



## **Agenda Item 10**

**ERECTION OF DWELLINGHOUSE AT  
HILLEN LODGE, BLACKSTON ROAD,  
AVONBRIDGE, FALKIRK, FK1 2ND  
FOR MR I JENSON - P/19/0456/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AT HILLENDS LODGE,  
BLACKSTON ROAD, AVONBRIDGE, FALKIRK, FK1 2ND  
FOR MR I JENSON - P/19/0456/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 23 January 2020

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor James Kerr  
Councillor John McLuckie

**Community Council:** Avonbridge and Standburn

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

[View this Application on Public Access](#)

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

- 1.1 This application is for the erection of a single storey dwellinghouse and integrated garage, located off Blackston Road, Avonbridge. The proposed dwellinghouse is of a contemporary design, incorporating a mix of traditional and contemporary materials. The site is screened from Blackston Road by a raised copse of trees and is served by an existing vehicular road access.
- 1.2 The application site comprises a derelict area of land, containing materials and debris from the demolition of a previous dwellinghouse, removed in 2017, as a consequence of fire damage.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The proposal is considered contrary to Falkirk Local Development Plan policies regarding new housing in the countryside.

**3. SITE HISTORY**

- 3.1 F/2003/0536 Detail - Granted 20 August 2003 - Erection of Dwellinghouse and Detached Garage.

#### **4. CONSULTATIONS**

- 4.1 Falkirk Council's Roads Development Unit have no objections.
- 4.2 Scottish Water have advised that there is no public Scottish Water or Waste Water infrastructure on site.
- 4.3 Falkirk Council's Environmental Protection Unit have advised that they have no objections subject to conditions.
- 4.4 Scottish Natural Heritage have not made any comment.
- 4.5 Only the area of existing driveway is in an area of Coal Mining Risk.

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

- 5.1 No comments submitted.

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

- 6.1 Three representations intimating support have been received, commenting that the site has been an eyesore for years; it is an environmental tragedy that the site has been allowed to sit in rubble for so long; and the use of the site for horticultural use rather than equestrian use is acknowledged.

#### **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

##### **7a The Development Plan**

- 7a.1 The Falkirk Local development Plan was adopted on 16 July 2015. It includes a number of complimentary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

- 7a.2 Policy CG01 – Countryside states:-

*The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'.*

- 7a.3 The application site is located outwith the urban limits and within an area of countryside as defined by the Falkirk Local Development Plan. The application therefore requires to be assessed against Policy CG03 'Housing in the Countryside' and supplementary guidance SG01 'Development in the Countryside'.

7a.4 Policy CG03 - Housing in the Countryside states:-

*Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:*

- 1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
- 2. Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*
- 3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
- 4. Appropriate infill development;*
- 5. Limited enabling development to secure the restoration of historic buildings or structures; or*
- 6. Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

*Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.*

7a.5 The application fails to accord with this policy as the proposed dwellinghouse does not meet any of the criteria stipulated within this policy.

7a.6 Policy GN02 - Landscape states:-

- 1. The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations.*
- 2. Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
- 3. Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7a.7 The application is considered not to offend this policy, given the existing landscape screening of the site, the replacement of a previous dwellinghouse on the site and the relatively low floor to ceiling height of the proposed single storey dwellinghouse.

7a.8 Policy HSG04 – Housing design states:-

*The layout, design and density of the new housing development should conform with any relevant site-specific design guidance, Supplementary Guidance SG02 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved.*

7a.9 The layout, design, density and locations of the proposed development achieves a high quality contemporary design, which respects the character of the surrounding area and which achieves satisfactory levels of residential amenity. The proposal accords with the terms of policy HSG04.

7a.10 On balance, the proposal is not considered to accord with the Falkirk Local Development Plan.

**7b Material Considerations**

7b.1 The material considerations to be assessed are the planning history of the site; the terms of Supplementary Guidance SG01 - Development in the Countryside, Matters Raised Through Consultation and the Emergence of Falkirk Local Development Plan (2).

***Planning History***

7b.2 Planning permission for the erection of a dwellinghouse on this site was granted on 20 August 2003. The permission was implemented and the dwellinghouse constructed. However, as a consequence of fire damage, a Dangerous Buildings Notice was issued by Falkirk Council on 12 January 2017. The building was subsequently demolished and demolition debris remains on the site.

***Supplementary Planning Guidance SG01 - Development in the Countryside***

7b.3 This guidance document seeks to expand on the terms of planning policy as relates to new development in the countryside. Part 3(b) of this document reflects on replacement dwellinghouses and sets criteria for assessment.

- Of these criteria, it is recognised that there is no existing building and, therefore, not in a habitable state. The former building was demolished in 2017. As a consequence, there is no opportunity to improve or extend the former structure.
- In terms of contribution to the local landscape, the site presents itself as an area of demolition and abandonment. The proposal offers the opportunity to remediate the site. The proposed dwelling will reconnect to the existing water and electricity supply which served the previous premises dwellinghouse on the site.
- The replacement house will be of a comparable scale in terms of building footprint and has emphasis on contemporary design, using contemporary and traditional materials.
- The replacement house will occupy the same site as the original house and will have no adverse impact of the visual setting of the area.

### ***Matters Raised through Consultation.***

- 7b.4 There are no matters arising which cannot be addressed through the imposition of planning conditions.

### ***Falkirk Local Development Plan (2).***

- 7b.5 Falkirk Local Development Plan 2 will guide the future development of the Falkirk Council area in the period 2020-2040. The Proposed Plan contains policies and proposals indicating where development should or should not take place. It provides guidance on the future provision of housing, business, transport and infrastructure, recreation and community infrastructure, and will become the basis for determining planning applications. At this stage it is a material consideration when assessing any proposed development. The criteria for new housing development in the countryside are as established within the current Falkirk Local Development Plan.

### **7c Conclusion**

- 7c.1 It is considered that the application site was, until 2017, occupied by a residential dwellinghouse. The subsequent fire damage and demolition of that building has rendered the site of an untidy appearance through perceived abandonment. In consideration of the relatively short time period to which the residential use of the site has ceased and the bespoke approach by the applicant to achieve a high quality designed dwellinghouse on the site, the current proposal is supported as an acceptable departure to Development Plan policy. Material considerations of site history and the criteria promoted through Supplementary Planning Guidance would outweigh, in this particular instance, the considerations of planning policy CG03 - Housing in the Countryside.

### **8. RECOMMENDATION**

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

1. **The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
2.
  - i. **No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**
  - ii. **Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**

- iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
  - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
3. Before any work is commenced on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority

**Reason(s):-**

- 1. As these drawings and details constitute the approved development.
- 2. To ensure the ground is suitable for the proposed development.
- 3. To enable the Planning Authority to consider this/these aspect(s) in detail.

**Informative(s):-**

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05.
- 2. Further guidance on the requirements of the Low and Zero Carbon Development condition can be found in Supplementary Guidance document SG15 'Low and Zero Carbon Development', available on our website.
- 3. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

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pp Director of Development Services

Date: 15 January 2020

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan (1).
2. Falkirk Local Development Plan (2).
3. Policy SPG01 - New Development in the Countryside.
4. Intimation of Support received from Mr Gordon Addison on 10 December 2019.
5. Intimation of Support received from Lesley Wilson on 9 December 2019.
6. Intimation of Support received from Mr Rory Mcfarlane, CherryTree Cottage, Blackston Road, Falkirk, FK1 2LF on 28 December 2019.

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

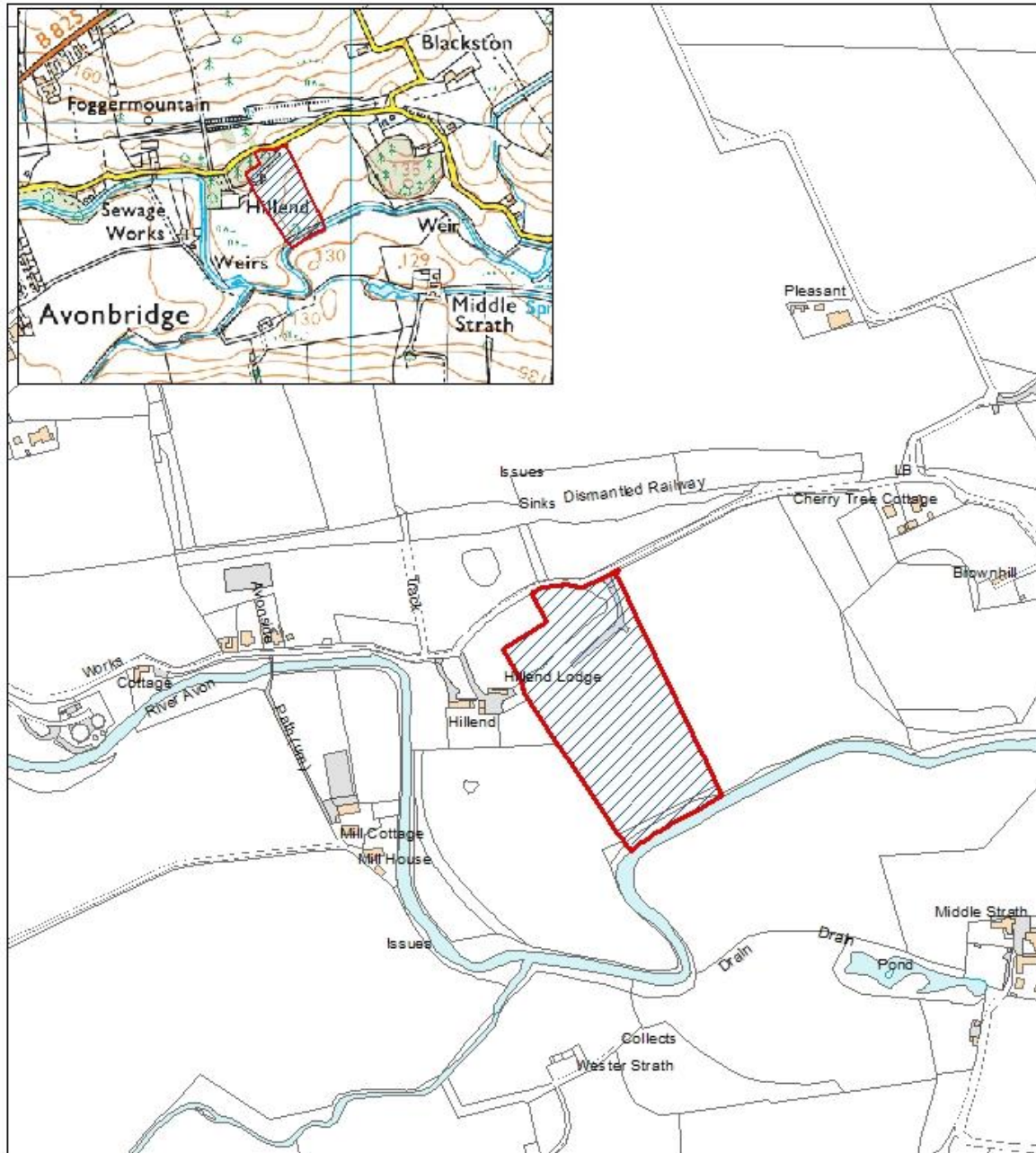


# Planning Committee

## Planning Application Location Plan

**P/19/0456/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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