

FALKIRK COUNCIL

Subject: DEMOLITION OF DWELLINGHOUSE AND ERECTION OF 2
DWELLINGHOUSES AT BETSYLEA, 2 HILLVIEW ROAD,
HIGH BONNYBRIDGE, BONNYBRIDGE, FK4 2BD, FOR MR
ROSS CRAIG - P/14/0197/FUL
Meeting: PLANNING COMMITTEE
Date: 10 September 2014
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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 20 August 2014 (copy of previous report appended), when it was agreed to continue the application for a site visit. The site visit took place on 1 September 2014.
2. At the site visit the case officer summarised his report, the agent spoke in support of the application and several Members of the Planning Committee asked questions in relation to the extent of the applicant's ownership, clarification of the house types proposed and road safety.
3. The case officer highlighted that the site lies within a Business and Industry Retention Area and that the proposal raises issues in terms of amenity and the role of the designation to protect business and industrial land from sensitive uses.
4. The agent explained that the site lends itself to two dwellinghouses, due to its size, and that the proposal would provide an opportunity for affordable housing and contribute to the mix of housing in the area. She advised that the existing dwellinghouse requires demolition due to dampness caused by drainage issues which has not been able to be resolved. She advised that the new building would be sited further into the site, in order to improve the parking and access arrangements, whilst adequate rear garden ground would be provided. She indicated that a rear fence would be provided to screen off the adjoining industrial land.

5. In response to queries from Members, it was confirmed that the application is for one building, within which there would be two (semi-detached) dwellinghouses, and that Roads are satisfied with the proposed parking and access arrangements subject to conditions to attach to any grant of permission. Members were advised that the site lies within a greenspace area where there is a requirement for developers to contribute to landscape improvements. The applicant owns adjoining land so there may be an opportunity to secure local greenspace improvements should Members be minded to approve the application.
6. It is considered that no new issues were raised at the site visit that would alter the previous recommendation to refuse planning permission. The previous recommendation is therefore reiterated as follows: -

7. RECOMMENDATION

7.1 It is therefore recommended that the Committee refuse to grant planning permission for the following reasons:-

- (1) The application does not accord with Policy EP02 (Land for Business and Industrial Use) of the Falkirk Council Local Plan and Policy BUS02 (Core Business Areas) of the Falkirk Local Development Plan (Proposed Plan) as the proposal would result in an intensification of a sensitive use within a designated business area. This raises amenity and compatibility issues which could impact on the role of the designation to safeguard employment land, contrary to the purposes of the policy.
- (2) The application does not accord with Policy SC03 (Housing Development in the Countryside) of the Falkirk Council Local Plan and Policy CG01 (Core Business Areas) of the Falkirk Local Development Plan (Proposed Plan) as the proposed development does not satisfy any of the circumstances to support new housing development outwith the urban limits, in the countryside.
- (3) It has not been demonstrated, by means of submission and acceptance of the findings of a Coal Mining Risk Assessment that the application site is, or can be made, safe and stable for the proposed development with respect to coal mining features and hazards within the application site and/or the surrounding area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05 and 06.

Pp

.....
Director of Development Services

Date: 4 September 2014

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.

FALKIRK COUNCIL

Subject: DEMOLITION OF DWELLINGHOUSE AND ERECTION OF 2 DWELLINGHOUSES AT BETSYLEA, 2 HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE, FK4 2BD, FOR MR ROSS CRAIG - P/14/0197/FUL

Meeting: PLANNING COMMITTEE

Date: 20 August 2014

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 full planning permission to demolish a single storey dwellinghouse and erect two semi-detached two-storey dwellinghouses.
- 1.2 The application site comprises a vacant dwellinghouse and the property has fallen into a state of disrepair. The site lies within a long established industrial area.
- 1.3 The site falls within a Coal Mining Development Referral Area and therefore a Coal Mining Risk Assessment is required. No such assessment has been submitted with the application.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Baillie Buchanan.

3. SITE HISTORY

- 3.1 There is no planning history for the site recorded since 1990.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have requested that conditions in relation to vehicular access, driveway construction and visibility be attached to any grant of planning permission.
- 4.2 The Environmental Protection Unit have requested the submission of a contaminated land assessment due to the presence of a brickworks, clay works, filled ground and other potential sources of contaminated land within 250 metres of the site. In addition, they have advised that acoustic glazing and permanent ventilation would be required due to the nature of the industrial area, and there is a nearby industrial process, regulated by SEPA, that has a detectable odour which is noticeable at the development site.
- 4.3 Scottish Water have no objection to the application. They advise that the Carron Valley Water Treatment Works and Bonnybridge Waste Water Treatment Works have capacity to service the proposed development.

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 respect of 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 within a Business and Industry Retention Area and outwith the urban limits, within the countryside, as defined in the Falkirk Council Local Plan.

7a.3 Policy EP2 –‘Land for Business and Industrial Use’ states:

“In order to maintain the business and industrial land supply and the employment role of existing business and industrial areas:

- (1) The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*
- (2) The areas for retention in business and industrial use identified on the Proposals Map will be retained and reserved for Class 4, 5 or 6 uses, except for the established business parks of Callendar Park and Gateway Business Park, Grangemouth which will be reserved for Class 4 uses only and the Glasgow Road Camelon Industrial Area which may include a food retail element to meet local needs as part of the mix.*

Other ancillary employment uses may be permitted within these areas where they are compatible with the principal business/industrial use of the site, will not result in a significant reduction in the availability of business land or property, and are consistent with other Local Plan policies.”

7a.4 This policy safeguards Business and Industry Retention Areas for Class 4, 5 and 6 uses. The proposal is to replace an existing dwellinghouse with two semi-detached houses. This would lead to an intensification of a sensitive use within a designated Business Area and raises amenity issues and concerns about compatibility with an existing industrial area. As such, the proposal could impact on the role of the designation to safeguard employment land and is considered to be contrary to this policy.

7a.5 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.6 This policy provides for housing development in the countryside in certain circumstances. The proposal does not satisfy any of the circumstances to support housing development in the countryside. Under the Falkirk Council Local Plan, there is no specific provision to support replacement housing. In any case, the proposal is not for a replacement house but for two dwellinghouse and therefore involves the creation of an additional unit. The proposal is therefore contrary to this policy.

7a.7 Policy EQ21 - ‘Falkirk Greenspace ‘ states:

“Through the Falkirk Greenspace Initiative, the Council will work with its partners to improve the landscape, habitat quality and recreational potential of the network of urban fringe and urban open space around and within settlements. Priority will be given to:

- (1) *Appropriate woodland creation and management, where landscape quality, access, biodiversity, and connectivity across the Greenspace can be promoted;*
- (2) *The creation of an interlinked network of paths within the Greenspace, with particular emphasis on a principal circular route, as a key part of the core path network, complemented by secondary routes where appropriate; and*
- (3) *Requiring developers in urban fringe locations to contribute to landscape and/or access improvements in association with new development.”*

7a.8 This policy requires developers in urban fringe locations to contribute to landscape and/or access improvements in association with new development. The applicant has advised that he owns the surrounding land on this side of the road and would be happy to consider a contribution to the landscape of the area provided it was commensurate with the level of the proposed investment. This matter has not been considered further due to the fundamental policy issues as detailed in paragraphs 7a.4 and 7a.6 of this report.

7a.9 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

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

Falkirk Local Development Plan (Proposed Plan)

7b.2 The Proposed Falkirk Local Development Plan (FLDP) 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.3 The application site lies within a Core Business Area and outwith the urban limits, within the countryside, under the Proposed Plan. In addition, the Proposed Plan identifies the location of a waste management facility near the application site.
- 7b.4 The relevant policies of the Proposed Plan are generally similar to those of the Falkirk Council Local Plan which the application has been assessed as being contrary to in this report. One relevant proposed change is to the housing in the countryside policy to provide for replacement houses which are substantially intact. As the existing dwellinghouse is substantially intact, this policy would support a replacement house in principle, however, the application is contrary to the policy as the proposal is for two dwellinghouses.

Consultation Responses

- 7b.5 The consultation responses are summarised under Section 4 of this report. The matters raised in the consultation responses could generally be the subject of conditions of any grant of planning permission. However, the Environmental Protection Unit have some concerns, in that there is a noticeable odour at the site emanating from a nearby industrial process. This could give rise to amenity issues.

7c Conclusion

- 7c.1 The application is considered to be contrary to the Development Plan, for the reasons detailed in this report. It is therefore recommended for refusal. There are not considered to be any material planning considerations to justify setting aside the terms of the Development Plan in this instance.
- 7c.2 However, should the Committee decide to support the application, then it is pertinent to suggest that the Committee be minded to grant the application subject to the submission and approval of a Coal Mining Risk Assessment. In addition, in order to comply with Policy EQ21 (Falkirk Greenspace) of the Falkirk Council Local Plan, the Committee may wish the applicant to contribute to landscape improvements in the area. As noted in this report, the applicant owns land adjoining the application site so there may be an opportunity to secure planting within this area.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Committee refuse to grant planning permission for the following reasons:-
- (1) The application does not accord with Policy EP02 (Land for Business and Industrial Use) of the Falkirk Council Local Plan and Policy BUS02 (Core Business Areas) of the Falkirk Local Development Plan (Proposed Plan) as the proposal would result in an intensification of a sensitive use within a designated business area. This raises amenity and compatibility issues which could impact on the role of the designation to safeguard employment land, contrary to the purposes of the policy.

- (2) The application does not accord with Policy SC03 (Housing Development in the Countryside) of the Falkirk Council Local Plan and Policy CG01 (Core Business Areas) of the Falkirk Local Development Plan (Proposed Plan) as the proposed development does not satisfy any of the circumstances to support new housing development outwith the urban limits, in the countryside.
- (3) It has not been demonstrated, by means of submission and acceptance of the findings of a Coal Mining Risk Assessment that the application site is, or can be made, safe and stable for the proposed development with respect to coal mining features and hazards within the application site and/or the surrounding area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05 and 06.

Pp

.....
Director of Development Services

Date: 11 August 2014

LIST OF BACKGROUND PAPERS

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

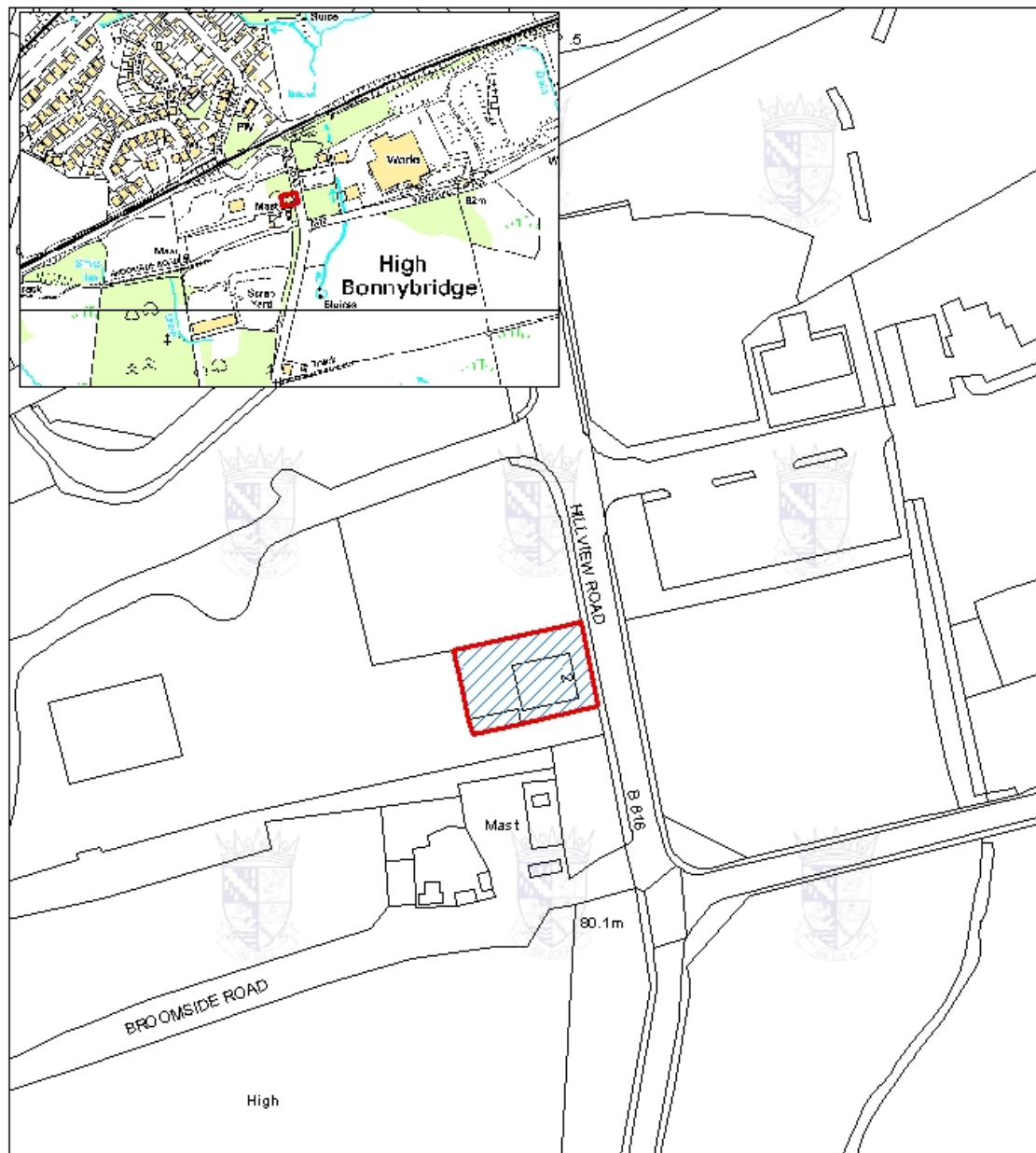
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/14/0197/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 2014. All rights reserved.
Ordnance Survey Licence number 100023384