



AGENDA ITEM

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**Erection of Dwellinghouse Outbuilding and
Temporary Siting of Residential Caravan
(Renewal of Planning Permission P/14/0499/
FUL) at Land to the North West of Atlanta,
Slamannan, Falkirk for Mr Duncan Bennie –
P/17/0640/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE, DOMESTIC
OUTBUILDING AND TEMPORARY SITING OF RESIDENTIAL
CARAVAN (RENEWAL OF PLANNING PERMISSION
P/14/0499/FUL) AT LAND TO THE NORTH WEST OF
ATLANTA, SLAMANNAN, FALKIRK FOR MR DUNCAN
BENNIE - P/17/0640/FUL

Meeting: PLANNING COMMITTEE

Date: 24 January 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor James Kerr
Councillor John McLuckie

Community Council: No Community Council

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises a vacant plot of land extending to 0.14 hectares, this being the former Shottrigg Farm steading. The site is overgrown and there is evidence of previous buildings in the form of walling and stone and a defined tree lined avenue access into the site.
- 1.2 The site is served by an existing vehicular access from Drumriggend Road. The site is relatively level and surrounded on all sides by agricultural land.
- 1.3 The proposed development relates to the erection of one dwellinghouse with associated outbuilding and ancillary accommodation. This application is partially retrospective as it includes the temporary siting of a residential caravan, currently on site.
- 1.4 This application seeks renewal of planning permission Ref: P/14/0499/FUL.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 A planning application (Ref: P/14/0499/FUL) for the same development was granted by the Planning Committee on 29 October 2014. This however has not been implemented and this application seeks renewal of the earlier permission.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit do not object to the proposed development.
- 4.2 The Council's Environmental Protection Unit advise of a planning condition in relation to ground contamination.
- 4.3 The Coal Authority do not object to the proposed development.
- 4.4 Scottish water do not object to the application.

5. COMMUNITY COUNCIL

- 5.1 No comments were received in relation to the application.

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.

Accordingly,

7a The Local 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 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 is located in the countryside as identified in the LDP. Policy CG01 'Countryside' advises that the proposed development should be assessed in relation to policy CG03 – Housing in the Countryside.

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 contains criteria where housing development in the countryside will be supported. This includes housing required for the pursuance of a rural activity; restoration and replacement of existing houses, conversion of non-domestic rural buildings, infill development, enabling development and traveller sites. The application does not fit any of the criteria where development is acceptable in the countryside and is contrary to policy CG03 'Housing in the Countryside'.

7a.6 Policy 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.7 It is considered that the proposed development would respond positively and sympathetically to the site's surroundings and create buildings that would be attractive, of a high design standard and sustainable, in accordance with policy D02 'Sustainable Design Principles'.

7a.8 Policy 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.9 It is appropriate to progress the application with a planning condition in relation to low and zero carbon development, in accordance with policy D04 'Low and Zero Carbon Development'.

Supplementary Guidance forming Part of Local Development Plan

7a.10 SG01 'Development in the Countryside' gives detailed guidance in relation to appropriate development in the countryside. The application fails to accords with SG01.

7a.11 Accordingly, and on balance, the application is contrary to the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are Scottish Planning Policy (SPP), the site history and additional planning considerations.

Scottish Planning Policy

7b.2 The Falkirk Council area is an accessible or pressurised rural area, where Scottish Planning Policy (SPP) (2014) advocates a more restrictive approach to new housing development in the countryside.

7b.3 SPP advises that most new development should be guided to locations within or adjacent to settlements and set out the circumstances in which new housing out with settlements, may be appropriate. Policy CG03 of the LDP clearly sets out the circumstances where housing development in the countryside would be acceptable. As the application is contrary to the LDP, it is not supported by Scottish Planning Policy.

Site History

7b.4 Planning permission was granted by Planning Committee on 29 October 2014, for the same development. This application relates to a renewal of the earlier planning permission, but requires to be presented to planning committee, as the development is contrary to the Local Development Plan.

7b.5 It is noted that there has been no change to the proposed development, the condition of the site and the thrust of planning policy remains the same as at the last application stage. It is considered that the planning history of the site supports the current planning application.

Additional Planning Considerations

- 7b.6 As discussed in the body of this report there are fundamental policy issues in relation to the principle of development within this countryside location, particularly as the former farm is in a ruinous state. As such, material planning considerations are required to outweigh the terms of the Local Development Plan to justify the granting of planning permission.
- 7b.7 It is noted that the site was formerly occupied by a farm steading. Some random rubble stone walls, up to approximately 1600mm, are visible on site and other mounded areas where the footprint of former buildings are clearly visible. The application site forms a courtyard with tree planting and boundary enclosures, dating back to the time of the farm, and these features clearly define the site boundary. The site has an existing vehicular access and tree lined avenue approach, which has the character and appearance of a development site, clearly defined and separate from surrounding agricultural land. The curtilage of the former farm and its boundary corresponds with historic maps.
- 7b.8 It is considered that the application site has the 'character' of a residential plot, even though the farm is in a ruinous state. The redevelopment of the site with a replacement dwellinghouse would replicate and maintain the character and settlement pattern of development in the area. As such it is considered that the redevelopment of the site with a new dwellinghouse would be acceptable subject to detailed design considerations.
- 7b.9 The development would result in the erection of a dwellinghouse of a high design standard, as demonstrated by the submission, including the applicant's Design and Access Statement. It is considered that the development has been carefully designed to take best advantage of site constraints in relation to the location of the existing ruined footprint and surrounding landscape.
- 7b.10 The proposed development has been designed to respect the footprint of the original building on site and the proposed palette of traditional materials would reflect the character of traditional rural buildings. The design over 1.5 storeys makes reference to local and Scottish rural vernacular architecture. The footprint, scale and massing of the proposed dwellinghouse would be larger than the former farm steading, to meet modern living standards. However the overall architectural design quality would fit harmoniously within the surrounding area of the site and create an attractive and sensitively designed development.
- 7b.11 It is considered that the redevelopment of the site with a replacement dwellinghouse and associated outbuilding would respect the rural character of the area, fit within the landscape setting and established development pattern, and would achieve a high design and environmental standard. It is considered that the previous development of the site, extant planning permission and high design standards would mitigate the impact of development in the rural area and outweigh the terms of the Local Development Plan.

7c Conclusion

- 7c.1 The application has been assessed as being contrary to the terms of the Local Development Plan and Scottish Planning Policy. As such material planning considerations are required to outweigh the terms of the Development Plan to justify the granting of planning permission.

- 7c.2 The development relates to the re-development of a former farm steading, with parts of the building and boundary enclosures still visible on site. The resulting development would create an energy efficient dwelling of a high quality and appropriate design and which, in this instance, would justify the granting of planning permission. The site history, including the earlier planning permission for the same development, gives further support to the planning application as the principle of developing a house is established.

8. RECOMMENDATION

- 8.1 It is therefore 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 until a contaminated land assessment has been submitted to and approved in writing by the Planning Authority. 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.**
(ii) Where contamination (as defined by Part iiA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination should be submitted to and approved in writing by the Planning Authority.
(iii) Prior to the commencement of development on site, the remediation works must be carried out in accordance with the strategy approved at (ii). 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 approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority.
- (3) No development shall commence on site until a full specification for all exterior materials and finishes, including details of the proposed rooflights, exterior windows and doors shall be submitted to and approved in writing by the Planning Authority. Thereafter development shall proceed in accordance with the approved details.**

- (4) The development hereby approved will not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:
- i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and
 - ii) a Statement of Conformity which confirms that 10%, of the required CO₂ emissions reduction is achieved through the installation of low and zero carbon generating technologies.

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

- (5) No development shall commence on site until a specification for the re-use of all retained natural stone in the approved development is submitted to and approved in writing by the Local Authority. Thereafter development shall proceed in accordance with the approved details.
- (6) A residential caravan shall be sited in accordance with the approved plan (our online reference No. 01) for a period not exceeding 3 years from the date of this permission unless otherwise agreed in writing with the Planning Authority. Thereafter all temporary residential accommodation shall be permanently removed from the site.
- (7) For the avoidance of doubt, the domestic outbuilding hereby approved shall be for domestic purposes only, ancillary to the main use of the dwellinghouse.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To safeguard the visual amenity of the countryside.
- (4) To ensure the development achieves the required CO₂ emission reduction as a result of development.
- (5) To ensure that stone from the former farm steading is retained and used in the development.
- (6) As the Caravan is not a suitable permanent form of development.
- (7) To ensure that the property is used for domestic purposes only.

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 reference number(s) 01, 02, 03 and Supporting Documents.**
- (3) The application site is in the vicinity of a High Pressure Gas Transition Pipeline. The Scotland Gas Network Code of Practice document SSW22 must be circulated and signed a minimum of 7 days prior to the commencement of any works. You are advised to contact Angus Robertson, Scotland Gas Networks on Tel: 0141 418 4158 for advice.**

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Director of Development Services

Date: 15 January 2018

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan

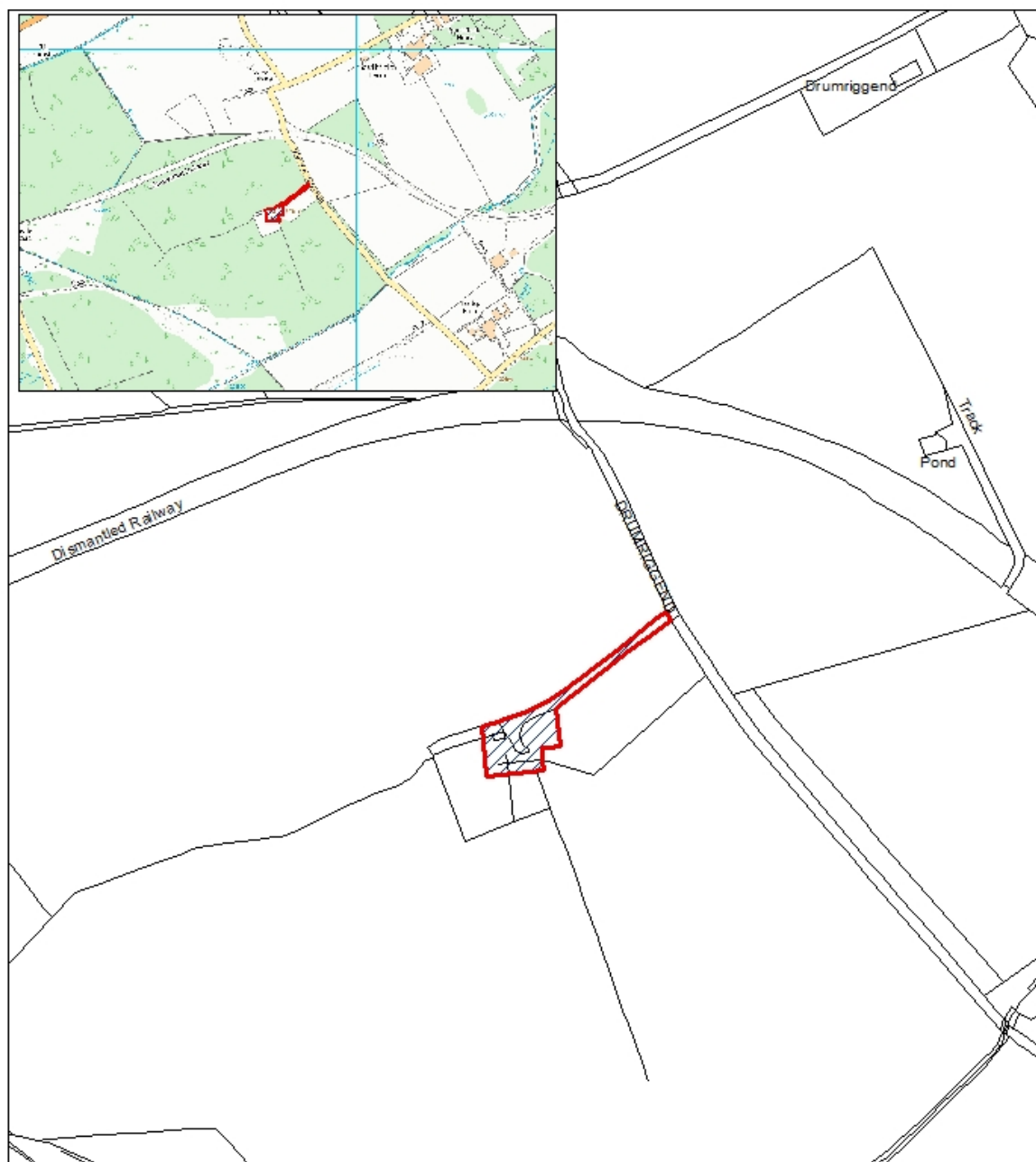
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/17/0640/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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