



Agenda Item 9

**ERECTION OF DWELLINGHOUSE AND
ASSOCIATED INFRASTRUCTURE AT
LAND TO THE NORTH WEST OF 1
BROOM FARM STEADING, FALKIRK
FOR ANTONINE DEVELOPMENTS -
P/20/0133/PPP**

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AND ASSOCIATED
INFRASTRUCTURE AT LAND TO THE NORTH WEST OF 1
BROOM FARM STEADING, FALKIRK FOR ANTONINE
DEVELOPMENTS - P/20/0133/PPP

Meeting: PLANNING COMMITTEE

Date: 17 June 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: Julie Seidel, (Planning Officer), Ext. 4880

[View this Application on Public Access](#)

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to planning permission in principle for the erection of one dwellinghouse, in countryside near Avonbridge.
- 1.2 The 0.2 hectare site is bounded to the west by the C45 Leppie Road, to the south by the access road to Broom Farm Steading and to the north and east by open countryside.
- 1.3 In support of the application an indicative plan showing a detached dwellinghouse located centrally in the site and an access being taken off the C45. The submitted location plan shows that the applicant owns another similarly sized site on the south side of the access road to Broom Farm Steading.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Kerr, to allow scrutiny by the Committee of planning matters relating to coal mining risk assessment and the proposed site access.

3. SITE HISTORY

- 3.1 An application for planning permission in principle (P/19/0212/PPP), for the erection of a dwellinghouse and associated infrastructure, was withdrawn by the applicant on 8 May 2019.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit note that the application was originally accompanied by an indicative plan, showing access taken off the private access road to Broom Farm Steading. This proposal was contrary to the National Roads Development Guide as it would result in more than 5 dwellings being served off a private access road.
- 4.2 The applicant submitted an alternative indicative plan showing access off the C45 Leppie Road. This proposal would be to the detriment of road safety. It would result in two (verge crossing) accesses in close proximity to each other, on a derestricted, single track rural road, of restricted width and alignment, that lacks any footway or lighting provision. The Roads Development Unit caution against development at this section of rural road, which would lead to additional vehicular and pedestrian traffic, to the detriment of road safety.
- 4.3 The Roads Development Unit advise that a new priority junction and access road, designed to adoptable standards, is required at the location of the existing access. The new junction and road would be required to provide a single safe access to the proposed development and existing properties at Broom Farm Steading. The applicant has not shown that this can be achieved either in terms of design or land ownership.
- 4.4 The Council's Environmental Protection Unit have no objection, subject to a condition in relation to ground contamination.
- 4.5 Scottish Water have no objection.
- 4.6 Scottish Natural Heritage (SNH) have no objection. The proposed development is situated approximately 6km from the Slamannan Plateau Special Protection Area (SPA), which is classified for its overwintering population of Taiga Bean Geese. There are natural heritage interests of international importance at the application site, but SNH consider that they would not be adversely affected by the proposal. An Appropriate Assessment is required in accordance with the Conservation (Natural Habitats, &c) Regulations 1984 as amended (the Habitat Regulations).
- 4.7 In relation to historic coal mining the Coal Authority advise the application site is in the Development High Risk Area with both recorded and probable shallow coal mining. A Coal Mining Risk Assessment was submitted by the applicant after the application was progressed to a delegated recommendation. Following consideration of the applicants late submission the Coal Authority advise they have no objection to the proposal, subject to suspensive planning conditions to confirm the exact ground conditions present beneath the site and potential remediation works.

5. COMMUNITY COUNCIL

- 5.1 The Avonbridge and Standburn Community Council did not make comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, no letters of objection or representation were received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

- 7a.1 The Falkirk Local Development Plan (LDP) 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 is located in the countryside as identified in the Local Development Plan, outside urban and village limits. Policy CG01 'Countryside' advises that the proposed development should be assessed in relation to policy CG03 and Supplementary Guidance SG01.

- 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 Policy CG03 'Housing in the Countryside' contains criteria where housing development in the countryside will be supported. This includes housing required for the pursuance of a rural activity, restoration and replacement of existing houses, conversion of non-domestic rural buildings, infill development, enabling development and traveller sites. The proposed development does not fit any of the relevant criteria where housing development is acceptable in the countryside. The application is contrary to 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 in a special landscape area. The proposed development would be located in open countryside, at the private access road to Broom Farm Steading. Its location would be relatively remote from the steading and would not read as being within the envelope of existing buildings at Broom Farm Steading. The application has the potential to have an unacceptable landscape impact in visual terms. No information has been submitted with the application to demonstrate the landscape and visual impact of the proposed development would be acceptable. The application is contrary to policy GN02 'Landscape'.

7a.8 Policy GN03 'Biodiversity and Geodiversity' states:-

The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:

1. *Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
2. *Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
3. *Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
4. *Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
5. *Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
6. *All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*

7a.9 The application site is situated in close proximity to the Slamannan Plateau Special Protection Area (SPA). SNH are of the view that natural heritage interests would not be adversely affected by the proposal. The application does not offend policy GN03 'Biodiversity and Geodiversity'.

7a.10 Policy RW04 'Agricultural Land, Carbon Rich Soils and Rare Soils' states:-

1. *Development involving the significant permanent loss of prime quality agricultural land (Classes 1, 2 and 3.1), carbon rich soils (basin peat, blanket bog, peat alluvium complex, peaty podzols and peaty gleys) and rare soils (podzols, humus iron podzols and saltings) will not be permitted unless:*
 - *The site is specifically allocated for development in the LDP; or*
 - *Development of the site is necessary to meet an overriding local or national need where no other suitable site is available.*
2. *Planning applications for development which is likely to disturb areas of carbon rich or rare soil will be required to submit a soil or peat management plan which demonstrates that:*
 - *the areas of highest quality soil or deepest peat have been avoided;*
 - *any disturbance, degradation or erosion has been minimised through mitigation; and*
 - *any likely release of greenhouse gas emissions caused by disturbance is offset*

7a.11 The application site is not designated as prime quality agricultural land. As such, there is no conflict with policy RW04 'Agricultural Land, Carbon Rich Soils and Rare Soils'.

7a.12 Policy D02 'Sustainable Design Principles' states:-

New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

1. *Natural and Built Heritage. Existing natural, built or cultural heritage feature should be identified, conserved, enhanced and integrated sensitively into development;*
2. *Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
3. *Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
4. *Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
5. *Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
6. *Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.

7a.13 Policy D03 'Urban Design' states:-

New development should create attractive and safe places for people to live, work and visit. Accordingly:

1. *Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
2. *The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
5. *Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm.*

7a.14 There are no natural or built heritage features which require to be identified, conserved, enhanced and integrated into the development. It is considered that the principle of housing development on the site would not respond positively and sympathetically to the site's surroundings, noting the open countryside location and prominent position at the entrance to Broom Farm Steading. It is considered that the proposed development would not create buildings and spaces which are attractive, distinctive, welcoming, adaptable and safe and easy to use. The location of the site would not encourage the use of sustainable, integrated transport and would not provide safe access for all users. The application is contrary to policies D02 'Sustainable Design Principles' and D03 'Urban Design'.

7a.15 Policy D04 'Low and Zero Carbon Development' states:-

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy.*

Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:

- Proposals for change of use or conversion of buildings;*
- Alterations and extensions to buildings;*
- Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
- Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
- Temporary buildings with consent for 2 years or less; and*
- Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*

2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.16 The applicant has not submitted an energy statement to support the application. It is considered reasonable to request on-site low and zero carbon-generating technologies by planning condition where a positive recommendation is made, in accordance with policy D04 'Low and Zero Carbon Development'.

Supplementary Guidance forming part of Local Development Plan

7a.17 Supplementary Guidance SG01 'Development in the Countryside' directs new housing development in rural areas to the existing villages, in order to sustain their vitality and take advantage of village services and infrastructure. It is recognised that there are some instances where housing development in the countryside is necessary or supported and policy CG03 gives the circumstances where development will be supported. The application is contrary to policy CG03 and Supplementary Guidance SG01, as it does not meet any of the criteria where the development of housing in the countryside is considered acceptable.

7a.18 The application accords generally with the guidance contained in SG05 'Biodiversity and Development'.

7a.19 All development and changes in land use and land management will have some effect on the landscape. The application site is in the Slamannan Plateau / Avon Valley Special Landscape Area where buildings may be visually prominent due to poor siting and design and inappropriate open locations. The incremental and unjustified development of such locations can reduce the undeveloped rural character of the area and interrupt or block key views. It is considered that the proposed development would not protect nor enhance the character of the Special Landscape Area, contrary to SG09 'Landscape Character Assessment and Landscape Designations'.

7a.20 The applicant has not submitted an energy statement, in accordance with SG15 'Low and Zero Carbon Development', however, it is considered reasonable to request submission of a statement by condition where a positive recommendation is made.

7a.21 Accordingly, the application is contrary to the Falkirk Local Development Plan and related supplementary guidance forming part of the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are National Planning Policy, the Proposed Falkirk Local Development Plan 2, consultation responses and information submitted in support of the application.

National Planning Policy

7b.2 Scottish Planning Policy (2014) (SPP) advises that an up-to-date Development Plan takes primacy over SPP. In this instance the Falkirk Local Development Plan is up-to-date and as such the application should be assessed in accordance with its policies, with SPP as a material planning consideration.

7b.3 The Falkirk Council area is an accessible or pressured rural area, where there is a danger of unsustainable growth in long-distance car-based commuting and suburbanisation of the countryside. SPP supports a more restrictive approach to new housing development within such areas and it is noted that the relevant rural policies guide new development to locations within settlements and sets out circumstances in which new housing out with settlements may be appropriate.

7b.4 Policy CG03 clearly sets out the circumstances where housing in the countryside will be accepted in accordance with SPP. The application is not supported by the Falkirk Local Development Plan for those reasons outlined earlier or SPP.

Falkirk Local Development Plan 2 (Proposed Plan)

7b.5 The Proposed Falkirk Local Development Plan 2 (LDP2) was submitted to Scottish Ministers in July 2019. Unresolved representations to the Proposed LDP2 were considered through the LDP Examination which took place between October 2019 and March 2020. The Examination Report, containing the reporters' recommendations in relation to each of the representations, was published on 31 March 2020. The next step is for the Council to make the requisite modifications to the Proposed LDP2, to publish notification of its intention to adopt the plan as modified, and to submit the Modified Plan to Scottish Ministers prior to adopting it. Adoption is scheduled for the end of July 2020. Pending adoption of the new plan, the Proposed LDP2, read in conjunction with the Examination Report, constitutes a material consideration and should be given significant weight in the determination of planning applications. The relevant policies contained within the Proposed Falkirk LDP2 and the changes as recommended in the Examination Report are not considered to be materially different from those within the current adopted plan and, in this instance, would not result in the proposal being assessed differently.

7b.6 The site is located in the countryside and a local landscape area, as identified in the LDP2. The proposed plan does not introduce any new policy considerations which justify approval of planning permission in this instance.

Consultation Responses

- 7b.7 The Council's Roads Development Unit raise concerns about the suitability of vehicular access to the application site. Two indicative accesses were submitted during the course of the application, neither of which were considered to be acceptable in terms of road safety and compliance with the National Roads Development Guide. The Unit also advise that a new priority junction and access road is required to provide a single safe access to the proposed development and existing properties at Broom Farm Steading. The applicant has not shown that this can be achieved either in terms of design or land ownership / agreement with affected properties at Broom Farm Steading.
- 7b.8 A Coal Mining Risk Assessment was requested during the last application stage (P/19/0212/PPP) and again on a number of occasions during the assessment of this application. The applicant only submitted a Coal Mining Risk Assessment (CMRA) after a delegated recommendation was made. The Coal Authority have responded to consultation on this late submission and advise that the application can progress with suspensive planning conditions requiring intrusive site investigations, to identify if coal mining legacy on the site poses a risk to surface stability and, if necessary, remedial ground works undertaken.

Information submitted in Support of the Application

- 7b.9 The applicant submitted the following information to support the application:
- Broom Farm Steading comprises 5 dwellings. Planning permission for the steading development was approved on 30th June 2006.
 - A new access is proposed for the site.
 - The site has no agricultural value.
 - Local residents have no objection to the proposed development.
 - The proposed development would be deemed a cluster development with Broom Farm Steading. The proposed design would be sympathetic.
 - A CMRA was provided post recommendation. The risk is identified as medium and any investigation should be addressed by planning condition.
- 7b.10 The planning history for Broom Farm Steading is noted, however, it is not considered to be a material planning consideration in relation to this application, for new housing development in the rural area. It is not considered that the proposed development would form a cluster with Broom Farm Steading. The site relates to open countryside, which is relatively detached from existing buildings. The proposed site would not read as being within the envelope of buildings at the steading and is a prominent location, directly adjacent to the public road with no screening in terms of landform or established landscape features.
- 7b.11 It is noted that the site is not prime quality agricultural land, however, this does not provide justification for the proposed development. The proposal does not meet any of the criteria in Falkirk Local Development Plan policies CG01 and CG03, relating to housing in the countryside.
- 7b.12 The CMRA was submitted post recommendation. The Coal Authority agree that potential coal mining risks can be conditioned if members are minded to grant permission.

7b.13 The Council's Roads Development Unit advise that vehicular access to the site would be unacceptable in terms of road safety and compliance with the National Roads Development Guide. The applicant has not demonstrated that an acceptable access can be achieved in relation to design or land within their ownership or control.

7c Conclusion

7c.1 The application is assessed as being contrary to the Falkirk Local Development Plan, the proposed Falkirk Local Development Plan 2 policies in relation to new housing in the countryside and adverse visual impact and national planning policy. The applicant has not demonstrated that a suitable access can be achieved. There are no material planning considerations which would justify the proposed development and the application is recommended for refusal.

8. RECOMMENDATION

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

- 1. The principle of residential development is not supported as the proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration or replacement of an existing house, the conversion of non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site. The development would contribute towards unsustainable growth in car-based commuting and the suburbanisation of the countryside, contrary to policies CG01 'Countryside', CG03 'Housing in the Countryside', D02 'Sustainable Design Principles' and D03 'Urban Design' and Supplementary Guidance SG01 'Development in the Countryside' of the Falkirk Local Development Plan.**
- 2. The proposed development would result in unjustified housing development in the countryside, which would not be read within the envelope of existing buildings at Broom Farm Steading or respect the settlement pattern or character of development within the wider countryside area. The application proposal would be visually prominent and would not safeguard the distinctive landscape quality of the Special Landscape Area, contrary to policy GN02 'Landscape' and Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations' of the Falkirk Local Development Plan.**
- 3. A new priority junction and access road, designed to adoptable standards, is required at the location of the existing access, to provide a single safe access to the proposed development and existing properties at Broom Farm Steading. The applicant has not shown that this can be achieved and indicative proposals submitted with the application were not in the best interests of road safety or in accordance with the National Roads Development Guide (SCOTS).**

Informative(s):-

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

.....
pp Director of Development Services

Date: 8 June 2020

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Proposed Falkirk Local Development Plan 2.
3. Scottish Planning Policy 2014.
4. National Roads Development Guide (SCOTS, as amended 2017).

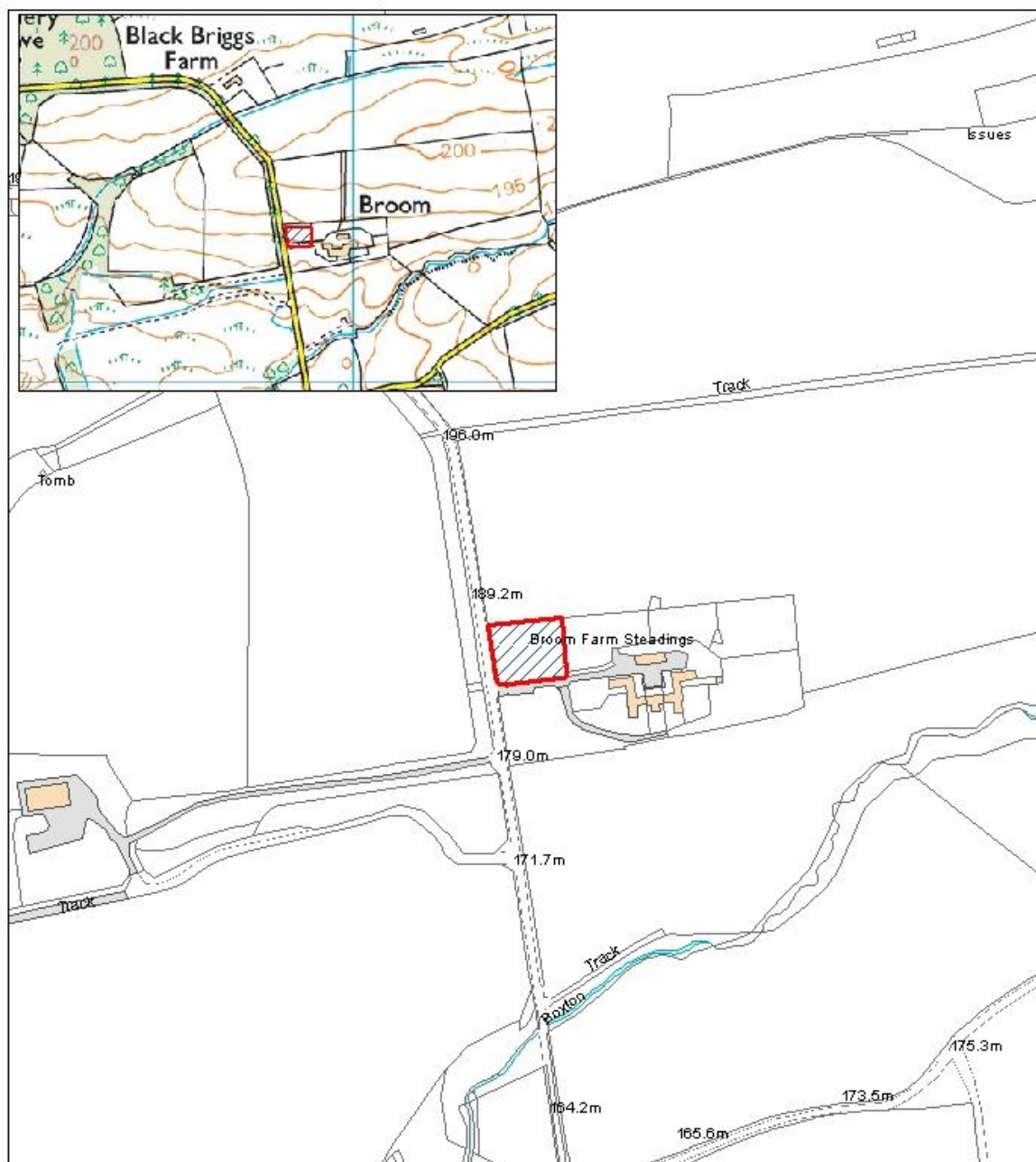
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/20/0133/PPP

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



© Crown copyright and database rights 2020 Ordnance Survey 100023384. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.