

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE SOUTH WEST OF CANDIEHEAD HOUSE, FALKIRK FOR MR GORDON FERRIER - P/14/0277/FUL
Meeting: PLANNING COMMITTEE
Date: 20 August 2014
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: Avonbridge and Standburn

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises a vacant plot of land extending to 0.14 hectares at Candiehead Cottages, Falkirk. The site was formally occupied by a mining cottage. The site is overgrown and there is evidence of the cottage in the form of walling and stone on site.
- 1.2 The site is served by an existing vehicular access from the C62, Candie Road. The site is relatively level and surrounded on all sides by agricultural land.
- 1.3 The proposed development relates to the erection of one dwellinghouse with associated outbuilding, boundary enclosures and vehicular access.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Granting the application would be contrary to the Development Plan.

3. SITE HISTORY

- 3.1 An application for outline Planning Permission (Ref: F/2001/0726) on part of the current application site was refused planning permission on 11 February 2002. The decision was appealed and subsequently dismissed on 18 September 2002. The Reporter found that the outline proposal was contrary to policy at that time and did not therefore address issues of road safety. This site did not include some of the remaining parts of the former dwellinghouse.

4. CONSULTATIONS

- 4.1 Scottish Water did not respond to consultation.
- 4.2 The Roads Development Unit expressed concern that the development is proposed in the countryside on a rural road of restricted width, lacking footway and lighting provision. The Unit comment that an acceptable visibility splay can be achieved from the proposed vehicular access.
- 4.3 The Environmental Protection Unit request the imposition of contaminated land conditions and a construction noise informative if planning permission is granted.
- 4.4 Scotland Gas Networks advise that there is high pressure apparatus in the vicinity of the application site.
- 4.5 The Coal Authority do not object the proposed development.
- 4.6 The Health and Safety Executive do not advise against the proposed development.

5. COMMUNITY COUNCIL

- 5.1 No comments were received in relation to the application.

6. PUBLIC REPRESENTATION

- 6.1 No representations were 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 Policy ENV.1 'Countryside and Protected Areas' states:

- “(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

- 7a.2 The Structure Plan recognises the boundaries between urban areas and the countryside. To protect the countryside, built development is generally confined to urban areas unless it can be demonstrated that it is essential to be located in the countryside or is an appropriate form of agricultural diversification. The proposed development does not satisfy these criteria and is contrary to policy ENV1 ‘Countryside and Protected Areas’.

Falkirk Council Local Plan

- 7a.3 Policy EQ1 ‘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 features 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, 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) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of 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.”*

- 7a.4 It is considered that the proposed development would respond positively and sympathetically to the site's surroundings and create a building that would be attractive, of a high standard and sustainable. The proposed development has been designed and oriented to take advantage of site constraints, and opportunities for light and solar gain. The applicant has identified the use of natural materials with an opportunity to reuse existing stone, from the previous dwelling found on site. Sustainability is identified as a key element of the proposed development and an air source heat pump, solar thermal panels and photovoltaic panels are also proposed. The application accords with policy EQ1 ‘Sustainable Design Principles’.

- 7a.5 Policy EQ19 - ‘Countryside’ states:

- “(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- it can be demonstrated that they require a countryside location;*
 - they constitute appropriate infill development; or*
 - they utilise suitable existing buildings.*
- (2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7a.6 It is considered that the proposal does not meet the terms of essentially requiring a countryside location or constitute appropriate infill development. Whilst evidence of a former cottage is visible on site, the proposed development is not be considered to utilise suitable existing buildings and is contrary to policy EQ19 - 'Countryside'.

7a.7 Policy EQ23 - 'Areas Of Great Landscape Value' states:

"The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality."

7a.8 The application site is within an area of landscape value as identified in the Local Plan. It is considered that the proposed development could be visually exposed, particularly from the west and south. However, it is considered that the use and retention of existing vegetation as detailed on the submitted plan would mitigate the impact of development, particularly in cognisance of the former development of the site and the well established pattern of development throughout the Area of Landscape Value. In addition, the dwelling has been designed so that it would sit comfortably within the landscape. The application accords with the thrust of policy EQ23 'Areas of Great Landscape Value'.

7a.9 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 residential buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7a.10 The applicant has not put forward a justification for the proposed development which would allow the dwelling to be considered essential to a countryside location. The proposal does not constitute an infill opportunity and would not involve the rehabilitation or conversion of a rural building, particularly noting the ruinous condition of the existing cottage. The application is contrary to policy SC3 ‘Housing Development In The Countryside’.

7a.11 Policy EP18 – ‘Major Hazards’ states:

“Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:

- (1) *The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings;*
- (2) *The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means; and*
- (3) *The potential impact that the proposals may have upon chemical and petrochemical establishments.”*

7a.12 The application site straddles the middle and outer zones of the Scotland Gas Networks, Bonnyhill - Craigiehall/Granton, Pipeline. The proposed erection of one dwellinghouse within the pipeline zone is not catered for by HSE methodology and a ‘do not advise against’ was advised at separate consultation. It is considered that the proposed development would not significantly increase the number of people exposed to risk in the area or impact upon chemicals or petrochemicals establishments. It is considered that the proposed development would achieve some modest regeneration benefits and accords with the thrust of policy EP18 ‘Major Hazards’.

7a.13 Accordingly, and on balance, the proposal is assessed as being contrary to the terms of the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are National Policy, Proposed Falkirk Local Development Plan the comments received through consultation, site history and additional planning considerations.

Scottish Planning Policy

7b.2 Scottish Planning Policy (SPP) reinforces the Scottish Government's commitment to increasing the supply of new homes. It states that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply to meet the identified housing requirements across all tenures.

- 7b.3 SPP advises that Development Plans should support more opportunities for small scale housing development in all rural areas, including clusters and groups, extensions to clusters and groups and replacement housing. SPP also supports opportunities to replace rundown housing and steadings and to provide limited new housing along with converted or rehabilitated buildings. SPP identifies opportunities for the sensitive redevelopment of 'brownfield' sites in the countryside, where the development of brownfield sites should be supported where they fit the landscape setting and would result in a cohesive group.
- 7b.4 It is considered that the proposed development accords with the guiding principles of SPP by the redevelopment of a previously developed, i.e. brownfield, site with an appropriately designed new dwellinghouse. It is considered that the proposed development would achieve a harmonious fit in its landscape setting and would be in keeping with the settlement pattern along Candie Road and surrounding area, which represents a group of buildings.

Proposed Falkirk Local Development Plan

- 7b.5 The Proposed Falkirk Local Development Plan was approved by the Council for consultation in March 2013, with the period for 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.6 The policies in the Proposed Falkirk Local Development Plan reinforce the policies of the Development Plan, namely policies CG01 'Countryside', CG03 'Housing Development in the Countryside', BUS05 'Major Hazards and Pipelines', GN02 'Landscape', D02 'Sustainable Design Principles' and D04 'Low and Zero Carbon Development'.
- 7b.7 Policy CG03 'Housing Development in the Countryside' evolves policy criteria contained in the extant Falkirk Local Plan by introducing the acceptance of replacement housing with sensitive new development. As the former cottage is in a ruinous state, the proposed development would be contrary to policy CG03.
- 7b.8 Accordingly, and on balance, the application is contrary to the Proposed Falkirk Local Development Plan.

Points Raised by Consultee

- 7b.9 The Roads Development Unit expressed concern that the proposed development is not appropriate within a rural location, because of the nature of the C62 Candie Road, in terms of restricted width, lack of lighting and footway provision.
- 7b.10 Initial concerns were also raised by the Unit in relation to road safety and visibility from the proposed vehicular access. The applicant has submitted a plan which demonstrated that adequate visibility can be achieved from the site, to the satisfaction of the Roads Development Unit.

- 7b.11 Scottish Planning Policy advises Planning Authorities to apply proportionate standards to access roads for new rural housing development, to enable small development to remain viable. Visibility concerns have been adequately addressed by the applicant. The remaining concerns expressed by the Roads Development Unit relate to the rural character of the access road. It is noted that there are a number of dwellings and businesses currently served from the C62 Candie Road and that the road is generally quiet. It is accepted that the road is rural in character, however it is well surfaced and of a sufficient width to allow access to and from the site and to accommodate the level of traffic likely to be generated by one dwellinghouse. There are no records of any personal injury accidents in the vicinity of the site dating back to 1981 and it is not considered that the proposed development would cause a significant impact on road safety, to the extent that refusal of planning permission would be justified.
- 7b.12 Other issues raised through consultation are appropriate to address through the use of planning conditions.

Site History

- 7b.13 It is noted that outline planning application (Ref: F/2001/0726) was refused, on a smaller site than the current application. The application under consideration seeks full planning permission, with the site including all of the remains of the former dwellinghouse. This application requires to be determined on its own merits, taking into account the provisions of the Development Plan and material considerations, including national planning guidance.

Additional Planning Considerations

- 7b.14 As discussed in the body of this report there are fundamental policy issues in relation to the principle of development within this countryside location, particularly as the former cottage is in a ruinous state. As such material planning considerations are required to outweigh the terms of the Development Plan to justify the granting of planning permission.
- 7b.15 It is noted that the site was formerly occupied by a mining cottage, required for nearby mining operations and a brickwork (this ceased operation in the 1980s). The mining industry within the Candie area was prevalent and helped shape the development and landscape character of the environment.
- 7b.16 The remains of Candiehead Cottage are evident on the site, with two substantial, but partially demolished walls still standing. The footprint of the former cottage is also visible with piles of stone from other parts of the cottage within the site. The curtilage of the former Candiehead Cottage is also clearly delineated, albeit the site is overgrown, and this corresponds with historic maps and images of the former cottage.
- 7b.17 It is considered that the application site has the 'character' of a residential plot, even though the cottage is in a ruinous state. The redevelopment of the site with a replacement cottage would replicate and maintain the character and settlement pattern of development in the area. As such it is considered that the redevelopment of the site with a replacement cottage is acceptable subject to detailed design considerations.
- 7b.18 The development would result in the erection of a dwellinghouse of exemplary design, as demonstrated by the submission, including the applicant's Design and Access Statement. It is considered that the development has been carefully designed to take best advantage of site constraints in relation to the location of the existing ruined cottage and surrounding landscape. The design of the proposed development would allow opportunities for optimum light and solar gain and the 'walled courtyard' garden would provide shelter from prevailing winds.

- 7b.19 The proposed palette of materials would reflect the character of traditional rural buildings and the design over 1.5 storeys makes reference to local and Scottish rural vernacular architecture. It is considered that the footprint, scale and massing of the proposed dwellinghouse would be larger than the former cottage, to meet modern living standards. However the overall architectural design quality would not create a negative visual impact following re-development of the site and create an attractive and well designed replacement cottage.
- 7b.20 In conclusion it is considered that the redevelopment of the site with a replacement dwellinghouse as presented, would respect the rural character of the area, fit within the landscape setting and established development pattern, and would achieve a high design and environmental standard. It is considered that the previous development of the site and high design standards would mitigate the impact of development in the rural area and outweigh the terms of the Development Plan.

7c Conclusion

- 7c.1 The application has been assessed as being contrary to the terms of the Development Plan and the Proposed Falkirk Local Development Plan. As such material planning considerations are required to outweigh the terms of the Development Plan to justify the granting of planning permission.
- 7c.2 The proposed development accords with the thrust of Scottish Planning Policy with respect to sensitive new development in the countryside. It is noted that the development relates to the re-development of a former cottage, with parts of the building and boundary enclosures still visible on site. The resulting development would be of a high quality design, energy efficient dwelling and, in this instance, justify the granting of planning permission.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Planning 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)
 - (i) No development shall commence on site until a contaminated land assessment has been submitted to and approved in writing by the Planning Authority. 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.
 - (ii) Where contamination (as defined by Part iiA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination should be submitted to and approved in writing by the Planning Authority.

- (iii) Prior to the commencement of development on site, the remediation works must be carried out in accordance with the strategy approved at (ii). 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 approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority.
- (3) No development shall commence on site until a full specification for all exterior materials and finishes, including details of the proposed rooflights, exterior windows and doors shall be submitted to and approved in writing by the Planning Authority. Thereafter development shall proceed in accordance with the approved details.
- (4) No development shall commence on site until a specification for the re-use of all retained natural stone in the approved development is submitted to and approved in writing by the Local Authority. Thereafter development shall proceed in accordance with the approved details.
- (5) No development shall commence on site until the developer has submitted the results of a Bat Survey are submitted to and approved in writing by the Local Authority, unless otherwise agreed in writing. Thereafter development shall proceed in accordance with any recommendations contained in the survey.
- (6) No development shall commence on site until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include a detailed survey of all trees and hedgerows on site and details of screen planting on the western and southern boundaries. Thereafter development shall proceed in accordance with the approved landscaping scheme.
- (7) No development shall commence on site until full details of the proposed air source heat pump, solar thermal panels and photovoltaic panels are submitted to and approved in writing by the Local Authority, unless otherwise agreed in writing. Thereafter development shall proceed in accordance with the approved details.

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 safeguard the visual amenity of the countryside.
- (4) To ensure that stone from the former cottage is retained and used in the development.
- (5) To ensure there are no bats roosting within trees on site.
- (6) To protect the character of the countryside and Area of Great Landscape Value.

- (7) To allow the Planning Authority to consider these details.

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) 01, 02, 03A, 04, 05A, 06 – 09 and Supporting Documents.
- (3) The application site is in the vicinity of a High Pressure Gas Transition Pipeline. The Scotland Gas Network Code of Practice document SSW22 must be circulated and signed a minimum of 7 days prior to the commencement of any works. You are advised to contact Angus Robertson, Scotland Gas Networks on Tel: 0141 418 4158 for advice.

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Director of Development Services

Date: 11 August 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Falkirk Local Development Plan, Proposed Plan (April 2013)
3. Scottish Planning Policy
4. Planning File Ref: F/2001/0726

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/14/0277/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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