

**FALKIRK COUNCIL**

**Subject:** DEMOLITION OF A SINGLE STOREY COTTAGE AND WORKSHOP AND ERECTION OF DWELLINGHOUSE AT CADGERSLOAN COTTAGE, BONNYBRIDGE FK4 2EU FOR DR PAUL FLANIGAN - P/13/0458/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 30 October 2013

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert

Baillie Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Bonnybridge Community Council

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

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

- 1.1 The application seeks detailed planning permission to demolish an existing single storey dwellinghouse and workshop and erect a replacement single storey dwellinghouse.
- 1.2 The application site lies within the countryside to the south of High Bonnybridge. The existing single storey dwellinghouse is derelict and the property is overgrown and in a state of disrepair.
- 1.3 The following submissions have been made by the applicant in support of the application: -
- The original proposal was to retain parts of the existing building and extend it and completely remodel the interior. A planning application was submitted on this basis (see paragraph 3.1 of this report);
  - Following further investigation into the condition of the building, it was apparent that the building was not worthy of retention. The current planning application is therefore for a replacement dwellinghouse;
  - The existing walls are constructed in a mixture of brickwork and stonework, random and in poor condition. They were constructed at a time when damp proof courses were not available. The random nature of the stonework will not create a suitable substrate for an injected damp proof course;

- The existing windows and doors would all need replacing due to their condition. Every opening would require complete rebuilding as they were inappropriately altered in the 1960's;
- The original timber floor is constructed over an unfinished solum so that all flooring and floor structure would have to be removed to form a new solum, with damp proofing and insulation. None of the original floor construction would remain;
- The existing slate roof would need to be stripped and redone;
- Once all this work is undertaken, there would be almost nothing left of the original building and what would be left would compromise the quality of the construction in terms of insulation, air tightness and damp proofing; and
- A new construction would be constructed to meet the current building regulations and fully address the thermal requirements and associated energy saving required.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it is contrary to the Development Plan.

## **3. SITE HISTORY**

- 3.1 Planning application ref: P/13/0063/FUL for alterations and extensions to the existing dwellinghouse was granted permission in March 2013.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have advised that there are no roads related conditions to attach to any grant of permission.
- 4.2 Scottish Water have no objection to the application and have advised that there are no public sewers in the vicinity of the proposed development and the Carron Valley Water Treatment Works may have capacity to serve the proposed development.
- 4.3 The Environmental Protection Unit have requested the submission of a contaminated land assessment due to the presence of a factory or works, general mining and quarrying, made ground and other potential sources of contaminated land within 250 metres of the application site.
- 4.4 The Coal Authority consider that the content and conclusions of the submitted Mineral Report are sufficient to demonstrate that the application site is, or can be made, safe and stable for the proposed development. They therefore have no objection to the application.

## 5. COMMUNITY COUNCIL

5.1 The Bonnybridge Community Council have not made any representations.

## 6. PUBLIC REPRESENTATION

6.1 No public representations have been received in relation to the application.

## 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

#### *Falkirk Council Structure Plan*

7a.1 The proposed development does not raise any strategic issues and therefore the application has been assessed solely against the Falkirk Council Local Plan.

#### *Falkirk Council Local Plan*

7a.2 The application site lies outwith the urban limits, within the countryside, as defined within the Falkirk Council Local Plan.

7a.3 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.”*

7a.4 This policy provides for housing development in the countryside in certain circumstances. These circumstances include the rehabilitation of former residential properties subject to certain criteria being met. The condition of the existing building, as detailed in the submissions in support of the application (see paragraph 1.3 of this report) is noted. This serves to indicate that the existing building is incapable of rehabilitation but the policy does not provide for replacement dwellinghouses. The application is therefore contrary to this policy.

7a.5 Accordingly, the application does not accord with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed in respect of this application are the Falkirk Council Local Development Plan (Proposed Plan) and the consultation responses.

### ***Falkirk Local Development Plan (FLDP)***

7b.2 The FLDP was approved by the Council for consultation on 6 March 2013, with the period of representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It 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.

7b.3 The application site lies outwith the urban limits, within the countryside, as defined within the FLDP.

7b.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."*

- 7b.5 This policy differs from Policy SC3 of the Falkirk Council Local Plan in that it specifically provides for the replacement of houses in the countryside that are substantially intact (provided the replacement would be of a comparable size to the original). In this instance, the existing dwellinghouse is substantially intact, a single storey dwellinghouse would be maintained on the property and the footprint of the replacement dwellinghouse would be comparable to the original. The application therefore accords with this policy.

### **Consultation Responses**

- 7b.6 The consultation responses are summarised in Section 4 of this report. No objections to the application were received in the consultation responses and the matters raised could be the subject of conditions or informatives of any grant of planning permission.

### **7c Conclusion**

- 7c.1 The application does not accord with the Development Plan, for the reasons detailed in this report. However, the application complies with the Falkirk Local Development Plan (Proposed Plan), which is a material consideration. Furthermore, as the provision of the Proposed Plan to provide for replacement houses in the countryside has not been objected to, it is considered that significant weight can be given to this provision, in order to justify setting aside the terms of the Development Plan in this instance. The application is therefore recommended for the grant of planning permission subject to appropriate conditions.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions: -

- (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) Before the development commences, the exact details of the colour and specification of the proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3) Unless otherwise agreed in writing by this Planning Authority, before the development commences a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with any approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by this Planning Authority.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) To safeguard the visual amenity of the area.
- (3) To ensure the ground is suitable for the proposed development.

**Informative(s):-**

- (1) 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.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02A, 03, 04A and 05.
- (3) The builder is advised to ensure that noisy work which is audible at the site boundary is only conducted between the following hours:-

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1700 hours
Sunday/Bank Holidays	1000 to 1600 hours

Any deviation from these hours is not permitted unless in emergency circumstances and with the prior written approval of the Environmental Protection Unit.

- (4) Scottish Water have advised that:-
  - There are no public sewers in the vicinity of the proposed development;
  - Carron Valley Water Treatment Works may have capacity to serve the proposed development;
  - In some circumstances it may be necessary for the developer to fund works on existing infrastructure to enable their development to connect;
  - Their current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require pumping arrangements installed, subject to compliance with the current water byelaws.
  - If the connection to public sewer and/or water main requires to be laid outwith public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

Pp

.....  
Director of Development Services

Date: 21.10.13

**LIST OF BACKGROUND PAPERS**

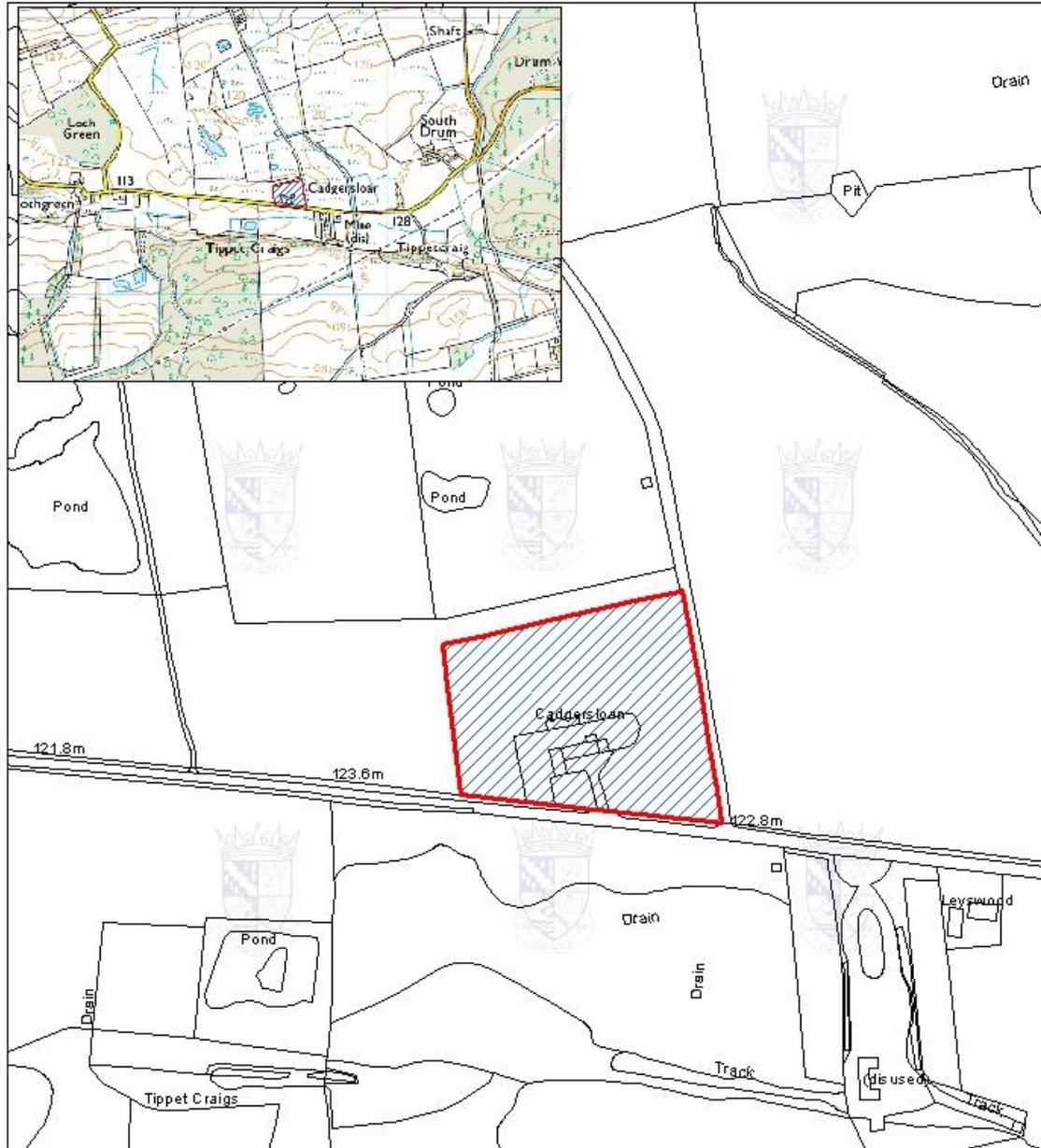
1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).

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/13/0458/FUL**

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



Reproduced by permission of Ordnance Survey on behalf of HM SO.  
© Crown copyright and database right 2013. All rights reserved.  
Ordnance Survey Licence number 100023384