

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 20 MAY 2009 at 9.30 A.M.

PRESENT: Councillors Buchanan, Carleschi, H Constable, J Constable, Lemetti, A MacDonald, J McLuckie, A McNeil, Mahoney, C Martin, Nicol and Oliver.

CONVENER: Councillor Buchanan.

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Development Manager; Acting Legal Services Manager (D Blyth); Development Management Co-ordinator (D Campbell); Development Management Co-ordinator (B Whittle); Transport Planning Co-ordinator; Roads Development Officer (C Russell) and Committee Officer (H Oliver).

DECLARATIONS OF INTEREST: Councillor Lemetti declared a non-financial interest in agenda item P28 (planning application P/08/0999/FUL) due its close proximity to his business in Main Street, Camelon and having regard to issues of public perception. Councillor Lemetti left the meeting during consideration of this item of business.

Councillor Carleschi declared a financial interest in agenda item P32 (planning application P/09/0198/FUL) due to his significant shareholding in the applicant company. Councillor Carleschi left the meeting during consideration of this item of business.

Prior to consideration of business, the Members below made the following statements:-

- Councillor Carleschi informed the Committee that he had not attended the site visit but that he would take part in consideration of planning applications P/08/0999/FUL and P/08/0844/OUT (minutes P28 and P29) as he was sufficiently familiar with the sites.
- Councillor H Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0999/FUL, P/08/0844/OUT and P/08/0377/FUL (minutes P28, P29 and P30).
- Councillor J Constable informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/08/0844/OUT (minute P29).
- Councillor Nicol informed the Committee that as had not attended the site visit he would not take part in consideration of planning application P/08/0377/FUL (minute P30).

- Councillor A MacDonald informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/08/0844/OUT (minute P29).
- Councillor A McNeil informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/08/0377/FUL (minute P30).

P26. OPENING REMARKS

Prior to the commencement of business the Convener informed Members that planning application P/07/0809/FUL (agenda item 10) had been withdrawn from the agenda following receipt of information which would allow the Section 75 Agreement to be concluded.

P27. MINUTE

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 22 April 2009; and
- (b) Minute of Meeting of the Planning Committee held On-Site on 5 May 2009.

In accordance with his declaration of interest in the following item of business, Councillor Lemetti left the meeting and took no part in the discussion on this matter.

P28. ERECTION OF 2 RETAIL UNITS, 4 FLATTED DWELLINGS AND ASSOCIATED PARKING ON LAND TO THE EAST OF 320 MAIN STREET, CAMELON, FALKIRK FOR GEORGIAN FINANCE COMPANY LIMITED – P/08/0999/FUL (CONTINUATION))

With reference to Minute of Meeting of the Planning Committee held on 22 April 2009 (Paragraph P18 refers), Committee gave further consideration to Report (circulated) dated 15 April 2009 by the Director of Development Services and an additional Report (circulated) dated 13 May 2009 by the said Director on an application for detailed planning permission for the erection of two retail units, 4 flatted dwellings and associated parking on land to the east of 320 Main Street, Camelon, Falkirk.

AGREED to GRANT planning permission, subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) Notwithstanding any details previously submitted and prior to the occupation of any of the retail units or flats, the access over the existing footway on Union Road shall be formed as a dropped kerb and the remainder of the existing footway crossing shall be reinstated to a standard footway construction. All construction shall be in accordance

with "The Design Guidelines and Construction Standards For Roads In The Falkirk Council Area".

- (3) Prior to the commencement of works on site, the applicant shall undertake and submit to the planning authority for written approval, a site investigation to establish if contamination (or defined by Part 11a of the Environmental Protection Act 1990) is present on site. Where contamination has been identified the site investigation shall include a scheme of identification and mitigation measures to include: -
 - (a) The nature, extent and type(s) of contamination on the site.
 - (b) Measures to treat / remove contamination to ensure the site is fit for the proposed use. Measures to be taken shall include timescales.
 - (c) Measures to deal with contamination during the construction works.
 - (d) Condition of the site on completion of decontamination measures.
 - (e) Details of a monitoring programme following site redemption.
- (4) Where contamination has been identified on site, no retail unit or flat shall be occupied until such time as the applicant has demonstrated to the planning authority, and with the written agreement of the planning authority, that measures approved in writing by the planning authority to decontaminate the site have been fully implemented.
- (5) No work shall commence on site until such time as a noise survey to determine the impact of transport noise on the development has been approved in writing by the planning authority. The noise survey shall be conducted in terms of Planning Advice Note (PAN) 56 "Planning for Noise" and shall include details of noise mitigation measures to be undertaken.
- (6) Notwithstanding any details previously submitted, no work shall commence on site until such time as details of the new retaining wall to be erected at the north and west side of the parking and turning area have been approved in writing by the planning authority.
- (7) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the planning authority.

Reason(s)

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the interests of the users of the highway.
- (3-4) To safeguard the environmental amenity of the area.
- (5) To ensure that there will be detrimental impact on the proposed development from transportation noise.
- (6) To ensure the safety of persons accessing the site on foot and by vehicle.

- (7) To ensure that the development is carried out to the satisfaction and approval of the Planning authority.

Councillor Lemetti re-entered the meeting following consideration of the foregoing item of business.

P29. FORMATION OF ROUNDABOUT AT SITE TO THE SOUTH WEST OF ALMONDHILL FARM, FALKIRK FOR LAND OPTIONS WEST – P/08/0844/OUT (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 22 April 2009 (Paragraph P20 refers), Committee gave further consideration to Report (circulated) dated 15 April 2009 by the Director of Development Services and an additional Report (circulated) dated 13 May 2009 by the said Director on an application for outline planning permission for the formation of a roundabout on the A801 Roadway to the South West of Almondhill Farm, Falkirk.

The Director of Development Services submitted (tabled) a paper detailing officer comments in light of further written representation being received from the applicant.

There then following a 10 minute recess to allow consideration of the information which was put before Members. The meeting reconvened with all Members present as per the sederunt.

AGREED to REFUSE planning permission, for the following reasons:-

- (1) The proposal is considered contrary to Policy ENV.1 – Countryside and Protected Areas – within the Falkirk Council Structure Plan, Rural Area Local Plan Policy Rural 1 – New Development in the Countryside and Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy EQ19 – Countryside, in that no exception to the presumption against development in the countryside has been justified by the applicant or identified by Falkirk Council.
- (2) The proposal is considered contrary to the Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy ST6 – Improving the Road Network – in that no improvement in the A801 at this location is required as a consequence of development or as a consequence of Development Plan land allocations.
- (3) The proposal is considered contrary to the Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy ST7 – Transport Assessments – in that the quantifiable traffic impact on the A801 as a consequence of the introduction of a roundabout has not been able to be assessed on basis of the information provided.

P30. ERECTION OF 5 DWELLINGHOUSES ON LAND TO THE SOUTH EAST OF BYWAYS, GLEN ROAD, TORWOOD FOR ROY MITCHELL DESIGN LIMITED – P/08/0377/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 22 April 2009 (Paragraph P19 refers), Committee gave further consideration to Report (circulated) dated 15 April 2009 by the Director of Development Services and an additional Report (circulated) dated 13 May 2009 by the said Director on an application for detailed planning permission for the erection of five, one and a half storey dwellinghouses on land to the south east of Byways, Glen Road, Torwood.

Councillor Oliver presented the Committee with information received from the Woodland Trust regarding the classification of the woodland at Torwood.

There then following a 10 minute recess to allow consideration of the information which was put before Members. The meeting reconvened with all Members present as per the sederunt.

AGREED to **REFUSE** planning permission, for the following reasons:-

- (1) The application is contrary to the Development Plan and there are no material considerations such as countryside use that would justify a departure from the Development Plan;
- (2) There is no recognised emerging housing need locally that would justify a departure from the Development Plan;
- (3) The application would seriously damage a long established area of woodland together with its wildlife that is of significant value to the local community in terms of active and passive leisure, and
- (4) The application would destroy an area of long established woodland of significant traditional and heritage value and of value to the character and sense of identity to the local community.

Councillor C Martin entered the meeting during the foregoing item but took no part in the consideration of determination.

P31. DEMOLITION OF EXISTING DWELLINGHOUSE, ERECTION OF NEW DWELLINGHOUSE AND CHANGE OF USE OF FIELD TO GARDEN GROUND AT MACLAREN PARK, GLEN ROAD, TORWOOD FK5 4SN FOR MR AND MRS C FREW – P/09/0038/FUL

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for detailed planning permission for the demolition of an existing dwellinghouse and erection of a new dwellinghouse and change of use of section of a field at the rear of a site to garden ground at MacLaren Park, Glen Road, Torwood.

AGREED to **GRANT** planning permission, subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years of the date of this permission.

- (2) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:

- i. the nature, extent and types(s) of contamination on the site.
- ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
- iii. measures to deal with contamination during construction works.
- iv. condition of the site on completion of decontamination measures.

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (3) The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the access road.
- (4) Any access gates shall only open inwards.
- (5) At the proposed accesses to the site from Glen Road, there shall be no building, structure, tree, shrub or other obstruction to visibility above carriageway/footway level within a visibility splay of 2.4 metres by 70 metres in both directions.
- (6) Vehicular access to the dwellinghouse shall be by means of dropped kerb footway crossing formed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area."
- (7) The applicant shall submit details of the proposed boundary treatments and access gates at the site before work commences on the dwelling.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3-6) To safeguard the interests of the users of the highway.
- (7) To safeguard the residential amenity of the area.

Informative:-

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference 01, 02, 03, 04, 05, 06, 07, 08, 09 and 10.
- (2) The Roads Manager within Development Services should be contacted to obtain a Minor Roadworks Consent before forming the vehicular accesses onto the public road or undertaking any work on, or under, the public road. Two lighting columns and a telegraph pole on Glen Road, within the frontage of the proposed development site, may require to be relocated at the applicant's expense to allow the proposed driveway to be accommodated.

In accordance with his declaration of interest in the following item of business, Councillor Carleschi left the meeting and took no part in the discussion on this matter.

Councillor H Constable left the meeting during consideration of the foregoing item of business.

P32. CHANGE OF USE FROM SHOP (CLASS 1) TO OFFICE (CLASS 2) (RETROSPECTIVE) AT 13 PRINCES STREET, FALKIRK FK1 1LS FOR CENTURY 21 FALKIRK – P/09/0198/FUL

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for detailed planning permission for the change of use, in retrospect, from a Class 1 (Shop) to a Class 2 (Office - Estate Agents) at 13 Princes Street, Falkirk.

AGREED to **GRANT** planning permission.

Councillor Carleschi re-entered the meeting following consideration of the foregoing item of business.

Councillor H Constable re-entered the meeting following consideration of the foregoing item of business.

P33. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF WESTER BOWHOUSE FARM, BOWHOUSE, FALKIRK FOR MR I MCGILLIVARY - P/07/1208/OUT.

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for outline planning permission for the erection of a dwellinghouse on land to the west of Wester Bowhouse Farm, Bowhouse, Falkirk.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

P34. ERECTION OF 30 NO. DWELLINGHOUSES AND ANCILLARY WORKS (AMENDMENT TO CONSENT P/07/0034/REM) COMPRISING REVISED SITE LAYOUT AT GRANGEMOUTH BURGH DEPOT, WOOD STREET, GRANGEMOUTH FK3 8LX FOR CARRONVALE HOMES LIMITED – P/08/0590/REM

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for detailed planning permission seeking to amend a previous consent P/07/0034 by amending the internal road layout, dropped kerb and footpath access arrangements.

AGREED to **GRANT** planning permission, subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.

- (2) Samples of materials (roof tiles, facing brick and roughcast) to be used in the development shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given.
- (3) Before development begins a scheme for the maintenance of open space, including any play areas, within the development shall be submitted to and approved in writing by the planning authority.
- (4) The applicant shall undertake a noise survey to determine the effect the existing industrial activity will have on the new development. The survey shall be conducted in terms of BS 4142 and shall be submitted to and approved in writing by the planning authority prior to any work on site.
- (5) For the avoidance of doubt, the existing site shall not be land raised and finished floor levels shall not exceed 5.3 metres aod.
- (6) No work shall be initiated on site until an acceptable sustainable urban drainage system is approved in writing by the planning authority.
- (7) A schedule of flood resistant materials to be incorporated within the development shall be submitted to and approved in writing by the planning authority prior to any works on site.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the visual amenity of the area.
- (4-7) To safeguard the environmental amenity of the area.

P35. ERECTION OF 20 FLATTED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING (DETAILED) AT THE ROYAL BRITISH LEGION, PARK TERRACE, BRIGHTONS FOR EAGLESTONE HOMES (SELECT) LIMITED – P/08/1007/FUL

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a 3 storey block comprising 20 flatted dwellings and associated parking and landscaping at the Royal British Legion, Park Terrace, Brightons.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

Councillor A MacDonald left the meeting during consideration of the foregoing item of business.

P36. DEVELOPMENT OF LAND FOR RESIDENTIAL [1,700 UNITS], BUSINESS /EMPLOYMENT PURPOSES, LOCAL SERVICES, COMMUNITY PRIMARY SCHOOL, PUBLIC PARK, OFF-ROAD / FOOTPATHS, LANDSCAPING AND OPEN SPACE, SUSTAINABLE URBAN DRAINAGE SYSTEMS AND CONSTRUCTION OF DISTRIBUTOR ROAD AND TWO ROUNDABOUTS AT BELLSDYKE HOSPITAL AND HILL OF KINNAIRD, LARBERT FOR CALA MANAGEMENT LIMITED AND PERSIMMON LIMITED - F/2002/0611

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services recommending a variation of the terms of a Section 75 Agreement in respect of planning permission for the development of land for residential/business/employment purposes, local services, a community primary school, public park, off-road/footpaths, landscaping and open space, sustainable urban drainage systems and the construction of distributor road and two roundabouts at Bellsdyke Hospital and Hill of Kinnaird, Larbert.

AGREED:-

- (1) to vary the Section 75 Agreement to allow the financial contributions of the principal to be paid as follows:-

- (i) £900,000 on 31 July 2009;
- (ii) £900,000 on 31 January 2010;
- (ii) £1,500,000 on 31 January 2011;
- (iv) £1,500,000 on 31 January 2012;
- (v) £1,750,000 on 31 January 2013;

indexation and interest to apply as appropriate; and

- (2) that the Director of Development Services be authorised to adjust the terms of the original Section 75 Agreement to achieve all of the above.

Councillor A MacDonald re-entered the meeting during consideration of the foregoing item of business.

Councillor H Constable left the meeting during consideration of the foregoing item of business.

P37. MODIFICATION OF CONDITION 1 OF PLANNING PERMISSION F/2003/0744 TO ALLOW THE CONTINUATION OF WORKS IN THE UPFILLING AND RESTORATION OF LAND TO AGRICULTURAL USE ON LAND TO THE NORTH EAST OF DARNBOGUE FARM, MOSS ROAD, FALKIRK FOR INLAND ENGINEERING LIMITED - P/07/0383/FUL (DETAILED)

With reference to Minute of Meetings of the Regulatory Committee held on 19 June 2007, 29 August 2007 and 26 September 2007 (Paragraphs R19, R32 and R50 refers), Committee gave consideration to Report (circulated) dated 13 May 2009 by the Director of Development Services to which were attached, as appendices, copies of the Reports to the forementioned Committees by the said

Director on an application to modify condition 1 of planning permission F/2003/0744 to allow for a continuation of upfilling on land, and its associated restoration to agricultural land at land to the north east of Darnbogue Farm, Moss Road, Falkirk.

AGREED to **REFUSE** the application on the ground that it would have an adverse impact on road safety.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on TUESDAY 2 JUNE 2009 commencing at 9.30 A.M.

PRESENT: Councillors Buchanan, H Constable, J Constable, Lemetti, A MacDonald, McLuckie, Mahoney, Nicol and Oliver.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillor Carleschi.

ATTENDING: Development Manager, Senior Planning Officer (J Milne)(for application P/07/1208/OUT); Roads Development Officer (B Raeburn); Planning Officer (K Brown)(for application P/08/1007/FUL); Solicitor (K Quin); Committee Officer (H Oliver) and Committee Assistant (S McGhee).

DECLARATIONS

OF INTEREST: There were no declarations of interest.

P38. ERECTION OF 20 FLATTED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING (DETAILED) AT THE ROYAL BRITISH LEGION, PARK TERRACE, BRIGHTONS FOR EAGLESTONE HOMES (SELECT) LIMITED – P/08/1007/FUL

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for detailed planning permission for the erection of 3 storey block comprising 20 flatted dwellings and associated parking and landscaping at the Royal British Legion, Park Terrace, Brightons.

The Development Manager outlined the nature of the application.

Mr A Fulton, the applicant, was heard in support of the application.

Mr G Blackwood, the architect, was heard in support of the application.

Mr A Morrison, an objector, was heard in support of his written objection.

Mr I Durham, an objector, was heard in relation to the application.

Mr R Hamilton, an objector, was heard in relation to the application.

Mr G McKean, an objector, was heard in relation to the application.

The objectors highlighted the following:-

- The payment of commuted sum in respect of play and open space provision was contrary to Policy POL3.4 “Affordable Housing” which places emphasis on low cost and affordable housing for rent or purchase with particular emphasis placed on young

people, newly formed households and first time buyers who would not require play and open space provision.

- Traffic problems associated with road safety and parking issues
- Policy POL 7/1 “ Design and the Local Context”
 - The design does not respect existing skylines and views
 - The proposed contemporary design does not contribute positively to the built environment whilst respecting the townscape character of the area – not in keeping with the character of area
 - The height has not taken cognizance of the topography of the site
- Policy EQ3 “ Townscape Design”
 - The design of proposed building does not reflect the surrounding urban fabric in terms of scale, height, massing
 - The proposed building materials, finishes and colours do not complement those prevailing in the local area
 - The physical infrastructure such as roads and drainage, water supply and sewerage does not have the capacity to accommodate the increase in use associated with the proposed development.
- The potential loss of privacy and overlooking from proposed development
- Concern regarding potential additional traffic and noise during the construction stage of the development
- Concern in relation to the parking provision at the proposed development
- That the development is not in keeping with the character of the local area

The applicant replied addressing the concerns raised.

Questions were then asked by Members of the Committee.

Councillor Hughes, as a local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Committee on 17 June 2009.

The Committee thereafter made a brief visual inspection of the site.

P39. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF WESTER BOWHOUSE FARM, BOWHOUSE FALKIRK FOR MR I MCGILLIVARY – P/07/1208/OUT

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for outline planning permission for the erection of dwellinghouse on land to the west of Wester Bowhouse Farm, Falkirk.

The Development Manager outlined the nature of the application.

Mr A Bell, the applicant’s agent, was heard in support of the application.

Mr R Mairn, Scottish Agricultural College, was heard in support of the application.

Mr I Thomson, Laurence Gould Partnership Ltd, was heard in relation to the application.

Questions were then asked by Members of the Committee.

Councillor Hughes, as a local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Committee on 17 June 2009.

FALKIRK COUNCIL

Subject: ERECTION OF 20 FLATTED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING (DETAILED) AT THE ROYAL BRITISH LEGION, PARK TERRACE, BRIGHTONS FOR EAGLESTONE HOMES (SELECT) LTD – P/08/1007/FUL
Meeting: PLANNING COMMITTEE
Date: 17 June 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Brightons

Case Officer: Kevin Brown (Planning Officer), ext 4701

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 20 May 2009 (copy of the previous report appended), when it was agreed to continue the application and to undertake a site visit. This site visit was undertaken on 2 June 2009.
2. At the site meeting, the applicants were heard in support of the proposal and a number of local residents were heard in objection to the proposal. The points of objection raised were in line with those summarized in the last report to Committee on 20 May 2009, and focused primarily on road safety/parking, privacy, over-shadowing and design. The applicant and architect responded to these concerns by advising that the site represented an opportunity to address the shortage of affordable housing in the area and providing employment opportunities during construction of development proposed. The architect stressed that whilst the proposal was a contemporary design, its relationship with properties in Charlotte Street would be an improvement on the current situation and in general terms would fit with the diverse range of building styles and materials in the area.
3. The Roads Development Unit confirmed that the proposed development meets all relevant standards in terms of access, parking and road safety.

4. A number of Members expressed concern regarding the proposed design and its fit with the “character” of the area. The Development Manager commented that whilst the proposed building could never be an exact match with surrounding properties, the urban context was one of varying styles, designs and finishing materials, and in this context, officers had taken the view that the proposal fits with the general character of the area.
5. Councillor Hughes outlined his concerns in relation to character, drainage, road safety, privacy and a lack of consultation from Falkirk Council and the applicants with the local community.
6. Scottish Water, in their consultation response, have confirmed that they have no objection to the proposed development. Since the site meeting, Scottish Water have re-affirmed this opinion.
7. The applicant has advised that they are willing to reconsider the elevation treatments in order to appease concerns in relation to character. The applicant has prepared alternative options for these elevation treatments however these had not been received at the time of writing this report. These drawings along with additional information in relation to drainage measures will be presented to Members at the meeting on 17 June 2009.

8. RECOMMENDATION

- 8.1 **It is recommended that Members indicate they are minded to grant detailed planning permission subject to the conclusion of an appropriate legal agreement outlining the tenure of the proposed affordable housing and securing the payment of £15,000 towards open space and play provision in the area.**
- 8.2 **On completion of the Legal Agreement referred to in paragraph 8.1 above, Members remit to the Director of Development Services to grant planning permission subject to the following conditions.**

- (1) **The development to which this permission relates must be begun within five years from the date of this permission.**
- (2) **Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:**
 - i. **the nature, extent and types(s) of contamination on the site.**
 - ii. **measures to treat/remove contamination to ensure the site is fit for the use proposed.**
 - iii. **measures to deal with contamination during construction works.**
 - iv. **condition of the site on completion of decontamination measures.**

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (3) **A schedule of all external finishing materials shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.**

- (4) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000".
- (5) A schedule outlining the proposed landscaping, planting and maintenance provisions shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (6) All proposed access, parking and footpath construction shall be completed to the satisfaction of the Planning Authority prior to the occupation of the first flatted dwellinghouse.

Reason(s):

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) To ensure the ground is suitable for the proposed development.
- (3,5) To maintain the visual amenity of the area.
- (4,6) To safeguard the interests of the users of the highway.

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For Director of Development Services

Date: 10 June 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan (2007).
2. Polmont and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Supplementary Planning Guidance Note – Affordable Housing.
5. Supplementary Planning Guidance Note – Education and New Housing Development.
6. Planning Circular 3 2009: Notification of Planning Applications.
7. Letter of objection from Ms Michele Thorpe, Lyndale Cottage, Charlotte Street Brightons, Falkirk on 12 January 2009.
8. Letter of representation from Mr & Mrs Dalrymple, Easdale Cottage, Crossgatehead Road Brightons, Falkirk on 12 January 2009.
9. Letter of representation from Carl Bianco & Elaine Gillies, Calmar, Charlotte Street, Brightons, Falkirk on 12 January 2009.

10. Letter of representation from Mr Craig Fenwick, Eagle Cottage, Crossgatehead Road, Brightons, Falkirk on 19 January 2009.
11. Letter of representation from Mr & Mrs Hunter, Kintore, 21 Park Terrace, Brightons, Falkirk on 06 January 2009.
12. Letter of representation from Mr & Mrs MacInnes, Luela, 15 Park Terrace, Brightons, Falkirk on 06 January 2009.
13. Letter of representation from Lynn & Alistair Morrison, Strath Fiag, 25 Park Terrace, Brightons, Falkirk on 06 January 2009.
14. Letter of representation from Kathryn & James Higgins, Rosslyn, 19 Park Terrace, Brightons, Falkirk on 12 January 2009.
15. Letter of representation from Miss Vicky Cameron & Mr Mark Furby, Roselea, Charlotte Street, Brightons, Falkirk on 15 January 2009.
16. Letter of representation from Miss Margaret Hunter, Jonelma, 1 Charlotte Street, Brightons, Falkirk on 22 January 2009.
17. Letter of representation from Mr & Mrs Bell, Ranoch, 11 Park Terrace, Brightons, Falkirk on 31 December 2008.
18. Letter of representation from Richard and Kathleen Frew, Douglas Bank, 27 Park Terrace, Brightons, Falkirk on 08 January 2009.
19. Letter of representation from Owner/Occupier, Gardenfoot Cottage, 22 Park Terrace, Brightons, Falkirk on 13 January 2009.
20. Letter of representation from Peter B Tait, Elmar, 13 Park Terrace, Brightons, Falkirk on 05 January 2009.
21. Letter of representation from Owner/Occupier, Kenwell, 23 Park Terrace, Brightons, Falkirk on 23 January 2009.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown (Planning Officer).

FALKIRK COUNCIL

Subject: ERECTION OF 20 FLATTED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING (DETAILED) AT THE ROYAL BRITISH LEGION, PARK TERRACE, BRIGHTONS FOR EAGLESTONE HOMES (SELECT) LTD – P/08/1007/FUL
Meeting: PLANNING COMMITTEE
Date: 20 May 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Brightons

Case Officer: Kevin Brown (Planning Officer), ext 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of a predominantly 3 storey block of 20, 2 bedroom flats with associated car parking area. The proposed block of flats has a mono pitch roof and a mixture of facing brick and coloured render as its main finishing materials. The proposed flatted block is located along the southern boundary of the site with the parking area and access in the same location as the existing provision which currently serves the existing social club on the site. The applicant has advised that the flatted accommodation will be built to provide affordable housing units in partnership with Falkirk Council and Link Housing.
- 1.2 The application site is located in a predominantly residential area to the south of Falkirk at Park Terrace, Brightons. The site is currently occupied by a large single story social club with car parking on the eastern portion of the site, accessed directly from Park Terrace.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Fry.

3. SITE HISTORY

- 3.1 Planning application P/08/0722/FUL for the erection of 20 flats on this site was withdrawn on 23 December 2008.

4. CONSULTATIONS

- 4.1 Community Services has no objection to the proposal. However they have requested a commuted sum payment of £15,000 (£750 per unit) to go towards the provision of off site park and play enhancements. This payment is requested on the basis that play provision within the area is limited and the nearby Laurie Park facilities are in need of an upgrade.
- 4.2 The Roads Development Unit has no objection to the proposal and has advised that the development is served by sufficient parking and access provision.
- 4.3 The Environmental Protection Unit has no objection to the proposal. However, they have requested that a survey be carried out to establish if contamination is present on the site. It is considered that this can be adequately covered by a condition attached to any consent given.
- 4.4 The Transport Planning Unit has no objection to the proposal.
- 4.5 Education Services has no objection to the proposal and, due to the relatively small impact of this development on local schools, no financial contribution has been requested.
- 4.6 Scottish Water has no objection to the proposal.

5. COMMUNITY COUNCIL

- 5.1 The Brightons Community Council has not made representations.

6. PUBLIC REPRESENTATION

- 6.1 15 Letters of representation have been received following the neighbour notification process. Issues raised include:
- Privacy.
 - Traffic problems, road safety and parking.
 - Design and Materials.
 - Antisocial behaviour associated with existing use will be increased.
 - Loss of daylight and overshadowing.
 - Impact upon Property values.
 - Drainage to private road during construction.
 - Drainage capacity.
 - Construction noise and disturbance.
 - Refuse collection.
 - Education provision
 - Loss of view

7. DETAILED APPRAISAL

7a The Development Plan

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”.

Accordingly,

Falkirk Council Structure Plan

- 7a.1 There are no policies in the Structure Plan that relate to the proposal and therefore no strategic issues require to be assessed.

Polmont and District Local Plan

- 7a.2 Policy POL 2.2 ‘Urban Limit’ states:

“The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of the urban and village areas of Polmont and District for the period of the Plan. Accordingly, there will be a general presumption against development proposals which would extend the urban area beyond this limit or which would constitute sporadic development in the countryside.”

- 7a.3 The proposed development is within the urban limit as defined by the Polmont and District Local Plan and the proposal therefore accords with policy POL 2.2.

- 7a.4 Policy POL 2.4 ‘Developer Contributions to Local Infrastructure and Facilities’ states:

“Where proposed development will create or exacerbate deficiencies in, or impose significantly increased burdens on, local infrastructure, facilities, amenities, or the environment, contributions related in scale and kind to the development being proposed, towards provision or upgrading of such infrastructure may be sought from prospective developers and/or landowners. Mechanisms, including the discriminate use of Section 75 agreements, may be used to seek developer contributions where it is clear that it would be wrong to grant planning permission without them.”

- 7a.5 Community Services has requested developer contributions towards the upgrading of play and open space provision in the area. The applicant has agreed to enter into an appropriate legal agreement to secure these funds. The proposal therefore accords with Policy POL 2.4.

- 7a.6 Policy POL 3.1 ‘New Residential Development’ states:

“New residential development is directed towards sites H1 to H28, as identified on the Policies, Proposals and Opportunities Map. Other brownfield sites which become available within the Urban Limit will also be considered favourably for housing, subject to other Local Plan policies and proposals, provided that:

- (i) the proposed housing use is compatible with neighbouring uses;*

- (ii) *a satisfactory level of residential amenity can be achieved;*
- (iii) *access, parking, drainage and other infrastructure can be provided to a standard acceptable to the Council; and*
- (iv) *essential services and community facilities such as shops, public transport and schools are readily accessible and can accommodate any increase in use associated with the proposed new development (see also POL 2.4)."*

7a.7 The proposed development of flatted properties is considered compatible with the residential nature of the surrounding area and the applicant has managed to amend the design to ensure that an appropriate level of residential amenity is achieved for both the new properties and those neighbouring the site.

7a.8 Access, parking and drainage can all be achieved to an adequate standard and the site is within easy reach of essential services and community facilities which are capable of accommodating the likely increase in use.

7a.9 The proposal is therefore in accordance with the terms of Policy POL 3.1.

7a.10 Policy POL 3.4 'Affordable Housing' states:

"The Council will support proposals for the provision of low cost and affordable housing for rent or purchase. Particular emphasis will be placed on meeting the needs of:

- (i) *young single people; and*
- (ii) *newly formed households and first time buyers.*

The Council will consult with Scottish Homes and developers of major housing developments on the means of providing affordable housing, taking account of evidence of need, site and market conditions at that time."

7a.11 The applicant has advised that the proposed development would be 100% affordable housing units for general needs social rent.

7a.12 The proposal is therefore in accordance with the terms of Policy 3.4.

7a.13 Policy POL 3.5 'Open Space Provision' states:

"The Council will require the provision of public open space and play areas in new residential developments and that adequate arrangements are made for their future maintenance. The extent of provision should relate to the size, form and location of the development, and generally accord with the Council's approved standards. In appropriate circumstances, the Council may seek contributions to the upgrading of existing facilities in the area in lieu of on-site provision. The location, design and landscaping of open space should be such that:

- (i) *it forms an attractive and integral part of the development, contributing to its character and identity;*
- (ii) *existing natural features in, or adjacent to, the site are incorporated; and*
- (iii) *play areas are convenient, safe and easily supervised."*

7a.14 Community Services has requested a commuted sum payment of £15,000 to go towards off-site play and open space provision. The applicant has confirmed they are happy to enter into an appropriate legal agreement to secure these funds. The proposal is therefore in accordance with POL 3.5.

7a.15 Policy POL 7.1 'Design and the Local Context' states:

"Development should accord with good principles of urban design and contribute to the enhancement of the built environment. Proposals should respect and complement the character of the local townscape and landscape setting in terms of the following:

- (i) the siting, layout and density of new development should create an attractive and coherent structure of public spaces with built forms which integrates well with the surrounding townscape, natural features and landforms;*
- (ii) the design of new buildings should respond to that of the surrounding urban fabric in terms of scale, height, massing, building line, architectural style and detailing;*
- (iii) building materials and finishes should be chosen to complement those prevailing in the local area;*
- (iv) opportunities should be taken within the development to incorporate new public spaces and other focal points, and to enhance existing ones; and*
- (v) the contribution to the townscape of existing buildings, natural features, important landmarks, skylines and views should be respected."*

7a.16 It is considered that the proposed design solution accords with good principles of urban design and would contribute positively to the built environment whilst respecting the townscape character of the area.

7a.17 The proposed development in terms of its built form has taken cognizance of the topography of the site. In particular, the careful design of the roof and elevational treatments helps the building to sit well with the surrounding properties. The proposal is considered to accord with the terms of Policy POL 7.1.

7a.18 The proposal is considered to accord with the terms of the Polmont and District Local Plan and therefore accords with the Development Plan.

7b Material Considerations

7b.1 The material planning considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the representations received in so far as they relate to material planning considerations and Supplementary Planning Guidance Note – Affordable Housing and Education and New Housing Development.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EQ3 'Townscape Design' states:

"New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:

- (1) *The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site's environs and creates a sense of identity within the development;*
- (2) *Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) *The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) *Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) *Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) *The contribution to the townscape of important landmarks, skylines and views should be respected."*

7b.3 Policy EQ3 confirms the position of the Polmont and District Local Plan. The proposal is therefore in accordance with the terms of Policy EQ3.

7b.4 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

"Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:

- (1) *The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) *The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) *The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) *Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) *In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) *There is no conflict with any other Local Plan policy or proposal."*

7b.5 The application site is currently occupied by a vacant social club building which has fallen into disrepair. The loss of this building is justified and the application site is within the urban limits. The proposed housing use is compatible with the surrounding residential land use and the site is well served by existing recreational and community facilities. The proposed development is in accordance with the terms of Policy SC2.

7b.6 Policy SC4 'Special Needs and Affordable Housing' states:

"For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:

- (1) *Provision of general needs social rented houses;*
- (2) *Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) *Provision of shared equity or shared ownership housing*

Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy."

7b.7 The applicant has indicated that 100% of the proposed units would be general needs affordable housing and, whilst the size of this site does not trigger a requirement for this provision, the application would serve to contribute towards Falkirk Council's wider affordable housing aspirations. The proposal is therefore in accordance with the general terms of Policy SC4.

7b.8 Policy SC11 - 'Developer Contributions To Community Infrastructure' states:

"Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities required to meet demand generated from new development. The nature and scale of developer contributions will be determined by the following factors:

- (1) *Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) *In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) *In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) *Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 12/1996."*

7b.9 Policy SC11 affirms the position of the Polmont and District Local Plan. The proposal is therefore in accordance with Policy SC11.

7b.10 Policy SC13 'Open Space and Play Provision in New Development' states:

"New development will be required to contribute to open space and play provision. Provision should accord with the Council's open space audit and strategy and the SPG Note on 'Open Space and New Development', once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:

- (1) *The baseline standard for open space development in new residential development is 60 m² per dwelling, any alternative standard that may be set by the open space strategy, or any site-specific standard that may be set in a development brief;*
- (2) *Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where:*
 - *existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
 - *in residential developments, the size of the development falls below the threshold of 10 houses, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
 - *as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*

- *The required financial contribution per house will be set out in the SPG Note on 'Open Space and New Development'.*
 - *The open space strategy indicates that there is a sufficient amount of open space in the area, and that priority should be given to qualitative improvements to existing open space;*
- (3) *The location and design of open space should be such that it:*
- *forms an integral part of the development layout, contributing to its character and identity;*
 - *is accessible and otherwise fit for its designated purpose;*
 - *links into the wider network of open space and pedestrian/cycle routes in the area;*
 - *sensitively incorporates existing biodiversity and natural features within the site;"*
 - *promotes biodiversity through appropriate landscape design and maintenance regimes;*
and
 - *enjoys good natural surveillance;*
- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it."*

7b.11 Policy SC13 affirms the position of the Polmont and District Local Plan. The proposal is therefore in accordance with Policy SC13.

7b.12 The proposal is in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Representations Received

7b.13 Traffic congestion, parking and road safety issues have been assessed by the Roads Development Unit and they are satisfied that the proposals accord with current standards. The applicant has amended the proposals to remove the footpath which was initially proposed to access the western part of the site from the private Crossgatehead Road. The removal of this footpath link removes the possible conflict between pedestrian flow and vehicular traffic on an unmarked road with no pavement.

7b.14 Privacy issues have been addressed by a number of design amendments to remove possible direct window to window overlooking and, where possible, to minimise the overlooking of existing garden ground. It is considered that the finalised proposal has succeeded in addressing any privacy issues.

7b.15 The design of the proposed development has been the subject of a number of amendments during the course of the application and at pre application stage to minimise the contrast between the proposed development and its surroundings. The topography of the site and surrounding area coupled with a low mono pitch roof have helped to reduce the height of the building in line with the ridge heights in the surrounding area and the main elevations have been broken up by blocks of render in varying shades projecting from the main elevation to add detailing. The proposed design and materials palette is considered appropriate for this location.

- 7b.16 The design of the proposed development is intended to minimise any possible overshadowing of neighbouring properties. The amendments to the roof to minimise the height of the building and its placement close to the southern boundary of the site has resulted in there being no significant overshadowing issues. The applicant has provided section drawings demonstrating the shadows that would be cast by the proposed development and these plans show that the overshadowing would be the same if not slightly less than that caused by the existing social club building which is closer to the northern boundary of the site.
- 7b.17 Antisocial behaviour is not a material planning consideration. However, it is considered that the development of this site and the subsequent increase in natural surveillance would help reduce anti-social behaviour in the area.
- 7b.18 Impact upon property value is not a material planning consideration.
- 7b.19 Damage to private roads and noise nuisance during construction is not a material planning consideration.
- 7b.20 Scottish Water have assessed the proposals in relation to drainage capacity and have confirmed that they have no objection in this regard. The applicant has provided details to show that the surface water run-off from the proposed development will in fact be less than that of the current building. This is primarily due to the reduction in building footprint and introduction of landscaped areas.
- 7b.21 Refuse collection facilities and bin store details are considered appropriate for this size of development.
- 7b.22 Education Services have raised no objection to this proposal.
- 7b.23 The loss of a view is not a material planning consideration.

Supplementary Planning Guidance Note – Affordable Housing

- 7b.24 This guidance note outlines the general need for affordable housing in the Falkirk Council Area and supports the proposal for social rented affordable housing in this location.

Supplementary Guidance Note – Education and New Housing Development

- 7b.25 The SPG emphasises that financial contributions from developers will be sought when new housing is proposed in the catchment areas of schools which will have inadequate or no capacity for additional pupils likely to be generated by such housing.
- 7b.26 In this particular case Education Services has confirmed that they have no objection to this particular proposal as it stands.

7c Conclusion

- 7c.1 The proposed development is considered to be in accordance with the terms of the Development Plan and there are no material considerations that would warrant a refusal of planning permission in this instance.

- 7c.2 In line with guidance set out in Planning Circular 3 2009: Notification of Planning Applications, there is no requirements to notify Scottish Ministers of any intention to grant planning permission in these circumstances.

8. RECOMMENDATION

- 8.1 It is recommended that Members indicate they are minded to grant detailed planning permission subject to the conclusion of an appropriate legal agreement outlining the tenure of the proposed affordable housing and securing the payment of £15,000 towards open space and play provision in the area.

- 8.2 On completion of the Legal Agreement referred to in paragraph 8.1 above, Members remit to the Director of Development Services to grant planning permission subject to the following conditions.

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - i. the nature, extent and types(s) of contamination on the site.
 - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - iii. measures to deal with contamination during construction works.
 - iv. condition of the site on completion of decontamination measures.

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (3) A schedule of all external finishing materials shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (4) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000".
- (5) A schedule outlining the proposed landscaping, planting and maintenance provisions shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (6) All proposed access, parking and footpath construction shall be completed to the satisfaction of the Planning Authority prior to the occupation of the first flatted dwellinghouse.

Reason(s):

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) To ensure the ground is suitable for the proposed development.
- (3,5) To maintain the visual amenity of the area.
- (4,6) To safeguard the interests of the users of the highway.

R Geisler

.....
Director of Development Services

Date: 13 May 2009

LIST OF BACKGROUND PAPERS

- 1. Falkirk Council Structure Plan (2007).
- 2. Polmont and District Local Plan.
- 3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 4. Supplementary Planning Guidance Note – Affordable Housing.
- 5. Supplementary Planning Guidance Note – Education and New Housing Development.
- 6. Planning Circular 3 2009: Notification of Planning Applications.
- 7. Letter of objection from Ms Michele Thorpe, Lyndale Cottage, Charlotte Street Brightons, Falkirk on 12 January 2009.
- 8. Letter of representation from Mr & Mrs Dalrymple, Easdale Cottage, Crossgatehead Road Brightons, Falkirk on 12 January 2009.
- 9. Letter of representation from Carl Bianco & Elaine Gillies, Calmar, Charlotte Street, Brightons, Falkirk on 12 January 2009.
- 10. Letter of representation from Mr Craig Fenwick, Eagle Cottage, Crossgatehead Road, Brightons, Falkirk on 19 January 2009.
- 11. Letter of representation from Mr & Mrs Hunter, Kintore, 21 Park Terrace, Brightons, Falkirk on 06 January 2009.
- 12. Letter of representation from Mr & Mrs MacInnes, Lucla, 15 Park Terrace, Brightons, Falkirk on 06 January 2009.
- 13. Letter of representation from Lynn & Alistair Morrison, Strath Fiag, 25 Park Terrace, Brightons, Falkirk on 06 January 2009.
- 14. Letter of representation from Kathryn & James Higgins, Rosslyn, 19 Park Terrace, Brightons, Falkirk on 12 January 2009.
- 15. Letter of representation from Miss Vicky Cameron & Mr Mark Furby, Roselea, Charlotte Street, Brightons, Falkirk on 15 January 2009.

16. Letter of representation from Miss Margaret Hunter, Jonelma, 1 Charlotte Street, Brightons, Falkirk on 22 January 2009.
17. Letter of representation from Mr & Mrs Bell, Ranoch, 11 Park Terrace, Brightons, Falkirk on 31 December 2008.
18. Letter of representation from Richard and Kathleen Frew, Douglas Bank, 27 Park Terrace, Brightons, Falkirk on 08 January 2009.
19. Letter of representation from Owner/Occupier, Gardenfoot Cottage, 22 Park Terrace, Brightons, Falkirk on 13 January 2009.
20. Letter of representation from Peter B Tait, Elmar, 13 Park Terrace, Brightons, Falkirk on 05 January 2009.
21. Letter of representation from Owner/Occupier, Kenwell, 23 Park Terrace, Brightons, Falkirk on 23 January 2009.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown (Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/1007/FUL

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



Falkirk Council

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FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST OF
WESTER BOWHOUSE FARM, BOWHOUSE, FALKIRK FOR MR I
MCGILLIVARY (P/07/1208/OUT)
Meeting: PLANNING COMMITTEE
Date: 17 June 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Avonbridge and Standburn

Case Officer: John Milne (Senior Planning Officer), ext 4815

1. UPDATE REPORT FOLLOWING SITE INSPECTION

- 1.1 Members will recall that a site inspection was held on Tuesday 2 June 2009, where representations were made on behalf of the applicant. The application was previously considered at the Planning Committee on 20 May 2009 (see previous report Appendix 3).
- 1.2 Members requested that a copy of the letter of justification from the applicant via the Scottish Agricultural College be made available – which has been attached as Appendix 1 of this report.
- 1.3 For clarity, a copy of response from Falkirk Council's Independent Rural Business Consultants is also attached as Appendix 2 of this report.

Matters Arising

- 1.4 For avoidance of doubt, the farming operation is based on a combination of crop, grass and livestock.

The crop and grass area extends to 248 ha, with livestock extending to 12 suckler cows, 12 yearlings, 850 breeding ewes, 220 ewe hoggs, 40 pedigree, 12 pedigree ewe hoggs, 400 finishing lambs and 50 tups (information submitted by SAC reviewed 08/12/08).

- 1.5 The labour requirement figures from the Scottish Government Website are attached (Appendix 4).

- 1.6 Members sought clarification of the role of an Independent Rural Business Consultant on the application and it can be clarified that such independent assessment is not uncommon within similar planning applications over a number of Planning Authorities. Such independent review is required given the variation in circumstances to each agricultural operation and not based solely on labour unit calculations.
- 1.7 In this instance, independent professional assessment is required to examine the justification of a new dwelling within a rural location where agriculture is identified by the applicant as the essential requirement for a dwellinghouse in addition to property already serving the farming activity.
- 1.8 It should also be noted that the Scottish Agricultural College are not a statutory consultee and may be commissioned by an individual to prepare reports where an agricultural assessment is requested.
- 1.9 Such reports are subject to scrutiny and do not represent definitive assessment relied upon to contribute to a planning recommendation.
- 1.10 In reaching a conclusion that there is insufficient justification for a second dwelling, Falkirk Council's independent Rural Business Consultant considered that:-
- The labour requirement on a farm varies during the year, dependent on seasonal activities and nature of farm operation. At peak periods, labour requirement may be higher than the number of people fully employed in the farm activities.
 - Most farms of this size only have one resident operator, with any second part-time operator normally casual or seasonal labour living elsewhere. However it is accepted that farms may operate on an individual basis, dependent on other factors such as age/ability of resident, available workforce, etc.
 - The size of farm, number and type of stock has all been considered as to whether a second full time worker is essentially required in the business – which has not been established.
- 1.11 It is considered that greater weight should be attached to advice from the Council's consultant than to the applicant's consultant (SAC) or to the statistics generated by the Government website.

2. CONCLUSION

2.1 It is therefore recommended that the application be refused for the following reason(s):-

- (1) The proposal is contrary to the Falkirk Structure Plan Policy ENV.1 – Countryside and Protected Areas, the Rural Area Local Plan Policy Rural 1 – New Development in the Countryside and the Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy SC3 – Housing Development in the Countryside – in that the applicant has failed to demonstrate that a new dwelling in a rural location is essential in terms of operational need associated with an existing agricultural business.**

.....
For Director of Development Services

Date: 10th June 2009

appendix 1.

Supporting the
land-based Industries
for over a century



SAC

Andrew McGillivray
Wester Bowhouse
Maddiston
Falkirk
FK2 0BX

Our Ref: RM/Planning/LG Resp08

Date: 08 December 2008

Dear Andrew

Planning Application P/07/1208/OUT Laurence Gould Response

Thank you for the faxed response from Laurence Gould regarding the above application.

My initial thoughts on Mr MacGregor's response were that I fundamentally disagree with his second paragraph statement "that the agricultural business on its own represents no more than one and a half full time workers". The original labour report clearly calculated the agricultural labour requirement as 5,836 hours equating at that time to 2.65 labour units based on a standard labour unit being 2,200 hours.

The figures used in the report come from the SAC Farm Management Handbook. The figures used were calculated and published in a report of the UK Farm Classification Working Party (February 2004). A range of sources were used but mostly data from DEFRA Special Studies and analysis of England's FBS data were used. SAC have adjusted some figures to give a more indicative measurement of time (particularly dairy and beef). In some cases adjusted coefficients are available for Northern Ireland to reflect smaller field sizes. (The current 2008 figures are the same as those back in 2005). However, there is a fundamental change to the labour requirement calculation. In 2005, a standard labour unit was taken as 2,200 hours whereas now the standard labour unit is universally taken at 1,900 hours. This has the effect of increasing the labour requirement to 3.07 labour units as shown in the enclosed updated calculation. These standard figures are used by Councils all over Scotland when justifying additional dwellings on farms.

The third paragraph relates to the fact that Mr McGillivray senior's partner "carries out a bed and breakfast business which does not in anyway enhance the requirement for a second dwelling". The original labour report mentioned that Jackie couldn't contribute due to the diversification enterprise therefore her labour was discounted.

Mr MacGregor goes on to indicate in paragraph 4 that Andrew only works part-time on the farm. This is of commercial necessity. However the scanning business is very busy in the first couple of months of the year when farmers are scanning sheep. This is a time when the labour requirement at home is also relatively low (still above 2) before lambing and calving. The suggestion that justification could only be on the basis of a significant diversification



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project is very wide of the mark. Again none of this was even hinted at in the original labour report.

The fifth paragraph mentions that the letter from McLean Bell Consultants made no reference to setting up a training business, which is true as it had never been considered. It is true that Andrew does not need to operate the scanning business from Wester Bowhouse but the justification for the house is based on the agricultural requirement at Wester Bowhouse excluding the scanning. I consider the argument that most sheep and cattle farms with this number have only one resident operator as irrelevant as each business is run on an individual basis. Many do not have the infrastructure to have more than one resident operator as many are sole trader businesses relying on seasonal, casual or labour from neighbours.

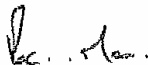
I enclose again the labour profile that was run and it can be clearly seen that for most of the year the business requires at least two people which counters Mr MacGregor's claim that the second person is not a year round requirement. Note that that profile was created with the standard labour unit being 2,200 hours.

Mr MacGregor clearly does not understand the complexities of this farm business, it would be interesting to know if he has visited the farm.

Today many farm businesses are sole trader and therefore lone workers which is causing concern to the Health and Safety Executive as the level of on farm accidents is high. There is an old adage "safety in numbers". As mentioned in the original report animal welfare grounds are a very good reason to have a second person on the farm to share the responsibility particularly at lambing and calving time.

I stand by my original comments made in my letter to Andrew of 21 November 2006 that there is full justification for a second dwelling at Wester Bowhouse.

Yours sincerely



Robin Mair
Consultant

Appendix 1

Recalculated

8/12/08

CALCULATION OF STANDARD HOURS WORKED

Wester Bowhouse

	Area (ha)	Hours per Annum	Factor*	Total
Crop & Grass				
Silage	12.14	24	1.00	291.36
Grazing	65.6	4	1.00	262.00
Rough Grazing	169.97	1.5	1.00	254.96
Sub total for crops	<u>247.71</u>			<u>808.32</u>
Livestock				
	Number			
Cattle				
Cows	12	12	1.00	144
Yearlings	12	9	1.00	108
Sheep				
Breeding ewes	860	4.2	1	3670
ewe hoggs	220	2.8	1	672
Pedigree	40	5.2	1	208
pedigree ewe hoggs	12	3	1	36
Finishing lambs	400	2.6	0.25	260
Tups	60	2.6	1.00	156
Sub total for livestock				<u>5028.00</u>
TOTAL LABOUR HOURS				<u>5836.32</u>

STANDARD MAN YEAR

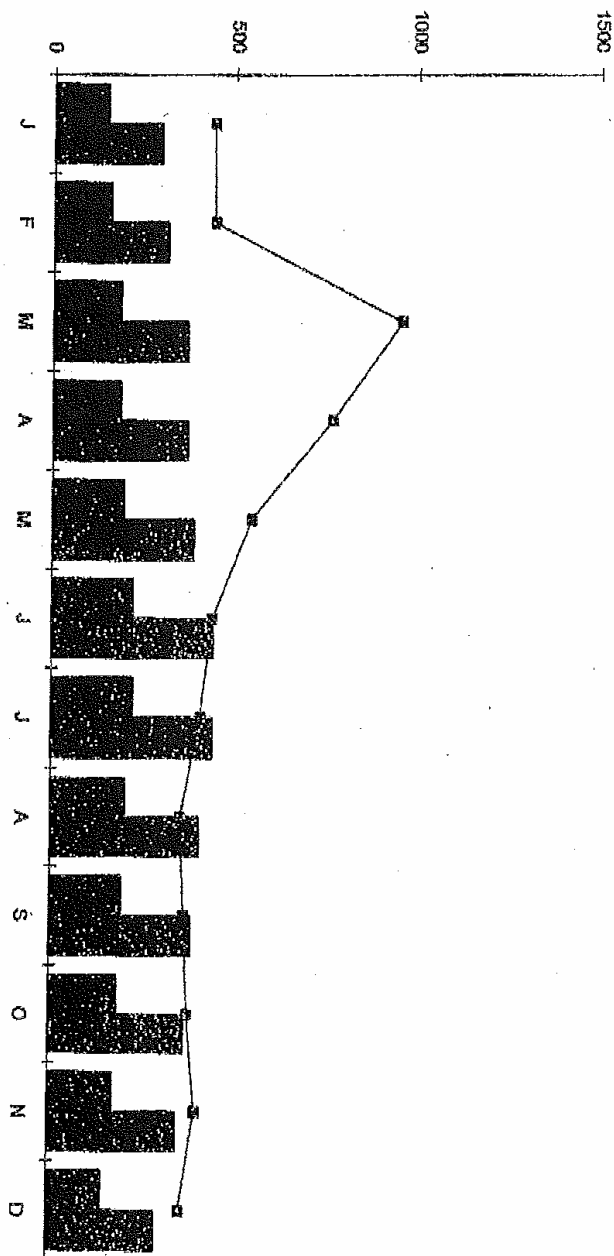
1800 hrs

Calculated labour requirement for Wester Bowhouse =	3.07	Labour Units
---	------	--------------

* Factor is number of years or part of year for which labour hours count

Labour requirement co-efficients revised 2003 and based on data extracted from UK Farm Classification Working Party report -
UK Agriculture and Rural Affairs Departments (DEFRA/DANI/SERRAD)

Wester Bowhouse



1 man 2 men - Required

Original 2200 hours

appendix 2

Laurence
GOULD
PARTNERSHIP LTD

RURAL BUSINESS CONSULTANTS

Burgess Hill Edinburgh Newmarket Worcester Yeovil

15 December 2008

John Milne
Planning Officer
Falkirk Council
Development Services
Abbotsford House
David's Loan
FALKIRK
FK2 7YZ



Dear John

Application No: P/07/1208/OUT

Thank you for the letter from Robin Mair of SAC.

Sadly he continues to hide behind the labour unit calculation, rather than relying on the commercial reality, where a farm of this size would only support one and a half full time workers at the most.

Also he should realise that anyone farming today, in a full time capacity, will work significantly more hours than the 1,900 hours that he is using in his argument.

Presumably part of the reason for Andrew undertaking the scanning operation is to enhance his income. Mr Mair confirms this in the last paragraph of page 1 of his letter. In other words the farm is not large enough to give him a full time remuneration.

He also confirms that McLean Bell Consultants were misinformed over the possibility of setting up a training business, which appeared to be an attempt to justify the dwelling at an earlier stage.

I cannot see why he thinks that it is irrelevant that most farms of this size only have one resident operator, as this is certainly the norm. He largely confirms this and endorses my view that the second part time operator is normally casual or seasonable labour living elsewhere.

Therefore I remain of the opinion that one dwelling is sufficient, given the scale of the farm at Wester Bowhouse.

Woodville, Newton Village, West Lothian EH52 6QD.

Telephone: 0131 331 3431. Fax: 0131 331 3440. Email: edinburgh@laurencegould.com www.laurencegould.com

Directors: J. MacGregor (Chairman), K. Leddington-Hill (Managing), G. Brookes, P. Hall, J. Hartwright, R. Hobson, M. Shephard

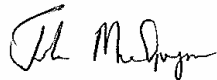
Registered Office: Woodville, Newton Village, West Lothian EH52 6QD. Registered number 124767

- 2 -

Incidentally, in reviewing the file, all the above comments are based on the fact that I assume that the land of Broom and Redbrae are owned by Mr McGillvray and that they are adjacent to Wester Bowhouse. If I am wrong on either of these assumptions then justification for a second dwelling at Wester Bowhouse is further eroded as the latter unit on its own is extremely small and certainly could not justify a second dwelling or even one full time operator.

Let me know if I can be of further help.

Yours sincerely



John D MacGregor
Chairman

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST OF
WESTER BOWHOUSE FARM, BOWHOUSE, FALKIRK FOR MR I
MCGILLIVARY (P/07/1208/OUT)
Meeting: PLANNING COMMITTEE
Date: 20 May 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Avonbridge and Standburn

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This is an outline planning application for the erection of a single dwellinghouse, to be used as a residence for an agricultural worker. The applicant is not the intended occupant of the property, the occupant being Mr Andrew McGillivary – the son of the applicant, Mr Ian McGillivary.
- 1.2 Mr Ian McGillivary is the owner and occupier of Bowhouse Farm with associated bed & breakfast facility on which the application site is located.
- 1.3 The application site itself comprises a 0.26 Ha area of land located on the south side of the B825 roadway, west of Bowhouse Farm, Falkirk.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Gordon Hughes.

3. SITE HISTORY

- 3.1 05/1076/FUL – Proposed erection of dwellinghouse and garage – withdrawn 2 August 2006.

4. CONSULTATIONS

- 4.1 Falkirk Council's Rural Business Consultants – Laurence Gould Partnership Ltd – considers that the agricultural operation of Bowhouse Farm only justifies one full time person and, if required, any additional seasonal increase could be met by the part-time participation of additional labour – a common approach undertaken within the farming community. Despite repeated approaches to justify an additional agricultural requirement from the applicant. Independent advice remains that an additional full-time worker is not required, nor justified in terms of securing an additional dwellinghouse.
- 4.2 The Scottish Environment Protection Agency has no objection in principle to the proposed development.
- 4.3 Scottish Water has no objection but advises that there are no public sewers in the vicinity and septic tank provision may be necessary.
- 4.4 Falkirk Council's Environmental Protection Unit considers that noise need not be a determining factor in considering the application. However, the applicant should undertake a site investigation to establish if contamination is present on site.
- 4.5 Falkirk Council's Roads Development Unit has no objections subject to conditions.
- 4.6 The Health and Safety Executive do not advise against the proposal.

5. COMMUNITY COUNCIL

- 5.1 Avonbridge and Standburn Community Council has not made representations.

6. PUBLIC REPRESENTATION

- 6.1 No representation received.

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”.

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 The applicant has failed to demonstrate that a countryside location is essential or that the dwellinghouse will contribute to the agricultural function of the nearby farm operation.

Rural Area Local Plan

7a.3 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

1. *Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
2. *On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/ business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

7a.4 It is not considered that the proposed dwelling is absolutely essential to the pursuance of agriculture or other economic activity appropriate to a rural location, all contrary to part (1) of the above policy.

7a.5 Policy RURAL 32 'Pipeline Corridors' states:

"That within the Pipeline Consultation Zones generally indicated on the Policies and Proposals Map, development will not normally be permitted unless the District Council is satisfied that :-

- 1. Future users or occupants will not significantly add to the number of people exposed to the existing risk from a pipeline.*
- 2. The development will not in any way affect the operational safety of a pipeline."*

7a.6 The application site sits on the edge of the shell north west pipeline – some 310 metres within the 320 metre zone of influence – and results in a 'do not advise against' from the Health and Safety Executive. The proposal therefore accords with this policy.

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

7b Material Considerations

7b.1 The material considerations to be addressed are the policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version) and points raised through comment.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 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.3 The application has failed to demonstrate that a new dwelling is essential in this rural location in terms of operational need associated with an existing business.

Points Raised Through Comment

7b.4 The applicant has submitted information, via the Scottish Agricultural College, in support of the proposals to justify an additional dwellinghouse.

7b.5 Falkirk Council’s Rural Business Consultants – Laurence Gould Partnership Ltd – considers that the agricultural business on its own represents no more than one and a half full time workers.

7b.6 Hence, in relation to the farming enterprise, only one dwelling can be justified, which is the one which Mr Ian McGillivray and his partner currently reside in.

7b.7 Mr Andrew McGillivray sheep scanning business does not require to be based at Wester Bowhouse Farm.

7b.8 Indeed, presumably part of the reason for Mr Andrew McGillivray undertaking the scanning operation is to enhance his income, since the farm is not large enough to give him full time remuneration.

7b.9 No round-the-year requirement for a second worker has been established.

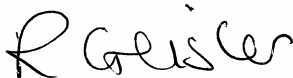
7c Conclusion

7c.1 The applicant has submitted statements of agricultural support from the Scottish Agricultural College which have been reviewed by Falkirk Council’s rural business consultant. The review determines that an additional full time employee on the farm has not been justified and, as such, there is a lack of justification and no requirement for an additional dwellinghouse. Therefore it does not accord with the Development Plan.

8. RECOMMENDATION

8.1 It is recommended that outline planning permission be refused for the following reason:-

- (1) The proposal is contrary to the Falkirk Structure Plan Policy ENV.1 – Countryside and Protected Areas, the Rural Area Local Plan Policy Rural 1 – New Development in the Countryside and the Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy SC3 – Housing Development in the Countryside – in that the applicant has failed to demonstrate that a new dwelling in a rural location is essential in terms of operational need associated with an existing agricultural business.



.....
Director of Development Services

Date: 13 May 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Rural Area Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)

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/07/1208/OUT

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



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appendix 4

The Scottish Government

Statistics

You are here: [Topics](#) > [Statistics](#) > [Browse Statistics](#) > [Agriculture, Fisheries and Rural](#) > [Agriculture Topics](#) > [Farm Structure](#)

Farm Structure

STRUCTURE OF THE AGRICULTURAL INDUSTRY IN SCOTLAND

This page provides information on how the agricultural land on Scotland's 51,000 farms is used, the varying sizes and types of farm and the machinery on farms in Scotland.

[LAND](#) | [FARM SIZE](#) | [FARM TYPE](#) | [MACHINERY](#)

LAND



The total area of agricultural land in Scotland, including common grazings is 6.2 million hectares. This represents about 80 per cent of the total land area of Scotland (7.8million ha).

The [map of Scotland by farm type](#) reflects the fact that the agricultural land in Scotland is mainly only suitable for livestock farming with 5.3million hectares used for this purpose. Around 0.6 million hectares mainly in the east of Scotland is farmed for the production of crops and the remaining agricultural land is used for farm woodlands, roads, yards and buildings.

The links listed below provide more detailed agricultural land use statistics. To return to this page use the **BACK** button on your browser.

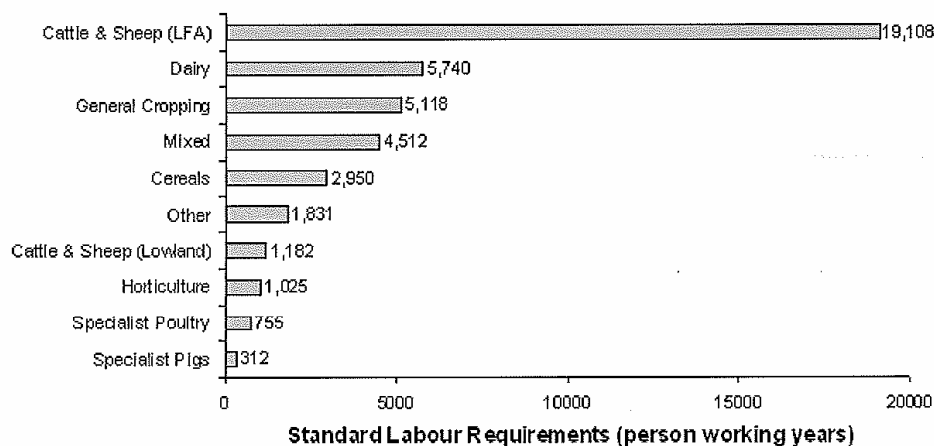
- [Number of holdings with crops and grass by area and region](#)
- [Charts of agricultural land use in Scotland over last ten years](#)
- [Charts of agricultural land use by country, UK](#)
- [Number of owned/mainly owned holdings by region and owned area](#)
- [Agricultural area on holdings by Less Favoured Area category and Highlands and Islands Enterprise Area](#)
- [Crops, grass and rough grazings on holdings for each UK country](#)
- [Map of Highlands and Islands Enterprise Area](#)
- [Map of Less Favoured Areas and Non-Less Favoured Areas](#)

FARM SIZE

In addition to the more common use of hectares as a measure of farm size the Scottish Government provide statistics by **Standard Gross Margins (SGM)**, **European Size Units (ESU)** and the **Standard Labour Requirement (SLR)** based on the level of agricultural activity on holdings in Scotland.

CHART : STANDARD LABOUR REQUIREMENTS ⁽¹⁾ BY FARM TYPE, JUNE 2007

<http://www.scotland.gov.uk/Topics/Statistics/Browse/Agriculture-Fisheries/agritopics...> 04/06/2009



(1) 1 Standard Labour Requirement is equal to 1900 hours of labour per year.

The links listed below provide more detailed farm structure statistics. To return to this page use the **BACK** button on your browser.

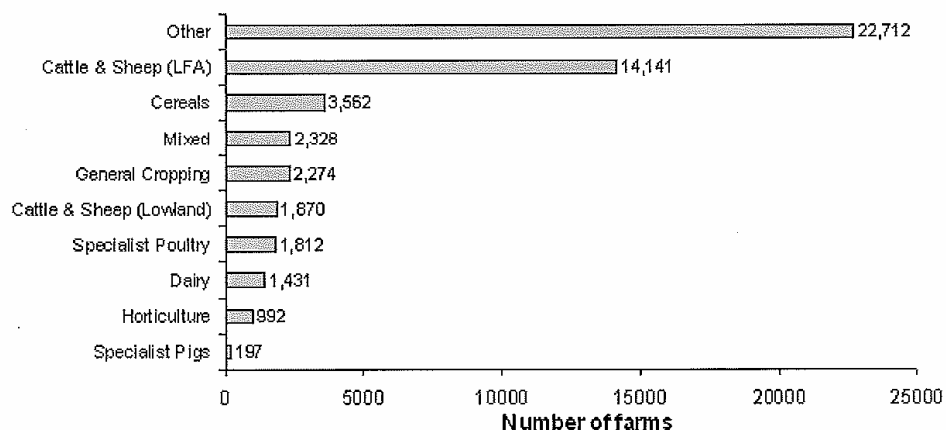
- [Number of holdings by Standard Gross Margin \(SGM\) and region](#)
- [Number of holdings by European Size Unit \(ESU\) and region](#)
- [Number of holdings by European Size Unit \(ESU\) and farm type](#)
- [Number of holdings by Standard Labour Requirements \(SLR\) and farm type](#)

[Back to top](#)

FARM TYPE

Farms are classified into groups according to type to allow analysis of the sector. **Farm type classifications** are based on the relative importance of the various crop and livestock enterprises on each farm assessed in terms of standard gross margin (an economic measure of output less variable costs).

CHART : AGRICULTURAL HOLDINGS BY FARM TYPE, JUNE 2007



The charts, tables and maps listed below provide links to more detailed farm type statistics. To return to this page use the **BACK** button on your browser.

- [Map of Scotland by farm type](#)
- [Number of holdings by agricultural area and main farm type](#)
- [Number of holdings by Standard Gross Margin and farm type](#)
- [Number of holdings by region and main farm type](#)
- [Number and area of holdings by main farm type](#)
- [Number of holdings by European Size Unit and farm type](#)
- [Number of holdings by Standard Labour Requirements and farm type](#)

[Back to top](#)

FARM MACHINERY

The links listed below provide statistics on machinery on farms in Scotland. To return to this page use the **BACK** button on your browser.

- [Number of cultivation, sowing and harvesting machinery items on main holdings at December](#)
- [Number of tractors on holdings at December](#)
- [Number of transport vehicles, road handling and other machinery items on main holdings at December](#)
- [Number of cultivation, sowing and harvesting machinery items on main holdings, December 2002, 2004 and 2006](#)
- [Number of load handling machinery items, transport vehicles and miscellaneous machinery items on main holdings, December 2002, 2004 and 2006](#)

FURTHER INFORMATION

More agricultural statistics and information including the **Economic Report on Scottish Agriculture**, geographic and time series summaries of [agricultural census results](#) and details of [farm incomes, subsidies and production](#) are available from our [agricultural statistics publications](#). To return to this page use the **BACK** button on your browser.

[Back to top](#)

Page updated: Tuesday, October 28, 2008

FALKIRK COUNCIL

**Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE NORTH OF 53
BO'NESS ROAD, GRANGEBURN ROAD, GRANGEMOUTH, FOR MR
AND MRS T MUNRO P/09/0106/FUL**

Meeting: PLANNING COMMITTEE

Date: 17 June 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

**Local Member: Councillor Allyson Black
Councillor Angus MacDonald
Councillor Alistair McNeill
Councillor Robert Spears**

Community Council: Grangemouth

Case Officer: Kevin Brown, (Planning Office) Ext 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of a one and a half storey, detached dwellinghouse within an established residential area of Grangemouth.
- 1.2 The application site is currently used as garden ground for 57 Grangeburn Road and is currently occupied by a garage.

2. Reason For Committee Consideration

- 2.1 Application called in by Councillor Angus MacDonald.

3. SITE HISTORY

- 3.1 05/0547/OUT – Erection of Dwellinghouse (Outline), Refused 02/09/2005.
- 3.2 06/0560/OUT – Erection of Dwellinghouse (Outline), Granted 06/03/2007.

4. CONSULTATIONS

- 4.1 Scottish Water has no objection to the proposal.

- 4.2 The Environmental Protection Unit has no objection to the proposal however they have requested that a noise survey and a contaminated land survey be carried out. It is considered that both of these points can be adequately covered by conditions attached to any planning consent granted.
- 4.3 The Roads Development Unit has no objection to the proposal however they have suggested a number of conditions to be attached to any planning consent granted.
- 4.4 Consultation with the Health and Safety Executive through the PADHI+ system has generated a 'do not advise against' response.

5. COMMUNITY COUNCIL

- 5.1 The Grangemouth Community Council has not commented on the proposal.

6. PUBLIC REPRESENTATION

- 6.1 No letters of representation were received following the neighbour notification process.

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”.

Accordingly,

7a The Development Plan

- 7a.1 There are no specific policies within the approved Falkirk Council Structure Plan relevant to this application.

Grangemouth Local Plan

- 7a.2 Policy Grangemouth One 'Urban Limit' states:

“That the boundary of the urban area as indicated on figures 1 and 3 be regarded as the desirable limit to the growth of Grangemouth for the period of the plan. Accordingly, there shall be a general presumption against proposals for development which would either extend the urban area beyond this limit or which would constitute sporadic development in the countryside.”

- 7a.3 The application site is within the Urban Limit as defined by the Grangemouth Local Plan and as such the proposal accords with the terms of this policy.

7a.4 Policy Grangemouth Two ‘Development within the Urban Limit’ states:

“That within the Urban Area, urban uses will generally be acceptable provided they accord with all other relevant District Council policies and standards of provision.”

7a.5 The proposed use of the site for residential purposes is considered appropriate for this location and the proposal broadly complies with all other relevant district council policies and standards of provisions. The proposal is therefore considered to be in accordance with the terms of this policy.

7a.6 The proposal is therefore in accordance with the terms of the Grangemouth Local Plan.

7b Material Considerations

7b.7 The material considerations relating to this proposal are the Falkirk Council Local Plan Finalised Draft (Deposit Version), supplementary planning guidance notes generated by Falkirk Council, consultation responses and the planning history.

Finalised Draft Falkirk Local Plan

7b.8 Policy EQ13 - ‘Areas Of Townscape Value’ states:

“The Council recognises the architectural and historic merit and potential of the additional areas of townscape value identified on the Proposals Map, which do not currently have Conservation Area status. Within these areas:

- (1) The Council will undertake Character Appraisals to determine whether the areas merit designation as Conservation Areas, either as new Conservation Areas, or as extensions to existing ones; and*
- (2) Development proposals will be required to fit with the distinctive character of the area with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features.”*

7b.9 The proposed development is considered to fit in well with the distinctive character of the area. The proposed scale and design of the property would relate particularly well with the properties to the north of the site fronting onto Grangeburn Road. The proposal is therefore considered to be in accordance with the terms of Policy EQ13.

7b.10 Policy SC2 - ‘Windfall Housing Development Within The Urban / Village Limit’ states:

“Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*

- (4) *Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) *In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) *There is no conflict with any other Local Plan policy or proposal.”*

7b.11 It is considered that a satisfactory level of residential amenity can be achieved by the proposed development without compromising the character of the area and the proposed residential use is compatible with that of the surrounding area. The site is within easy reach of local community facilities and the existing physical infrastructure within the vicinity of the site is considered to be able to cope with the limited additional use that a single property of this size would generate.

Supplementary Planning Guidance Note – Housing Layout and Design

- 7b.12 This general guidance note offers advice to developers on the recommended standards of provision for new housing developments and can be generally applied to this application.
- 7b.13 The proposal is considered to comply with this guidance specifically in reference to the provision of garden ground, harmonious fit with adjacent properties and outlook from any new development.

Planning History

- 7b.14 Application 05/0547/OUT for the erection of a dwellinghouse was refused due to a lack of available garden ground. The next application, 06/0560/OUT, which was granted outline planning permission, related to a larger site area. It is this same area which is subject to the current application and it is considered that this area is sufficient to accommodate the proposed house whilst allowing for adequate garden ground provision.

Consultation Responses

- 7b.15 Following consultation with the Roads Development Unit it can be confirmed that the proposed vehicular access and parking provision is appropriate for a dwellinghouse of the size and location proposed. Responses from the Environmental Protection Unit and Scottish Water have also been received and no objections have been raised to the proposed development.

7c Conclusion

- 7c.1 The proposed development is considered to be acceptable development as it is in accordance with the terms of Grangemouth Local Plan. There are no material planning considerations that warrant a refusal of planning permission in these circumstances.

8. RECOMMENDATION

8.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- 1. The development to which this permission relates must be begun within five years of the date of this permission.**
- 2. (1) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites .**
(2) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
(3) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- 3. Development shall not begin until a scheme for protecting the proposed dwellinghouse from noise from road traffic has been submitted to and approved in writing by the Planning Authority. The dwellinghouse shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.**
- 4. Vehicular access to the site shall be by means of a dropped kerb footway crossing constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.**
- 5. Any access gates shall only open inwards.**
- 6. There shall be no obstruction over 1m in height above carriageway level within 2.5m of the road channel over the full frontage of the site.**
- 7. A schedule outlining the external finishing materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.**

Reasons:

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure the ground is suitable for the proposed development.
3. To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- 4-6. To safeguard the interests of the users of the highway.
7. To safeguard the visual amenity of the area.

Informatives:-

1. For the avoidance of doubt, the plans to which this decision refers bear our reference 01, 02, 03 and 04

.....
Director of Development Services

Date: 10th June 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Grangemouth Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Supplementary Planning Guidance Note – Housing Layout and Design

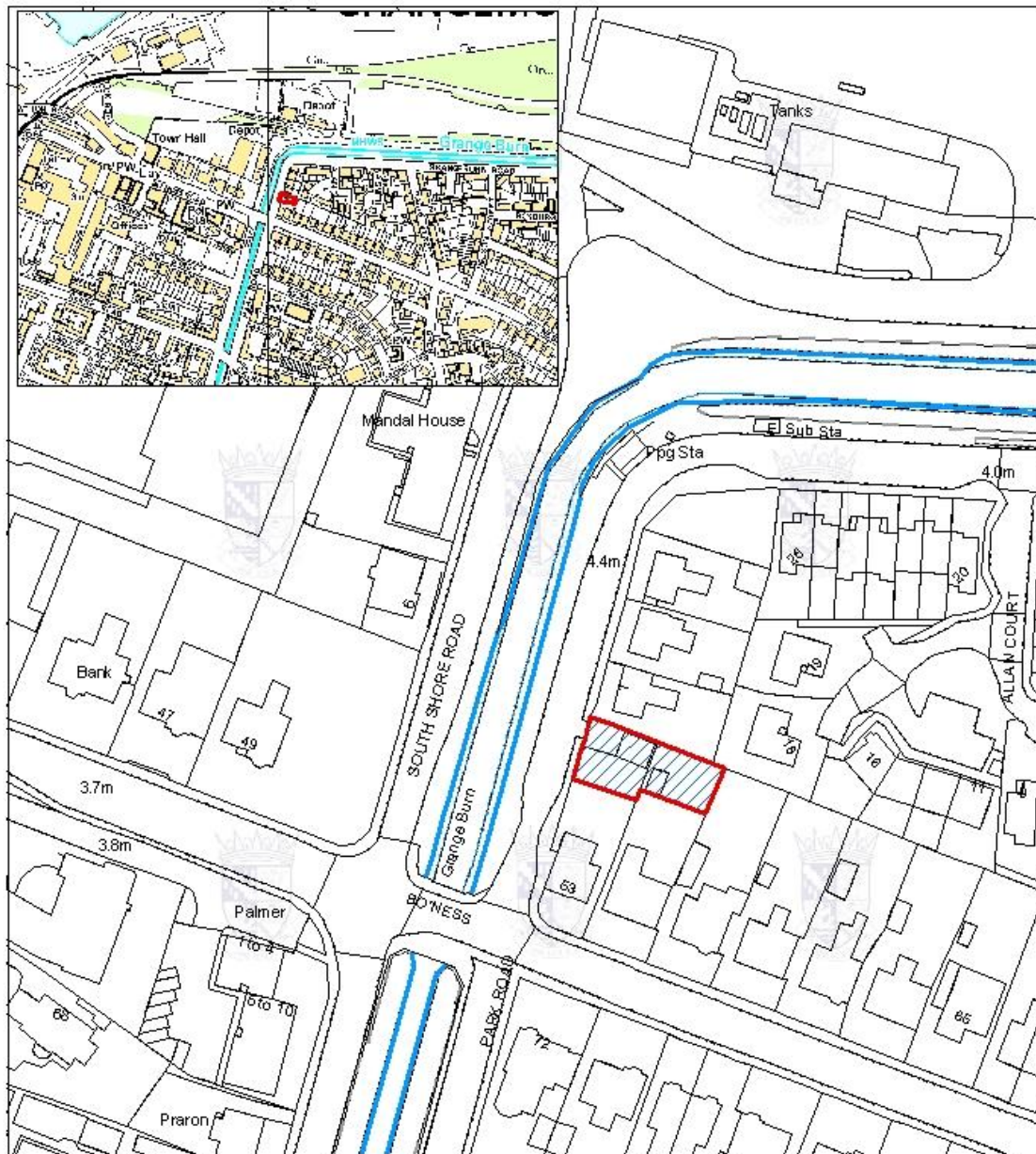
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown (Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0106/FUL

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



Falkirk Council

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FALKIRK COUNCIL

Subject: CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES, LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE) AND ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR & MRS S RAE – P/08/0804/FUL

Meeting: PLANNING COMMITTEE

Date: 17 June 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed retrospective planning permission to change the use of former agricultural land and buildings to a stables, livery and riding school, and the siting of two portacabins for use as an office and a toilet. The application also includes a proposal for a chalet style dwellinghouse for the purposes of manager's accommodation.
- 1.2 The application site lies on the B818 in the Carron Valley west of Denny and consists of part of a rural holding. The existing uses on the holding include the stables, livery and riding school the subject of this application, an outdoor riding arena, horse grazing and the operation of a plant hire and vehicle repair and servicing business.
- 1.3 The application site comprises former agricultural buildings and an associated yard. Two portacabins have been erected at the entrance of the yard. The existing dwellinghouse lies adjacent to the former agricultural buildings but is now in separate ownership.

- 1.4 The submitted hours of operation of the stables, livery and riding school are 10am to 8pm. The applicant has indicated that staffing levels vary with the season, however, as an indication numbers are 3 free lance riding instructors, 2 part-time weekend workers and the applicant (Mrs Rae) and two full-time employees, who work between the livery/equestrian business and, the agricultural operation. A Business Plan has been submitted with the application, which indicates a current capacity to cater for 15 stabled horses and 15 grazing horses and the undertaking of showcase show jumping events utilising the outdoor riding arena. It also indicates future plans for tourist lodges and outdoor activities including fishing trips, hill walking, mountain biking and archery.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Blackwood.

3. SITE HISTORY

- 3.1 Planning application ref. P/09/0127/FUL for the change of use of a former agricultural building to a depot for the storage of plant for hire and the servicing / repair of vehicles and plant (retrospective) has been withdrawn.
- 3.2 Planning application ref. P/09/0128/FUL for the change of use of agricultural land to form a floodlit schooling area (retrospective) is also being considered by the Planning Committee at its 17 June 2009 meeting.
- 3.3 Planning application ref. P/09/0115/FUL for the erection of fencing (retrospective) on the adjoining property to the east is pending consideration.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit has stipulated improvements at the existing vehicular access and the provision of adequate parking and separate areas on the site to cater for all existing and proposed uses. This includes sufficient parking for show jumping events in order to avoid road safety issues associated with vehicles parking on the verge of the B818.
- 4.2 The Environmental Protection Unit has requested the undertaking of a contaminated land assessment.
- 4.3 Scottish Water has no objection to the application.
- 4.4 SEPA has no objection to the application. It advises that all run-off from yards, manure heaps and stable washing must be contained and disposed of in a manner to ensure that the water environment is not polluted. It advises that arrangements for sewage effluent disposal will need to meet SEPA's requirements.
- 4.5 The Council's Rural Business Consultant recognises the merits of having someone resident on the site for security reasons and someone living relatively close by to ensure the welfare of the horses. However, he questions whether the target income set out in the Business Plan can be achieved in the initial years.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has submitted two letters objecting to the application. The main concerns raised in these letters are included in section 6 as part of the summary of the public representations received.

6. PUBLIC REPRESENTATION

- 6.1 Seven letters of objection to the application were initially received. The neighbours were re-notified of the application following amendments to regularise the application site boundaries and relocate the proposed manager's accommodation. A further six letters of objection were received following re-notification.
- 6.2 The main concerns raised in these objections and the objections from the Denny and District Community Council can be summarised as follows:

Proposed Manager's Accommodation

- The proposed manager's accommodation is not necessary as a 24 hour daily presence is not required for this small operation.
- The proposed manager's accommodation is very large.
- The applicant would have been aware that there was no dwellinghouse attached to the purchase.
- Granting the proposed manager's accommodation would set a precedent for further log style cabins.
- The site of the proposed manager's accommodation would obstruct views of the River Carron.

Impact on Amenity

- Detrimental impact on the amenities and character of the area.
- Noise, dust, dirt, light, fumes and vibration nuisance.
- Noise and increased traffic and activity associated with the stables, livery and riding school.
- Early morning and late night activity associated with the livery.
- Show case horse events would increase the level of activity and disturbance.
- Show case horse events would require some kind of announcement system.
- Future plans for tourist cabins, bikes and archery would increase disturbance.

- It is believed that there is an indoor riding arena on the site giving rise to potential noise nuisance.
- The portacabins close to the roadside are unsightly.

Traffic/Road Safety

- The B818 is a narrow road with passing places and poor visibility making it unsuitable for increasing traffic volumes.
- Increase in cars, trailers and horse transporting vehicles using the B818.
- Increased use of B818 for horse riding on a road unsuitable for this due to its narrow width, poor visibility and existing traffic.

Other Planning Considerations

- Disparities between the drawings in defining the application site boundaries.
- Planning rules have been totally disregarded as the stables and livery are already operating.
- Three businesses as well as a farming business are operating from the property.
- The development is not in keeping with the plans for the area, which is held to have tourism potential.
- Prohibit any food/retail outlet associated with the livery.
- Concern for the flora, fauna and wildlife of the area.
- The development is within the Carron Glen SSSI.
- Concerns regarding site hydrology and ground water drainage.

Non-Material Planning Considerations/Considerations not Relevant to the Application

- The property title restricts the use of the land, sheds, yard and access to agricultural and forestry uses only.
- There is adequate existing provision for stabling and livery in the Denny area.
- There are existing facilities for disabled riders in the area.
- Substantial aggregate has been removed from beside the River Carron.
- There is evidence of industrial dumping on the site.
- An area of the property is used for motorcross and quad biking, which is noisy and occurs late at night.

- The available land may be insufficient for the wellbeing of 30 horses.
- The riding school and show case horse events could increase risk of animal diseases to the area.

6.3 Six letters of support have been received to the application. One of these letters contains 8 signatories. The reasons for support can be summarised as follows:

- The facilities are well managed and of high quality.
- Care and welfare of horses of very high order.
- A livery client's Clydesdale horse has flourished at this facility.
- Neat and tidy yard.
- Majority of local opinion is not against this business.
- The facilities help promote tourism in the area.
- Fits well with the desire of local authorities of the area to promote Carron valley for walking, cycling and horse riding.
- A local bed and breakfast/self catering establishment have guests who use the facilities for riding treks.
- Applicant has helped develop bridleways in the area.
- Amenity for local community and visitors wishing to horse ride.
- Provides employment.

7. DETAILED APPRAISAL

7a The Development Plan

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”.

Accordingly,

Approved Falkirk Council Structure Plan

7a.1 Policy ECON.7 'Tourism' states:

"The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:

- (1) the key locations for development will be the Millennium Canals, Falkirk Town Centre/Callendar Park and Bo'ness;*
- (2) development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential."*

7a.2 The development has a tourism aspect through, for example, the offering of riding treks and therefore Policy ECON 7 is of relevance. In this instance, it is considered that the development requires a countryside location, the location is convenient to a sizeable population catchment and it would contribute to the range of attractions in the area and support target markets. Whilst some concern has been raised at the adequacy of the local roads infrastructure to accommodate the development, on balance, and taking into account the relatively small scale of the existing facilities, its nature and its need for a countryside location, the development is considered to be environmentally sustainable. The development is also considered to be potentially economically sustainable for the reasons detailed in this report. The application is therefore considered to represent sustainable tourism and accord with this policy.

7a.3 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.4 This policy presumes against development in the countryside unless it can be demonstrated that a countryside location is essential. In this instance it is considered that the development, by virtue of its nature and character, and requirement for grazing land, requires a countryside location. The application is therefore considered to accord with this policy.

Adopted Rural Local Plan

7a.5 The application site lies within the countryside and an Area of Great Landscape Value under the adopted Rural Local Plan.

7a.6 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
- 6. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council’s “Design Guide For Buildings In The Rural Areas” and sympathetic to vernacular architectural forms will be expected.”

7a.7 This policy presumes against new development in the countryside except in limited circumstances. The relevant potential exceptions in this instance are considered to be criterion 1 and 5.

7a.8 Criterion 5 provides for development for tourism and countryside recreation requiring a rural setting. For the reasons detailed in this report, it is considered that the development requires a rural setting. In addition, the development is considered to be appropriate in terms of its type, scale and location and has the potential to enhance the image of the area by contributing to the range of attractions and supporting tourism.

7a.9 Criterion 1 provides for housing absolutely essential to the pursuance of an economic activity appropriate to a rural location. For the reasons previously stated, the development is considered to be appropriate to a rural location. With regard to the proposed manager’s accommodation, the ‘essentiality’ test requires consideration of the operational need for the proposed accommodation, whether there is an existing dwellinghouse that could meet that need or there is the opportunity for an existing building to be converted to meet that need, and whether the business as a whole is capable of providing the main source of income for the occupant.

- 7a.10 The operational need for the accommodation requires consideration of whether the person needs to be resident on the site rather than somewhere else and whether the business provides full time employment. In this instance it is recognised that there are advantages in having a staff member resident on site to provide care and supervision for the horses should any emergency arise after hours. The need for security is also an important supporting factor. Animal welfare and security needs are currently being met by Mr Rae living in a camper van in the yard whilst the rest of the family resides some distance away, at their current residence in High Bonnybridge. The current arrangements and the distance away of the existing residence are not considered to be ideal. With regard to employment, the applicant has submitted that the equestrian related uses involve 3 free-lance riding instructors, 2 part-time weekend workers and Mrs Rae and 2 full-time employees who work between the livery/equestrian business and the agricultural operation. Whilst a calculation of the existing number of labour units in accordance with recognised industry standards has not been provided, in light of the employment that would appear to be supported, it is considered that the application could not be properly opposed on these grounds.
- 7a.11 There would not appear to be an existing dwellinghouse which could serve as manager's accommodation, nor do any of the existing farm buildings lend themselves to conversion to a dwellinghouse. Whilst the original dwellinghouse is now in separate ownership and has therefore been alienated from the farm buildings, it is accepted that there is an operational need for conveniently located residential accommodation for the new livery and equestrian related uses.
- 7a.12 Cash flow statements have been submitted for the first two years of operation. If these statements are accepted, the business will be profitable and provide full-time employment for the occupant. However, the Council's Rural Business Consultant has queried whether the amount allowed for wages is sufficient, thereby questioning whether the target income could be achieved in the initial years. It is considered appropriate to require a trial period for the proposed manager's accommodation to enable review of the income generated and consideration of the justification for continued residential accommodation on the site.
- 7a.13 The policy also states that the scale, siting and design of development shall be strictly controlled. The impact of the large yard on the amenity and landscape of the area is of some concern, however provision of landscape screening would assist to address this. The visual impact of the portacabins sited at the entrance is also of concern. Whilst boundary planting could assist to mitigate this impact, it would take time to mature and would be constrained by the need to retain visibility for the vehicular access. For these reasons, it is considered that these buildings should only be permitted for a temporary period. The stables and livery utilise former large scale agricultural buildings and therefore there is no new visual impact in relation to these uses.
- 7a.14 On balance, and subject to measures to mitigate visual impact, the application is considered to be acceptable under this policy. However, compliance with this policy will be subject to consideration following a trial period for the proposed manager's accommodation.

7a.15 Policy RURAL 7 ‘Changes of Use of Buildings in the Countryside’ states:

“That within the countryside, the change of use of farm and other buildings for tourism/recreation and employment creating activities may be considered favourably provided that in the opinion of the District Council :-

- 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 size and scale and the proposed design is compatible with the District Council’s “Design Guide for Buildings in the Rural Areas”.*
- 5. The alternative use does not have a detrimental impact on the amenity of the surrounding countryside.”*

7a.16 The development can be seen to involve the change of use of a former farm building to cater for tourism/outdoor recreation related uses, and to create employment. With regard to the 5 criteria of the policy, it is considered that, on balance, the change of use accords with these. In particular, it is recognised that the building is no longer required for agricultural purposes, the building stands intact and is in a reasonable state of repair, and the change of use would not involve any change to the size, scale or design of the existing building. The existing vehicular access would require upgrade in accordance with the requirements of the Council's Roads Service. Whilst some concerns have been raised at potential impacts on amenity, the nature and scale of the development is considered to be acceptable to the location and conditions could be imposed to address particular concerns. This could include a restriction on the hours of operation.

7a.17 Policy RURAL 13 ‘Areas of Great Landscape Value’ states:

“That within the designated Areas of Great Landscape Value, as indicated on the Policies and Proposals Map, development appropriate to a rural location will generally be acceptable provided that it is not detrimental to the amenity of the area, and accords with all other relevant District Council policies and standards. Proposals will be subject to strict control in relation to design and landscape considerations as well as timescale, traffic generation and access, amenity and environmental impact. The District Council will pursue and encourage any measures to further enhance the environmental quality and attraction of these areas.”

7a.18 The application site lies within an Area of Great Landscape Value. Within such areas, development appropriate to a rural location will generally be acceptable provided there is no detriment to the amenity of the area and subject to strict controls. In this instance the development is considered to be appropriate to a rural location for the reasons detailed in this report. The main impacts are considered to relate to visual and landscape amenity and traffic generation and increase in activity. The visual and landscape impacts of the yard and use of this yard could be mitigated to some extent by landscape planting and screening. This should include remediation of the slope at the northern edge of the yard. Due to the detrimental visual impact of the portacabins a temporary permission is considered to be appropriate for these structures. Concerns at an increase in traffic generation and activity to the area are noted, however the scale of the development (comprising facilities for 15 stabled horses and 15 grazing horses, and an outdoor riding arena) is considered to be acceptable and the type of traffic typical to a rural area. The hours of operation of the facility could be restricted by condition. Whilst the intention for show jumping events would increase traffic generation and activity at particular times, the scale of these events would be limited by the size of the facility and use of a single riding arena, and their occurrence would be intermittent. As an additional safeguard, a condition would be imposed to restrict the yearly number of show jumping events. Subject to the imposition of appropriate conditions, the application is considered to accord with this policy.

7a.19 Accordingly, the application is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses and the representations received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The application site lies within the countryside and an Area of Great Landscape Value under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 The relevant policies under this Plan include Policies EQ19 (Countryside), SC3 (Housing Development in the Countryside) and EP16 (Leisure and Tourism Development in the Countryside). These policies are similar to Policies ENV.1 and ECON.7 of the approved Falkirk Council Structure Plan and Policy Rural 1 of the adopted Rural Local Plan, and do not raise any additional issues. For the reasons detailed in relation to these policies, the application is similarly considered to accord with Policies EQ19, SC3 and EP16 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.4 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.5 The development is considered to accord with this policy, subject to the imposition of appropriate conditions, for the reasons detailed in assessment of the application against Policy Rural 13 of the adopted Rural Local Plan. Given that the application primarily involves the change of use of an existing agricultural building and associated development within an existing yard, the submission of landscape and visual assessments was not considered to be necessary.

Consultation Responses

- 7b.6 The consultation responses have been summarised in section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions. The Roads Development Unit has accepted that the 9 car-parking spaces indicated on the submitted plans are sufficient having regard to staff numbers and including an allocation for visitors. Whilst the required visibility splay at the vehicular entrance cannot be achieved to the east due to the existence of a fence, this fence is subject to application ref: P/09/0115/FUL which is currently pending consideration as detailed in paragraph 3.3 of this report. The comments of the Council's Rural Business Consultant are noted and the concerns regarding income generation could be reviewed following a trial period to test the viability and sustainability of the development to justify a continued residential accommodation on the site.

Public Representations

- 7b.7 The public representations and representations of the Denny and District Community Council are summarised in section 6 of this report. In response to the matters raised in these representations, the following comments are considered to be relevant:
- The requirement for conveniently located residential accommodation for welfare, supervision and security reasons in relation to the equestrian business has been accepted in this report. The intention would be to review the justification for continuing residential accommodation on the site following a trial period.
 - Obstruction of views is not a material consideration. However, the proposed manager's accommodation has been re-sited to within the existing yard, which should help address this concern.
 - The provision of landscape planting and screening would help address visual and landscape impacts as detailed in this report. This could be secured by condition.
 - It is recognised that the development generates traffic and activity at this location. However, the scale of the development is considered to be acceptable and in keeping with the character of a countryside location. A restriction on hours of operation would minimise late night and early morning activity.
 - Show case horse events, whilst increasing levels of activity, would occur on an intermittent basis. A condition could be imposed to require the details of the use of a P.A. system at such events.
 - It is noted that there are future developments proposed at this location, however they do not form part of this application. Any future planning application for further development would be considered on its merits.

- There is no evidence of an indoor riding arena on the site.
- It is agreed that the portacabins at the roadside are unsightly. It is considered that they should only be allowed on a temporary basis.
- It is recognised that the B818 is narrow in places with visibility restrictions. At the same time, regular passing bays are in place and the scale and nature of traffic associated with the development is considered to be acceptable taking into account the need for a countryside location for the use.
- The disparities in the application site boundaries have been regularised and the neighbours were subsequently re-notified.
- It is a legitimate course of action to apply for retrospective planning permission where development is unauthorised.
- The development has a tourism aspect to it and would therefore support the tourism potential of the area.
- No specific concerns regarding the flora, fauna and wildlife of the area have been raised. The application site is outwith the Carron Glen SSSI.
- No specific issues in relation to hydrology and ground water drainage have been raised. The Water Environment (Controlled Activities) (Scotland) Regulations administered by SEPA would require to be complied with. SEPA has not objected to the application.
- A number of concerns raised in objections are not material planning considerations or relevant to the application. These include the need for the development, the risk of animal disease, concerns in relation to aggregate removal and use of the property for motorcross and quad biking. Property title restrictions are a private legal matter.
- Notwithstanding this, the applicant has advised that the use of quad bikes is solely by members of the applicant's family for recreation purposes or in connection with stock control and land management.
- In addition, the applicant has advised that a borrow pit exists on the property which was first opened prior to their purchase of the property. The applicant has extracted material from this existing pit to make improvements to their land and to facilitate access. This does not require planning permission.
- The reasons in support of the development are noted and require to be balanced against the impacts and the justification for the various aspects of the development at this countryside location.

7c Conclusion

- 7c.1 The application as described in this report is considered to accord with the Development Plan for the reasons detailed in this report. In particular, the need for a countryside location for the equestrian use and conveniently located residential accommodation for animal welfare and security reasons are accepted. Whilst there is local opposition to the development, letters in support have also been received, and some of the material planning concerns raised in relation to amenity and landscape could be addressed to some extent by conditions. Concerns in relation to an increase in traffic generation and activity are noted, however the development is considered to be acceptable having regard to its nature, scale and need for a countryside location. These concerns are not considered to outweigh the acceptability of the development under the Development Plan.
- 7c.2 Accordingly, the application is recommended for approval subject to the imposition of appropriate conditions. These conditions include a trial period for the proposed manager's accommodation to enable a review of the sustainability and viability of the business to justify continued residential accommodation on the site. In addition, the conditions provide for a temporary period for the existing portacabins, due to their detriment to the amenity and character of the area.

8. RECOMMENDATION

- 8.1 It is recommended that detailed planning permission be granted subject to the following conditions:-
- (1) The manager's living accommodation and the site office and toilet accommodation shall be granted for a limited period until 30 June 2011 and at that time, unless further permission is granted, the site should be reinstated in accordance with an approved reinstatement plan.
 - (2) Within 3 months of the date of this decision, a scheme of soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate) :
 - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (ii) The location of new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - (iv) A programme for completion and subsequent maintenance.
 - (3) All approved landscaping works shall be implemented in accordance with the approved scheme of landscaping by the end of the first planting and seeding session following the date of this decision.

- (4) Within 3 months of the date of this decision, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Within 6 months of the date of this decision, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (5) The hours of opening of the stables, livery and riding school shall be restricted to 1000 to 2000 hours.
- (6) The number of show jumping events per annum shall be restricted to no more than 9 unless otherwise agreed in writing by this Planning Authority by grant of an application to amend the condition.
- (7) The use of any PA system or any other amplification system shall require the written approval of this Planning Authority.
- (8) Within 3 months of the date of this decision, the existing vehicular access shall be upgraded so that it has a minimum width of 6 metres, with a 10.5 metre radii on either side to form a bellmouth access, an alignment at right angles to the public road and a gradient no greater than 1:10.
- (9) The vehicular access shall be constructed in a manner to ensure that no surface water or loose material is discharged on to the public carriageway.
- (10) Within 3 months of the date of this decision, the applicant shall install a kerb line on the opposite side of the B818 to the vehicular access and a delineation kerb for the B818 across the vehicular access, in accordance with details to be approved in writing by this Planning Authority.
- (11) Within 3 months of the date of this decision, a 2.4 metre by 210 metre visibility splay shall be provided of either side of the existing vehicular access, to the extent practicable within the confines of the site, within which there shall be no obstruction in visibility greater than 1 metre in height above existing carriageway level.
- (12) The 9 car-parking spaces indicated on approved plan 03A shall be maintained free of obstruction at all times.
- (13) Two car-park spaces shall be provided for the manager's accommodation in accordance with details approved in writing by the Planning Authority within 3 months of the date of this decision. Thereafter the approved spaces shall be maintained free of obstruction at all times.
- (14) Within 3 months of the date of this decision, details of the provision of an overflow car-parking area shall be submitted to and approved in writing by this Planning Authority. Thereafter the overflow car-park shall be made available for use on such occasions as necessary in order to avoid parking on the verge of the B818 and obstruction of access to the car-parking spaces detailed in conditions 12 and 13 of this permission.

Reason(s):

- (1) The proposal is not considered to be a suitable form of permanent development.
- (2-3) To safeguard the visual amenity of the area.
- (4) To ensure the ground is suitable for the development.
- (5-7) To safeguard the amenity of the area.
- (8-11) To safeguard the users of the public highway.
- (12-13) To ensure that adequate car-parking is provided.
- (14) To safeguard the users of the public highway and to ensure that adequate car-parking is provided.

Informative:-

- (1) For the avoidance of doubt, the plans to which this decision refers bears our reference 01A, 02A, 03A, 04, 05, 06, 07, 08 and 09.
- (2) The applicant is directed to contact SEPA's Borders Environmental Protection and Improvement Team (tel: 01896 754797) to confirm acceptable surface water drainage and sewage effluent disposal arrangements.
- (3) Construction of the vehicular access will require a Minor Roadworks Consent, issued and approved by Road Services, Earls Road, Grangemouth.

.....
Director of Development Services

Date: 10th June 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection from Violet Kirkwood, Forresthill, Denny FK6 5JF on 23 October 2008.
5. Letter of objection from McLean and Stewart, 51/53 High Street, Dunblane FK15 0EG on 28 October 2008.
6. Letter of objection from Dr Josephine McGettigan, Topps Park, Fintry Road, Denny FK6 5JF on 13 October 2008.
7. Letter of objection from Hellen Stephenson, Riverside Farm, Denny FK6 5JF on 16 October 2008.
8. Letter of objection from Mr & Mrs Steel, The Topps Farm, Denny FK6 5JF on 09 October 2008.
9. Letter of objection from Denny and District Community Council, 76 Glasgow Road, Denny FK6 5DN on 09 October 2008.
10. Letter of objection from McLean & Stewart, 51/53 High Street, Dunblane, Perthshire FK15 0EG on 27 February 2009.
11. Letter of objection from Wm Buchanan, 29 Godfrey Avenue, Denny FK6 5BU on 09 March 2009.
12. Letter of objection from Denny & District Community Council, FAO: Roy Robertson, Secretary 76 Glasgow Road, Denny FK6 5DN on 11 March 2009.
13. Letter of objection from Mr & Mrs Kirkwood, Forresthill, Denny FK6 5JF on 11 March 2009.
14. Letter of objection from Dr Josephine T McGettigan, Topps Park The Topps, Farm Denny FK6 5JF on 07 April 2009.
15. Letter of objection from Mr & Mrs A Kirkwood, Forresthill, Denny FK6 5JF on 21 April 2009.
16. Letter of objection from Mrs Lillian Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
17. Letter of objection from Mr G Stephenson, Riverside Farm Cottage, Denny FK6 5JF on 02 April 2009.
18. Letter of support from Mr David Reed, 53 Grahams Road, Falkirk FK2 7DJ on 16 April 2009.
19. Letter of support from Tim Green t_g@btconnect.com on 22 April 2009
20. Letter of support from Emma Hyslop, E_hyslop@hotmail.com on 17 April 2009.
21. Letter of support from Mr and Mrs David McLeary, 27 Cultrig Drive, Whitburn EH47 8HN on 1 May 2009.
22. Letter of support from Elaine Anderson and 8 others, 34 Garvald Road, Head of Muir, Denny FK6 5NR on 8 May 2009.

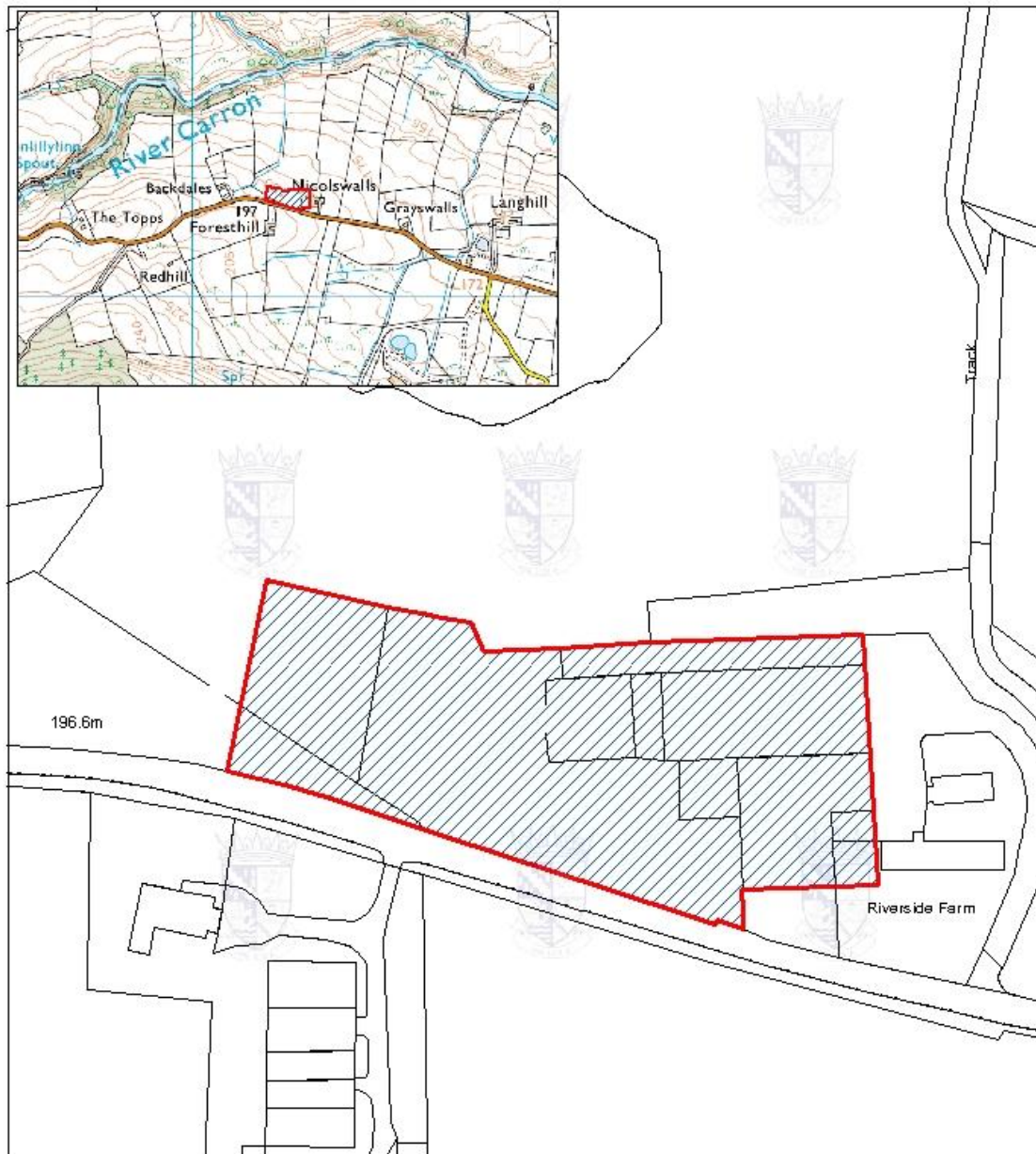
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/0804/FUL

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



Falkirk Council

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FALKIRK COUNCIL

Subject: CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT SCHOOLING AREA AT RIVERSIDE FARM, DENNY, FK6 5JF MR & MRS RAE (P/09/0128/FUL)

Meeting: REGULATORY COMMITTEE

Date: 17 June 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed retrospective planning permission for the change of use of agricultural land to form a floodlit outdoor schooling arena.
- 1.2 The application site is accessed from the B818 in the Carron Valley west of Denny and is part of a rural holding. The existing uses on the holding include a stables and livery operation, a riding school, the outdoor arena (subject of this application) and grazing.
- 1.3 The application site consists of an outdoor riding arena enclosed by timber fencing. The arena lies to the north of a yard containing the stables building, at a lower level. The submitted hours of operation are 10 am to 8 pm. The proposed floodlighting consists of a single portable unit located at the south-west corner of the arena. The arena is used for riding lessons. In addition, show jumping events are intended.

2. REASON FOR CONSIDERATION BY COMMITTEE

- 2.1 The application has been called in by Councillor Blackwood.

3. SITE HISTORY

- 3.1 Planning application ref: P/08/0804/FUL for the change of use of land/buildings to a stables, livery and riding school, siting of temporary staff office and toilet accommodation (retrospective) and erection of temporary manager's living accommodation is also being considered by the Planning Committee at its 17 June 2009 meeting.

- 3.2 Planning application ref: P/09/0127/FUL for the change of use of a former agricultural building to a depot for the storage of plant for hire and the servicing/repair of vehicles and plant (retrospective) has been withdrawn.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that the portable floodlighting is required to be positioned and controlled to minimise light pollution and avoid nuisance glare to road users.
- 4.2 The Environmental Protection Unit has advised that the type of generator powering the mobile lighting unit would not cause noise nuisance. Notwithstanding this, if complaints are received regarding noise, the Environmental Protection Unit would investigate and take any action necessary under the Environmental Protection Act. It is advised that the floodlighting is required to be angled in such a manner so as not to cause light intrusion to neighbouring dwellinghouses.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has objected to the application. The main concerns raised in its objection are included in Section 6 as part of the summary of the public representations received.

6. PUBLIC REPRESENTATION

- 6.1 Seven letters of objection to the application have been received. The main concerns raised in these objections and the objection from the Denny and District Community Council can be summarised as follows:

- Planning rules have been totally disregarded as the outdoor riding arena is already constructed.
- Detrimental impact on the amenities and character of the area.
- Loss of agricultural land.
- Proximity to Carron River and SSSI.
- Noise and increased traffic and activity associated with the riding school.
- Show case horse events would increase the level of activity and disturbance.
- Show case horse events would require some kind of announcement system.
- Disruption when the outdoor arena is in use at night.
- Light pollution from floodlighting.
- The generator (for floodlighting) would create noise disturbance.

- The B818 is a narrow road with passing places and poor visibility making it unsuitable for increasing traffic volumes.
- Increase in cars, trailers and horse transporting vehicles using the B818.

- 6.2 Four letters supporting the application have been received. One of these letters contains 8 signatories. The reasons for support can be summarised as follows:

- Majority of local opinion is not against this business.
- The facilities help promote tourism in the area.
- Fits well with desire of local authorities in the area to promote Carron Valley for walking, cycling and horse riding.
- The equestrian business is clean, well run and of high quality.

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”.

Accordingly,

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 This policy presumes against development in the countryside unless it can be demonstrated that a countryside location is essential. In this instance the development - an outdoor riding area – is linked to a stables, livery and riding school operation which, by virtue of its nature and character, requires a countryside location. The application is therefore considered to accord with this policy.

Adopted Rural Local Plan

7a.3 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*

2. *On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council's "Guide to Tree Planting/Housing Proposals on Slamannan Plateau".*
3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

- 7a.4 This policy presumes against new development in the countryside except in limited circumstances. The relevant potential exception in this instance is criterion 5. This criterion provides for development for tourism and countryside recreation requiring a rural setting. For the reasons detailed in this report, it is considered that the development requires a rural setting. In addition, the development is considered to be appropriate in terms of its type, scale and location and has the potential to enhance the area through the provision of outdoor recreation facilities.
- 7a.5 The policy states that the scale, siting and design of development shall be strictly controlled. The siting of the outdoor riding area is considered to be acceptable. Its visual impact is mitigated by its position below the level of the adjacent yard. The appearance of the arena is tidy and in keeping with the character of the rural area. The enclosure of the arena by open timber fencing is sympathetic to the rural area and characteristic of the nature of the development.
- 7a.6 For the reasons detailed above, the application is considered to accord with this policy.
- 7a.7 Policy RURAL 13 'Areas of Great Landscape Value' states:

"That within the designated Areas of Great Landscape Value, as indicated on the Policies and Proposals Map, development appropriate to a rural location will generally be acceptable provided that it is not detrimental to the amenity of the area, and accords with all other relevant District Council policies and standards. Proposals will be subject to strict control in relation to design and landscape considerations as well as timescale, traffic generation and access, amenity and environmental impact. The District Council will pursue and encourage any measures to further enhance the environmental quality and attraction of these areas."

- 7a.8 The application site lies within an Area of Great Landscape Value. Within such areas, development appropriate to a rural location will generally be acceptable provided there is no detriment to the amenity of the area, and subject to strict controls. In this instance the development is considered to be appropriate to a rural location for the reasons detailed in this report. The main amenity impacts are considered to relate to the potential for light pollution emanating from the floodlighting for the arena and traffic generation and increase in activity arising from the use of the outdoor arena for equestrian related activities, including the riding school and show jumping events. The issue of light pollution could be addressed by condition to control the light spill and luminance of the floodlighting and to prohibit its use outwith the submitted hours of operation (10 am to 8 pm). The potential for an increase in traffic generation and activity is noted, however it is considered that the scale of the development (a 1600m² outdoor arena) would limit use of this facility and associated impacts to an acceptable level. A restriction on hours of operation would also control these impacts. Subject to the imposition of appropriate conditions, the application is considered to accord with this policy.
- 7a.9 Accordingly the application is considered to accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses and the representations received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 The application site lies within the Countryside and on an Area of Great Landscape Value under the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7b.3 The relevant policies under this plan include Policies EQ19 (Countryside) and EP 16 (Leisure and Tourism Development in the Countryside). These policies are similar to Policy ENV1 of the approved Falkirk Council Structure Plan and Policy Rural 1 of the adopted Rural Local Plan, and do not raise any additional issues. For the reasons detailed in relation to these policies, the application is similarly considered to accord with Policies EQ19 and EP16 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7b.4 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.5 The development is considered to accord with this policy, subject to the imposition of appropriate conditions, for the reasons detailed in assessment of the application against Policy Rural 13 of the adopted Rural Local Plan. Given the small scale and location of the outdoor arena, the submission of landscape and visual assessments was not considered to be necessary.

Consultation Responses

- 7b.6 The consultation responses have been summarised in Section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions of any approval of the application.

Representations Received

- 7b.7 The public representations and the representation of the Denny and District Community Council have been summarised in Section 6 of this report. In response to the matters raised in these representations, the following comments are considered to be relevant:

- It is a legitimate course of action to apply for retrospective planning permission where development is unauthorised.
- The loss of agricultural land is not significant.
- The development is outwith the Carron Glen SSSI.
- It is recognised that use of the outdoor riding arena generates increased activity at this location. However, the scale of the activity is considered to be acceptable and in keeping with the character of a countryside location. Conditions to control hours of operation and floodlighting would prevent late night and early morning activity and disturbance.
- Show case horse events, whilst increasing levels of activity, would occur on an intermittent basis.
- A recommended condition for application ref: P/08/0804/FUL controls the use of a P.A. system.
- The Environmental Protection Unit has advised that the type of generator powering the mobile lighting unit would not cause any noise nuisance.
- It is recognised that the B816 is narrow in places, with restricted visibility. At the same time, regular passing bays are in place and the scale and nature of traffic associated with the development is considered to be acceptable and in keeping with a countryside location.
- The reasons in support of the development are noted and require to be balanced against the impacts and justification for the various aspects of the development at this countryside location.

7c Conclusion

- 7c.1 This application, for the change of use of agricultural land to form a flood lit schooling area, is considered to accord with the Development Plan for the reasons detailed in this report. The application is therefore recommended for approval subject to appropriate conditions. The application is linked to planning application ref: P/08/0804FUL for equestrian related uses which is also recommended for approval and also to be considered at the Planning Committee meeting on 17 June. There are not considered to be any material planning considerations to justify setting aside the terms of the Development Plan in this instance.

8. RECOMMENDATION

8.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1) The hours of operation of the outdoor arena shall be restricted to 10:00 and 20:00 hours**
- (2) Within one month of the date of this decision, details of the luminance (brightness) and light spill generated by the portable floodlighting unit shall be submitted to and approved in writing by this Planning Authority. Thereafter the floodlighting shall be operated in accordance with the approved details, including any necessary measures to mitigate light nuisance. For the avoidance of doubt, the portable floodlighting unit shall be sited in accordance with approved plan 01, unless otherwise agreed in writing by this Planning Authority.**

Reason(s):

- (1) To safeguard the amenity of the area.**
- (2) To safeguard the amenity of the area and the interests of the users of the public highway.**

Informative:

- (1) For the avoidance of doubt, the plans for which this decision refers bears our reference 01, 02, 03 and 04.**

.....
Director of Development Services

Date: 10th June 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection received on 27 February 2009 by McLean & Stewart 51/53 High Street Dunblane Perthshire
5. Letter of objection received on 11 March 2009 by Mr & Mrs Kirkwood Forresthill Denny FK6 5JF .
6. Letter of objection received on 21 April 2009 by Mr & Mrs A Kirkwood Forresthill Denny FK6 5JF.
7. Letter of support received on 5 April 2009 by Chrissie Paterson Bridgend Farm Falkirk FK2 8RT.
8. Letter of support received on 6 May 2009 by Mr & Mrs McLeary 27 Cultrig Drive

Whitburn West Lothian EH47 8HN .

9. Letter of objection received on 2 April 2009 by Mr G Stephenson Riverside Farm Cottage Denny FK6 5JF.
10. Letter of objection received on 11 March 2009 by Denny & District Community Council
FAO: Roy Robertson, Secretary 76 Glasgow Road Denny FK6 5DN
11. Letter of objection received on 02 April 2009 by Mrs L Stephenson Riverside Farm Cottage Denny FK6 5JF
12. Letter of objection received on 07 April 2009 by Dr J T McGettigan Topp Park The Topps Farm Denny FK6 5JF
13. Letter of support received on 22 April 2009 by Tim Green, Carron Bridge Hotel, t-green@btconnect.com
14. Letter of support received on 8 May 2009 by Elaine Anderson and 8 others, 34 Garvald Road, Head of Muir, Denny FK6 5NR.

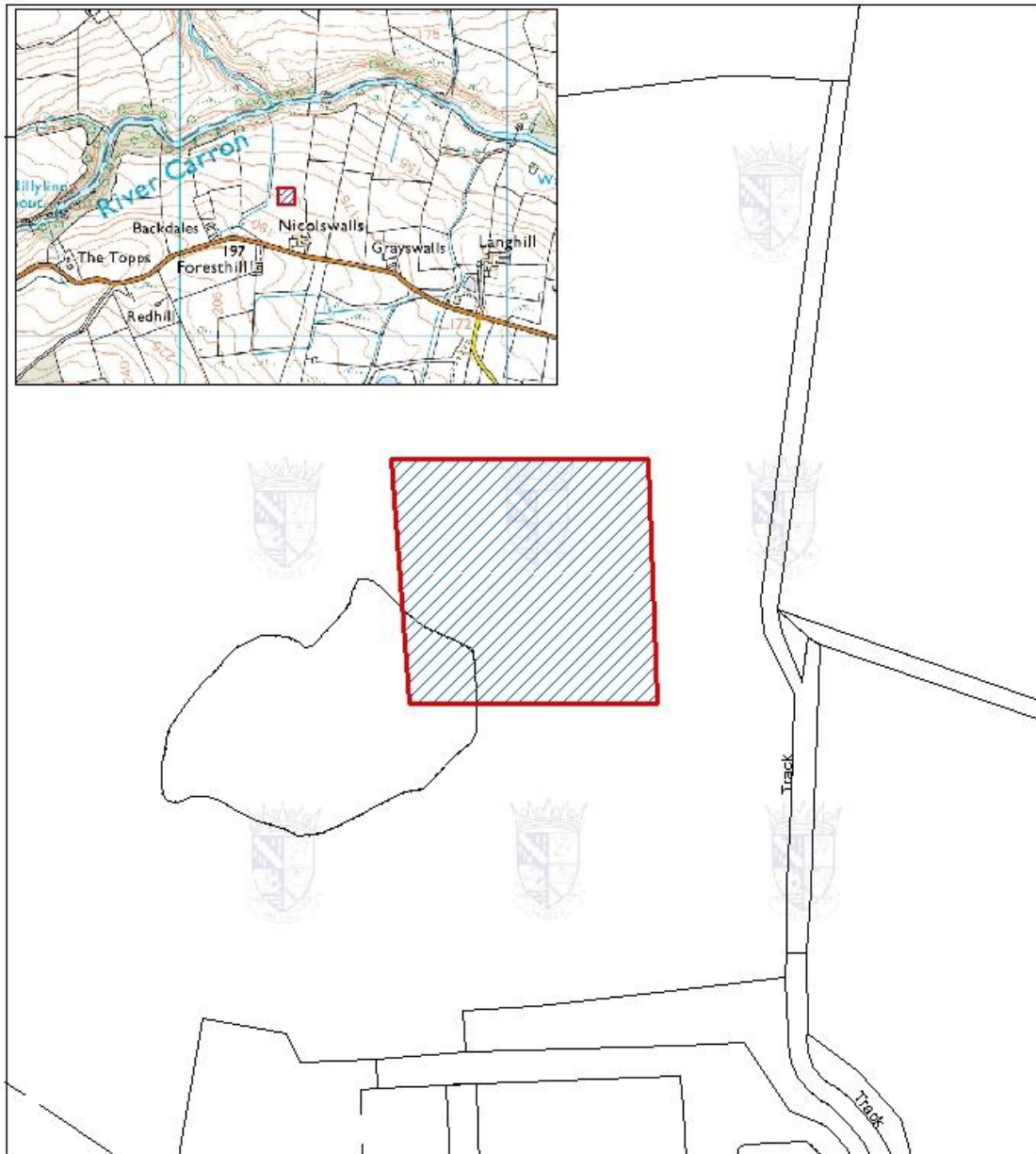
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0128/FUL

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



Falkirk Council

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FALKIRK COUNCIL

Subject: ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT
HOUSEHILL FARM, LARBERT, FK5 4RZ FOR JOHN POLLOCK AND
SONS LTD (OUTLINE) – P/08/0874/OUT
Meeting: PLANNING COMMITTEE
Date: 17 JUNE 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir & Torwood

Case Officer: (Planning Officer) Brent Vivian, ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks outline planning permission for the erection of a dwellinghouse for an agricultural worker.
- 1.2 The application site lies to the east of the existing farmhouse at Househill Farm near Larbert. The site is some 900m² in area, square shaped and currently in open farmland. There is an existing stone wall along the road frontage to the site.
- 1.3 An Agricultural Labour Requirement Report has been submitted with the application. In summary it states: -
 - The applicant runs an agricultural business based at Bonnyhill Farm. The business also farms several other sites in the Falkirk area. The main ones are Bonnyside Farm and Househill Farm.
 - The business is run as a dairy and arable cropping farm with all calves born to the dairy cows reared as dairy herd replacements or as finished cattle for the beef market. In addition, winter sown cereals, spring cereals and grass for silage are grown.
 - The business processes and retails all the milk produced by the dairy herd. The processing and distribution operation is based at Bonnyhill Farm and employs 8 full time people. There has recently been a substantial investment in the dairy buildings and new milking parlour at Bonnyhill Farm.
 - The dairy herd at Bonnyhill has been expanded, necessitating the movement of the rearing of the heifers and beef cattle to the other farm sites owned by the business.

- The business has a requirement to comply with animal welfare regulations. A failure to meet those requirements would jeopardise membership of the Quality Assurance Scheme for livestock. To fulfil those requirements it is necessary to have appropriately qualified people resident on the site where the livestock are kept.
- The business currently has 8 houses available to it with one house occupied by Mrs Pollock (Senior) who is no longer actively involved in the business.
- In order to have key personnel situated at the sites where livestock are kept it has been identified that the business requires a further two houses to fulfil this function.
- The labour requirement of the current farming business has been calculated at 13.42 labour units.
- It is concluded that there is an agricultural justification to support an additional 2 houses for key workers based on the labour requirements for the business using standard labour data.

- 1.4 The applicant's agent has confirmed that the farming operation (excluding the milk processing operation) employs 12 full time workers. He has named these workers and advised that 7 of them occupy dwellinghouses owned by the business and that the remainder live in a variety of other houses, some of which are not very convenient to the farm operation.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Coleman.

3. SITE HISTORY

- 3.1 There is no planning history for the application site.
- 3.2 Planning application ref: P/08/0866/OUT for the erection of a dwellinghouse for an agricultural worker at Bonnyside Farm has also been submitted and is pending consideration.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that access to the proposed development would be by means of an existing private access road of restricted width and alignment, that lacks footway and lighting provision. Development accessed by a private road is contrary to this department's practice.
- 4.2 The Environmental Protection Unit has advised that the undertaking of a Contaminated Land Assessment will be required. Its database shows the application site to be within 250 metres of a working farm and other potential sources of land contamination.
- 4.3 Scottish Water has no objection to the application. It has noted that there are no public sewers in the vicinity of the proposed development.

- 4.4 Museum Services have advised that the site lies at the centre of a large Roman temporary camp dating to the 3rd century AD, such that a condition should be attached to any permission to require an archaeological survey. It is advised that Roman temporary camps are generally devoid of internal structures other than ovens and pits and that the visual impact of the proposed development on the archaeological setting would be minimised by its proximity to the existing farm buildings.
- 4.5 The Council's Rural Business Consultant has raised concerns in relation to the operational need for the proposed dwellinghouse. In particular, he considers that the system of measurement used to justify a requirement for 13.42 labour units is outdated and not appropriate in this instance given the size of the farm (giving rise to efficiencies through economies of scale), family involvement and the likelihood that the hours worked are longer than the standard labour unit. In addition, he is not aware of the current location of the 8 existing farm dwellinghouses because the applicant has not provided this information despite being asked to do so. The consultant considers that, unless there are a significant number of animals at a particular location, it may not be feasible to justify a dwellinghouse on site for welfare reasons if the stock can be looked after in a satisfactory fashion from nearby.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 No public representations have been received to the application.

7. DETAILED APPRAISAL

7a The Development Plan

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”.

Accordingly: -

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 This policy requires consideration of whether the proposed dwellinghouse is essential to a countryside location. The justification put forward is that the proposed dwellinghouse is required for an agricultural worker, and an Agricultural Labour Requirement Report has been submitted in support of this. The ‘essentiality’ test in respect of the proposed dwellinghouse is considered to require assessment of the operational need for the proposed dwellinghouse, whether there is an existing dwellinghouse that could meet that need or there is an opportunity for an existing building to be converted to meet that need, and whether the business as a whole is capable of providing the main source of income for the occupant.
- 7a.3 The operational need for the proposed dwellinghouse requires consideration of whether the agricultural worker needs to be resident on the site rather than somewhere else and whether the business provides sufficient full-time employment to support an additional dwellinghouse. In this instance insufficient information has been submitted in regard to how the animal husbandry currently takes place across the different farm units, the location of the existing dwellinghouses owned by the business and the place of residence of the regular staff. It has therefore not been demonstrated that the stock could not be looked after in a satisfactory fashion without the need for the proposed dwellinghouse. With regard to employment, the concerns raised by the Council’s Rural Business Consultant are noted, however it is accepted that the labour unit requirement of 13.42 has been calculated in accordance with agreed labour data requirements. It is therefore considered that the application could not be properly opposed on these grounds.
- 7a.4 The existing cluster of buildings at Househill Farm includes a dwellinghouse. It has not been demonstrated that this dwellinghouse could not meet any operational need at this location. In addition, there are a number of existing buildings at this location. It has not been demonstrated that there is no opportunity to convert an existing building to meet any operational need.
- 7a.5 No information has been submitted to demonstrate that the business could provide the main source of income for the occupant of the proposed dwellinghouse.
- 7a.6 It is therefore considered that it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse. Accordingly, the application does not accord with this policy.

Adopted Rural Local Plan

- 7a.7 The application site lies within the countryside under the adopted Rural Local Plan.
- 7a.8 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

1. *Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*

2. *On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council's "Guide to Tree Planting/Housing Proposals on Slamannan Plateau".*
3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

- 7a.9 This policy presumes against new development in the countryside except in limited circumstances. The relevant potential exception in this instance is criteria 1. For the reasons detailed in relation to Policy ENV. 1 of the approved Falkirk Council Structure Plan it has not been demonstrated that the proposed dwellinghouse is absolutely essential to the pursuance of an economic activity appropriate to a rural location. The application therefore does not accord with this policy.
- 7a.10 The policy requires strict control of the siting, scale and design of those developments in the countryside which are granted planning permission. In this instance the location of the application site is considered to be acceptable given its proximity to the existing farm buildings. The design and layout of the proposed dwellinghouse would be considered as part of a detailed application should permission be granted. Boundary treatments would be important given the open nature of the site. There would be a preference for stone walling and hedging using native species and a presumption against timber fencing.
- 7a.11 Accordingly, the application does not accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses and the submissions by the applicant.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 The application site lies within the countryside under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

- 7b.3 The relevant policies under this plan are Policy EQ19 (Countryside) and Policy SC3 (Housing Development in the Countryside). These policies are similar to Policy ENV.1 of the approved Falkirk Council Structure Plan and to Policy Rural 1 of the adopted Rural Local Plan and do not raise any additional issues. For the reasons detailed in relation to Policy ENV 1 of the Falkirk Council Structure Plan, the application is similarly considered to be contrary to Policy EQ19 and SC3 of the emerging replacement Local Plan.

Consultation Responses

- 7b.4 The consultation responses are summarised in Section 4. of this report. The comments of the Roads Development Unit, Scottish Water and Museum Services are noted, however it is considered that the concerns of the Roads Development Unit concerning access to the site could not justify refusal of the application in this instance.
- 7b.5 The request by the Environmental Protection Unit for a contaminated land assessment could be the subject of a condition of any approval of the application.
- 7b.6 The concerns of the Council's Rural Business Consultant regarding the operational need for the proposed dwellinghouse are noted and are reflected to a large extent in assessment of the application against the relevant Development Plan policies.

Submissions by the Applicant

- 7b.7 The submission by the applicant is set out in paragraph 1.3 of this report. The applicant contends that appropriately qualified people require to be resident where livestock is kept, in order to comply with animal welfare regulations. However, the Council's Rural Business Consultant has advised that there are plenty of farm units carrying livestock that do not have farm staff resident on the site. The applicant has not detailed how the animal husbandry currently takes place across the different farm units, the location of the existing dwellinghouses owned by the business and the place of residence of the regular staff, in spite of this information having been requested. If a case could be made that there are no existing dwellinghouses occupied by a regular staff member or family member within close proximity of the livestock accommodation, then this Planning Service may be able to accept an operational need for the proposed dwellinghouse on welfare grounds. In addition, cash flow accounts would need to be submitted to demonstrate that the business would provide the main source of income to the occupant of the proposed dwellinghouse.

7c Conclusion

- 7c.1 This application, for the erection of an agricultural workers dwellinghouse, is considered to be contrary to the Development Plan for the reasons detailed in this report. The application is therefore recommended for refusal. There are considered to be no material planning considerations to justify setting aside the terms of the Development Plan in this instance. The application founders on a deficiency of information as detailed in this report.
- 7c.2 If the Committee is of a mind to support this proposal it is considered that this would not constitute a significant departure to the Development Plan because of the minor nature of the development.

8. RECOMMENDATION

8.1 It is therefore recommended that planning permission be refused for the following reasons:

- (1) The application is considered to be contrary to Policies ENV.1 (Countryside and Protected Areas) of the approved Falkirk Council Structure Plan, Rural 1 (New Development in the Countryside) of the adopted Rural Local Plan and EQ19 (Countryside) and SC3 (Housing in the Countryside) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse. In particular the operational need for the proposed dwellinghouse, whether any existing dwellinghouse or conversion of an existing building could meet that need, and whether the existing business would provide the main source of income for the occupant of the proposed dwellinghouse have not been demonstrated. The proposed dwellinghouse is therefore considered to represent unjustified development in the countryside.**

.....
For Director of Development Services

Date: 10 June 2009

LIST OF BACKGROUND PAPERS

- 1. Approved Falkirk Council Structure Plan**
- 2. Adopted Rural Local Plan**
- 3. Falkirk Council Local Plan Finalised Draft (Deposit Version)**

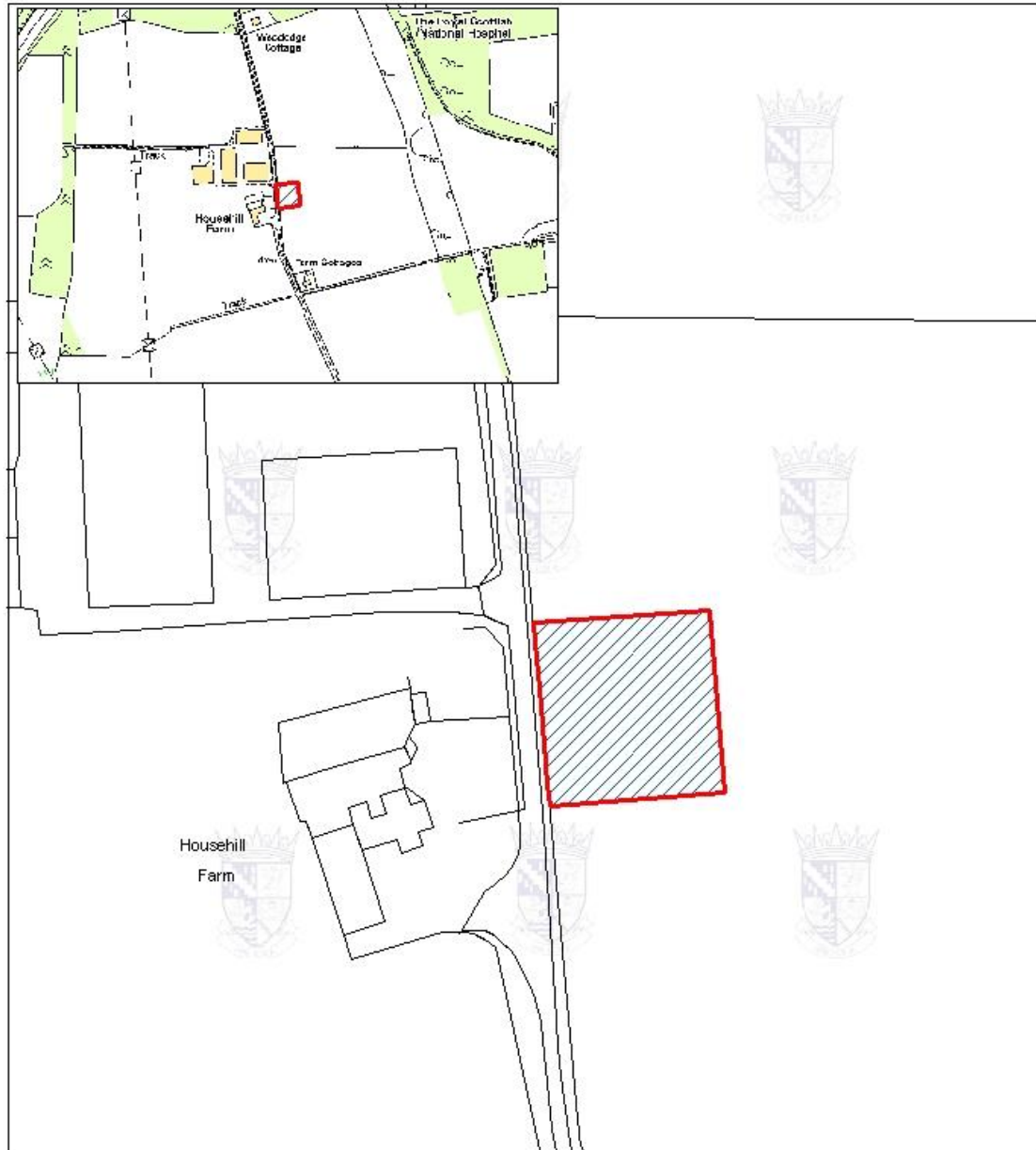
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/0874/OUT

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



Falkirk Council

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FALKIRK COUNCIL

Subject: ERECTION OF AGRICULTURAL WORKER DWELLINGHOUSE, LAND TO THE NORTH EAST OF BONNYSIDE FARM, BONNYSIDE ROAD, BONNYBRIDE FOR JOHN POLLOCK & SONS LTD (OUTLINE) – P/08/0866/OUT
Meeting: PLANNING COMMITTEE
Date: 17 June 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: None

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks outline planning permission for the erection of a dwellinghouse for an agricultural worker.
- 1.2 The application site lies to the east of existing farm buildings at Bonnyside Farm, High Bonnybridge. The site is some 1200m² in area, square shaped and currently consists of open farmland. It is accessed off Bonnyside Road via a private farm track.
- 1.3 An Agricultural Labour Requirement Report has been submitted with the application. In summary it states: -
 - The applicant runs an agricultural business based at Bonnyhill Farm. The business also farms several other sites in the Falkirk area. The main ones are Bonnyside Farm and Househill Farm.
 - The business is run as a dairy and arable cropping farm with all calves born to the dairy cows reared as dairy herd replacements or as finished cattle for the beef market. In addition, winter sown cereals, spring cereals and grass for silage are grown.
 - The business processes and retails all the milk produced by the dairy herd. The processing and distribution operation is based at Bonnyhill Farm and employs 8 full time people. There has recently been a substantial investment in the dairy buildings and new milking parlour at Bonnyhill Farm.
 - The dairy herd at Bonnyhill has been expanded, necessitating the movement of the rearing of the heifers and beef cattle to the other farm sites owned by the business.

- The business has a requirement to comply with animal welfare regulations. A failure to meet those requirements would jeopardise membership of the Quality Assurance Scheme for livestock. To fulfil those requirements it is necessary to have appropriately qualified people resident on the site where the livestock are kept.
- The business currently has 8 houses available to it with one house occupied by Mrs Pollock (Senior) who is no longer actively involved in the business.
- In order to have key personnel situated at the sites where livestock are kept it has been identified that the business requires a further two houses to fulfil this function.
- The labour requirement of the current farming business has been calculated at 13.42 labour units.
- It is concluded that there is an agricultural justification to support an additional 2 houses for key workers based on the labour requirements for the business using standard labour data.

1.4 The applicant's agent has confirmed that the farming operation (excluding the milk processing operation) employs 12 full time workers. He has named these workers and advised that 7 of them occupy dwellinghouses owned by the business and that the remainder live in a variety of other houses, some of which are not very convenient to the farm operation.

1.5 In addition, the applicant's agent has advised that the application site was selected because it is an elevated area thereby allowing for a large part of the farm to be visible from the proposed dwellinghouse

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The application has been called-in by Councillor Coleman.

3. SITE HISTORY

3.1 There is no planning history for the application site.

3.2 Planning application ref: P/08/0874/OUT for the erection of a dwellinghouse for an agricultural worker at Househill Farm has also been submitted and is also on the agenda for consideration by the Planning Committee at the meeting on 17 June 2009.

4. CONSULTATIONS

4.1 The Roads Development Unit has advised that access to the proposed development would be by means of an existing private access road of restricted width and alignment, that lacks footway and lighting provision. Development accessed by a private road is contrary to the department's practice.

4.2 The Environmental Protection Unit has advised that the undertaking of a Contaminated Land Assessment will be required. Its database shows the application site to be within 250 metres of a factory or works, a railway line and other potential sources of land contamination.

- 4.3 Scottish Water has no objection to the application.
- 4.4 Museum Services have advised that the site lies within the buffer zone for the Antonine Wall on one of the major approaches to the important visitor attraction at Rough Castle. Whilst there is no known archaeology in the immediate vicinity of the site, the proposed development would intrude into the buffer zone and there may be a tendency to fill in the area between it and the existing farm with more structures. It is recommended that the dwellinghouse be placed nearer to the existing building in order to lessen visual impact.
- 4.5 Historic Scotland has advised that the proposed dwellinghouse is located 220 metres to the south of a scheduled section of the Forth and Clyde Canal and 360 metres to the north of a scheduled section of the Antonine Wall. It also lies within the buffer zone for the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site. Historic Scotland has requested additional information on the scale of the proposed dwellinghouse and the scope of amenity around the building in order to determine its impact on the setting of the Antonine Wall Scheduled Ancient Monument. In addition, it is requested that the applicant consider locations closer to the existing built up area to minimise intrusion into the buffer zone.
- 4.6 The Council's Rural Business Consultant has raised concerns in relation to the operational need for the proposed dwellinghouse. In particular, he considers that the system of measurement used to justify a requirement for 13.42 labour units is outdated and not appropriate in this instance given the size of the farm (giving rise to efficiencies through economies of scale) family involvement and the likelihood that the hours worked are longer than the standard labour unit. In addition, he is not aware of the current location of the 8 existing farm dwellinghouses because the applicant has not provided this information despite being asked to do so. The Consultant considers that, unless there are a significant number of animals at a particular location, it may not be feasible to justify a dwellinghouse on site for welfare reasons if the stock can be looked after in a satisfactory fashion from nearby.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council at present for this area.

6. PUBLIC REPRESENTATION

- 6.1 No public representations have been received to the application.

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”.

Accordingly,

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 This policy requires consideration of whether the proposed dwellinghouse is essential to a countryside location. The justification put forward is that the proposed dwellinghouse is required for an agricultural worker, and an Agricultural Labour Requirement Report has been submitted in support of this. The ‘essentiality’ test in respect of the proposed dwellinghouse is considered to require assessment of the operational need for the proposed dwellinghouse, whether there is an existing dwellinghouse that could meet that need or there is an opportunity for an existing building to be converted to meet that need, and whether the business as a whole is capable of providing the main source of income for the occupant. These assessment matters are set out in Policy SC3 (Housing Development in the Countryside) of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7a.3 The operational need for the proposed dwellinghouse requires consideration of whether the agricultural worker needs to be resident on the site rather than somewhere else and whether the business provides sufficient full-time employment to support an additional dwellinghouse. In this instance insufficient information has been submitted in regard to how the animal husbandry currently takes place across the different farm units, the location of the existing dwellinghouses owned by the business and the place of residence of the regular staff. It has therefore not been demonstrated that the stock could not be looked after in a satisfactory fashion without the need for the proposed dwellinghouse. With regard to employment, the concerns raised by the Council’s Rural Business Consultant are noted, however it is accepted that the labour unit requirement of 13.42 has been calculated in accordance with agreed labour data requirements. It is therefore considered that the application could not be properly opposed on these grounds.

7a.4 There would not appear to be an existing dwellinghouse at Bonnyside Farm that could meet any operational need at this location. It is not known to this Planning Service if an existing dwellinghouse that could have served any need has been sold or otherwise alienated from this farm holding. In addition, there would not appear to be any opportunity to convert an existing building to meet any operational need.

7a.5 No information has been submitted to demonstrate that the business would provide the main source of income for the occupant of the proposed dwellinghouse.

7a.6 It is therefore considered that it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse. Accordingly, the application does not accord with this policy.

Adopted Rural Local Plan

7a.7 The application lies within the countryside under the adopted Rural Local Plan.

7a.8 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
- 6. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council’s “Design Guide For Buildings In The Rural Areas” and sympathetic to vernacular architectural forms will be expected.”

7a.9 This policy presumes against new development in the countryside except in limited circumstances. The relevant potential exception in this instance is criteria 1. For the reasons detailed in relation to Policy ENV. 1 of the approved Falkirk Council Structure Plan it has not been demonstrated that the proposed dwellinghouse is absolutely essential to the pursuance of an economic activity appropriate to a rural location. The application therefore does not accord with this policy.

7a.10 The policy requires strict control of the siting, scale and design of those developments in the countryside which are granted planning permission. In this instance the application site is located some 70 metres to the north-east of the existing farm buildings within an open landscape. As such, it is considered that the proposed dwellinghouse would appear as a sporadic development form and have an adverse impact on the open nature and character of the countryside. This is compounded by the relatively large size (some 1200m²) of the plot to accommodate the proposed dwellinghouse. The design and layout of the proposed dwellinghouse would be considered as part of a detailed application should outline permission be granted. Boundary treatments would be important given the open nature of the site. There would be a preference for stone walling and hedging using native species and a presumption against timber fencing.

7a.11 Policy RURAL 17 'Antonine Wall' states:

"That along the Antonine Wall there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the wall. Proposals which would lead to a sympathetic use of the wall for tourism, local recreation and interpretation will generally be considered favourably."

7a.12 The proposed development would not directly impact on a scheduled ancient monument but would potentially affect the setting of the Antonine Wall. Historic Scotland has requested additional information regarding the scale of the proposed dwellinghouse, however this level of detail is not currently available and would be forthcoming as part of a detailed application should outline permission be granted. Detailed assessment of the proposed development against the policy is therefore not possible at this time. However, it is relevant to note that consideration of a location closer to the existing farm buildings and a smaller plot size would minimise intrusion into the buffer zone. In contrast, the selected site for the proposed dwellinghouse the potential to adversely affect the setting of the Antonine Wall. By virtue of this, the application is considered to be contrary to this policy.

7a.13 Accordingly, the application does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses and the submissions by the applicant.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The application site lies within the countryside, the Green Belt and the Antonine Wall Buffer Zone under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 The relevant policies under this plan include Policy EQ19 (Countryside) and Policy SC3 (Housing Development in the Countryside). These policies are similar to Policy ENV 1 of the approved Falkirk Council Structure Plan and Policy Rural 1 of the adopted Rural Local Plan and do not raise any additional issues. For the reasons detailed in relation to Policy ENV 1 of the Falkirk Council Structure Plan, the application is similarly considered to be contrary to policies EQ19 and SC3 of the emerging replacement Local Plan.

7b.4 Policy EQ20 - ‘Green Belt’ states:

“There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:

- (1) The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3;*
- (2) The proposal will not undermine the role of the Green Belt by*
 - detracting from its existing landscape character;*
 - reducing the visual separation between settlements; or*
 - compromising its existing or potential future use for countryside recreation.*

Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21.”

7b.5 This policy contains a strong presumption against development in the Green Belt except in limited circumstances. In this instance the proposed development does not satisfy all of these exceptions as the development has been assessed in this report as contravening policies EQ19 and SC3 and is considered to have the potential to detract from the existing open character of the landscape at this location, thereby potentially undermining the role of the Green Belt. The proposed development is therefore considered to be contrary to this policy.

7b.6 Policy EQ17 ‘Antonine Wall’ states:

“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- (1) There will be a presumption against development which would have an adverse impact on the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*
- (2) There will be a presumption against development within the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is not conflict with other Local Plan policies; and*
- (3) The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map.”*

7b.7 Under this policy there is a presumption against development within the Antonine Wall buffer zone that would have an adverse impact on its setting. This issue has been considered in relation to Policy Rural 17 of the adopted Rural Local Plan. The comments made apply similarly to Policy EQ17.

Consultation Responses

7b.8 The consultation responses are summarised in section 4. The comments of the Roads Development Unit, Scottish Water, Museum Services and Historic Scotland are noted. It is considered that the concerns of the Roads Development Unit concerning access to the site could not justify refusal of the application in this instance.

- 7b.9 The request by the Environmental Protection Unit for a Contaminated Land Assessment could be the subject of a condition of any approval of the application.
- 7b.10 The concerns of the Council's Rural Business Consultant regarding the operational need for the proposed dwellinghouse are noted and are reflected to a large extent in assessment of the application against the relevant Development Plan policies.

Submissions by the Applicant

- 7b.11 The submission by the applicant is set out in paragraph 1.3 of this report. The applicant contends that appropriately qualified people require to be resident where livestock is kept, in order to comply with animal welfare regulations. However, the Council's Rural Business Consultant has advised that there are plenty of farm units carrying livestock that do not have farm staff resident on the site. The applicant has not detailed how the animal husbandry currently takes place across the different farm units, the location of the existing dwellinghouses owned by the business and the place of residence of the regular staff member, in spite of this information having been requested. If a case could be made that there are no existing dwellinghouses occupied by a regular staff member or family member within close proximity of the livestock accommodation, then this Planning Service may be able to accept an operational need for the proposed dwellinghouse on welfare grounds. In addition, cash flow accounts would need to be submitted to demonstrate that the business would provide the main source of income to the occupant of the proposed dwellinghouse. There is also a siting issue as detailed in this report.

7c Conclusion

- 7c.1 This application, for the erection of an agricultural workers dwellinghouse, is considered to be contrary to the Development Plan for the reasons detailed in this report. The application is therefore recommended for refusal. There are not considered to be any material planning considerations to justify setting aside the terms of the Development Plan in this instance. The application partly founders on a deficiency of information as detailed in this report. Location of the proposed dwellinghouse nearer to the existing farm buildings would address concerns regarding impact on the open character of the countryside and minimise intrusion into the Antonine Wall buffer zone, whilst maintaining good visibility over the farm and providing security of the farm buildings.
- 7c.2 If the Committee is of a mind to support this proposal it is considered that this would not constitute a significant departure to the Development Plan because of the minor nature of the development.

8. RECOMMENDATION

8.1 It is therefore recommended that outline planning permission be refused for the following reason(s):-

- (1) The application is considered to be contrary to Policies ENV.1 (Countryside and Protected Areas) of the approved Falkirk Council Structure Plan, Rural 1 (New Development in the Countryside) of the adopted Rural Local Plan and EQ19 (Countryside) and SC3 (Housing in the Countryside) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouse. In particular the operational need for the proposed dwellinghouse and whether the existing business could provide the main source of income for the occupant of the proposed dwellinghouse have not been demonstrated. The proposed dwellinghouse is therefore considered to represent unjustified development in the countryside.
- (2) The application is considered to be contrary to Policies Rural 1 (New Development in the Countryside) of the adopted Rural Local Plan and EQ19 (Countryside) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as the proposed development would appear as a sporadic development form to the detriment of the open nature and character of the countryside.
- (3) The application is considered to be contrary to Policy EQ20 of the Falkirk Council Local Plan Finalised Draft (Deposit version) as the proposed development does not satisfy all of the exceptions of the policy to justify setting aside the strong presumption against development in the Green Belt.
- (4) The application is considered to be contrary to Policy 17 (Antonine Wall) of the adopted Rural Local Plan and Policy EQ17 (Antonine Wall) of the Falkirk Council Local Plan (Finalised Draft) as the proposed development has the potential to have an adverse impact on the setting of the Antonine Wall.

.....
For Director of Development Services

Date: 10 June 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).

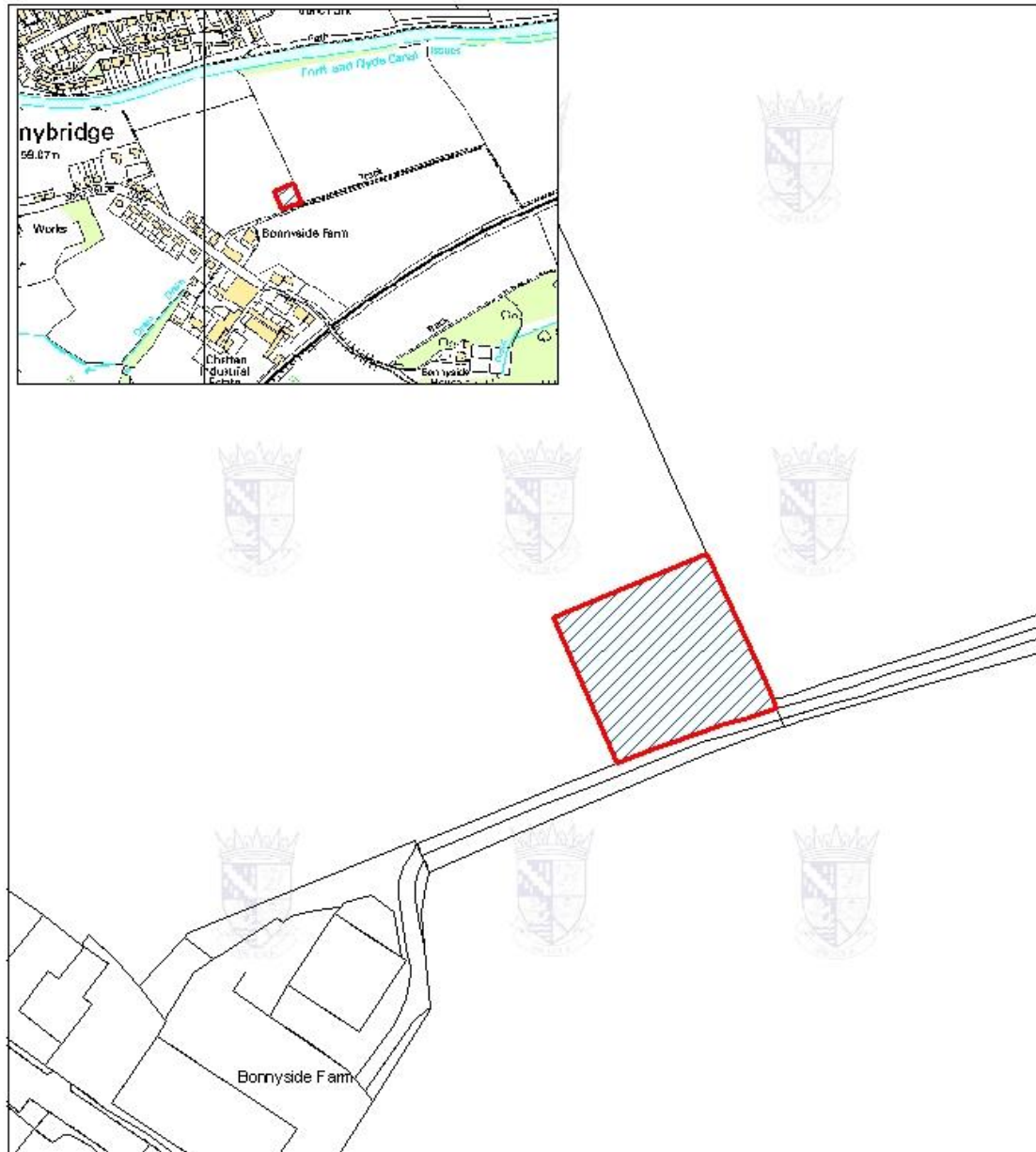
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/0866/OUT

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



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FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE
(DETAILED) AT PLOT 2 AT DENOVAN MAINS FARM, DENNY FOR
MUSTO PROPERTIES LTD - P/09/0174/FUL**
Meeting: **PLANNING COMMITTEE**
Date: **17 June 2009**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Member: **Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell**

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Planning Officer), ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed planning permission for the erection of a one and a half storey detached dwellinghouse and a detached garage.
- 1.2 The application site is described as plot 2 and lies within the envelope of an existing group of buildings at Denovan Mains Farm. Adjoining the site are a steadings (Category B Listed), a former stables block converted to a dwellinghouse (plot 1) and a new dwellinghouse (plot 3) currently under construction. Beyond these buildings is open countryside.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 An almost identical proposal was subject to planning application ref: P/07/0638/FUL which was refused by the then Regulatory Committee at its March 2008 meeting. The only difference between the current application and the previously refused application is the deletion of windows considered by the Development Management Unit to give rise to privacy issues.

3. SITE HISTORY

- 3.1 Denovan Mains Farm has an extensive planning history. In 2002, planning application ref: F/2001/0578 was granted for conversion of the listed farm buildings to form four dwellinghouses and for the erection of three dwellinghouses (one of these being the conversion of the former stables).

- 3.2 In 2003, planning application ref: F/2003/0431 was granted for alterations and extension to the former stables to form a dwellinghouse (plot 1). This dwellinghouse is now occupied.
- 3.3 In 2006, planning application ref: 05/0426/FUL was granted for the erection of a dwellinghouse (plot 2). The permission has not, to date, been implemented.
- 3.4 In 2006, planning application ref: 06/0050/FUL was granted for the erection of a dwellinghouse (plot 3). This dwellinghouse is nearing completion.
- 3.5 In 2008, the Regulatory Committee refused planning application ref: P/07/0638/FUL for the erection of a dwellinghouse and detached garage at plot 2. This decision was contrary to officer recommendation to approve the application subject to appropriate conditions. The reasons for refusing the application were:
- (1) In the interest of road safety. The construction of a dwellinghouse is premature until such time as the required vehicular access to the site is completed and the existing vehicular access is stopped up.
 - (2) The applicant has failed to satisfactorily demonstrate that potential ground contamination has been identified and can be remediated to a satisfactory extent.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has requested that conditions of the original planning permission (ref: F/2001/0578) relating to formation of a new access from Denovan Road and closure of the existing access be imposed as conditions of any approval of the current application. The new access and ancillary works have been started but not completed.
- 4.2 Scottish Water has no objection to the application.
- 4.3 The Environmental Protection Unit has requested the undertaking of a Contaminated Land Assessment to establish if contamination is present on the site.
- 4.4 Historic Scotland has no comments.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 No public representations to the application have been received.

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”.

Accordingly,

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 This policy sets out a general presumption against development in the countryside unless it has been demonstrated that a countryside location is essential. In this instance it has not been demonstrated that a countryside location is essential for the proposed development. The application is therefore contrary to this policy.

Adopted Rural Local Plan

7a.3 The application site lies within the countryside under the adopted Rural Local Plan and therefore the countryside policies apply.

7a.4 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*

3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

7a.5 This policy presumes against development in the countryside except in limited circumstances, as detailed in the policy. In this instance it has not been demonstrated that the proposed dwellinghouse is absolutely essential to the pursuance of an economic activity requiring a rural location (criterion 1). The only other criterion of potential relevance is criterion 3. Under this policy the proposed development in strict terms could be considered backland development as the application site does not have a road frontage. The proposed development therefore does not accord with this policy.

7a.6 Accordingly, the proposal does not accord with the Development **Plan**.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the planning history for the site, the consultation responses, the design and layout of the proposed development and potential impact on residential amenity.

The Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The application site lies within a rural housing opportunity area (H.RUR2) under the Falkirk Council Local Plan Finalised Draft (Deposit Version). This plan indicates that H.RUR2 has a capacity of 7 units, which reflects the number of units granted under the original planning permission (ref: F/2001/0578).

7b.3 The proposed development is of plot 2, which forms one of the two new build plots approved under the original planning permission. On this basis the proposed development accords with H.RUR2.

7b.4 Policy EQ14 'Listed Buildings' states:

"The Council will seek to preserve the character and appearance of listed buildings. Accordingly:

- (1) Development affecting a listed building, or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.*
- (2) Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the Council that the building:*
 - has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and*
 - is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report; and*
- (3) RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded."*

7b.5 The layout of the proposed development is considered to be appropriate to the character of the listed B steading on the property. This is explained in more detail in paragraph 7b.9 of this report.

7b.6 The design of the proposed dwellinghouse reflects traditional Scottish vernacular in terms of massing, scale and form, whilst incorporating some contemporary design elements, and the proposed external finishes are predominantly traditional, in keeping with the setting of the listed building.

7b.7 The proposed development therefore accords with this policy.

Planning History

7b.8 As detailed previously in the report, planning permission ref: F/2001/0578 was granted in 2002 for the conversion of the listed farm building at Denovan Mains Farm to form 4 dwellinghouses and the erection of three additional dwellinghouses. Subsequent to this, stand alone applications for plots 1, 2 and 3 have been granted for amendments to the proposals for these plots granted under the original permission. The conversion of the stables (plot 1) has now been completed and the new build on plot 3 is nearing completion. Plot 2 has an extant planning permission and the current application seeks to change the development for this plot.

7b.9 Under the original planning permission, plots 1, 2 and 3 were arranged around a courtyard to reflect the character of the listed steading on the property. Whilst the courtyard concept has been compromised by the varying levels in this area, particularly between plots 1 and 2, the current application seeks, as far as practicable, to adhere to the original concept.

7b.10 In view of these comments, it is accepted that the current proposal seeks to adhere to the original courtyard concept and is essentially a change of house type on a previously approved plot. These considerations are strong material considerations in support of the application.

- 7b.11 The application for plot 2 considered by the Regulatory Committee in 2008 was refused due to issues surrounding the lack of progress in upgrading the new vehicular access and the failure to address potential contaminated land issues. In accordance with the previous report to committee, it remains the view that these issues should be addressed with reference to conditions of the original planning permission (ref: F/2001/0578). Enforcement action is currently being pursued in relation to breach of the access and contaminated land related conditions of this permission. An update regarding this matter will be provided at the Committee Meeting.

Consultation Responses

- 7b.12 The consultation responses have been summarised in section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions of any grant of the application.

Design and Layout

- 7b.13 The design and layout of the proposed development are supported for the reasons detailed in this report. These aspects are considered to be material considerations in favour of the proposed development.

Impact on Residential Amenity

- 7b.14 The courtyard arrangement of the dwellinghouses at this location raises the potential for impacts on residential amenity. In particular, a material impact on the sunlighting and daylighting of plot 3 is unavoidable given the proximity of the proposed dwellinghouse to this plot. However, this impact is considered acceptable in this instance in order to realise the original vision of a courtyard development. There are constraints to easing the proposed dwellinghouse away from the dwellinghouse on plot 3 due to a steep fall in levels.

7c Conclusion

- 7c.1 This application, for the erection of a dwellinghouse and detached garage, does not comply with the Development Plan as it has not been demonstrated that it requires a countryside location. However, there are considered to be material planning considerations to justify setting aside the terms of the Development Plan in this instance. The application accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version), which designates the site as within a rural housing opportunity area, there is an extant permission for the erection of a dwellinghouse on the application site, and the design and layout of the proposed dwellinghouse reflects the original approval for a courtyard arrangement at this location and respects the character and the setting of the listed building on the property.
- 7c.2 Enforcement action is currently being pursued against the breach of conditions of the original planning permission (ref: F/2001/0578) relating to vehicular access and contaminated land. As previously advised, it is considered that issues surrounding these matters should not impact on determination of this application and the issues as they apply to this proposal could be the subject of conditions.
- 7c.3 The application is therefore recommended for conditional approval. Conditions are recommended to enable the dwellinghouse to be constructed but not occupied prior to satisfactory completion of the new vehicular access.

8. RECOMMENDATION

8.1 It is recommended that the planning application be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) Before the development commences, samples of all proposed external finishing materials for the buildings, hardsurfaces and retaining walls shall be submitted to and approved in writing by this Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
- (3) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (4) Before the dwellinghouse is occupied, the existing access shall be closed up and the new access indicated in RED on approved plan 01 shall be formed to a width of 5.5 metres with a 6 metre radii and with the bellmouth constructed in accordance with the Council's Design Guidelines and Construction Standards within the Falkirk Area, October 1997 as amended January 2000. A bound surface for the access shall be provided.
- (5) Before the dwellinghouse is occupied, a 4.5 x 140 metre visibility splay shall be provided to the north from the new access and a splay of 4.5 metres depth shall be provided in a southerly direction to the outside of the bend in Denovan Road, within which there shall be no obstruction in visibility above 1 metre in height of the carriageway level.
- (6) Before the dwellinghouse is occupied, the private road and driveway to serve the proposed dwellinghouse shall be constructed with a maximum gradient of 1:10 and in a manner to ensure that no surface water or loose material is discharged onto the public road.
- (7) Notwithstanding the provisions of the Town and Country Planning Act 1992 (or any order revoking and re-enacting that order), no development within classes 1-7 shall be undertaken without the express prior approval of this Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3) To ensure the ground is suitable for the development.

- (4-6) To safeguard the interests of the users of the public highway.
- (7) To retain proper control over development of the site in the interests of visual amenity and the setting of a listed building.

.....
Director of Development Services

Date: 10 June 2009

LIST OF BACKGROUND PAPERS

- 1. Approved Falkirk Council Structure Plan
- 2. Adopted Rural Local Plan
- 3. Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

P/09/0174/FUL



Feldrick Counselor

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FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE (DETAILED) AT LAND TO THE EAST OF 6 ERNGATH ROAD, BO'NESS FOR MR & MRS KING – P/08/0886/FUL**
Meeting: **PLANNING COMMITTEE**
Date: **17 June 2009**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Councillor John Constable**
 Councillor Harry Constable
 Councillor Adrian Mahoney

Community Council: Bo'ness

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

UPDATE REPORT FOLLOWING SUBMISSION OF AN AMENDED PROPOSAL

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 25 February 2009 (copy of previous report appended), when it was agreed to continue consideration to allow a site visit to be carried out. A site visit took place on 19 March 2009 and the application was considered at the meeting of the Planning Committee on 25 March 2009. At this meeting the application was granted subject to conditions, including the removal of decking, to address privacy concerns. Should as a consequence, there be an effect on materiality, it was requested the matter be resubmitted to the Planning Committee.
2. An amended proposal has now been submitted for assessment and given the materiality of the proposed amendments this application is referred to the Planning Committee for consideration.
3. The amendments involve a reduction in the raised decking platform from approximately 52.7 square metres to 12.6 square metres. The amended decking is now 5.6 metres from the mutual boundary. The proposals also include two additional trees, 4 in total, at the north east mutual boundary. (A copy of the amended plan is attached.)
4. The objector was notified of the amended proposals and received a copy of the plan on 26 May 2009. The objector has until 10 June 2009 to make comment. To date no further representations have been received.

5. It is accepted that the reduction of the raised decking platform would reduce the severity of its impact on the privacy of adjacent dwellings. However, the remaining decking area remains in close proximity to the mutual boundary, and such would continue to impact on the privacy and residential amenity currently enjoyed by neighbouring properties.

6. RECOMMENDATION

- 6.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):**

- (1) It is considered that the proposed development is contrary to Policy BNS 10 “Infill Development and Plot Sub-division” of the adopted Bo’ness Local Plan and Policy SC8 “Infill Development and Sub-division of Plots” of the Falkirk Council Local Plan Finalised Draft (Deposit Version) and Falkirk Council’s Supplementary Planning Guidance on Housing Layout and Design as adequate privacy would not be afforded to neighbouring properties.**

.....
Director of Development Services

Date: 10th June 2009

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE (DETAILED) AT LAND TO THE EAST OF 6 ERNGATH ROAD, BO'NESS FOR MR & MRS KING – P/08/0886/FUL
Meeting: PLANNING COMMITTEE
Date: 25 February 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Bo'ness

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is currently utilised as garden ground and is bounded to the west by the existing dwellinghouse (6 Erngath Road) 2 storeys high (on the north side of Erngath Road); to the north by terraced dwellings fronting Stewart Avenue; and to the east by adjacent garden ground serving flatted dwellings fronting Stewart Avenue.
- 1.2 This detailed application relates to the erection of one 1 ½ storey dwellinghouse within the side garden of 6 Erngath Road.

2. REASON FOR REFERRAL TO COMMITTEE

- 2.1 The application has been called in by Councillor John Constable.

3. SITE HISTORY

- 3.1 None of relevance to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit advises that noise need not be a determining factor in considering the application. The Unit request the undertaking of a site investigation for contamination given the presence of gas manufacturing, metal foundry and several other contaminative activities within 250 meters of the application site boundary.
- 4.2 The Roads Development Unit comments that the existing parking arrangements provide adequate in-curtilage parking to serve the original dwelling. The proposal would separate the two existing garages and associated driveways within the application site. On-street parking is evident on the southern side of Erngath Road and restricts the available carriageway width. The section of road adjacent to the application site is often reduced to one way traffic. It is considered essential that the current application provides dedicated parking for the proposed dwellinghouse whilst maintaining the existing level of provision for the original dwellinghouse.
- 4.3 Scottish Water advise the sewer network assets and water network have adequate capacity to accommodate the proposed development. A totally separate drainage system will be required with the surface water discharged to a suitable outlet.

5. COMMUNITY COUNCIL

- 5.1 Bo'ness Community Council has not made comment.

6. PUBLIC REPRESENTATION

- 6.1 One letter of objection was received raising concerns regarding the proposals. The issues raised are as follows:
- Concerns in relation to the size of the proposed dwellinghouse and its close proximity to the adjacent boundary and flatted properties;
 - The proposed decking platform would be at the same height and very close to the adjacent bedroom;
 - The proposed development would block light to the adjacent kitchen window; and
 - The proposed dwelling would not be architecturally in keeping with the surrounding area.

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”.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 There are no specific policies of a strategic nature which are relevant to the proposals.

Bo'ness Local Plan

7a.2 Policy BNS 10 'Infill Development and Plot Sub-Division' states:

"Within the urban area, proposals for the erection of additional residential units within the curtilage of existing properties, or on small gap sites, will be considered favourably provided that, in the opinion of the District Council:

- (i) the scale, design and disposition of the proposed houses are sympathetic to neighbouring properties;*
- (ii) provision can be made for adequate garden ground associated with the proposed houses without an unacceptable reduction in the size of existing gardens;*
- (iii) the proposal respects the privacy enjoyed by neighbouring residents;*
- (iv) the proposal will not result in a loss of trees such as to cause unnecessary detriment to the amenity of the neighbourhood;*
- (v) the proposal is satisfactory in terms of access and car parking; and*
- (vi) the proposal does not constitute backland development (i.e. development of a plot without a road frontage)."*

7a.3 The scale and design of the proposed dwellinghouse would not be sympathetic to surrounding properties. The application site is located within an established residential area of Bo'ness. The predominant architectural character within the immediate vicinity of the application site comprises traditionally built detached and semi-detached dwellings within generous garden plots. North of the application site and fronting Stewart Avenue there are also terraced and flatted properties. Dwellings within the area generally have slate roofs and natural stone or render construction. Ridge lines run parallel to the road and most buildings are one or two storeys. There are some dormer extensions within the area, however these face the road or to the rear of properties.

7a.4 The proposed dwellinghouse would not harmonise with the architectural character of the area. The proposal would be 1½ storeys high with its roof ridge perpendicular to the road and a partially hipped gable fronting the road. The proposal also involves dormers to the west and east roof elevations. It is considered the detailing and in particular the partially hipped roof feature, dormers, porch and balcony details are out of keeping with the area. It is also considered that the scale and massing of the north and east elevations, owing to the level of under build, would have an overbearing effect on the lower sitting flatted and terraced properties on Stewart Avenue. It is considered that the materials would generally respect surrounding properties.

7a.5 The disposition of the proposed dwelling generally respects the settlement pattern of the area, however the proposal would be set back from the building line created by the original dwelling. Provision could not be made for adequate garden ground without an unacceptable reduction in the size of the existing garden. However the site is steeply sloping and a generous decked platform is proposed to allow a usable area for the proposed development. Given the close proximity of the dwellinghouse and raised decked platform to the mutual boundary, 2 metres, it is considered the proposed development would result in an unacceptable impact on the privacy of the adjacent properties. There would be adjacent kitchen and bedroom windows within 10-12 metres and at the same height or lower than the proposed decking platform. Although the adjacent properties (Stewart Avenue) do not face directly onto the development and are offset, it is considered the size and height of the decked platform and balcony would overlook them and result in an unacceptable impact on privacy. The proposal would not result in the loss of any trees. The proposed development is unacceptable in terms of access and parking. The development would not constitute backland development. On balance the proposal fails to comply with policy BNS 10 'Infill Development and Plot Sub-Division' of the adopted Bo'ness Local Plan.

7a.6 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are policies within the Falkirk Council Local Plan Finalised Draft (Deposit Version), Falkirk Council's Supplementary Planning Guidance, the consultation responses and the representation received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy SC8 'Infill Development and Subdivision of Plots' states:

"Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (2) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (3) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (4) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (5) the proposed vehicular access and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies."*

7b.3 For those similar reasons highlighted in paragraphs 7a.3, 7a.4 & 7a.5 the proposal does not accord with this policy.

Falkirk Council's Supplementary Planning Guidance Note on Housing Layout and Design

7b.4 Falkirk Council's Supplementary Planning Guidance Note on Housing Layout and Design advocates that where there is a gap site it is important to achieve a harmonious fit of new with existing and should pay attention to the adjacent building line, height, scale, window and other door arrangements, proportions and detailed decoration and materials. Tandem development is a form of infill development where one or more houses are proposed within a large garden to the side of a house fronting a road. There is a general presumption against this type of development where the concerns are as follows:

- The visual setting and continued dominance of the original house;
- The amenity and size of the resulting private gardens (minimum 9 metre length must remain); and
- The front outlook from the resulting houses.

7b.5 The visual setting and dominance of the original dwelling would not be significantly affected by the proposed development. The amenity and size of the garden for the proposed house is considered acceptable, however the development would not achieve the minimum 9 metres depth along its whole length. The outlook to the front from the proposed dwelling is satisfactory and similar to that of the existing adjacent dwellings. The proposed development would not achieve a harmonious fit with existing properties or retain a minimum 9 metres depth along its entire length and fails to accord with this Supplementary Planning Guidance

Consultation Responses

7b.6 The Environmental Protection Unit advises of the presence of gas manufacturing, a metal foundry and several other contaminative activities within 250 meters of the application site boundary. A site investigation for contamination is therefore considered appropriate.

7b.7 The Roads Development Unit has raised a concern in relation to inadequate parking requirements and an unacceptable impact on in-curtilage parking for the original dwellinghouse.

Points Raised Through Comment

7b.8 It is accepted that the proposed dwelling is in close proximity to the adjacent properties.

7b.9 It is accepted that the proposed decking platform would be at the same height and in close proximity to the rear windows of the adjacent properties.

7b.10 It is not considered that the proposed development would significantly affect the level of light to adjacent properties as a result of the orientation of the proposal, distance to the boundary and existing boundary treatment.

7b.11 The comments in relation to the proposed architecture are noted. The proposed design is discussed earlier in the report.

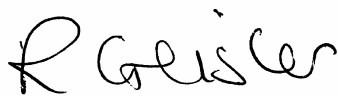
7c Conclusion

- 7c.1 This application, seeking detailed planning permission for the erection of one dwellinghouse on land to the east of 6 Erngath Road, Bo'ness, has been assessed against the Development Plan and the emerging Local Plan and has been found contrary to the terms of its policies.
- 7c.2 Matters raised in the consultation responses could be the subject of conditions of any approval of the application. The concerns of the Roads Development Unit are noted. 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 set out below in paragraph 8.1.
- 7c.4 If the Committee is of a mind to support this proposal it is considered that this would not constitute a significant departure to the Development Plan because of the minor nature of the development.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):

- (2) It is considered that the proposed development is contrary to Policy BNS 10 "Infill Development and Plot Sub-division" of the adopted Bo'ness Local Plan and Policy SC8 "Infill Development and Sub-division of Plots" of the Falkirk Council Local Plan Finalised Draft (Deposit Version) and Falkirk Council's Supplementary Planning Guidance on Housing Layout and Design as the scale and design and orientation of the proposed dwellinghouse fail to respect the architectural and townscape character of the area and adequate privacy would not be afforded to neighbouring properties. An acceptable level of in-curtilage parking would not be achieved without an unacceptable impact on the original dwellinghouse.



.....
Director of Development Services

Date: 18 February 2009

LIST OF BACKGROUND PAPERS

1. Bo'ness Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Letter of representation from Mr Hodgins and Miss McKendrick, 72A Stewart Avenue, Bo'ness EH51 9NW on 19 December 2008

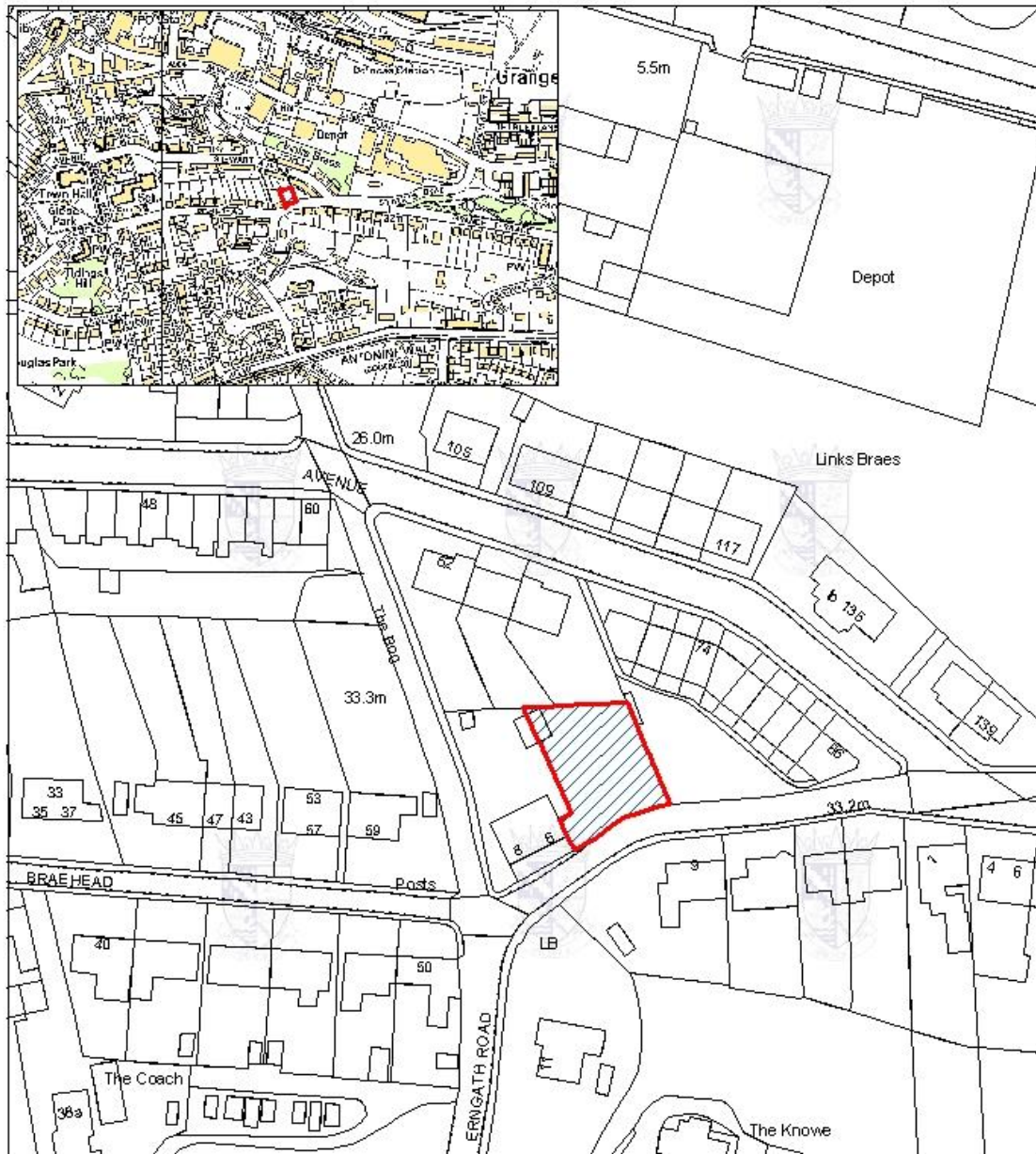
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/0886/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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FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE (DETAILED) AT THE
HATHERLEY, 1 ARNOTHILL LANE, FALKIRK FK1 5SL FOR MASTER
HOMES LTD – P/08/0840/FUL**
Meeting: **PLANNING COMMITTEE**
Date: **17 June 2009**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Councillor D Alexander
Councillor C R Martin
Councilor C Meiklejohn
Councillor P Reid**

Community Council: **Falkirk Central**

Case Officer: **Allan Finlayson (Senior Planning Officer), ext 4706**

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises residential development plot to the north of The Hatherley, Arnothill, Falkirk. The Hatherley is a 'B' listed building.
- 1.2 The site is surrounded to the north by detached one and a half storey dwellinghouses, to the south by the Hatherley listed building, to the west by Arnot Grange, a large detached sandstone building and to the east by the Carmelite Monastery, a large detached stone building with associated chapel and outbuildings.
- 1.3 The application site lies within the Arnothill Conservation Area. A Tree Preservation Order exists protecting all trees within the Conservation Area.
- 1.4 The proposal comprises the erection of a 2 storey dwellinghouse located to the extreme north of the curtilage of The Hatherley.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor J. Patrick.

3. SITE HISTORY

- 3.1 Planning permission (ref: F/2001/0735) was granted on 7 January 2002 for the erection of three detached dwellinghouses in The Hatherley garden grounds. This permission remains live on the basis that two of the three houses approved have been constructed. The third house can therefore be constructed in accordance with the approved plans without further planning permission being required. The current applicant seeks planning permission for a different house on the site of the most northerly dwellinghouse previously approved.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has expressed concerns with regard to the proposed development on the grounds of unsatisfactory access, visibility, internal access arrangements and the number of vehicles served from a private access.
- 4.2 The Environmental Health Manager has advised that a contaminated land assessment is required.
- 4.3 Community Services (Archaeology and Local History) has recommended that planning permission is refused for the reason that the application site lies on the line of the Antonine Wall World Heritage Site (WHS).
- 4.4 Scottish Water has not objected.
- 4.5 Scottish Civic Trust has objected on the basis of an unacceptable adverse impact on the setting of The Hatherley listed building.

5. COMMUNITY COUNCIL

- 5.1 Falkirk Central Community Council has not made representations.

6. PUBLIC REPRESENTATION

- 6.1 Three letters of objection have been submitted from neighbouring properties. The grounds of objection relate to the development's inconsistency with Development Plan policy and the established development pattern of the surrounding area. Concern is also expressed relating to an adverse impact on privacy resulting from the development of the proposed house.
- 6.2 Specific further concerns include the adverse impact on the setting of The Hatherley listed building, the Arnothill Conservation Area, the Antonine Wall WHS, trees protected by a Tree Preservation Order and particularly unique impacts on the privacy and amenity of the secluded order Carmelite Monastery.

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”.

Accordingly,

7a The Development Plan

- 7a.1 There are no specific policies within the approved Falkirk Council Structure Plan relevant to this application.

Falkirk Local Plan

- 7a.2 The site lies within an established residential area as defined by the Falkirk Local Plan, Policy FAL 5.6 ‘Infill Development and Subdivision of Plots’ applies.

- 7a.3 Policy FAL 5.6 ‘Infill Development and Subdivision of Plots’ states:

“Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (i) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or function of existing gardens;*
- (iii) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (iv) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (v) the proposed houses would have a direct street frontage; and*
- (vi) the proposed vehicular access and other infrastructure is of an adequate standard.”*

- 7a.4 Planning permission has previously been granted for a detached two storey dwellinghouse on the site of the proposed development. The principle of a house in this location has therefore been established. The scale and design of the proposed dwellinghouse does not, however, respect the architectural and townscape character of the surrounding area comprising the Arnothill Conservation area and, specifically, the Hatherley Listed Building. Therefore the proposal is contrary to this policy.

- 7a.5 The site is located within the Arnothill Conservation Area. Policy FAL 3.11 ‘Conservation Areas’ applies.

- 7a.6 Policy FAL 3.11 ‘Conservation Areas’ states:

“The Council will protect the visual amenity and historic character of each Conservation Area, including its setting, buildings, open space and trees. Favourable consideration will only be given to proposals which make a positive contribution to the appearance of the Conservation Area and are compatible with the historic character in terms of size, scale, design and materials. The Council will give priority to a review of the boundaries of the Falkirk Town Centre Conservation Area.”

7a.7 The proposed building in terms of scale and architectural design is considered to have an adverse impact on the existing qualities of the Arnothill Conservation Area and compromise the setting of the Hatherley listed building.

7a.8 Planning permission for the site has been approved for an individually designed building exhibiting architectural qualities of scale, mass and detailing references specifically related to The Hatherley Listed Building. The current proposal seeks to replicate these qualities without plagiarising the original design. The design now proposed is, however, based on a standard kit construction, and as such the floor plan and fenestration dimensions are limited to standard sizes, therefore lacking the individuality of the previously approved design. In addition, the proposed double garage, linked to the dwellinghouse by a visually dominant two storey element, is visually disruptive and further emphasises the excessive mass of building proposed when related to the Hatherley Listed Building. The sum total of these amendments moves the proposal significantly away from the ancillary "coach house" feel of the dwellinghouse previously approved to that of a large detached dwellinghouse which visually dominates the entrance to The Hatherley. The proposal is therefore contrary to this policy.

7a.9 Policy FAL 4.4 'Trees, Woodland and Hedgerows' states:

"The Council recognises the landscape, recreational and nature conservation value of trees, woodland and hedgerows, and accordingly will:

- (i) protect ancient, long established and semi-natural woodlands as a habitat resource of irreplaceable value;*
- (ii) safeguard trees, woodland and hedgerows of landscape, nature conservation or recreational value. Where necessary, endangered trees and woodlands will be protected through the designation of Tree Preservation Orders and introduction of Management Agreements. Within an area covered by a TPO there will be a presumption against development unless it can be proven that the proposal would not adversely affect the stability, vitality or appearance of protected trees. Where felling of protected trees is permitted for safety or other reasons, the Council will require appropriate replacement planting;*
- (iii) continue to support through partnerships and other initiatives, proposals for community woodlands and amenity planting, particularly through the Falkirk Greenspace and Central Scotland Forest Initiatives. Tree planting proposals will be particularly encouraged within the urban fringe, along transport corridors, in wildlife corridors and to enhance open space; and*
- (iv) require the use of native species of trees and shrubs in all new planting proposals."*

7a.10 The proposed development is located a considerable distance from protected trees and does not affect trees covered by a Tree Preservation Order located within the site but outwith the developable area. The proposal is in accordance with this policy.

7a.11 Policy FAL 3.12 'Listed Buildings' states:

"There will be a presumption against proposals which would destroy, or adversely affect, the architectural character, appearance or setting of Listed Buildings. The re-use of vacant Listed Buildings will be encouraged, provided that the proposal would have no adverse impact upon the character of the building, its setting or the amenity of the area."

7a.12 The proposed development in terms of architectural scale and design is considered to have a detrimental impact on the setting of The Hatherley Listed Building. This assessment is made on the basis that the standard dimensions, mediocre building design and unacceptable scale and mass of the proposed dwellinghouse detract from the visual quality and individuality of The Hatherley. Therefore the proposal is not in accordance with this policy.

7a.13 Policy FAL 3.15 'Antonine Wall' states:

"Along the Antonine Wall, there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to a sympathetic use of the Wall for tourism, recreation and interpretation will generally be supported."

7a.14 Planning permission has previously been granted for a dwellinghouse on the site in 2002. This approval predated the scheduling of the Antonine Wall as a World Heritage Site. The development would not adversely affect the line, setting and amenity of the wall. The proposal is not therefore contrary to Policy FAL 3.15.

7a.15 Accordingly, on balance, taking into consideration the above policy context, the proposed development fails to comply with the Development Plan on the grounds of the relationship with the existing architectural and townscape character of the immediately surrounding area and, specifically, The Hatherley Listed Building.

7b Material Considerations

7b.1 The material considerations to be assessed are the views expressed in the submitted objections and from consultees, the Falkirk Council Local Plan Finalised Draft and the existing planning permission for a detached dwellinghouse at the site.

7b.2 The concerns relating to a proposed development which is contrary to established Development Plan policy in relation to the Conservation Area and the setting of a listed building are noted and substantiated following detailed assessment.

7b.3 The impact on privacy, adverse impacts on protected trees and the Antonine Wall WHS are not substantiated given the previous grant of planning permission for a two storey detached dwellinghouse on the site, the distance from protected trees and the subsequent designation of the Antonine Wall WHS.

7b.4 The views of the Roads Development Unit, Environmental Protection Unit and Community Services do not take into consideration the live planning permission for a house on the site. Were planning permission to be granted, however, planning conditions could be used to address the concerns raised by these consultees.

7b.5 The objection from the Scottish Civic Trust regarding an adverse impact on the setting of The Hatherley is noted and, following assessment of considerations of building design and impacts on The Hatherley, considered to be substantiated.

7b.6 The proposal has been considered against policies EQ3 (Townscape Design), EQ12 (Conservation Area) and SC8 (Infill Development and subdivision of plots) of the Falkirk Council Local Plan Finalised Draft. These policies affirm those of the Falkirk Council Local Plan and the development is therefore considered to be contrary to these policies of the emerging Development Plan.

7c Conclusion

- 7c.1 The application proposes a dwellinghouse of inferior architectural design from that previously approved on the site. The proposal raises concerns relating to an unacceptable standard of architectural design and an adverse visual impact upon the Arnothill Conservation Area and The Hatherley Listed Building.
- 7c.2 The proposal is unrelated to the high quality of the established surrounding area in terms of scale and architectural design.
- 7c.3 The proposal, in terms of the design promoted, is likely to have an unacceptable impact on the Arnothill Conservation Area and The Hatherley Listed Building and as such, is contrary to the Development Plan. Should members be of a mind to support this proposal, this would constitute a departure from the Development Plan. However, given that the impacts that this proposal would have relate to the immediate locality, it is not considered to be a significant departure and therefore there would be no requirement to refer this planning application to Scottish Ministers.

8. RECOMMENDATION

- 8.1 It is therefore recommended that detailed planning permission be refused for the following reasons:-
- (1) The proposed development does not comply with the terms of Policy FAL 5.6 Infill Development and Subdivision of Plots of the Falkirk Local Plan and Policy SC8-Infill Development and subdivision of plots of the Falkirk Council Local Plan Finalised Draft (Deposit Version), in that the scale and architectural design of the proposed dwellinghouse does not respect the architectural and townscape character of the area.
 - (2) The proposed dwellinghouse in terms of scale and architectural design is considered to be contrary to the terms of Policy FAL 3.11 'Conservation Areas' and Policy FAL 3.12 Listed Buildings of the Falkirk Local Plan and Policy EQ3 (Townscape Design) and Policy EQ12 (Conservation Area) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) in that the development would adversely affect the setting of the Arnothill Conservation Area and The Hatherley, a category B Listed Building.

.....
Director of Development Services

Date: 10th June 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Letter of objection from Sr Gabriel, Prioress, 3 Arnothill, Falkirk FK1 5RZ on 22 October 2008.
4. Letter of objection from Mr Andrew Nimmo, Arnotpark, 9 Arnothill Falkirk FK1 5RZ on 3 November 2008.
5. Letter of objection from Keith Patrick Cardinal O'Brien, Archbishop of St Andrews and Edinburgh, Archbishop's House 42 Greenhill Gardens Edinburgh on 25 November 2008.

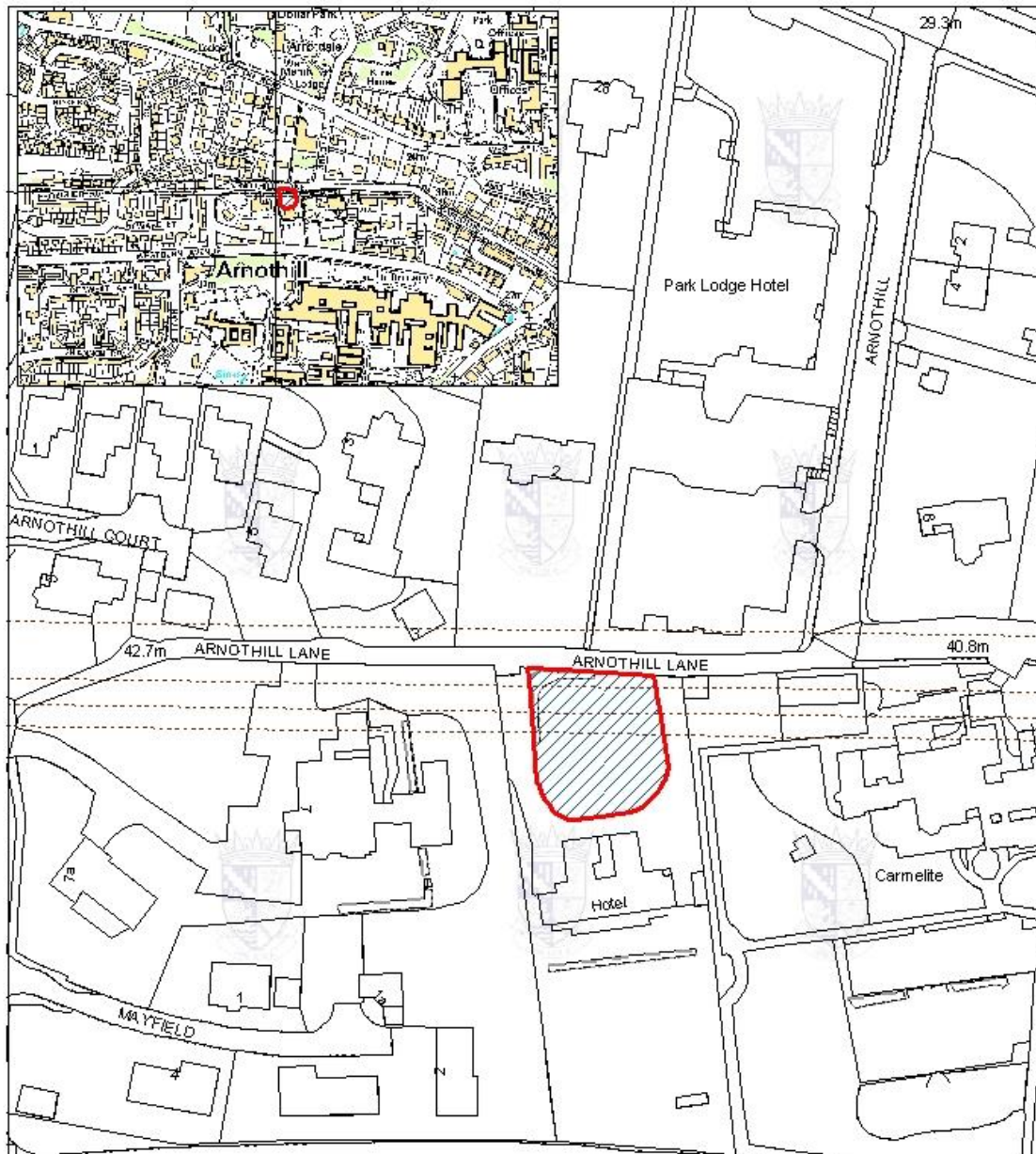
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/0840/FUL

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



Falkirk Council

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FALKIRK COUNCIL

Subject: ERECTION OF 29 HOUSES AND ASSOCIATED INFRASTRUCTURE (DETAILED) AT LAND TO THE WEST OF 23 CHURCH ROAD, CALIFORNIA FOR DUNDAS ESTATES - P/07/0809/FUL
Meeting: PLANNING COMMITTEE
Date: 17 June 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Shieldhill and California

Case Officer: Allan Finlayson (Senior Planning Officer), Ext 4706

1. UPDATE REPORT

- 1.1 Members will recall that the then Regulatory Committee were minded to grant planning permission at a previous meeting on 18 June 2008. The minded to grant decision was made subject to the payment, by the applicants, of a contribution of £116,000 towards education capacity increases at California Primary School, St. Andrews RC Primary School, Braes High School and St. Mungo's RC High School which would directly result from the proposed development.
- 1.2 A copy of the previous Committee report is appended to this report.
- 1.3 At the time of presenting the application to Committee on 18 June 2008 the education contribution required by Education Services was £116,000 this being £4000 per dwellinghouse. The £4000 was broken down into contributions for St. Mungos High School, Braes High School, California Primary School, St. Andrews RC Primary School and St Francis RC Primary School.
- 1.4 Contributions are no longer being requested to address capacity issues at St. Andrews RC Primary School and St. Francis RC Primary School. The reason for this being that Council approval has been given for the funding of a new RC Primary School at Antonshill, Stenhousemuir. A planning application for this school is in the final stages of assessment and it is hoped that the opening date will be for the 2011/2012 school year. The opening of this school will resolve capacity issues at both existing RC Primary Schools. On this basis £200 per dwellinghouse (total £5800) is no longer requested by Education Services and the revised total contribution for the site has reduced from £116,000 to £110,200.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The then Regulatory Committee were minded to grant planning permission for the development, subject to a contribution of £116,000 towards education capacity improvements, on 18 June 2008. The required contribution has been reduced in line with ongoing school capacity programme reviewing since the date of that decision.

3. RECOMMENDATION

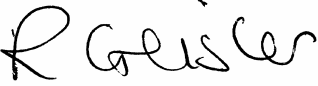
- 3.1 It is recommended that planning permission be granted subject to the conclusion of a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the provision of £110,200 towards education improvements required as a result of the proposed development and, subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) Within 3 months of the date of this permission, details of a carriageway narrowing 30mph marker 'gateway' feature at the position indicated in pink on the approved site layout plan (PL 01.06) shall be submitted for the approval of the Planning Authority. The details shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Area, and installed prior to the occupation of any dwellinghouse onsite.
- (3) Development shall not begin until details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (4) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density programme for completion and subsequent maintenance.
- (5) Prior to the occupation of any dwellinghouse on the site the footway on the east side of the B8028 Rosemead Terrace shall be widened to 2 metres in width, as highlighted in pink on the approved site layout (drawing number (PL)01.06). The works shall be carried out to adoptable standard as defined by the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".
- (6) Development shall not begin until a replacement position for the existing bus stances on the B8028, required as a result of Condition 4 above, has been agreed in writing with the Planning Authority.

- (7) The development shall be implemented in accordance with the approved phasing scheme and the approved landscape scheme for each phase shall be fully implemented by the end of the first planting and seeding season following the occupation of the last house within that phase of the development.
- (8) Access to the proposed parking spaces shall be by means of a standard footway crossing constructed in accordance with Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (9) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the carriageway edge along the full frontage of the site with Rosewood Terrace (B8028).
- (10) Development shall not begin until detailed surface water and flood risk calculations including 1 in 100 and 1 in 200 year storm events have been submitted to and approved by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (3,4,7) To safeguard the visual amenity of the area.
- (2,5,6,8,9) To safeguard the interests of the users of the highway.
- (10) To ensure that adequate drainage is provided.

..... 
Director of Development Services

Date: 10th June, 2009

LIST OF BACKGROUND PAPERS

- 1. Falkirk Council Structure Plan (2007).
- 2. Rural Area Local Plan.
- 3. Falkirk Council Local Plan & Finalised Draft (Deposit Version)
- 4. Supplementary Planning Guidance Note – Education and New Housing Development.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Allan Finlayson (Senior Planning Officer).

FALKIRK COUNCIL

Subject: ERECTION OF 29 HOUSES AND ASSOCIATED INFRASTRUCTURE (DETAILED) AT LAND TO THE WEST OF 23 CHURCH ROAD, CHURCH ROAD, CALIFORNIA, FALKIRK FOR ELMINGTON HOMES - P/07/0809/FUL
Meeting: REGULATORY COMMITTEE
Date: 18 June 2008
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Shieldhill and California

Case Officer: Allan Finlayson (Planning Officer), ext 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of 29 detached and semi-detached one and a half and two storey dwellinghouses with access taken from Rosewood Terrace (B8028). The proposed housing is arranged around a central amenity space.
- 1.2 The site is cleared of vegetation in a predominantly residential area to the rear of Church Road. The site is bounded by one and two storey detached and semi-detached residential properties to the south, east and west and agricultural grazing land to the north.

2. SITE HISTORY

- 2.1 Previous application ref: F/2002/0537 for outline permission for housing land was granted on 20 August 2003. This permission has established the principle of residential development on the site.
- 2.2 Application ref: 06/0779/OUT renewed the above outline permission and was granted on 29 November 2006.
- 2.3 Application ref: P/07/0127/REM for the erection of 24 dwellinghouses was withdrawn on 14 February 2007.
- 2.4 Application ref: P/07/0514/FUL for the erection of 29 dwellinghouses was withdrawn on 06 August 2007.

3. CONSULTATIONS

- 3.1 The Environmental Protection Unit requested that a contamination land survey be carried out to establish if there is any contamination within the site. A report submitted by the applicant is considered to be acceptable by the Environmental Protection Unit.
- 3.2 The Roads and Development Unit has no objections to the proposed development subject to the provision of acceptable detailed surface water attenuation calculations.
- 3.3 The Transport Planning Unit has no objections subject to the widening of the footway on the east side of Rosemead Terrace and the relocation of an existing bus stop also on Rosemead Terrace. These matters can be covered by condition.
- 3.4 Scottish Water has no objections to the proposed development.
- 3.5 SEPA has no objections to the proposed development.
- 3.6 Education Services requires the payment of £4000 per house (total £116,000.00) to fund educational improvements required as a consequence of the development at schools within the site's catchment area. The applicant has agreed to make this payment which would be secured by means of a Section 69 Legal Agreement.
- 3.7 Central Scotland Police has provided advice on 'Secured by Design' requirements.

4. COMMUNITY COUNCIL

- 4.1 The Shieldhill and California Community Council has not made representation.

5. PUBLIC REPRESENTATION

- 5.1 Three letters of representation have been received following the neighbour notification process. These express concerns in relation to failure to receive neighbour notification, vehicular access arrangements, loss of existing trees and the loss of view to Grangemouth docks, and disruption during construction works.
- 5.2 One representation requests that the development does not encroach on a nearby graveyard.

6. 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”.

Accordingly,

6a The Development Plan

Falkirk Council Structure Plan

6a.1 Policy COM.1 'Housing Land Allocations' states:

"The Council will:

- 1 support the phased provision of land for new housing as detailed in Schedule COM.1a to which a flexibility allowance of 10% will be added under Policy COM.2;*
- 2 maintain an effective 5 year supply of the housing land set out in Schedule 1a;*
- 3 review the housing calculations and allocations at intervals of no more than 5 years; and*
- 4 In delivering the requirement in Schedule Com.1a the Council will support special initiatives for residential led regeneration at the location listed in Schedule Com.1b, provided that action plans and masterplans/development frameworks are prepared in accordance with the local plan. In particular these must address phasing, social and physical infrastructure provision, the avoidance of adverse impacts on European sites, the removal of significant restraints and land acquisition as appropriate."*

6a.2 As detailed later in this report this site is identified for housing purposes in the Falkirk Council Local Plan Finalised Draft (Deposit Version) and is included as an effective site in the Housing Land Audit 2007/2008 with a capacity of 29 units. The proposal accords with this policy.

6a.3 Policy COM.2 'Implementation of Housing Land Requirement' states:

"In implementing the housing land requirement set out in Schedule COM.1a, Local Plans will:

- 1 take into account completions since 30th June 2001 and the current effective and established housing land supply;*
- 2 make an assessment of the likely output from windfall and small sites in arriving at the amount of land to be allocated and add to that amount a 10% flexibility allowance;*
- 3 adopt an approach to site selection whereby priority is given to brownfield sites and to sites which enjoy a high level of accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- 4 ensure the housing land allocation is based on the phasing guidelines set out in Schedule COM.1a;*
- 5 ensure that there are adequate community facilities and physical infrastructure to accommodate the allocation;*
- 6 ensure that the location, scale, and design of allocated sites is sympathetic to the character of settlements and that significant land releases are accompanied by the preparation of masterplans; and*
- 7 take into account the location and firm development proposals of business and industrial premises including chemical and petrochemical facilities.*
- 8 Local Plans will also identify the site or area of search of the general locations listed in Schedule Com.1b taking into account the avoidance of adverse impact on European sites and specific requirements for new social and physical infrastructure."*

6a.4 This policy sets out the criteria to be used in allocating land through the Local Plan process to meet the housing land requirements. The inclusion of the site in the Falkirk Council Local Plan Finalised Draft (Deposit Version) satisfies the terms of this policy

6a.5 Policy COM.5 ‘Developer Contributions’ states:

“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”

- 6a.6 The applicant has agreed to a financial contribution towards educational provision (identified in Schedule Com.5) which is required as a result of the proposed development. The proposal accords with the terms of this policy.

Rural Local Plan

- 6a.7 The village limit policy of the California Statement in the Rural Local Plan states:-

"The boundary of the village area as defined on the California village map, is regarded as the desirable limit to growths at least for the period of the Local Plan. Accordingly, there will be a presumption against proposals for development which would extend the village area beyond this limit or which would constitute sporadic development in the countryside".

- 6a.8 The application site is outwith the village limits as defined in the Rural Local Plan and accordingly, the proposal does not accord with the Development Plan. However, it is considered that the proposed development is compatible with neighbouring uses and the character of the village and would not constitute sporadic development in the countryside. It is further considered that, on the basis of the two previous grants of outline planning permission, no sustainable policy objections exist that could resist residential development on the site.

6b Material Considerations

- 6b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the representations received in so far as they relate to material planning considerations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

6b.2 The application site lies within the settlement area of California and is identified as a committed Housing Land Audit site HCAL3 with a capacity of 12 units. This application proposes 29 dwellinghouses, this being the number identified in the Housing Land Audit. The narrative in the California Village Statement states that the village contains a primary school, the role of which has been rising in recent years and capacity may need to be increased. Developer contributions may therefore be required in accordance with Policy SC14.

6b.3 The difference in numbers indicated in the Local Plan and those proposed is noted, however, the proposed housing development is compatible with neighbouring uses and the proposals would create an adequate level of residential amenity for both the new dwellinghouses and the surrounding properties. The proposed dwellinghouses would benefit from an acceptable level of private garden ground and would not result in an unacceptable level of overshadowing or overlooking of neighbouring residential properties.

6b.4 Policy EQ3 'Townscape Design' states:

"New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site's environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) The contribution to the townscape of important landmarks, skylines and views should be respected."*

6b.5 The proposed development is compatible with the surrounding area's architectural and townscape character. The site is located adjacent to single and two storey properties. The proposed one and a half and two storey designs and therefore considered to be compatible with the scale and massing of neighbouring properties.

6b.6 The predominant finishing material in the area is roughcast with a mixture of different roofing finishes visible from the site. Therefore the proposed materials are acceptable in this location.

6b.7 Policy SC11 - 'Developer Contributions To Community Infrastructure' states:

"Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities required to meet demand generated from new development. The nature and scale of developer contributions will be determined by the following factors:

- (1) Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 12/1996."*

6b.8 The provision of a financial contribution towards education provision satisfies the terms of this policy.

6b.9 Policy SC14 'Education and New Housing Development' states:

"Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which will be set out in the SPG Note on 'Developer Contributions; Education and New Housing Development'. In cases where the school cannot be improved in a manner consistent with the Council's education policies, the development will not be permitted."

6b.10 The proposed financial contribution has been calculated by the Director of Education in accordance with the above and satisfies the terms of this policy.

6b.11 Therefore the proposals accord with the terms of the Falkirk Council Local Plan Finalised Draft.

Representations Received

6b.12 The concerns over neighbour notification have now been resolved and the objector made aware of the proposed development. Vehicular access arrangements are to the satisfaction of the Roads Development Unit. The trees on the site were not protected by a preservation order. The applicant proposes replacement planting along site boundaries and at the central amenity space. The loss of a view and disruption during the construction period are not material planning considerations.

6b.13 The proposed development is not in proximity to the graveyard in question.

6c Conclusion

- 6c.1 The proposal is an acceptable form of development and, although the site lies outwith the settlement area defined by Policy Rural 3 of the Rural Local Plan, the existence of two previous outline permissions have established the acceptability of residential development on the site. The allocation of the site as a committed Housing Land Audit site in the Falkirk Council Local Plan Finalised Draft (Deposit Version) establishes that the site lies within the settlement area now proposed. In addition the design of development is acceptable in the context of the surrounding area. There are no material planning considerations which would justify the refusal of planning permission.

7. RECOMMENDATION

- 7.1 It is recommended that planning permission be granted subject to the conclusion of a Legal Agreement under Section 69 of the Local Government (Scotland) Act 1973 to secure the provision of £116,000 towards education improvements required as a result of the proposed development and, subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) Within 3 months of the date of this permission, details of a carriageway narrowing 30mph marker 'gateway' feature at the position indicated in pink on the approved site layout plan (PL 01.06) shall be submitted for the approval of the Planning Authority. The details shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Area, and installed prior to the occupation of any dwellinghouse onsite.
- (3) Development shall not begin until details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
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- (5) Prior to the occupation of any dwellinghouse on the site the footway on the east side of the B8028 Rosemead Terrace shall be widened to 2 metres in width, as highlighted in pink on the approved site layout (drawing number (PL)01.06). The works shall be carried out to adoptable standard as defined by the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".

- (6) Development shall not begin until a replacement position for the existing bus stances on the B8028, required as a result of Condition 4 above, has been agreed in writing with the Planning Authority.
- (7) The development shall be implemented in accordance with the approved phasing scheme and the approved landscape scheme for each phase shall be fully implemented by the end of the first planting and seeding season following the occupation of the last house within that phase of the development.
- (8) Access to the proposed parking spaces shall be by means of a standard footway crossing constructed in accordance with Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (9) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the carriageway edge along the full frontage of the site with Rosewood Terrace (B8028).
- (10) Development shall not begin until detailed surface water and flood risk calculations including 1 in 100 and 1 in 200 year storm events have been submitted to and approved by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (3,4,7) To safeguard the visual amenity of the area.
- (2,5,6,8,9) To safeguard the interests of the users of the highway.
- (10) To ensure that adequate drainage is provided.



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pp Director of Development Services

Date: 12 June 2008

LIST OF BACKGROUND PAPERS

1. Letter of representation from Hugh, Cecelia & Catriona Brown, Hill Cottage, Main Street, California, Falkirk on 31 August 2007
2. Letter of representation from T. Martin, 7 Rosemead Terrace, California, Falkirk FK1 2BB on 21 April 2008

3. Letter of representation from Mr John Cooper, 'Johmarkan', 21 Church Road, California, FK1 2BD on 18 March 2008

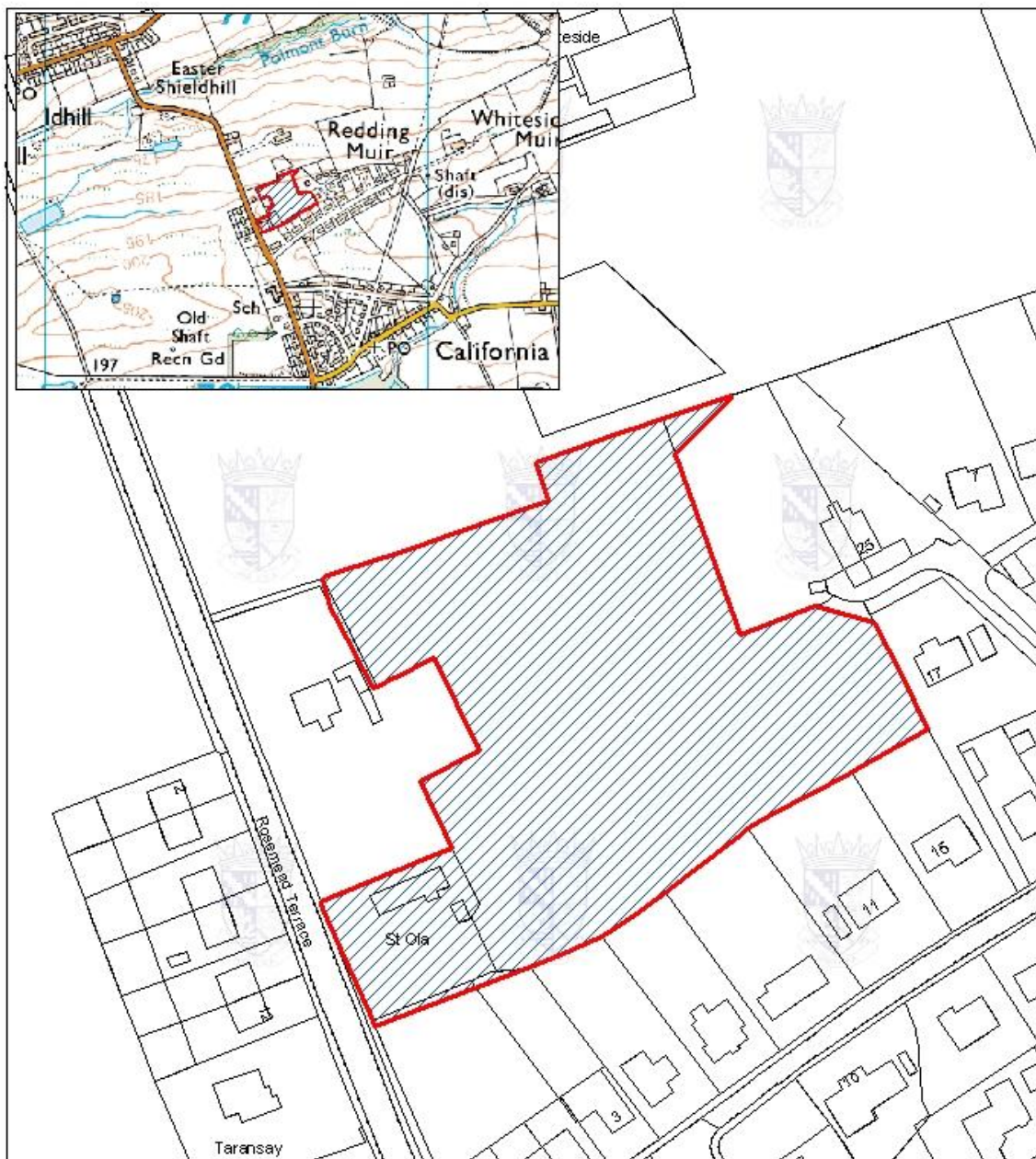
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Planning Officer).

Planning Committee

Planning Application Location Plan

P/07/0809/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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