



Agenda Item 5

**ERECTION OF DWELLINGHOUSE AT
LAND TO THE WEST OF CANDIE HILL,
FALKIRK, FOR MR AND MRS J
SIMPSON - P/19/0322/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT
LAND TO THE WEST OF CANDIE HILL, FALKIRK, FOR MR
AND MRS J SIMPSON - P/19/0322/FUL

Meeting: PLANNING COMMITTEE

Date: 19 February 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: Kevin Brown (Planning Officer), Ext. 4701

[View this Application on Public Access](#)

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 23 January 2020 (copy of previous report appended), when it was agreed to continue the application for an unaccompanied site visit. This site visit took place on 3 February 2020.
2. Following a brief summary of the proposal by the case officer, members of the Committee viewed the application site, proposed access and surrounding properties. Members were able to view the full application site from the roadside and sought clarification from the case officer on a number of points pertaining to highway safety and the planning status of the adjacent ruined steading. For clarification, the steading property to the east of the application site obtained planning permission for redevelopment to form a dwellinghouse on 1 June 2018 (planning permission P/18/0204/FUL). This permission has not yet been implemented and is due to expire on 1 June 2021.
3. No new matters have emerged from the site visit which would alter the officer recommendation to refuse planning permission. The previous recommendation is reiterated as follows.

4. RECOMMENDATION

4.1 It is recommended that the Committee refuse Planning Permission for the following reason(s):

- 1. The proposal would result in a sub-standard level of visibility being achieved at the site access onto the C62 Candie Road Upper. The proposal would not therefore be in the best interests of road safety and would be contrary to the terms of Policy CG03 'Housing in the Countryside' of the Falkirk Local Development Plan and Supplementary Guidance SG01 'Development in the Countryside'.**
- 2. The proposed development is not an appropriate form of infill development and does not meet any of the criteria set out within Policy CG03 'Housing in the Countryside' of the Falkirk Local Development Plan which would justify the need for a new dwellinghouse in the countryside. The proposal therefore represents sporadic development within the countryside which is contrary to the terms of Policy CG03 'Housing in the Countryside' of the Falkirk Local Development Plan and Supplementary Guidance SG01 'Development in the Countryside'.**

Informative(s):-

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01B, 02B, 03B and 04B.**

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Director of Development Services

Date: 6 February 2020

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan (including relevant supplementary guidance).
2. Proposed Falkirk Local Development Plan 2.
3. Objection received from Avonbridge & Standburn Community Council, FAO: G Addison, Sunnybrae, Blackston Road, Avonbridge, Falkirk, FK1 2ND, on 9 July 2019
4. Objection received from Christine Duncan, Viewlands, Candie Head, Avonbridge, Falkirk, FK1 2LE, on 1 July 2019.
5. Objection received from Jo Hirst, Ballenbriech Farm, Avonbridge, Falkirk, FK1 2LB, on 9 July 2019.
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7. Intimation of Support received from Mr David Park, 6 Irene Terrace, Standburn, Falkirk, FK1 2HX on 1 July 2019.

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12. Intimation of Support received from Mr James Tarrier, Candie Croft, Candie, Avonbridge, Falkirk, FK1 2LE on 5 September 2019.
13. Objection received from Mr Andy Yuill, Candiehill, Candie,, Falkirk, FK1 2LE on 30 June 2019.
14. Intimation of Support received from Miss Danielle Currie, 37 Montrose Road, Polmont, Falkirk, FK2 0YN, on 1 July 2019.

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 DWELLINGHOUSE AT
LAND TO THE WEST OF CANDIE HILL, FALKIRK, FOR MR
AND MRS J SIMPSON - P/19/0322/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: Kevin Brown (Planning Officer), Ext. 4701

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of a single storey detached dwellinghouse on existing farmland within the countryside to the south of Falkirk. The application proposes to utilise an existing field access from the site onto the south side of the C62 Candie Road Upper.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Kerr to allow committee to consider the access arrangements for the proposed development site.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 Scottish Natural Heritage did not comment on the proposal.
- 4.2 The Coal Authority have not objected to the proposal.
- 4.3 Falkirk Council's Roads Development Unit have highlighted general road safety concerns including visibility.

- 4.4 Scottish Water have not objected to the proposal
- 4.5 Falkirk Council's Environmental Protection Unit have raised no objections to the proposal but a contaminated land survey has been requested.

5. COMMUNITY COUNCIL

- 5.1 An objection has been received from Avonbridge and Standburn Community Council. They have raised concerns over the proposal being contrary to the Local Development Plan and the cumulative impact of similar developments within the surrounding area. Concerns are raised in respect of road and pedestrian safety, impact on surrounding road network, and the lack of detail supplied with the application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 12 contributor(s) submitted letter(s) to the Council, 5 in objection and 7 in support of the proposals. The salient issues are summarised below.

- Cumulative impact of similar developments granted within the surrounding area.
- Impact on Special Landscape Area.
- Housing layout not compatible with the character of the area.
- Not an acceptable form of infill development.
- Impact of additional traffic on surrounding road network.
- Pedestrian safety
- Road safety
- Privacy
- Parking
- Lack of detail on drawings submitted.
- Visual impact
- Impact on property value.

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 supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.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 proposed development is not required for the pursuance of agriculture, horticulture, forestry or the management of a business requiring a countryside location. The proposal does not comprise the replacement or restoration of an existing house or structure and does not meet the criteria defining an appropriate infill development. The proposal is unrelated to the restoration of any historic structures and would not constitute a gypsy/traveller site. The proposal is contrary to the terms of policy CG03.

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 site is located within the Slamannan Plateau / Avon Valley Special Landscape Area as defined by the Falkirk Local Development Plan. The proposed development is relatively small in scale and would not be distinctly visible on any ridges or skylines. The site benefits from a backdrop of mature trees. These trees would be unaffected by the development. The development would be visible from land to the south of the site however; the low scale of development proposed, backdrop of trees and use of natural materials would result in an insignificant impact on the landscape character of the area. The proposal is considered to protect the landscape character and quality in this area. The proposal accords with the terms of policy GN02.

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

7a.10 On balance, the proposal fails to accord with the terms of the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are Consideration of the Site in Relation to Coal Mining Legacy, Assessment of Public Representations, Falkirk Local Development Plan 2 (Proposed Plan) and Supplementary Guidance forming part of Local Development Plan.

Consideration of the Site in Relation to Coal Mining Legacy

- 7b.2 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. Any development proposal not exempt on grounds of type or nature, which would intersect with the ground requires the submission of a desk based Coal Mining Risk Assessment and Consultation with the Coal Authority.
- 7b.3 The process recognises the need for flexibility and in cases where a further application (Matters Specified in Conditions) is necessary, the Coal Mining Risk Assessment may be deferred until that stage. If an assessment has been received and the views of the Coal Authority sought, these are summarised within the consultation responses above and appropriate conditions and/or informatives have been applied.

Assessment of Public Representations

- 7b.4 Concerns over the cumulative impact of similar developments granted within the surrounding area are noted however the current application must be assessed upon its own merits.
- 7b.5 Concerns over the impact of the development on the Special Landscape Area are noted and are dealt with elsewhere in this report.
- 7b.6 The proposed dwelling, its design and layout is considered compatible with the character of the surrounding area.
- 7b.7 It is accepted that the proposal is not a recognised form of infill development when considered against current local plan policy.
- 7b.8 The level of additional traffic generated by a single dwellinghouse in this location is likely to have a negligible impact on the surrounding road network.
- 7b.9 It is noted that the surrounding road network has no provision for pedestrian footpaths. The proposed development would not however be any different to any other rural development in this regard. The level of pedestrian traffic generated by this development is likely to be low. Pedestrian safety is not therefore considered to be a determining factor in the assessment of this application.
- 7b.10 Road safety concerns are noted and are considered elsewhere in this report.
- 7b.11 Proposed privacy levels exceed minimum standards normally applied to residential developments of this nature.
- 7b.12 Parking has been provided in accordance with the levels required in the National Roads Development Guide.
- 7b.13 Additional details have been provided on the submitted plans. The level of detail provided is sufficient to allow a full assessment to be carried out.
- 7b.14 Visual impact concerns are noted however the scale, layout and materials proposed are considered to be a good fit with the surrounding area. The proposed development would be well screened from the north, east and west and would benefit from a backdrop of mature vegetation when viewed from the south. Visual impact is not therefore a determining factor in the assessment of this application.

7b.15 Impact on property value is not a material planning consideration.

Falkirk Local Development Plan 2 (Proposed Plan)

7b.16 The current Falkirk Local Development Plan is in the process of being replaced by a new plan, LDP2. The Proposed Falkirk Local Development Plan 2 (LDP2) has been approved by the Council for consultation. The consultation period ran from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received it is expected that LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications. In the case of this particular application, the proposed plan in its current form does not introduce any new policy considerations or land use allocations which justify a grant of planning permission in this instance.

Supplementary Guidance SG01 'Development in the Countryside'

7b.17 This guidance note sets out the circumstances within which new development in the countryside may be considered acceptable. The guidance offers specific advice in respect of what may be considered to represent appropriate infill development and specifies that a proposal can only be considered as infill development if it is located between two existing residential properties which measure less than 80m apart. In this case, the development site is located in a gap between an existing dwellinghouse and a rural building which, whilst currently benefiting from planning permission for conversion to a dwellinghouse, is not currently used for residential purposes. The proposal does not therefore meet this criteria or any of the other countryside development criteria. On balance, the proposal is therefore contrary to the terms of SG01.

7c Conclusion

7c.1 The proposal is an unacceptable form of development as it fails to meet the criteria that would justify Housing in the Countryside and would access a rural road with limited visibility that would not be in the best interests of road safety. It therefore fails to accord with the Development Plan. There are no material planning considerations that would support a grant of planning permission in this instance.

8. RECOMMENDATION

8.1 It is recommended that the Committee refuse Planning Permission for the following reason(s):

- 1. The proposal would result in a sub-standard level of visibility being achieved at the site access onto the C62 Candie Road Upper. The proposal would not therefore be in the best interests of road safety and would be contrary to the terms of Policy CG03 'Housing in the Countryside' of the Falkirk Local Development Plan and Supplementary Guidance SG01 'Development in the Countryside'.**

2. **The proposed development is not an appropriate form of infill development and does not meet any of the criteria set out within Policy CG03 'Housing in the Countryside' of the Falkirk Local Development Plan which would justify the need for a new dwellinghouse in the countryside. The proposal therefore represents sporadic development within the countryside which is contrary to the terms of Policy CG03 'Housing in the Countryside' of the Falkirk Local Development Plan and Supplementary Guidance SG01 'Development in the Countryside'.**

Informative(s):-

1. **For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01B, 02B, 03B and 04B.**

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pp Director of Development Services

Date: 15 January 2020

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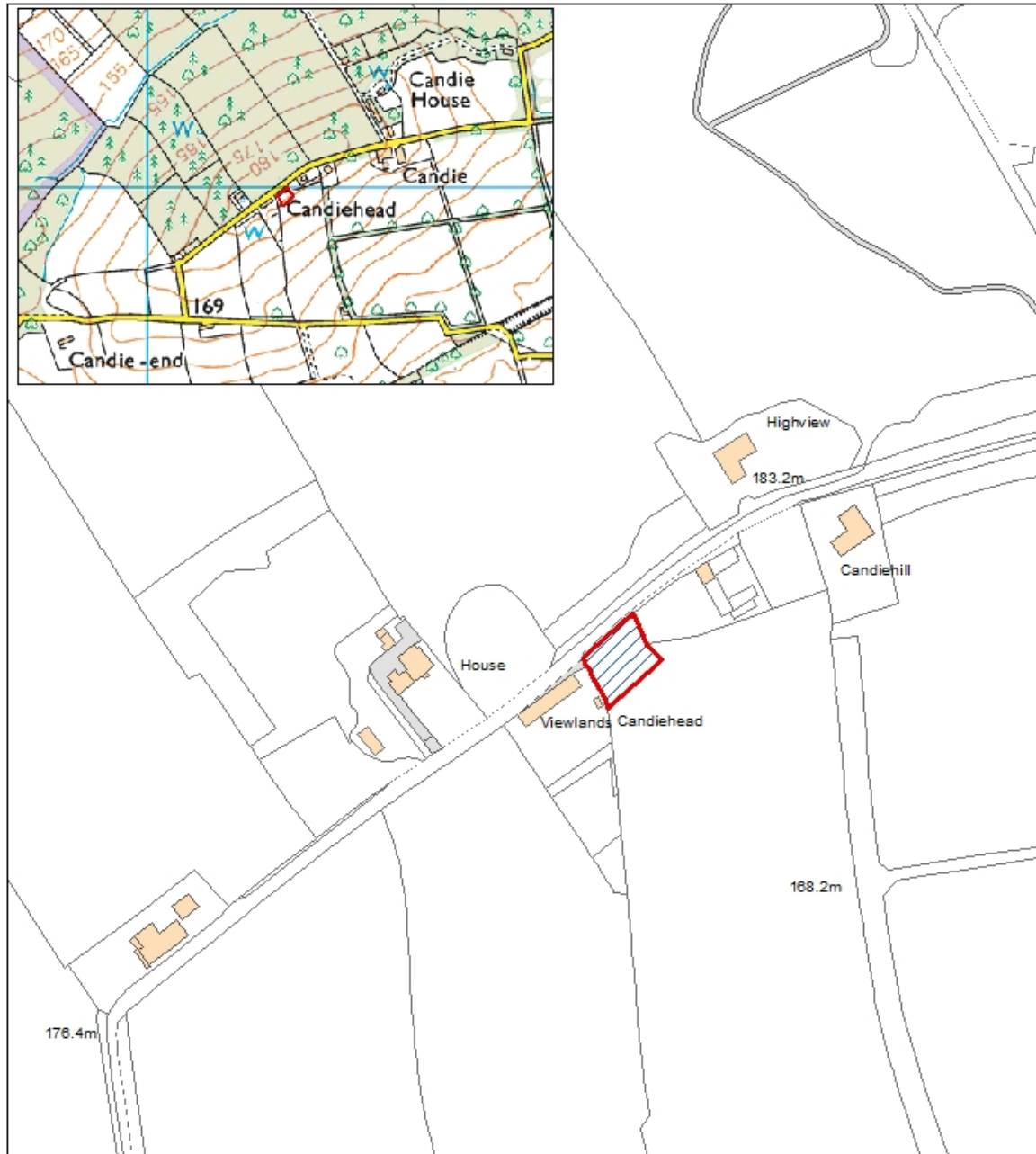
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/19/0322/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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