



Agenda Item 6

**ERECTION OF DWELLINGHOUSE AT
LAND TO THE WEST OF COORIE
DOON, AVONBRIDGE FOR MR AND
MRS MCCALLEY - P/19/0554/PPP**

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST
OF COORIE DOON, AVONBRIDGE FOR MR AND MRS
MCCALLEY - P/19/0554/PPP
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: John Milne (Senior Planning Officer), Ext. 4815

[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. The case officer presented a brief summary of the proposal, with members of the Committee viewing the application site. Members were able to view the full application site from adjoining land. Members were advised that: -
 - the application sought the principle of development and, as such, no detailed elevations of the proposed dwellinghouse were presented;
 - the area was, in general, a former scrap vehicle dismantling yard.
 - planning permission for residential use was previously approved to foster the unsightly appearance of the site;
 - planning permission has previously been granted for 4 dwellinghouses, with 3 dwellinghouses built to date;
 - no Coal Mining Risk Assessment had been submitted in support of the application.

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 is considered contrary to Falkirk Local Development Plan policy CG03 - Housing in the Countryside - in that the proposed dwellinghouse is not required for pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In addition, the proposal is not considered infill development.
2. The proposal is considered contrary to Falkirk Local Development Plan policy RW10 - Vacant, Derelict, Unstable and Contaminated Land - in that no evidence has been presented that land contamination is present on the site and requires remediation through development.
3. The proposal is considered contrary to Falkirk Council's Supplementary Guidance SG01 - Development in the Countryside - in that the dwellinghouse is not required to support an economic activity, does not constitute the restoration or replacement of a house, is not a conversion or restoration of an existing structure, does not constitute infill development and is not enabling development to secure the long-term future of an historic building or structure of acknowledged importance.

Informative(s):-

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

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pp Director of Development Services

Date: 6 February 2020

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan (2).
3. Policy SG01 - Development in the Countryside.

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

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST
OF COORIE DOON, AVONBRIDGE FOR MR AND MRS
MCCALLEY - P/19/0554/PPP

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

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks planning permission in principle for the erection of a dwellinghouse on land within the countryside to the west of an existing group of houses accessed via Blackston Road (North), near Avonbridge.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to Planning Committee by Councillor Kerr, to allow Committee to have a better understanding of the site.

3. SITE HISTORY

- 3.1 F/74/0240 - Granted on 27 May 1974 - For the Use of Land at Drumbroider Moss, Easter Greencraigs as a Vehicle Dismantling Yard.
- 3.2 F/90/0141 - Granted on 29 March 1990 - Erection of a Temporary Office.
- 3.3 F/93/0759 - Refused on 2 November 1993 - Erection of a Dwellinghouse.
- 3.4 F/99/0871 - Outline Granted on 12 April 2000 - Erection of Dwellinghouse.
- 3.5 F/2001/0466 - Reserved Matters Granted on 2 November 2001 - Erection of Dwellinghouse.

- 3.6 F/2005/0313 - Outline Granted on 1 December 2005 - Erection of Dwellinghouse with Purpose Built Pigeon Loft.
- 3.7 06/0620/REM - Reserved Matters Granted on 20 November 2006 - Erection of Dwellinghouse and Pigeon Loft.
- 3.8 P/07/0886/FUL - Granted on 6 December 2007 - Siting of Temporary Living Accommodation (Retrospective).
- 3.9 P/08/0503/OUT - Application Withdrawn on 9 February .2009 - Erection of Dwellinghouse.
- 3.10 P/09/0147/OUT - Outline Granted on 16July 2009 - Erection of Dwellinghouse.
- 3.11 P/09/0776/MSC - Matters Specified in Conditions Granted on 21 May 2010 - Erection of Dwellinghouse.

4. CONSULTATIONS

- 4.1 Falkirk Council's Roads Development Unit advise that the site is accessed via Blackston Road (North), a single width rural road of restricted alignment lacking footway and lighting provision and with restricted visibility at a number of locations. The proposed access provides good visibility for vehicles exiting the site, and vehicles travelling on the road can see the access. However, oncoming traffic is not visible due to the bend in the road at this location. The proposal would not therefore be in the interests of road safety.
- 4.2 Scottish Water advised that there is no foul water infrastructure.
- 4.3 Falkirk Council's Environmental Protection Unit has no objection subject to conditions.
- 4.4 The Coal Authority - no Coal Mining Risk Assessment received.

5. COMMUNITY COUNCIL

- 5.1 No representation received.

6. PUBLIC REPRESENTATION

- 6.1 No public representation received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

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 Of the criteria listed in association with this policy, the application does not accord with any of the stated requirements where a new dwellinghouse would be justified. The criteria for appropriate infill development is expanded further within Supplementary Guidance SG01 - Development in the Countryside - however the site is not considered as an appropriate residential infill opportunity.

7a.6 Policy RW10 - Vacant, Derelict Unstable and Contaminated Land states:-

Proposals that reduce the incidence of vacant, derelict, unstable and contaminated land will be supported, subject to compliance with other LDP policies, particularly those relating to development in the countryside. Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken.

7a.7 No supporting information has been submitted by the applicant to demonstrate that the application site is contaminated. In addition, no information has been submitted by the applicant that remediation of the land is required and is cost prohibitive as to require enabling development. The applicant has submitted indicative drawings showing the location of a borehole on the site, but no commentary as to the findings of the borehole.

Supplementary Guidance SG01 - Development in the Countryside

7a.8 The Supplementary Guidance (SG) document seeks to expand on the reasoning behind Development Plan policies in relation to new development in the countryside. In this regard, the application fails to meet the stipulated criteria for essential need and does not constitute infill development.

7a.9 Therefore 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 information submitted by the applicant, planning history, matters raised through consultation response, advice promoted through Supplementary Guidance SG01 and the planning policies contained within the emerging Falkirk Local Development Plan (2) (LDP2)..

Information Submitted by the Applicant

7b.2 The applicant has submitted a number of indicative drawings as to land ownership and an interpretation of the development of the site from the former vehicle dismantling yard. However, no factual information has been provided as to the extent of activities on the site (for example, licence approvals, historic records). In addition, no information has been submitted as to the proposition that the application site requires remediation. The presence of a borehole excavation on site is not definitive as to the land being part of the original planning application site, given that boreholes are often drilled near application sites to survey land out with immediate development. Indeed, a drawing by REC Limited dated 2007 would indicate that the more contaminated land requiring soil capping is eastwards of the current application site.

Planning History

- 7b.3 It is acknowledged that the general area was previously occupied by a vehicle dismantling business and, on cessation of use, the land was considered to be contaminated by spillage and waste from that activity. While an initial approach to secure residential use of the site was refused in 1993, a subsequent application was approved in 2000. It was considered, at that time, that the remediation of the site was unrealistic without further development taking place to offset the costs of remediation. Subsequent applications for residential dwellings on the site were similarly supported. Planning application P/09/0147/OUT - Erection of a Dwellinghouse - was approved on 16 July 2009 and the approved Report on Handling reads "The erection of the dwellinghouse would result in no further part of the western section of the former vehicle dismantling yard being left undeveloped". This current application seeks to extend residential development beyond that western section of the former vehicle dismantling yard.

Matters Raised Through Consultation

- 7b.4 A Coal Mining Risk Assessment is required for the site. However, considering the costs involved in procurement of the assessment and in light of the current Development Plan Policy context and recommendation, this may be an unnecessary expense to the applicant at this time.

Falkirk Local Development Plan (2)

- 7b.5 Falkirk Local Development Plan 2 (LDP2) 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 policies relevant to new housing in the countryside remain consistent with existing policies and there is no reasoned justification for the current proposal.

7c Conclusion

- 7c.1 A sympathetic view to development in the area has been previously adopted, given the extent of land decontamination which was required for the site of the former vehicle dismantling yard. However, to all intent and purpose, this land remediation has now taken place. No evidence has been submitted in support of this planning application that land contamination is present on the application site or the costs involved in land remediation are as substantial as to require further enabling development. It is considered that the former vehicle dismantling yard has now been developed for housing, with 3 dwellinghouses constructed on the site and planning permission for a 4th house not yet implemented.

8. RECOMMENDATION

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

1. The proposal is considered contrary to Falkirk Local Development Plan policy CG03 - Housing in the Countryside - in that the proposed dwellinghouse is not required for pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In addition, the proposal is not considered infill development.
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Informative(s):-

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

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pp Director of Development Services

Date: 15 January 2020

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan (2).
3. Policy SG01 - Development in the Countryside.

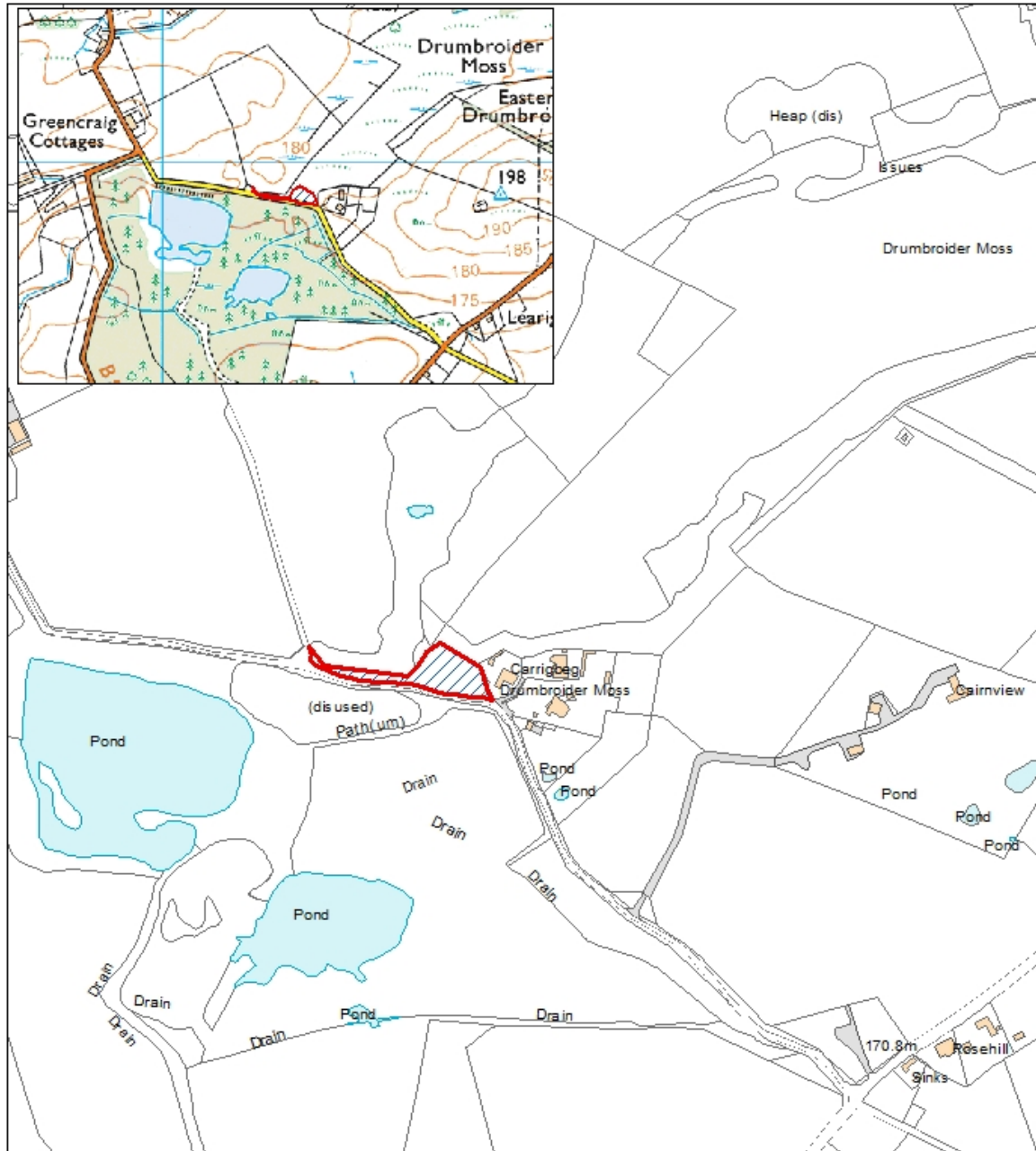
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/19/0554/PPP

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



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