

FALKIRK COUNCIL

**Subject: ERECTION OF DWELLINGHOUSE, DOMESTIC
OUTBUILDING AND TEMPORARY SITING OF RESIDENTIAL
CARAVAN (PARTIALLY RETROSPECTIVE) AT LAND TO THE
NORTH WEST OF ATLANTA, SLAMANNAN, FALKIRK FOR
MR DUNCAN BENNIE - P/14/0499/FUL**

Meeting: PLANNING COMMITTEE

Date: 29 October 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, this being the former Shottrigg Farm steading. The site is overgrown and there is evidence of previous buildings in the form of walling and stone and a defined tree lined avenue access. It is not known when these buildings were last in use, but it would appear to have been some considerable time ago.
- 1.2 The site is served by an existing vehicular access from Drumriggend 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 with ancillary accommodation. This application is partially retrospective as it includes the temporary siting of a residential caravan, currently on site.

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- 3.1 An application for Planning Permission (Ref: P/13/0781/FUL) for the same development was withdrawn by the applicant on 7 February 2014.

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 also pointed out that the existing access is located close to a crest in the public road with sub-standard forward visibility, and that the exiting visibility at the site access road is also sub-standard due to high hedges.
- 4.3 The Environmental Protection Unit request the imposition of contaminated land conditions.
- 4.4 The Coal Authority do not object 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 to be ‘off grid’ and completely self sustaining in terms of electricity, water and heating. 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 farm steading is visible on site, the proposed development is not considered to utilise suitable existing buildings and is contrary to policy EQ19 - 'Countryside'.

7a.7 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.8 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.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) 2014 advises that, where appropriate, the construction of single houses should be allowed, provided they are well sited and designed to fit with local landscape character, taking into account landscape protection and other policies. SPP also discourages the use of occupancy restrictions.

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 of the surrounding area.

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', 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 farm steading 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 Drumriggend Road, in terms of restricted width, lack of lighting and footway provision and a restricted visibility.

- 7b.10 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. The 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 currently served from the C62 Drumriggend 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. Although the development could have adverse road safety implications, from a planning point of view, these would not be to the extent that refusal of planning permission could be justified.
- 7b.11 Other issues raised through consultation are appropriate to address through the use of planning conditions.

Additional Planning Considerations

- 7b.12 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 farm 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.13 It is noted that the site was formerly occupied by a farm steading. Some random rubble stone walls, up to approximately 1600mm, are visible on site and other mounded areas where the footprint of former a former building(s) are clearly visible. The application site forms a courtyard with tree planting and boundary enclosures, dating back to the time of the farm, and these features clearly define the site boundary. The site has an existing vehicular access and tree lined avenue approach, which has the character and appearance of a development site, clearly defined and separate from surrounding agricultural land. The curtilage of the former farm and its boundary corresponds with historic maps.
- 7b.14 It is considered that the application site has the ‘character’ of a residential plot, even though the farm is in a ruinous state. The redevelopment of the site with a replacement dwellinghouse 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 new dwellinghouse would be acceptable subject to detailed design considerations.
- 7b.15 The development would result in the erection of a dwellinghouse of a high design standard, 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 footprint and surrounding landscape.
- 7b.16 The proposed development has been designed to respect the footprint of the original building on site and the proposed palette of traditional materials would reflect the character of traditional rural buildings. The design over 1.5 storeys makes reference to local and Scottish rural vernacular architecture. The footprint, scale and massing of the proposed dwellinghouse would be larger than the former farm steading, to meet modern living standards. However the overall architectural design quality would fit harmoniously within the surrounding area of the site and create an attractive and sensitively designed development.

7b.17 In conclusion, it is considered that the redevelopment of the site with a replacement dwellinghouse and associated outbuilding 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 farm steading, with parts of the building and boundary enclosures still visible on site. The resulting development would create an energy efficient dwelling of a high quality and appropriate design and which, in this instance, would 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) A residential caravan shall be sited in accordance with the approved plan (our online reference No. 01A) for a period not exceeding 3 years from the date of this permission unless otherwise agreed in writing with the Planning Authority. Thereafter all temporary residential accommodation shall be permanently removed from the site.
- (6) For the avoidance of doubt, the building hereby approved shall be for domestic purposes only, ancillary to the main use of the dwellinghouse.

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 farm steading is retained and used in the development.
- (5) As the Caravan is not a suitable permanent form of development.
- (6) To ensure that the property is used for domestic purposes only.

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, 02, 03 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.



Pp

.....
Director of Development Services

Date: 20 October 2014

LIST OF BACKGROUND PAPERS

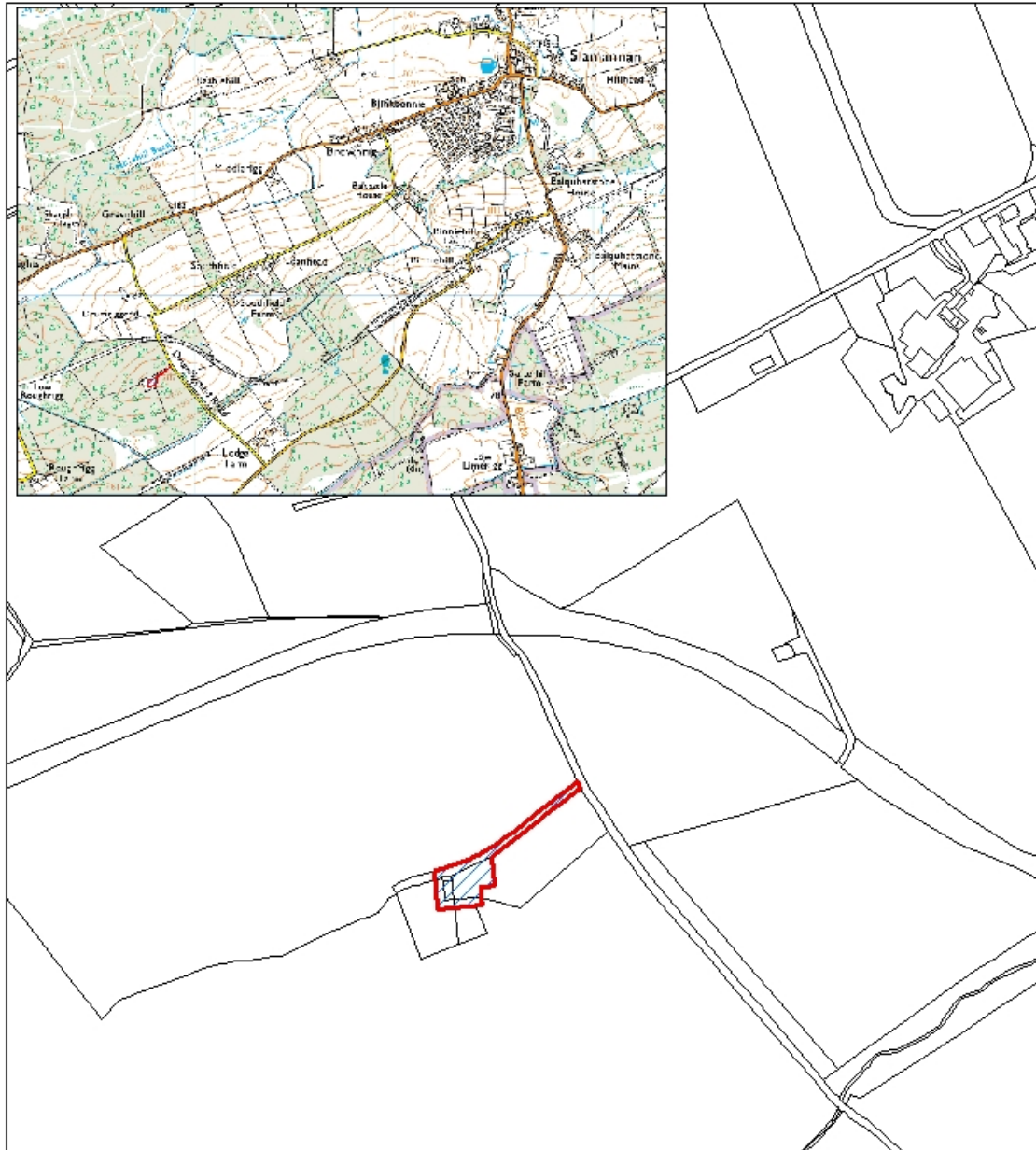
1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan, Proposed Plan (April 2013).
4. Scottish Planning Policy.

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/14/0499/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 HMSO.
© Crown copyright and database right 2014. All rights reserved.
Ordnance Survey Licence number 100023384