

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

PROPOSAL : Erection of Dwellinghouse
LOCATION : Land To The South Of Donaldsons Lodge, Linlithgow,
APPLICANT : Mr Gilmour Manuel
APPN. NO. : P/15/0353/PPP
REGISTRATION DATE : 2 June 2015

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

The application site lies on the south side of the B825, to the east of an access road and Manuel Lodge. The Whitecross urban limit lies on the north side of the road. Manuel Burn adjoins to the east. There is post and wire fencing, a gate and a hedge along the site frontage and mature trees along the south and east boundaries. The application records the use of the site as a vacant riding arena.

The application seeks planning permission in principle for the erection of a dwellinghouse. Elevation and floor plans have been submitted showing a four bedroom one and half storey dwellinghouse with an attached garage. A site layout plan has been submitted showing the house, a new access and a septic tank and soakaway.

2. SITE HISTORY

There is no planning history recorded for this site.

3. CONSULTATIONS

The following responses to consultation were received:

Scottish Natural Heritage	No comment
Historic Scotland	No objection
Museum Service	No objection
Roads Development Unit	Concerns noted
Scottish Water	No response
Environmental Protection Unit	No objection subject to conditions

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

4. PUBLIC REPRESENTATION

In the course of the application, 1 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

- The proposed development adversely affects road safety where the existing single track access road from Manuel Mill Farm and three other properties exits onto the B825;
- Creating a new vehicular access at the proposed location simply creates another potential hazard at an already dangerous location;

- The south and west boundary hedges are greatly overgrown and obscure the sightlines to the east onto the B825 when emerging from the single track access road;
- The sightline to the west is also obscured by the boundary wall of Manuel House;
- There are near misses on an almost daily basis between cars emerging from the single track access road and traffic approaching from the east on the B825; and
- A possible compromise would be for a suitable single bellmouth access to be constructed to adoptable standards which continues south to join the existing single track access road.

5. THE DEVELOPMENT PLAN

The Falkirk Local Development Plan was adopted on 16 July 2015. The proposed development was assessed against the following policy or policies:

CG01 - Countryside

CG03 - Housing in the Countryside

GN02 - Landscape

D13 - Battlefield Sites

5A. MATERIAL CONSIDERATIONS

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

Responses to Consultation

Assessment of Public Representations

6. PLANNING ASSESSMENT

The Development Plan

The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of Supplementary Guidance documents which now have statutory status.

Local Plan Policies

The application site lies within the countryside, outwith the urban limits, under the Falkirk Local Development Plan (LDP). Housing development in the countryside is only permitted in certain circumstances such as where it is required to support the needs of a business which has an essential need for a countryside location, or where the proposal is considered to represent an appropriate infill development opportunity. In this instance no case has been made by the applicant that the development proposal satisfies any of these circumstances. The proposal does not meet all of the criteria for infill housing development set out in the Council's Supplementary Guidance for Development in the Countryside. The application is considered to be contrary to Policies CG01 and CG3 of the FLDP.

Detailed drawings (site layout, elevations and floor plans) have been submitted in support of the application. No detailed assessment has been undertaken in respect of these details as the application seeks planning permission in principle (PPP). If PPP is granted, the detailed matters would be subject to a separate application(s) for approval of matters specified in conditions.

The site lies on the western periphery of the Battle of Linlithgow. It is not considered that the development proposal would adversely affect this battlefield site (see consultation responses from

Historic Scotland and Falkirk Community Trust (Museum Services). The applicant is therefore considered to accord with Policy D13.

The site adjoins the Manuel Burn and is also understood to have previously contained a pond to service a sawmill and piped water may still enter the area. As such there is potential flood risk at the site. In the absence of submission of a flood risk assessment, it has not been demonstrated that the development proposal would be free of significant flood risk or avoid an increase in the level of flood risk to existing development. The application is therefore considered to be contrary to Policy RW06.

The site lies on the periphery of an Area of Great Landscape (Avon Valley). Whilst no landscape or visual assessment has been submitted with the application, it is noted that the site is low lying and well contained by existing mature planting. Provided the mature trees are retained, any hedgerow loss (to improve visibility) is replaced and the development is sympathetically designed, it is considered that the landscape character would be protected. Subject to appropriate planning conditions, no issues are anticipated in respect of Policy GN02.

In summary, the application is considered to be contrary to the LDP.

Responses to Consultation

The Roads Development Unit have advised that the site lies on the south side of the B825 which is two way derestricted rural road with no street lighting at this location. They advise that the visibility splay requirement is 2.5 metres x 160 metres which cannot be met to the west due to Manuel Lodge. They advise that a flood risk assessment is required due to the site falling within a flood risk area.

The Environmental Protection Unit have requested the submission of a contaminated land assessment due to the presence of a mill and made ground at the site and the presence of several works, railways, a landfill site and other potential sources of contaminated land within 250 metres of the site. They advise that noise need not be a determining factor.

Historic Scotland have advised that the proposal does not raise any issues of national significance such that they would object. However, they advise that consideration should be given to the potential for the discovery of archaeological finds due to the location of the site just within the western boundary of the Battle of Linlithgow.

Falkirk Community Trust, Museum Services, have advised that the site lies within a peripheral area of the designated battlefield of Linlithgow Bridge and adjacent to the designed landscape of Manuel House. They are of the view that the development site would not have been significant in the Linlithgow Battle. They consider that existing topographical features (the site is low lying and has a steep slope to the south) isolate the site from the grounds of Manuel House. Therefore they have no objection to the proposed development.

Assessment of Public Representations

The concerns raised in the representation to the application are summarised in this report. In response to those concerns the following comments are considered to be relevant:-

- The restriction to visibility to the west, beyond the site boundaries, has been noted in this report. Road safety concerns in relation to this proposal are therefore recognised;
- The safeguarding of visibility along the site frontage could be controlled as a condition of any grant of planning permission; and
- The suggestion for the construction of a shared bellmouth access to adoptable standards is noted. This may be worth exploring if there is a decision to grant the application.

7. CONCLUSION

The application is considered to be contrary to the Development Plan for the reasons detailed in this report. It is therefore recommended for refusal. It has not been demonstrated that there are any material planning considerations to set aside the terms of the Development Plan in this instance.

8. RECOMMENDATION

Refuse Planning Permission

Refusal is recommended for the following:

Reason(s):

1. The application is considered to be contrary to Policies CG01 (Countryside) and CG03 (Housing in the Countryside) of the Falkirk Local Development Plan, and to Falkirk Council's Supplementary Guidance SG01 for Development in the Countryside. In particular, it has not been demonstrated that there is an essential need for the development proposal at this countryside location and the proposal is not considered to represent appropriate infill development. The proposal therefore represents unjustifiable and inappropriate development in the countryside.
2. The development proposal would introduce additional turning traffic onto a de-restricted, unlit rural road (the B825) and the visibility requirement to the west of the proposed new access is unable to be satisfied due to existing obstructions. The development proposal is therefore not considered to be in the best interests of road safety.
3. The application is considered to be contrary to Policy RW06 (Flooding) of the Falkirk Local Development Plan as it has not been demonstrated that the development proposal would be free of significant flood risk or avoid an increase in the level of flood risk to existing development.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.


Director of Development Services

30/7/15.

Date

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