

FALKIRK COUNCIL

Subject: CONVERSION OF PIGGERY TO FORM 3 DWELLINGS (DETAILED) AT
45 MANNERSTON HOLDINGS, LINLITHGOW EH49 7ND, FOR MR
RUSSELL - P/07/1229/FUL
Meeting: PLANNING COMMITTEE
Date: 25 March 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor John Constable
Councillor Harry Constable
Councillor Adrian Mahoney

Community Council: Blackness

Case Officer: Julie Seidel (Planning Officer), ext 4880

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Regulatory Committee on 28 January 2009 (copy of the previous report appended), when it was agreed to continue the application to undertake a site visit. This site visit took place on 10 February 2009.
2. At the site meeting the applicant and agent stated that the buildings are structurally sound and the proposed development would make good use of the existing building footprint with limited alteration or extension. It was submitted that it would be more acceptable and sustainable to bring the buildings back into use than to leave them to deteriorate and become derelict.
3. A spokesperson for the Blackness Community Council and an objector raised concerns about the engineer's report, and expressed some doubt about whether the buildings would be altered or would be demolished to allow development. They also stated that the proposal would be out of character with the holdings area and that the existing and proposed development had limited architectural merit. Concerns were raised that the proposal was contrary to the Development Plan policy and, if granted, would set an undesirable precedent for similar development in the area.
4. It was clarified that the application had been advertised as being potentially contrary to the Development Plan in the Falkirk Herald, but had yet to be advertised in the Bo'ness Journal. Whilst the statutory requirements for advertising in a paper circulating in the locality had been met, it was considered prudent to also advertise in the Bo'ness Journal as is the usual procedure with planning applications albeit in this particular area. The result of this was that the application requires to be considered at this meeting of the Committee rather than that held on 25 February 2009.

5. RECOMMENDATION

5.1 The recommendation contained in the previous report is reiterated as follows:-

5.2 It is recommended that detailed planning permission be refused for the following reasons:-

- (1) The buildings proposed to be converted by virtue of the scale and design are not considered to contribute positively to the visual amenity or character of the area and are therefore not appropriate for beneficial conversion and as such the proposal is contrary to the terms of Policy Rural 5 'Conversion of Non Residential Buildings to Residential Use' of the adopted Rural Local Plan and Policies EQ15 'Re-use of Buildings', EQ23 'Areas of Great Landscape Value' and Policy SC3 'Housing Development in the Countryside' of the Falkirk Council Local Plan Finalised Draft (Deposit Version).**

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For Director of Development Services

Date: 17 March 2009

LIST OF BACKGROUND PAPERS

1. Rural Local Plan
2. Falkirk Council Structure Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Scottish Planning Policy 3 - Planning for Housing
5. Scottish Planning Policy 15 - Planning for Rural Development
6. Planning Advice Note 72 - Housing in the Countryside
7. Letter of representation from Mr Andrew Wallace, 37 Mannerston Holdings, Linlithgow EH49 7ND
8. Letter of representation from Mrs. B Watson, 47 Mannerston Holdings, Blackness Linlithgow EH49 7ND
9. Letter of representation from Alex Tavern, 36 Mannerston Smallholdings, Linlithgow EH49 7ND
10. Letter of representation from Robert L Barbour, 40 Mannerston Holdings, Linlithgow EH49 7ND
11. Letter of representation from Mr and Mrs M Garrow, 46 Mannerston Holdings, Linlithgow EH49 7ND
12. Letter of representation from Mark Beard & Jennifer Black, 39 Mannerston Holdings Linlithgow EH49 7ND
13. Letter of representation from Mr David Brunton, 41 Mannerston Holdings, Linlithgow EH49 7ND
14. Letter of representation from Blackness and Area Community Council, Johan Kritzinger Planning Secretary Cauldcoats Steading Linlithgow.

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

FALKIRK COUNCIL

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45 MANNERSTON HOLDINGS, LINLITHGOW EH49 7ND, FOR MR
RUSSELL - P/07/1229/FUL
Meeting: REGULATORY COMMITTEE
Date: 28 January 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor John Constable
Councillor Harry Constable
Councillor Adrian Mahoney

Community Council: Blackness

Case Officer: Julie Seidel (Planning Officer), ext 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the restoration and conversion of part of the disused piggery to form 3 dwellinghouses, comprising two semi-detached and one detached dwelling. Access to the application site would be taken from the adjacent road serving the existing dwellinghouse and the other holdings within the settlement. The plans indicate the provision of garage accommodation, however no details have been submitted.
- 1.2 The application site is part of a smallholding comprising a dwellinghouse, piggery building and other agricultural buildings and is located in a primarily rural area to the east of Bo'ness. The disused piggery is a simple brick building with a corrugated roof. The full piggery building is set approximately 14 metres behind the existing dwelling and is some 242 metres long; however only part of the piggery is within the application site and is proposed to be converted.

2. REASON FOR CONSIDERATION AT COMMITTEE

- 2.1 The application has been called-in to the Regulatory Committee at the request of Councillor John Constable.

3. SITE HISTORY

- 3.1 There is no site history of relevance to the application.

4. CONSULTATIONS

- 4.1 The Environmental Health Unit advises that noise is not a determining factor in the consideration of the application. There is no known record of contamination within the site boundary or within close proximity to it.
- 4.2 The Roads and Development Unit has raised concerns in relation to the visibility at the access road junction and the B9109 Blackness to Merrylees Road, an adopted class 'B' road. The B9109 is de-restricted, however traffic speeds would be about 35-40 mph due to the horizontal alignment of the road at the junction location. This would require visibility splays measuring 4.5 by 70 - 90 metres. To the north visibility at the junction is restricted to approximately 2.5 by 50 metres by the horizontal geometry of the B9109, and by a stone wall. To the south visibility is restricted to 2 by 180 metres. The Unit therefore advises that the dwellinghouses should only be granted planning permission if essential to the pursuance of agriculture, forestry or other economic activity appropriate to the rural area on road safety grounds. The Unit also requests the submission of a flood risk statement in relation to the Mannerston Burn.
- 4.3 Scottish Water has no objection to the application. It advises that supply to the public water system would be dependent on spare capacity at the time, and that there are no known public sewers in the vicinity of the site.

5 COMMUNITY COUNCIL

- 5.1 The Blackness and Area Community Council objects to the application on the following basis:
- The application fails to accord with Policy SC3 of the Falkirk Council Local Plan as it only meets one of the criteria;
 - The piggery building is much larger than can be supported by the surrounding agricultural area and does not make a positive contribution to the area. Its conversion would remove its agricultural use and the proposals are not sympathetic to the local vernacular;
 - The piggery is in a reasonable state of repair and still intact, however this does not mean that the building is capable of restoration or conversion to an acceptable housing standard without significant structural modification. The Community Council is therefore concerned that the existing structure would be demolished and rebuilt;
 - The proposals are out of character of the immediate Mannerston area;
 - It is accepted that the piggery is no longer required;
 - There was a previous application for outline planning permission at the application site that was withdrawn for technical reasons. A number of people objected to this proposal and their legitimate objections should not be overlooked because of the submission of this new proposal;
 - The proposals will increase traffic on the single track unadopted road resulting in an increased hazard at the blind junction onto the B9109; and

- If approved, the application would result in a cluster of three speculatively built dwellings in a countryside environment contrary to the policies of the Falkirk Council Local Plan.

6 PUBLIC REPRESENTATION

6.1 Seven representations have been received following neighbour notification being carried out and the advertisement of the application. The issues raised are as follows:

- The proposed development is contrary to planning policies for rural areas. Policy SC3 limits housing to that essential for agriculture and forestry. Policy EQ19 requires justification for rural development and Policy EQ23 protects areas of great landscape value;
- There should be no new buildings in this area, only extensions;
- The proposal does not fit the criteria within the Falkirk Council Local Plan as it involves a building unsuitable for conversion;
- A cluster of three dwellinghouses is not in keeping with the character of the area and would be detrimental to the amenity and landscape and would result in a village street not characteristic of the countryside;
- The three additional dwellings would result in overcrowding and a lack of privacy;
- The development constitutes a substantive departure from any previous interpretation of local plan policy within the Mannerston/Cauldcoats Holdings area since it was established over 80 years ago;
- Consideration of this application should include the consequences of future development over the whole holdings area;
- Access to the development is via a narrow single lane and the development would significantly increase the volume of traffic resulting in increased access and safety concerns for all residents;
- The increase in traffic would raise significant safety concerns for pedestrians as there is no footpath;
- Four properties would be using a single access creating a danger spot for road users;
- The construction stage of development would result in noise, safety and access concerns; and
- There is no mains sewerage and the surrounding land does not drain well.

- 6.2 The applicant has submitted two letters of support for the application following receipt of the above objections. He comments that there have been other conversions of farm buildings recently approved in the area at Cauldcoat Holdings and the conversion of a barn at Mannerston House and that national planning policies encourage the rehabilitation of redundant buildings into use. Further the applicant comments that the application site is the only holding with additional buildings capable of conversion. The main characteristics of the building will remain unaltered in terms of the height, width and depth. In addition, the external treatment of the building will be sympathetic and adhere to many requirements of the planning authority. The access road is well maintained and there are no current traffic problems. The applicant also advises that one of the proposed dwellings will be for his daughter. In relation to Local Plan policies the applicant comments that the development would accord with policy EQ19 Countryside, policy EQ23 Areas of Great Landscape Value and policy SC3 Housing Development in the Countryside as the building already exists within the landscape with minimal alteration to the external finishes.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

7a The Development Plan

Approved Falkirk Council Structure Plan

7a.1 Policy ENV.1 'Countryside and Protected Areas' states:

- (1) *There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.*

7a.2 The application site is in an area identified as countryside. As the proposed development involves the restoration and conversion of an existing disused piggery building and is not new build development. the proposals do not offend the terms of the above policy.

Adopted Rural Local Plan

7a.3 Policy RURAL 5 'Conversion of Non Residential Buildings to Residential Use' states:

"That within the countryside, the conversion of farm and other buildings to residential use may be considered favourably provided that in the opinion of the District Council, the existing building, by virtue of its existing character, makes a positive contribution to the rural landscape and :-

- 1. It can be justified that the building is no longer required for the purpose for which it was built.*
- 2. The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial conversion.*
- 3. The location and access are suitable and appropriate services are readily available.*
- 4. The works involved are acceptable in terms of scale and character and the proposed design is compatible with the District Council's Design Guide for Buildings in the Rural Areas".*

7a.4 It is accepted the building is no longer required for the purpose for which it was built. The building is in a reasonable state of repair and stands intact. However it is considered the existing redundant piggery building fails to make a positive contribution to the rural area by virtue of its lack of architectural character and inappropriate scale. The location and access are considered unacceptable and services are not readily available.

7a.5 Falkirk Council's Design Guide for Buildings in the Rural Areas advocates the conversion of non-residential buildings to housing use in the countryside where the building is structurally sound, largely intact and can be conveniently serviced and accessed. It must also be justified that the building is no longer required for the purpose for which it was built. The development should be confined to within the structure of the original building, but where absolutely necessary an extension may be permitted where it relates to the existing building in terms of scale, size and style and does not exceed 50% of the original floorspace. The piggery building is structurally sound as confirmed by a structural report and is largely intact. Access is considered acceptable, however services are not readily available to serve the proposal. It is accepted that the building is no longer required for its original purpose. The development is not confined to within the original structure, however extensions do not exceed 50% of the original floorspace. It is considered the extensions, including the dormers, do not relate to the existing building or surrounding dwellings in terms of the proposed scale, size and style.

7a.6 Accordingly, the proposal does not accord with the Policy Rural 5 'Conversion of Non Residential Buildings to Residential Use'. Although as stated previously in paragraph 7a.2 the proposal does not offend Policy ENV 1 as contained in the Falkirk Council Structure Plan. However this is a general policy of a strategic nature as apposed to Policy Rural 5 which is more site specific. Therefore in this case, more weight is offered by local plan Policy Rural 5 in the context of assessing this particular proposal. Therefore on balance it is not in accordance with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed in respect of this proposal are the Falkirk Council Local Plan (Finalised Draft), national guidance and design, the consultation responses and representation received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Under the Falkirk Council Local Plan (Finalised Draft), the site is located within the countryside.

7b.3 Policy EQ15 - 'Re-Use Of Buildings ' states:

“The Council will generally support the re-use or conversion of existing vacant buildings of architectural and townscape merit, provided that the building is structurally sound and capable of beneficial conversion, and an acceptable internal layout and level of amenity can be provided.”

7b.4 It is considered the piggery building has limited architectural or townscape merit and as such fails to accord with the terms of the above policy.

7b.5 Policy EQ23 - 'Areas Of Great Landscape Value' states:

“The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality.”

7b.6 The proposals involve the restoration and conversion of an existing piggery building which presently adds little to the character, amenity and distinctive quality of the area. The proposed development does not accord with other countryside policies and has not been accompanied by a landscape assessment. The extent changes proposed will also alter the character of the buildings which will have a detrimental impact upon the character of this area. Therefore the proposal fails to accord with the above policy.

7b.7 Policy SC3 - 'Housing Development In 'The Countryside' states:

“Housing development in the countryside will only be permitted in the following circumstances:

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - *The operational need for the additional house in association with the business*
 - *That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - *That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - *That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
 - *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*

- *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
- *The restored or converted building is of comparable scale and character to the original building*
- *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*

(3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7b.8 No evidence has been submitted with this planning application in support of the proposed housing being essential to the pursuance of agriculture, horticulture or forestry or the management of a business for which a countryside location is essential. The piggery building does not make a positive contribution to the rural landscape by virtue of its lack of architectural character and scale. The building is in a reasonable state of repair as confirmed by a structural report. The converted building as proposed would be of a greater scale to the existing piggery building. It is accepted that this building is no longer required for its original purpose. On balance it is considered the proposed development does not accord with the terms of criteria (2) of the above policy.

Scottish Planning Policy - SPP3 - Planning for Housing

7b.9 This policy document attempts to set out guidelines for planning authorities to produce policies and make decisions which promote development that supports the rural economy, promotes rural regeneration, embodies the principles of sustainable development and enhances the rural environment.

7b.10 SPP3 states that non-residential buildings in the countryside which are no longer required for their original purpose can offer opportunities for conversion to dwellings. It is however implied that conversion of these buildings is a way of returning buildings which contribute to the local character and can result in distinctive assets to the local environment.

7b.11 It is not considered that the conversion of the piggery buildings would result in distinctive assets to the local environment, nor are the existing buildings considered to contribute to the local character. With this in mind it is considered that SPP3 does not lend support to the proposals.

Scottish Planning Policy SPP15 - Planning for Rural Development

7b.12 The general aim of SPP15 builds on the previous NPPG 15 which emphasised that a proactive approach should be taken to providing land for development. SPP15 goes further to refine this goal to ensure that planning policies are put in place to ensure selective, modest growth.

7b.13 The document lends some support to the conversion and restoration of run down steadings buildings however there is still an emphasis on ensuring that a high quality environment or the identity of the area is not eroded.

7b.14 Given that the existing piggery buildings contribute little in terms of the visual amenity of the area the proposals are considered not to be supported by the general principles of SPP15.

Planning Advice Note - PAN 72 - Housing in the Countryside

- 7b.15 PAN 72 focuses primarily on new build development in the countryside however it is considered that the general principles of this document are relevant in this instance.
- 7b.16 The advice set out in this document focuses on achieving good design which fits the landscape, has its own identity whilst reflecting the local character of the area.
- 7b.17 The character and appearance of the existing piggery buildings are not worthy of retention as they do not reflect the character of the area or contribute positively to the area in terms of visual amenity. The proposed conversion would result in a scale and design of residential development that would fail to harmonise with the settlement pattern or character of the area.
- 7b.18 The proposals fail to reflect the local character of the area and are therefore not supported by this Advice Note.

Consultation Responses

- 7b.19 The Roads and Development Unit has identified concerns about the current lack of visibility from the access road onto the B9109. However they acknowledge that this issue does not result from this proposal and have advised of a number of conditions to be attached should consent be granted. No other major issues were raised through consultation.

Representations Received

- 7b.20 Points raised through representation are addressed as follows:
- The proposed development has been assessed against the appropriate Development Plan and emerging Local Plan policies earlier in this report.
 - Any application within the Blackness/Holdings area would be assessed on its own merits.
 - The application is accompanied by a structural report.
 - The comments in relation to the landscape character and amenity of the area are noted and discussed earlier in this report.
 - It is considered there would be a minimal impact on the privacy of adjacent residents given the distance between the application site and the nearest dwelling. Likewise it is not considered the proposed development would lead to overcrowding.
 - Road safety concerns have been examined in detail and discussed earlier in this report. The comments from third parties are noted.
 - It is accepted that any construction stage of development could result in an increase in existing noise levels and access concerns on the access road.
 - It is accepted that there is no mains sewerage. The comments in relation to drainage at the site are noted.

- 7b.21 The points raised by the Blackness and Area Community Council are noted, as are the letters of support from the applicant.

7c Conclusion

- 7c.1 This application, seeking detailed planning permission for the restoration and conversion of the disused piggery building at 45 Mannerston Holdings, for the reasons discussed in this report fails to accord with both the Development Plan (Rural Local Plan) and the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 The Roads and Development Unit have raised road safety concerns in relation to visibility from the access road onto the B9109. The concern raised in the representations to the application have been noted and addressed in this report.
- 7c.3 The application is therefore recommended for refusal for the reasons indicated in paragraph 8.1 below.
- 7c.4 If the committee are of a mind to support this proposal, it is not considered that this represents a significant departure to the Development Plan. Therefore the application would not require to be referred to Ministers.

8. RECOMMENDATION

- 8.1 It is therefore recommended that detailed planning permission be refused for the following reasons:-
- (1) The buildings proposed to be converted by virtue of the scale and design are not considered to contribute positively to the visual amenity or character of the area and are therefore not appropriate for beneficial conversion and as such the proposal is contrary to the terms of Policy Rural 5 'Conversion of Non Residential Buildings to Residential Use' of the adopted Rural Local Plan and Policies EQ15 'Re-use of Buildings', EQ23 'Areas of Great Landscape Value' and Policy SC3 'Housing Development in the Countryside' of the Falkirk Council Local Plan Finalised Draft (Deposit Version).



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Director of Development Services

Date: 20 January 2009

LIST OF BACKGROUND PAPERS

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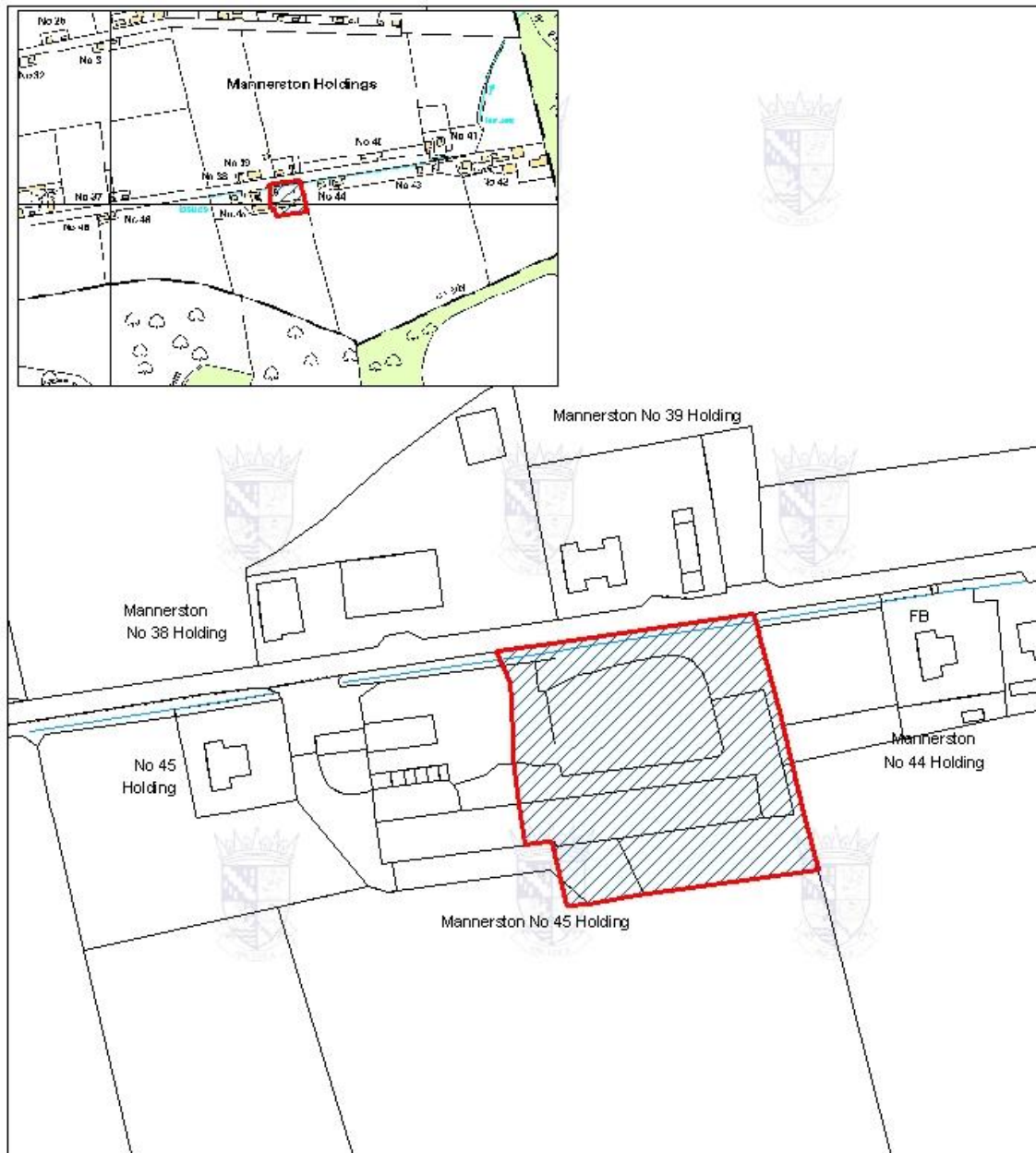
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

Planning Committee

Planning Application Location Plan

P/07/1229/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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