



Agenda Item 6

**ERECTION OF 3 DWELLINGHOUSES
AND ASSOCIATED ACCESS ROAD
(RENEWAL OF PLANNING
PERMISSION P/15/0320/FUL) AT
ROUGHMUTE TRANSPORT DEPOT,
LARBERT, FK5 3NP FOR IAN CRAIG
HAULAGE LTD -P/18/0358/FUL**

FALKIRK COUNCIL

Subject: **ERECTION OF 3 DWELLINGHOUSES AND ASSOCIATED ACCESS ROAD (RENEWAL OF PLANNING PERMISSION P/15/0320/FUL) AT ROUGHMUTE TRANSPORT DEPOT, LARBERT, FK5 3NP FOR IAN CRAIG HAULAGE LTD - P/18/0358/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **12 September 2018**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Bonnybridge and Larbert**

**Provost William Buchanan
Councillor Niall Coleman
Councillor David Grant**

Community Council: **Larbert, Stenhousemuir and Torwood**

Case Officer: **Brent Vivian (Senior Planning Officer), Ext. 4935**

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks full planning permission for the erection of three dwellinghouses (renewal of planning permission P/15/0320/FUL).
- 1.2 The application site lies at the western end of a haulage yard known as Roughmute Transport Depot. The site has no current use, is vacant ground and contains material deposits. It is bounded to the north by the A8004, linking Checkbar Roundabout with Bonnybridge, and to the south by a former railway line (a proposed cycleway), beyond which is the Bonnybridge Golf Club.
- 1.3 The proposed dwellinghouses are one and a half detached with double integral garages. A shared vehicular access is proposed from the A8004, in the form of a split bellmouth (allowing west bound ingress and egress only).
- 1.4 The original application (P/15/0320/FUL) indicated that the proposed dwellinghouses were intended for the directors of the adjacent haulage yard.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is assessed as contrary to the Falkirk Local Development (LDP). Any application that is recommended for approval contrary to the LDP requires consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 Planning application 06/0288/FUL for the formation of a haulage yard with ancillary office building and maintenance shed was granted on 10 November 2006.
- 3.2 Planning application P/07/0464/FUL for erection of a workshop (Class 5) was granted on 13 December 2007.
- 3.3 Planning application P/15/0136/PPP for a proposed cycleway between Denny and Falkirk was granted on 26 November 2015.
- 3.4 Planning application P/15/0320/FUL for erection of three dwellinghouses and associated access road was granted on 6 January 2016 by the Council's Planning Review Committee on review of the delegated decision to refuse the application.
- 3.5 Planning application P/15/0557/FUL for an extension to an industrial unit was granted on 30 October 2015.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit advised in respect of the original application (P/15/0320/FUL) that the introduction of turning traffic onto a derestricted unlit semi-rural road (A8004) near the inside of a bend would not be in the best interests of road safety. They were also concerned that the lack of a footway on the south side of the A8004, such that pedestrians would have to cross the road (without the benefit of dedicated crossing facilities or street lighting), would not be in the interests of road safety. They have requested conditions to attach to any grant of the current application, relating to visibility, formation of the access and surface water drainage.
- 4.2 The Council's Environmental Protection Unit have requested a noise impact assessment to determine the impact of transportation and commercial noise on the proposed development. A contaminated land assessment is also requested due to the presence of landfill activity, a transport depot, infilled ground and other potential sources of contaminated land within 250 metres of the application site.
- 4.3 Scottish Water have no objection to the application and advise that there is currently sufficient capacity at the Carron Valley Water Treatment Works to service the proposed development. However, capacity at this facility is unable to be reserved and availability of capacity would be confirmed at the time of a formal connection application. There is no Scottish Water waste water infrastructure within the vicinity of the proposed development, therefore, private treatment options would have to be investigated. The development proposal may impact on existing Scottish Water assets. Any assets identified may be subject to restrictions on proximity of construction.

5. COMMUNITY COUNCIL

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council have not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 No public representations have been received in respect 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 (LDP) 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 policies set out below.
- 7a.2 The application site lies within the countryside, outwith the urban limits, as defined in the LDP. It also lies within a Green Belt. Adjoining the site to the south is a former railway line identified in the LDP as a proposed cycleway (Opportunity GN28 Denny to Falkirk Path).
- 7a.3 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.4 As the site lies within the countryside, it must be assessed against the relevant supporting countryside policy and the Council's Supplementary Guidance SG01 'Development in the Countryside'. The relevant supporting countryside policy in this instance is Policy CG03 'Housing in the Countryside'.
- 7a.5 Policy CG02 - Green Belt states:-

1. *The following areas, as indicated generally on Map 3.1 and detailed on the Proposals Map, are designated as Green Belt:
Falkirk/Stenhousemuir/Grangemouth/Laurieston Corridor
Polmont/Grangemouth/Bo'ness/Linlithgow Corridor
Falkirk/Larbert/Denny/Bonnybridge Corridor
Callendar Park/Woods*
2. *The purpose of the Green Belt is:
To maintain the separate identity and visual separation of settlements
To protect the landscape setting of settlements; and
To protect and give access to greenspace for recreation*

3. *Within the Green Belt, development will not be permitted unless it can be demonstrated that the proposal satisfies the relevant countryside policies, and it can be demonstrated that it will not undermine any of the strategic purposes of the Green Belt as set out in sub section (2) above.*

7a.6 The application lies within a Green Belt. The purpose of the Green Belt is outlined in part 2 of the policy. In the assessment of the original application (P/15/0320/FUL), the Council's Development Management Unit were concerned that the proposed development had the potential to undermine the role of the Green Belt by compromising its future use for countryside recreation. This was because the application site includes land which may be required for the strategically important Denny to Falkirk cycleway project (Opportunity GN28).

7a.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.

7a.8 The proposed development does not satisfy any of the circumstances detailed in this policy to support new housing in the countryside. In addition, there are some concerns with the proposed layout and design which would appear to be somewhat urban in nature. Supplementary Guidance SG01 'Development in the Countryside' contains design guidance which should be taken into account to inform new development proposals in the countryside.

7a.9 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.10 The provision of an energy statement, to meet the terms of this policy, could be the subject of a condition of any grant of planning permission. Detailed guidance is contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'.

7a.11 Policy RW04 - Agricultural Land, Carbon Rich Soils and Rare Soils states:-

1. *Development involving the significant permanent loss of prime quality agricultural land (Classes 1, 2 and 3.1), carbon rich soils (basin peat, blanket bog, peat alluvium complex, peaty podzols and peaty gleys) and rare soils (podzols, humus iron podzols and saltings) will not be permitted unless:*
 - *The site is specifically allocated for development in the LDP; or*
 - *Development of the site is necessary to meet an overriding local or national need where no other suitable site is available.*

2. *Planning applications for development which is likely to disturb areas of carbon rich or rare soil will be required to submit a soil or peat management plan which demonstrates that:*
- *the areas of highest quality soil or deepest peat have been avoided;*
 - *any disturbance, degradation or erosion has been minimised through mitigation; and*
 - *any likely release of greenhouse gas emissions caused by disturbance is offset*

7a.12 The application site is classified as Class 3.1 prime quality agricultural land. However, the site extends to less than one hectare (9568m²) and therefore the permanent loss of this relatively small area of land could not be considered to be significant. In addition, the current condition of the land (which contains material deposits) and the size and locational constraints in terms of farming the land are noted.

7a.13 Policy RW10 - Vacant, Derelict Unstable and Contaminated Land states:-

Proposals that reduce the incidence of vacant, derelict, unstable and contaminated land will be supported, subject to compliance with other LDP policies, particularly those relating to development in the countryside. Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken.

7a.14 The proposal would reduce the incidence of vacant and potentially contaminated land. To that extent, the proposed development is supported. However, compliance with the other relevant LDP policies is required.

Falkirk Council Supplementary Guidance Forming Part of the LDP

7a.15 The following Falkirk Council Supplementary Guidance is relevant to the application:-

- SG01 'Development in the Countryside', and
- SG15 'Low and Zero Carbon Development'.

7a.16 This guidance is referred to in the policy assessment above (paragraphs 7a.2 to 7a.14) as appropriate.

7a.17 In view of the above assessment, the application is considered to be contrary to the LDP.

7b Material Considerations

7b.1 The material planning considerations in respect of this application are the consultation responses and the planning history.

Consultation Responses

- 7b.2 The consultation responses are set out in section 4 of this report. The road safety concerns highlighted by the Roads Development Unit are noted and could support a recommendation to refuse the application. In the event that planning permission is granted, the Roads Development Unit have requested conditions in respect of visibility, formation of the access and surface water drainage. In addition, the request by the Environmental Protection Unit for noise impact and contaminated land assessments could potentially be the subject of conditions.

Planning History

- 7b.3 The relevant planning history is set out in section 3 of this report. Paragraph 3.4 notes that the original planning application for the development (P/15/0320/FUL) was granted by the Council's Planning Review Committee on review of the delegated decision to refuse the application. The decision by the Planning Review Committee to overturn the delegated decision was based on the following findings:-

- While the location of the site within the countryside and Green Belt was acknowledged, the site was not considered to be in a sensitive area or of any great value in terms of its landscape or visual character;
- As a brownfield site, its redevelopment would bring the site back into beneficial use;
- The design, scale and layout of the dwellinghouses was considered to be acceptable;
- In relation to matters relating to road safety and vehicular access, the proposed access onto the A8004 was considered to be acceptable taking into account a number of other accesses in the vicinity and subject to appropriate conditions; and
- It was considered that the proposed development would not prejudice the implementation of the Denny to Falkirk cycleway project (Opportunity GN28) and any issues would need to be addressed by the relevant parties.

- 7b.4 The decision of the Planning Review Committee is considered to be a significant material consideration in determining this current application.

7c Conclusion

- 7c.1 The application is considered to be contrary to the LDP, for the reasons detailed in this report. However, the decision of the Planning Review Committee in respect of the original application (P/15/0320/FUL) is considered to be a significant material consideration in this instance. That decision was to overturn the delegated decision to refuse the application. Taking into account all relevant matters, the application, to renew the previous planning permission, is recommended for approval subject to appropriate conditions.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee grants planning permission subject to the following condition(s):-

- 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. Development shall not begin until a scheme for protecting the dwellinghouses from noise from transport and commercial sources has been submitted to and approved in writing by the Planning Authority. The dwellinghouses shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.**
- 4. For the avoidance of any doubt or ambiguity there shall be no pedestrian or vehicle access to the site from the adjacent haulage yard.**

5. Prior to the commencement of development, full details of lighting proposals for the access onto the A8004 shall be submitted to and approved in writing by this Planning Authority.
6. Prior to the commencement of development, details of measures to prevent vehicles turning right onto the A8004 shall be submitted to and approved in writing by this Planning Authority.
7. Prior to the commencement of development, a surface water drainage strategy shall be submitted to and approved in writing by this Planning Authority.
8. Prior to the development being occupied, visibility splays measuring 2.4 x 60 metres shall be provided in both directions, from both accesses, onto the A8004. There shall be no obstruction to visibility greater than 260mm in height above carriageway level within the splay.
9. Prior to the development being occupied, the access shall be formed in a manner to ensure that no loose material or surface water drainage is discharged onto the public road.
10. Prior to the commencement of development, the details of the colour and specification of all proposed external finishing materials shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
11. Prior to the commencement of development, the details of the height, location, colour and specification of all proposed fences, walls, gates and any other means of enclosure shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason(s):-

1. These drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development.
3. To protect occupants of the dwellinghouses from transportation noise.
4. To avoid potential conflict between residential and commercial users.
- 5-6. To safeguard the interests of the users of the highway.
7. To ensure that adequate drainage is provided.
- 8-9. To safeguard the interests of the users of the highway.
- 10-11. To safeguard the visual amenity of the area.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01. The decision also refers to plans 02A, 03A, 04A, 05, 06, 07 and 08 approved under P/15/0320/FUL.
2. The applicant shall ensure that noisy work which is audible at the site boundary is only conducted between the following hours:

Monday to Friday	08:00 - 18:00 hours
Saturday	08:00 - 17:00 hours
Sunday/Bank Holidays	No noise audible at the site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Unit.

3. 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.
4. Scottish Water have advised that the development proposals impact on existing Scottish Water assets. Any conflict with assets identified may be subject to restrictions on proximity of construction. The applicant is advised to contact the Scottish Water Asset Impact Team at service.relocation@scottishwater.co.uk.

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pp Director of Development Services

Date: 31 August 2018

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Council Supplementary Guidance SG01 'Development in the Countryside'.
3. Falkirk Council Supplementary Guidance SG15 'Low and Zero Carbon Development'.

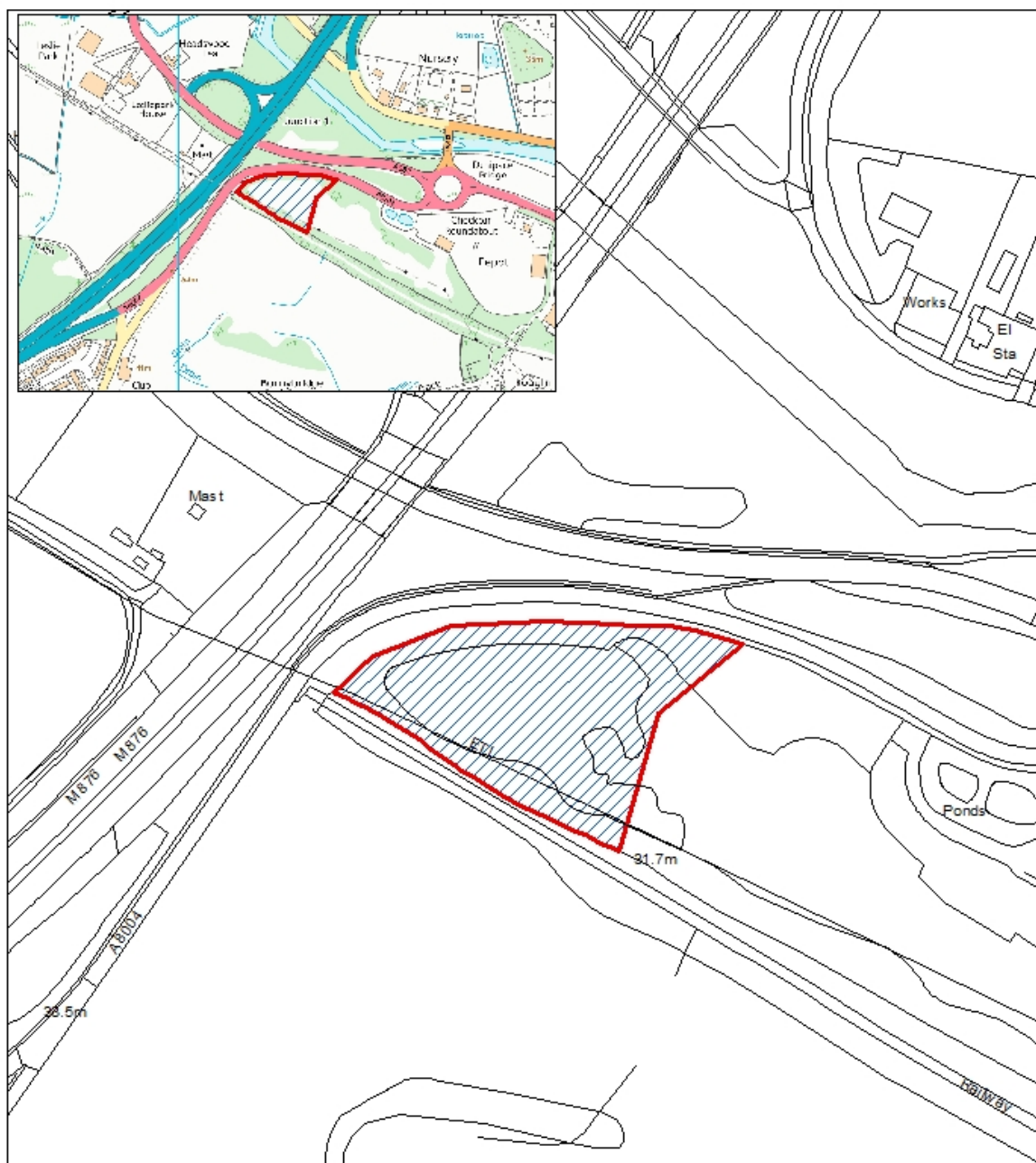
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/18/0358/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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