

PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING

PROPOSAL : Erection of Dwellinghouse
LOCATION : Land To The East Of Avonhill Lodge, Falkirk,
APPLICANT : Mr John McGlynn
APPN. NO. : P/15/0072/FUL
REGISTRATION DATE : 12 February 2015

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

This detailed application proposes the erection of a one and a half storey detached dwellinghouse at land to the east of Avonhill Lodge, Falkirk. The application site lies on the north side of the B825 within a countryside location.

2. SITE HISTORY

Planning application P/10/0335/FUL for the erection of a single dwellinghouse on this site was granted planning permission on 5 May 2011 following an appeal to Falkirk Council Planning Review Committee. This permission was valid for three years however it has never been implemented. The planning permission has therefore now lapsed.

3. CONSULTATIONS

The following responses to consultation were received:

Scottish Water	No response to consultation.
Environmental Protection Unit	No objections.
Roads Development Unit	Specific concerns raised in respect of traffic speeds and visibility splay requirements and the potential for adverse road safety impacts for vehicular and pedestrian traffic.
Environmental Protection Unit (Re-consultation)	No objections.
The Coal Authority	No objections.

Where the local Community Council requested consultation, their comments appear above.

4. PUBLIC REPRESENTATION

During consideration of the application, no letters of objection or representation were received.

5. THE DEVELOPMENT PLAN

The proposed development was assessed against the undernoted Development Plan(s):

Falkirk Council Structure Plan.

There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan.

EQ19 - Countryside

SC03 - Housing Development in the Countryside

EQ23 - Areas of Great Landscape Value

Falkirk Council Local Development Plan - Proposed Plan

CG03 - Housing in the Countryside

CG01 - Countryside

GN02 - Landscape

5A. MATERIAL CONSIDERATIONS

The following matters were considered to be material in the consideration of the application:

Consideration of the site in relation to coal mining legacy

Falkirk Local Development Plan (Proposed Plan)

6. PLANNING ASSESSMENT

The Development Plan

The proposal raises no strategic issues and was therefore assessed against the Falkirk Council Local Plan alone.

Local Plan Policies

The application lies outwith the urban limit and within an area of great landscape value within a countryside location as defined by the Falkirk Council Local Plan. It has not been demonstrated that the proposed dwellinghouse would be required to support an activity for which a countryside location is deemed essential and the proposed development does not represent a restoration or re use of an existing building. The application site is not located within a grouping of existing buildings and would be sporadic development within a countryside setting. The development would have a detrimental impact on the distinctive landscape quality of the area by virtue of the suburban design and appearance of the proposed dwellinghouse and the proposal does not satisfy the terms of the relevant countryside policies. The application site has not been accompanied by a landscape and visual assessment. The proposal would be contrary to the terms of the adopted Falkirk Council Local Plan.

Falkirk Local Development Plan (Proposed Plan)

The Proposed Falkirk Local Development Plan 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.

The relevant policies of the emerging local development plan reflect the policy wording and consideration of the existing adopted local plan in this instance and does not introduce any new material considerations. The proposal is therefore contrary to the terms of the Falkirk Local Development Plan.

Consideration of the Site in relation to Coal Mining Legacy

The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. Any development proposal not exempt on grounds of type or nature, which would intersect with the ground requires the submission of a desk based Coal Mining Risk Assessment and Consultation with the Coal Authority.

The views of the Coal Authority are summarised within the consultation responses above and appropriate conditions and/or informatives have been applied.

7. CONCLUSION

The proposal represents an unacceptable form of development which is contrary to the terms of the Development Plan. There are no material planning considerations that warrant a grant of planning permission in this instance.

8. RECOMMENDATION

Refuse Planning Permission

Refusal is recommended for the following

Reason(s):

1. The application does not accord with policies EQ19, SC03 and EQ23 of the adopted Falkirk Council Local Plan and policies CG01, CG03 and GN02 of the Falkirk Local Development Plan - Proposed Plan as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.
2. The proposal would result in vehicular access onto a rural road at a position with high vehicle speeds, leading to an increase in vehicular and pedestrian traffic, all to the detriment of road safety.

The recommendation is based on the following reason(s):-

The proposals do not accord with the provisions of the Development Plan and there are no material considerations which would warrant approval of the application.

Informatives:

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


✍ **Director of Development Services**

24.4.15
Date

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