



## **Agenda Item 7**

**ERECTION OF DWELLINGHOUSE AT  
HAREBURN HATCHERY, FALKIRK,  
FK1 2JE FOR MR & MRS GAVIN  
HADDOW - P/18/0361/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AT HAREBURN  
HATCHERY, FALKIRK, FK1 2JE FOR MR & MRS GAVIN  
HADDOW - P/18/0361/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 21 November 2018  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor James Kerr  
Councillor John McLuckie

**Community Council:** Avonbridge and Standburn

**Case Officer:** Stephen McClure (Planning Officer), Ext. 4702

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The site consists of a disused poultry hatchery building, which was previously associated with a wider farm unit. The building is located along a single lane access track, which serves several rural properties over its length, with the access track connecting onto the B8028 roadway. The hatchery building is in a semi-derelict state, although appears to be structurally intact. The building is contained within its own plot, which is currently fenced off, with agricultural fields surrounding the plot on all sides. It is now being proposed to demolish the hatchery building and erect a new Dwellinghouse on the site. The dwellinghouse would be in the same position as the existing building but of a smaller footprint.

**2. REASON FOR COMMITTEE CONSIDERATION**

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

**3. SITE HISTORY**

- 3.1 P/14/0541/PPP - Planning Permission in Principle Granted - 19 December 2014 - Erection of Dwellinghouse.
- 3.2 P/15/0141/PPP - Application Withdrawn - 21 May 2015 - Demolition of Existing Hatchery Building and Erection of Dwellinghouse.
- 3.3 P/16/0738/FUL - Detail - Granted - 07 February 2017 - Change of Use of Agricultural Building to Dwellinghouse.

- 3.4 P/18/0239/FUL - Application Withdrawn - 18 June 2018 - Erection of Dwellinghouse.

#### **4. CONSULTATIONS**

- 4.1 The following responses to consultation were received:
- 4.2 The Coal Authority - no objection to the proposal.
- 4.3 Roads Development Unit - no objection to the proposal.
- 4.4 Scottish Water - no objection to the proposal.
- 4.5 Environmental Protection Unit - no objection to the proposal at this stage. However, if granted permission, a Contaminated Land Assessment would require to be submitted and approved by the Planning Authority, prior to any works commencing on-site. This can be covered by condition.
- 4.6 Scottish Natural Heritage - no response received.

#### **5. COMMUNITY COUNCIL**

- 5.1 Avonbridge and Standburn Community Council have not made any representation.

#### **6. PUBLIC REPRESENTATION**

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

#### **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**

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.1 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.2 The site is located within the countryside as identified in the Falkirk Local Development Plan. Policy CG01 Countryside advises that the proposed development be assessed in relation to policy CG03 Housing in the Countryside.

7a.3 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.4 This policy 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 current proposal does not fall within any of the criteria where development is acceptable within the countryside. It is therefore considered that the proposal does not accord with Policy CG03.

7a.5 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.6 It is considered that where relevant the proposal would be seen to meet the requirements of the supplementary guidance SG09 Landscape Character Assessment and Landscape Designations (see below). It is considered that the existing hatchery building on the site within the Special Landscape Areas (SLAs), currently creates more of a detrimental impact on the visual amenity of the area than the proposed dwelling. The dwelling proposed is smaller and of a design and materials that would be suitable for, and expected within, a countryside location. It is therefore considered that the development would improve and safeguard the SLAs of the Slamannan Plateau/Avon Valley. The proposed development would therefore not be considered to have a significant visual impact upon the landscape, and as noted would improve the visual appearance of the area within the landscape, given the current condition of the site. It is therefore considered that the proposal accords with Policy GN02 Landscape.

7a.7 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.8 It is considered that the proposed dwelling would respond positively and sympathetically to the site's surroundings, creating a building that would be attractive and of a high design standard for the countryside location. The proposed dwelling would also be sustainable, using many natural materials, as well as having appropriate infrastructure on-site. It is therefore considered that the proposal accords with Policy D02.

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 CO<sub>2</sub> 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 It is considered that given the proposal is a new-build, it will be able to meet the requirements of Policy D04. It is therefore considered appropriate that if the application were to be granted, a condition in relation to low and zero carbon development could be applied.

### ***Supplementary Guidance forming Part of Local Development Plan***

- 7a.11 Falkirk Council Supplementary Guidance SG01 Development in the Countryside - The supplementary guidance provides detailed guidance in relation to appropriate development within the countryside, expanding on the relevant policy. It is considered that the proposed dwelling would accord with the Supplementary Guidance in relation to design and materials that are considered suitable for a countryside location. However, the proposed dwelling is still not considered to fall within any of the noted criteria where development is acceptable within the countryside. The proposal therefore fails to accord in full with Supplementary Guidance SG01 Development in the Countryside.
- 7a.12 Falkirk Council Supplementary Guidance SG09 Landscape Character Assessment and Landscape Designations - It is considered that the current hatchery building on the site does not make a positive contribution to the landscape, this being detrimental to the Special Landscape Area (SLA). The removal of the hatchery building and replacement with a smaller dwelling within the original footprint, with a design sympathetic to the countryside location, would be considered to be more sympathetic to the rural setting. This would in-turn allow such a dwelling on the site to make a positive contribution to the SLA. It is not considered that given the location and state of the current building that it would have an impact on any protected species. It is therefore considered that where relevant the proposal accords with the Falkirk Council Supplementary Guidance SG09 Landscape Character Assessment and Landscape Designations.
- 7a.13 Falkirk Council Supplementary Guidance SG15 Low and Zero Carbon Development - It is considered that the proposal would be able to comply with the requirements set out within the supplementary guidance. It is therefore considered appropriate that if the application were to be granted, a condition in relation to low and zero carbon development could be applied.

### **7b Material Considerations**

- 7b.1 The material considerations to be assessed are the site history, Scottish Planning Policy (SPP), the Proposed Falkirk Local Development Plan 2 (LDP2) and additional planning considerations.

## ***Site History***

- 7b.2 The hatchery building currently on the site is vacant, in a poor state of disrepair and does not contribute positively to the visual amenity of the area. Planning permission P/16/0738/FUL was granted on 7 February 2017 to convert the building to a dwellinghouse. The site was then sold on to the current applicants, who considered that the permission was for a dwelling larger than they required. A full assessment showed that substantial upgrading and re-construction of the hatchery building would be needed to implement the permission. The end result, although much improving the current appearance of the disused hatchery building, would still have more of an appearance of an industrial countryside building than that of a dwelling. The dwellinghouse now proposed would be more appropriate for this countryside location in terms of its scale, materials and design and improve the visual appearance of the site and wider area.

## ***Scottish Planning Policy***

- 7b.3 The Falkirk Council area is an accessible and pressurised rural area, where Scottish Planning Policy (SPP) (2014) advocates a more restrictive approach to new housing development in the countryside. SPP advises that most new developments should be guided to locations within or adjacent to settlements and sets out the circumstances in which new housing outwith settlements may be seen as appropriate. As is already highlighted earlier within the report, Policy CG03 of the Falkirk Local Development Plan clearly sets out the circumstances where housing development in the countryside would be acceptable. As the proposed dwelling is contrary to Policy CG03 of the Falkirk Local Development Plan, it is also not supported by Scottish Planning Policy.

## ***The Proposed Falkirk Local Development Plan 2 (LDP2)***

- 7b.4 The Proposed Falkirk Local Development Plan 2 has been approved by the Council for consultation. The consultation period runs from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received it is expected that LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 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 contained within the Proposed Falkirk LDP2 are considered to highlight the same issues as those within the current adopted plan. There are no material considerations within the policies which would cause the proposal to be assessed in a different manner. It is therefore considered that the proposal does not overall accord with LDP2.

## ***Additional Planning Considerations***

- 7b.5 As discussed within this report, there are fundamental policy issues in relation to the principle of development within this countryside location, particularly as the hatchery building would be demolished rather than converted. As such, material planning considerations are required to outweigh the terms of the Local Development Plan to justify the granting of planning permission.



- 7b.6 Given the site has been used for commercial reasons in the past; there is an existing vehicular access to the site, which also serves other rural properties over its length. The site is clearly defined and separate from the surrounding agricultural land, and given its size and location can be seen to have the character of a residential plot. The redevelopment of the site with a replacement dwellinghouse would replicate and maintain the character and settlement pattern of development within the area.
- 7b.7 The proposed Dwellinghouse, in visual terms, is of a high design standard. It is considered that this would be an improvement on the more commercial appearance that would result from conversion of the hatchery building. The proposed design and materials reflect the palette of traditional materials used on countryside buildings, ensuring the overall character and appearance reflects that of the countryside location. The design of the dwellinghouse over one and half storeys also makes reference to local and Scottish rural vernacular architecture styles. This would create an architectural design quality that would fit harmoniously within the surrounding area of the site and create an attractive and sensitively designed development.
- 7b.8 It is considered that the redevelopment of the site with a new dwellinghouse rather than a conversion of the existing hatchery building would respect the rural character of the area, as well as fit within the landscape setting and established development pattern of the area. The proposal would also be seen to achieve a high design and environmental standard. It is considered that the previous development of the site, the existing permission to convert the hatchery building to a dwellinghouse and the high design standards proposed, would mitigate the impact of the development in the rural area and outweigh the terms of the Falkirk Local Development Plan.

## **7c Conclusion**

- 7c.1 The application has been assessed as being contrary to the terms of the Falkirk Local Development Plan and Scottish Planning Policy. As such, material planning considerations are required to outweigh the terms of the Local Development Plan to justify granting of planning permission.
- 7c.2 The development relates to the demolition of an existing vacant and dilapidated hatchery building and the erection of a single dwellinghouse in its place. The resulting development would create a dwelling of high quality, as well as an appropriate design for the rural location, which would fit within the landscape and settlement pattern. The proposal would have less of an impact on the site than the proposed conversion of the existing hatchery building, and allow for a more aesthetically appropriate structure within the site. It is therefore considered that this would be more beneficial to the site and wider area, and therefore it would justify in this instance the granting of planning permission. It is also considered that the planning permission for the conversion of the hatchery building to residential use, provides further support to the current planning application, as the principle of a residential dwelling has been established.

## **8. RECOMMENDATION**

**8.1 It is therefore recommended that the Planning Committee grant 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. Prior to works commencing on site, the details of all external materials and finishes, including details of the proposed roof lights, exterior windows and doors shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall proceed in accordance with the approved details.**
- 4. The development hereby approved shall 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 CO<sub>2</sub> 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. Prior to works commencing on-site, a plan shall be submitted showing the finalised parking and turning arrangements within the confines of the site, which require to include a minimum of three car parking spaces 2.5m wide by 5m long, with the turning area allowing vehicles to enter and exit the site in a forward gear, with the finalised details being approved in writing by the Planning Authority.
6. Prior to works commencing on-site, details of the proposed drainage strategy shall be submitted to and approved in writing by the Planning Authority.
7. A residential caravan shall be sited in accordance with the approved plan (online reference No. 04) for a period not exceeding 2 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.

**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 area.
4. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.
5. To ensure that adequate car parking is provided.
6. To ensure that adequate drainage is provided.
7. As the caravan is not a suitable permanent form of development.

**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, 03 and 04.

2. 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.

3. The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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

4. The Coal Authority considers that the content and conclusions of the latest Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development. However, further more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent building warrant application.

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pp Director of Development Services

Date: 12 November 2018

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan.
2. Proposed Falkirk Local Development Plan 2.
3. Scottish Planning Policy (SPP).

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/18/0361/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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