



AGENDA ITEM

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**Erection of Dwellinghouse at East Bonhard,
Linlithgow, EH49 7NT for Mrs Annabell
Taylor - P/17/0533/PPP**

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT EAST BONHARD,
LINLITHGOW, EH49 7NT FOR MRS ANNABELL TAYLOR -
P/17/0533/PPP
Meeting: PLANNING COMMITTEE
Date: 24 January 2018
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor David Aitchison
Councillor Lynn Munro
Councillor Ann Ritchie

Community Council: Bo'ness

Case Officer: David Paterson (Planning Officer), Ext. 4757

UPDATE REPORT

1. Members will recall that this application was originally considered by to the Planning Committee on 22 November 2017 (copy of previous report appended – Appendix 1) when it was agreed to continue the application for a site visit. The site visit took place on 4 December 2017.
2. At the site visit the case officer summarised the report, and the applicant, members of Planning Committee and a local member were heard.
3. The applicant spoke in support of the proposal, stating that owing to personal circumstances the applicant requires a smaller dwellinghouse and would prefer to remain at the location at which the applicant has resided for the past 30 years. The applicant highlighted that she looks after animals on a non-business basis, and that remaining at the location would allow this to continue. It is noted that the applicant owns land beyond the curtilage of the dwellinghouse which is used for this purpose. The applicant circulated a statement in support of the proposed development to Members. The applicant's supporting statement details the applicants personal circumstances and the desire to remain living at this location in a smaller dwelling unit and continue to look after animals at the site on a non-commercial basis. The applicant also refers to a previous planning permission at the location for the erection of 5 dwellinghouses.

4. Members of the Planning Committee viewed the site of the proposed development and the existing vehicular access from the west. They also sought clarification on:-
 - The location of the building which was the subject of planning permission P/10/0034/FUL, detailed in Section 3.1 of the original Committee report, conversion of outbuilding to form dwellinghouse. The planning case officer confirmed that the outbuilding is located within the farm steading adjacent to the applicants existing dwellinghouse;
 - The status of the planning permission P/10/0034/FUL. It was confirmed that planning permission P/10/0034/FUL has not been implemented and has now lapsed;
 - Removal of trees from the application site. The planning case officer clarified that only trees internal to the site would be removed. Trees at the application site boundary would remain;
 - History in respect of the former use of buildings at and adjacent to East Bonhard. The planning case officer clarified that the dwellinghouse adjacent to the applicant's house was the subject of the previous permission F/90/1093, conversion of farm building to form dwellinghouse. Planning permission F/90/1093 is detailed in Section 3 of the original report to Committee on 22 November 2017. It was also clarified that land once farmed at East Bonhard is now farmed from another location. The applicant's statement refers to a previous time when planning permission had been approved for five dwellinghouses at the location. The applicant refers to a planning permission granted in 1989 (F/89/231) to convert the steading to form three additional dwelling units. This permission was not implemented. Planning permission F/90/1093 was implemented resulting in two dwelling units at the location;
 - Extent of applicants land ownership outwith the dwellinghouse curtilage. It was clarified that the applicant owns land adjacent to the dwellinghouse to the east which measures 1.25 hectares in area. The drawing bearing the Planning Authority's reference 01 shows the extent of the applicants ownership.
5. Councillor Aitchison as local member was in attendance and expressed that he does not object to the proposed development.
6. The Design Roads and Transport Network co-ordinator advised in respect of Council standards relating to the development of dwellinghouses in the countryside and expressed that there are no objections in this regard in this case.
7. No new matters were raised that would alter the officers recommendation to refuse planning permission. The matters raised by the applicant in support of their application would not justify support of the proposal, having regard to the provisions of the Falkirk Local Development Plan.
8. **RECOMMENDATION**
- 8.1 **It is therefore recommended that Committee refuse planning permission for the following:-**

Reason(s):-

1. The proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration of an existing dwellinghouse, the conversion on non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site. As such, the principle of residential development of the application site is contrary to policies CG01 "Countryside" and CG03 "Housing in the Countryside" and Supplementary Guidance SG01 "Development in the Countryside" of the "Falkirk Local Development Plan". There are no material considerations which justify setting aside the Development Plan.

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 and 03.

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Director of Development Services

Date: 15 January 2018

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Representation received from Martyn Day MP, Linlithgow and East Falkirk Constituency Office, 62 Hopetoun Street, Bathgate, West Lothian EH48 4PD on 10 October 2017.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT EAST BONHARD,
LINLITHGOW, EH49 7NT FOR MRS ANNABELL TAYLOR -
P/17/0533/PPP
Meeting: PLANNING COMMITTEE
Date: 22 November 2017
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor David Aitchison
Councillor Lynn Munro
Councillor Ann Ritchie

Community Council: Bo'ness

Case Officer: David Paterson (Planning Officer), Ext. 4757

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site forms part of the garden ground of the dwellinghouse "East Bonhard" near Champany, Linlithgow. The dwellinghouse is one of two existing dwellinghouses at the former East Bonhard Farm building complex. The farm is now operated from another location.
- 1.2 The application site comprises 0.137 hectares of the formal garden ground associated with the house. The site is well defined by mature hedging and trees. The site has an existing vehicular access, separate from the vehicular access of the existing dwellinghouse, partially shared with the other existing dwellinghouse at the location.
- 1.3 This application seeks planning permission in principle to erect an additional dwellinghouse at the application site. The applicant lives in one of the existing dwellinghouses at East Bonhard. In support of the application the applicant has indicated that she and her husband wish to live in a smaller house but also wish to stay in this location.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to Planning Committee at the request of Councillor Munro. The reason for the call-in is that Councillor Munro considers further verifying is needed in relation to the Falkirk Local Development Policy and supplementary guidance on housing in the countryside.

3. SITE HISTORY

- 3.1 F/2000/0098 – Extension to dwellinghouse – Approved 25.04.2000.
- P/10/0034/FUL – Conversion to outbuilding to form dwellinghouse. Approved 23.03.2010. This permission was not implemented.
- 3.2 Also relevant to the proposed development is planning permission F/90/1093 for the change of use of farm building to form a dwellinghouse. This permission was approved on 04.03.1991. The resultant dwellinghouse forms the other existing dwellinghouse at the former East Bonhard Farm.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has raised no objections. It is advised that should planning permission in principle be approved, an informative would be appropriate to advise the applicant that drainage in respect of the proposed development takes into account the potential risk of surface water flooding.
- 4.2 Scottish Water has advised there is capacity on the water network to accommodate the proposed development.
- 4.3 The Environmental Protection Unit has advised that contamination and construction noise can be addressed by means of an informative.
- 4.4 Scottish Natural Heritage has advised they have no comment.
- 4.5 The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area. Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

5. COMMUNITY COUNCIL

- 5.1 No comments received.

6. PUBLIC REPRESENTATION

- 6.1 One letter of representation has been received from the applicant's Member of Parliament in support 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

7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.2 Policy CG01 – Countryside states:-

The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'.

7a.3 The application site is located in the countryside as defined in the Falkirk Council Local Plan. The following policy appraisal concludes that the proposed development does not accord with Policy CG03 "Housing Development In The Countryside" as supported by supplementary guidance SG01 "Development In The Countryside". Accordingly, the proposed development does not accord with Policy GC01.

7a.4 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.

7a.5 Policy CG03 “Housing Development in the Countryside”, as supported by supplementary guidance SG01 “Development in the Countryside”, specifies criteria where proposals for new dwellinghouses in the countryside can be considered acceptable. The criteria are houses essential for the pursuance of a business or use for which a rural location is essential, restoration or replacement of dwellinghouses which are substantially intact, conversion of non-domestic farm buildings, appropriate infill development, limited enabling development to secure restoration of historic buildings and structures and small privately owned gypsy/traveller sites.

7a.6 Supplementary guidance SG01 provides detailed design guidance to ensure a high standard of development in cases where development accords with the criteria set out in Policy CG03. Supplementary guidance SG01 includes detailed guidance with respect to infill development. Infill development is considered to be acceptable in instances where there is a clear gap of 80m or less between two existing residential properties fronting a road provided that the gap is not on the edge of an existing village or urban limit where the settlement edge is already defined. The proposed development does not constitute infill development or any other acceptable form of rural residential development as detailed in SG01. The proposed development does not fall within any of the criteria specified in Policy CG03. The proposed development does not accord with Policy CG03 or, consequently, supplementary guidance SG01.

7a.7. 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 Assessment and Landscape Designations.*
2. *Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas 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.*

7a.8 The application site is well defined by means of trees and hedging at site boundaries. The visual impact on the wider landscape character would be minimal. The proposed development therefore accords with Policy GN02.

7a.9 GN04 – 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. *Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. 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 and implement an appropriate Management Plan; 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 enjoys tree and hedging cover at the site boundaries. It is considered that existing trees and hedging at the site boundaries can be satisfactorily safeguarded during development of the site. It is considered that the safeguarding of trees and hedging during development can be addressed at the approval of matters specified in conditions stage should permission be granted. The proposed development accords with Policy GN04 and supplementary guidance SG06 "Trees and Development".

7a.11 D02 – 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, distinctive, welcoming, adaptable, 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. *Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through 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.*

Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.

Figure 5.3, Sustainable Design Principles – Supporting Policies/Guidance provides further guidance.

7a.12 It is considered that the existing dwellinghouse could retain sufficient garden ground to ensure satisfactory functioning of the dwellinghouse. The existing access to the site is noted. No infrastructure issues have been raised by consultees. The proposed development therefore accords with Policy D02.

7a.13 D04 – Low and Zero Carbon Development states:-

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*

- Proposals for change of use or conversion of buildings;*
- Alterations and extensions to buildings;*
- Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
- Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
- Temporary buildings with consent for 2 years or less; and*
- Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*

2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.14 The inclusion of low and zero carbon energy generating technologies can be addressed at the approval of matters specified in conditions stage should permission in principle be approved.

7a.15 Accordingly, in conclusion, the proposed development does not accord with the Falkirk Local Development Plan.

7b Material Considerations

7b.1 Material considerations are the site history, consultation responses and the letter of representation received.

7b.2 Planning permission P/10/0034/FUL detailed in section 3 of this report is noted. The conversion of the existing outbuilding to form an additional dwellinghouse in principle accords with the criteria set out Policy CG03 detailed in Section 7a.4 of this report. Planning permission P/10/0034/FUL was not implemented and has since lapsed. The outbuilding referred to in P/10/0034/FUL remains at the site.

7b.3 The responses from consultees are noted in Section 4 of this report. No objections have been received from consultees. Advice in terms of informatives is noted.

7b.4 The letter of support from the applicants MP is noted.

7c Conclusion

7c.1 The proposed development does not accord with the Falkirk Local Development Plan.

7c.2 The proposal does not fall within the criteria of developments specified in the Development Plan as appropriate forms of new residential development in the countryside. There are no material considerations which have been raised in this case which outweigh the Development Plan presumption against building a new additional dwellinghouse in this countryside location.

8. RECOMMENDATION

8.1 **It is therefore recommended that Committee refuse planning permission for the following:-**

Reason(s):-

1. The proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration of an existing dwellinghouse, the conversion on non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site. As such, the principle of residential development of the application site is contrary to policies CG01 "Countryside" and CG03 "Housing in the Countryside" and Supplementary Guidance SG01 "Development in the Countryside" of the "Falkirk Local Development Plan". There are no material considerations which justify setting aside the Development Plan.

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 and 03.

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Director of Development Services

Date: 13 November 2017

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Representation received from Martyn Day MP, Linlithgow and East Falkirk Constituency Office, 62 Hopetoun Street, Bathgate, West Lothian EH48 4PD on 10 October 2017.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

Planning Committee

Planning Application Location Plan

P/17/0533/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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