

FALKIRK COUNCIL

Subject: **ERECTION OF 2 DWELLINGHOUSES AT LAND SOUTH OF 7 BLACKBRAES ROAD FALKIRK FOR MR COLIN MCMILLAN - P/12/0310/PPP**

Meeting: **PLANNING COMMITTEE**

Date: **22 August 2012**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Upper Braes
Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray**

Community Council: **Shieldhill and California**

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks to secure planning permission in principle to erect two dwellinghouses on land to the south of the settlement of California, off Blackbraes Road. Members may recall that at its meeting on 4 April 2012 planning permission in principle for a single dwellinghouse on this site (reference P/11/0571/PPP) was granted.
- 1.2 The site appears to have had a former commercial use, with a derelict shed and signs of spoil across the area.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This recommendation is contrary to the Development Plan and needs to be considered by the Committee.

3. SITE HISTORY

- 3.1 P/11/0571/PPP - erection of dwellinghouse - granted April 2012.
- 3.2 F/2003/0872 - development of land for residential purposes - refused February 2004.
- 3.3 F/97/0807 - erection of workshop - granted February 1998.
- 3.4 F/92/0719 - extension to building and erection of store - granted November 1992.

3.5 On adjoining land, to the north of the site: -

- 05/1062/OUT - development of land for housing purposes - granted June 2006.
- P/08/0302/FUL - erection of 2 dwellinghouses and detached garages - granted October 2008.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have no objections, subject to planning conditions being imposed to address road geometry, vehicular access provision and a Flood Risk Assessment. In addition, it is requested that the existing 30/40 mph signs and road markings, along with the relevant traffic order, be amended at the applicant's expense.
- 4.2 The Environmental Protection Unit request that planning conditions be imposed, addressing issues of potential land contamination and noise.
- 4.3 Scottish Water have no objection to the application, but advise that connectivity cannot be guaranteed.

5. COMMUNITY COUNCIL

- 5.1 No comments have been received.

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

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 There is no evidence from the application that, in principle, development of housing at this site requires a countryside location.

Falkirk Council Local Plan

7a.3 Policy EQ8 - 'Vacant, Derelict And Contaminated Land' states:

"The Council will seek to reduce the incidence of vacant, derelict and contaminated land, particularly within the priority areas for enhancement set out in Policy EQ7. Subject to compliance with other local plan policies, development involving the rehabilitation and re-use of derelict land will be encouraged."

7a.4 Policy EQ19 - 'Countryside' states:

"(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7a.5 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.”*

7a.6 The application site lies outwith the settlement area of California as defined in the Falkirk Council Local Plan. Consequently, the site is considered a rural location where justification would normally be required to establish need for the proposal.

7a.7 The site's visual appearance could be improved without the benefit of development and, if developed, the site would expand the settlement boundary beyond that defined in the adopted Local Plan, without merit or justification.

7a.8 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are the history of the site and responses to consultation.

Site History

7b.2 A previous planning application - P/11/0571/PPP - Erection of dwellinghouse - was granted at the meeting of the Planning Committee on 4 April 2012. As such, it should be recognised that the principle of development of the site, albeit for one dwellinghouse, has been accepted. Therefore, provided the applicant can provide a suitable development strategy for the site which respects Development Plan policy regarding plot ratio, design, development size, scale and massing, the principle of two dwellings on site is acceptable.

Responses to Consultation

7b.3 There are no matters raised which, if the application were to be granted, could not be covered by planning conditions.

- 7b.4 In terms of financial implications, the applicant has been made aware of the scope of works required by the roads authority (movement of road signs and alteration to road markings) and has agreed that all reasonable financial costs will be met.

7c Conclusion

- 7c.1 In conclusion, the application is considered to be contrary to Development Plan policies relating to new housing in the countryside. However, the previously granted planning permission has established the principle of housing development on the site and this application seeks to expand the potential housing capacity of the site from one to two dwellinghouses. While this is acceptable in principle, given the size and topography of the site, any introduced house type would require to be considered in relation to plot ratio, size, scale and massing through a further Matters Specified in of Condition or detailed planning application.

8. RECOMMENDATION

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

1. This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
 - (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping.
2. That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

3. That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. No development shall commence on site until a series of tests for ground contamination have been carried out. Full details of the test results shall be submitted to the Planning Authority. Any necessary remedial work to make the ground safe shall be carried out to the satisfaction of the Planning Authority before any work on the development commences.
5. Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority as to the landscape treatment on the boundary of the site.
6. As part of any application for approval of Matters specified in Condition, details in relation to any alteration to the position of existing roadway signage and amendment of road markings shall be submitted for the consideration of the Planning Authority.
7. As part of any application for approval of Matters specified in Condition, a Flood Risk Assessment shall be submitted for the consideration of the Planning Authority.
8. As part of any application for approval of Matters specified in Condition, details of the Sustainable Urban Drainage System to be employed on site shall be submitted for the consideration of the Planning Authority.

Reason(s):-

1. To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- 2-3. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
4. To ensure the ground is suitable for the proposed development.
5. To ensure a visual separation of the site from the adjoining countryside.
6. To safeguard the interests of the users of the highway.
- 7-8. To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02.
2. Any costs associated with any repositioning of road signage, or new road markings required as a consequence of the development, including any relevant traffic orders, shall be borne by the developer.

Pp

.....
Director of Development Services

Date: 14 August 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan **P/12/0310/PPP**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2012. All rights reserved.
Ordnance Survey Licence number 100023384