visual impact of any new development and simply add to the residential setting between Rosehill and Victoria Cottage?

7c.2 It is considered that the proposed dwellinghouse is acceptable in terms of design and that the applicant has provided a vehicular access provision acceptable in terms of highway safety.

7c.3 It is also considered that the addition of infill residential development, well designed and sensitively placed within the environment, would consolidate the limited residential cluster between Victoria Cottage and Rosehill affording opportunity to alleviate the current demands for development in other more isolated areas, without prejudice to existing residents or residential pattern.

7c.4 In this instance, the terms of the Supplementary Guidance relating to infill development within the rural area are not met. However, in this particular instance, whilst the linear measurement restrictions recommended are not met, the proposed dwellinghouse respects the physical conditions of the site and the development pattern of the existing residential cluster. This is without prejudice to the determination of any future planning applications which may be submitted. It is also noted that, whilst being material considerations, the Supplementary Guidance and Falkirk Local Development Plan have not yet been adopted.

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) i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
- iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
- iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority with regard to the external finishes of the dwellinghouse, including stone walling, slate roof and timber window and door finishes.
- (4) Any access gates shall only open inwards.

Reason(s):-

- (1) These drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (4) To safeguard the interests of the users of the highway.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05 and 06.

- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.
- (3) Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
- (4) 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.

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Director of Development Services

Date: 20 April 2015

LIST OF BACKGROUND PAPERS

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

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/14/0741/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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