

FALKIRK COUNCIL

Subject: RESTORATION OF DUNMORE PARK HOUSE TO FORM 15 DWELLINGS, CONVERSION OF STABLES TO FORM 10 DWELLINGS, ERECTION OF 45 DWELLINGHOUSES, ASSOCIATED LANDSCAPING WORKS, AMENDMENTS TO A905 AND SITE ACCESS ROAD, DUNMORE PARK, AIRTH, FALKIRK FK2 8LP FOR MANOR KINGDOM (06/1099/FUL)

RESTORATION OF DUNMORE PARK HOUSE TO FORM 15 DWELLINGS AND CONVERSION OF STABLES TO FORM 10 DWELLINGS AT DUNMORE PARK, AIRTH, FALKIRK, FK2 8LP (06/0377/LBC)

Meeting: PLANNING COMMITTEE

Date: 15 SEPTEMBER 2015

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Steven Carleschi
Councillor Stephen Bird
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Airth Parish Community Council

Case Officer: Donald Campbell (Development Management Co-ordinator), Ext 4707

Update Report

1. Members will recall that the above applications were considered at the meeting of the Planning Committee on 25 February 2015 when it was agreed:
 - (a) to continue consideration of the item to allow time for the required Planning Obligation to be concluded in terms satisfactory to the Director of Development Services which Planning Obligation shall require an amended education contribution of £416,500 and shall not require a contribution in relation to the provision of mains gas and drainage;
 - (b) in the event that the said Planning Obligation has been concluded to the satisfaction of the Director of Development Services' by 31 August 2015, the said Director shall be authorised to grant planning permission subject to such conditions as are considered appropriate by her and continue to progress the assessment and determination of the related application for listed consent. This will include referral to Historic Scotland, if minded to grant Listed Building Consent, and will also be subject to conditions considered appropriate by the said Director, and

(c) in the event that the said Planning Obligation has not been concluded to the satisfaction of the Director of Development Services by 31 August 2015, the matter shall be reported back to the Committee for further considering.

2. Since then progress has been made and it seems likely that it will be possible to conclude the Section 75 Obligation and progress the application for Listed Building Consent.

3. Recommendation

3.1 It is recommended that the Planning Committee agree to continue the application and if the required Section 75 Obligation in relation to planning application 06/1088/FUL is not concluded and the application determined by 31 December 2015, the Director of Development Services be authorised to refuse planning permission. In relation to Listed Building Consent application 06/0377/LBC, if no progress is made in relation to the submission of sufficient information to enable a full assessment to be made to adequately determine the application, the Director of Development Services be authorised to refuse Listed Building Consent.

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Director of Development Services

Date: 2 September 2015

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504707 and ask for Donald Campbell (Development Management Co-ordinator).

Background Papers

- 1) Planning Application 06/1099/FUL
- 2) Listed Building Application 06/0377/LBC

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RESTORATION OF DUNMORE PARK HOUSE TO FORM 15 DWELLINGS AND CONVERSION OF STABLES TO FORM 10 DWELLINGS AT DUNMORE PARK, FALKIRK, FK2 8LP (06/0377/LBC)

Meeting: PLANNING COMMITTEE

Date: 25 February 2015

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Steven Carleschi
Councillor Stephen Bird
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Airth Parish Community Council

Case Officer: Donald Campbell (Development Management Co-ordinator), Ext 4707

1. BACKGROUND

1.1 The application for planning permission (06/1099/FUL) was considered by the then Regulatory (now Planning) Committee on 27 February 2008 (copy of report appended) when it was agreed that Falkirk Council as planning authority was minded to grant planning permission subject to:

- (a)** the satisfactory completion of an Agreement (now referred to as an Obligation) under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 relating to:
 - (1) a financial contribution of £112,750 towards educational improvements;
 - (2) a financial contribution of £175,000 towards the provision of mains gas and drainage in Dunmore Village or towards other appropriate improvements in the Local Area;
 - (3) the provision of any necessary off site road works;

- (4) the provision of footpaths linking the site to the surrounding area;
- (5) a restriction on the number of new build residential units to a maximum of 45;
- (6) the phasing of the development to ensure the satisfactory restoration of Dunmore Park House and Stables;
- (7) landscape maintenance;
- (b) and thereafter, on conclusion of the Section 75 Agreement, to remit to the Director of Development Services to grant planning permission subject to appropriate conditions including those relating to roads, drainage, contamination, archeological investigation, external materials, phasing of development, protection of bats and badgers, landscaping and boundary treatments.

2. REASON FOR CONSIDERATION BY COMMITTEE

- 2.1. Following this decision in 2008 little progress has been made in relation to the required S75 Obligation. The original applicant, Manor Kingdom is no longer involved, and the application is now assigned to the current applicant. In relation to the associated Listed Building application (06/0377/LBC) a significant amount of information, including detailed information requested by Historic Scotland, would be required to allow a full assessment to be undertaken prior to a decision being made. Despite requests this has not been submitted. If Committee were minded to grant Listed Building Consent this would require to be referred to Historic Scotland as the buildings are category B Listed. However, without the required additional information, it is not considered that this would be appropriate. The information required includes details and plans relating to external walls, roofing, windows, doors, rainwater goods, venting, wings to the former service court, refuse storage and garages.
- 2.2. The applicant, agent, and other parties who have expressed an interest, have been advised of the need for progress on these applications to be made, as the Council cannot hold on to them indefinitely. The most recent occasion was on 11 February 2015, in response to which the applicant has advised that she has been approached by interested parties. However, no details have been submitted. It should be noted that if matters were to be progressed, due to the passage of time re-consultation may be required. For the planning application this is particularly relevant in relation to financial contributions for educational improvements, which in 2008 were £112,750. Since then re-consultation has taken place with Education Services and the required contribution would now be £416,500.
- 2.3. It should also be noted that a further financial contribution of £175,000 was offered by the original applicant towards the provision of mains gas and drainage in Dunmore Village or towards other appropriate improvements in the local area. If the Committee were still minded to grant planning permission it may wish to consider whether this would now be appropriate. In relation to required contributions some discussion did take place with the applicant's representatives, who advised that they would be willing to negotiate, however no details were submitted.

- 2.4 Informal discussions with interested parties have indicated that an alternative proposal may be forthcoming. However, this would require to be assessed on its own merits at the appropriate time.
- 2.5 It should also be noted that when this was considered by Committee in 2008, the extant Development Plan constituted the Falkirk Council Structure Plan and the Rural Local Plan and this was not identified as a development proposal. It was however identified in the Falkirk Council Local Plan Finalised Draft (Deposit Version), and in the subsequently approved and currently extant version of that plan. It is not identified in the Proposed Falkirk Local Development Plan as a development proposal.

3. CONCLUSION

- 3.1. Very limited progress has been made since the minded to grant decision in February 2008 in relation to planning application 06/1099/FUL, and there is little prospect of outstanding issues being resolved in the near future. In relation to the Listed Building application, 06/0377/LBC, additional information and detail required to undertake a full assessment of the proposal, as requested by Historic Scotland, has not been submitted. Even if a new proposal were to progress, it would be in a different policy context.

4. RECOMMENDATION

4.1. It is recommended that the Planning Committee:

- (a) Refuse planning permission for the Restoration of Dunmore Park House to form 15 Dwellings, Conversion of stables to form 10 Dwellings, Erection of 45 Dwellinghouses, Associated Landscaping Works, Amendments to the A905 and Site Access Road (06/1099/FUL) on the grounds that the terms of the Minded to Grant decision of 27 February 2008 have not been satisfactorily progressed and it is no longer appropriate to progress them; and**
- (b) Refuse Listed Building Consent for the Restoration of Dunmore Park House to from 15 Dwellings and Conversion of Stable or From 10 Dwellings (06/0377/LBC) on the grounds that insufficient information has been submitted to enable a full assessment to be undertaken to adequately determine the application.**

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Director of Development Services

Date: 16 February 2015

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504707 and ask for Donald Campbell (Development Management Co-ordinator).

Background Papers

- 1) Planning Application 06/1099/FUL
- 2) Listed Building Application 06/0377/LBC

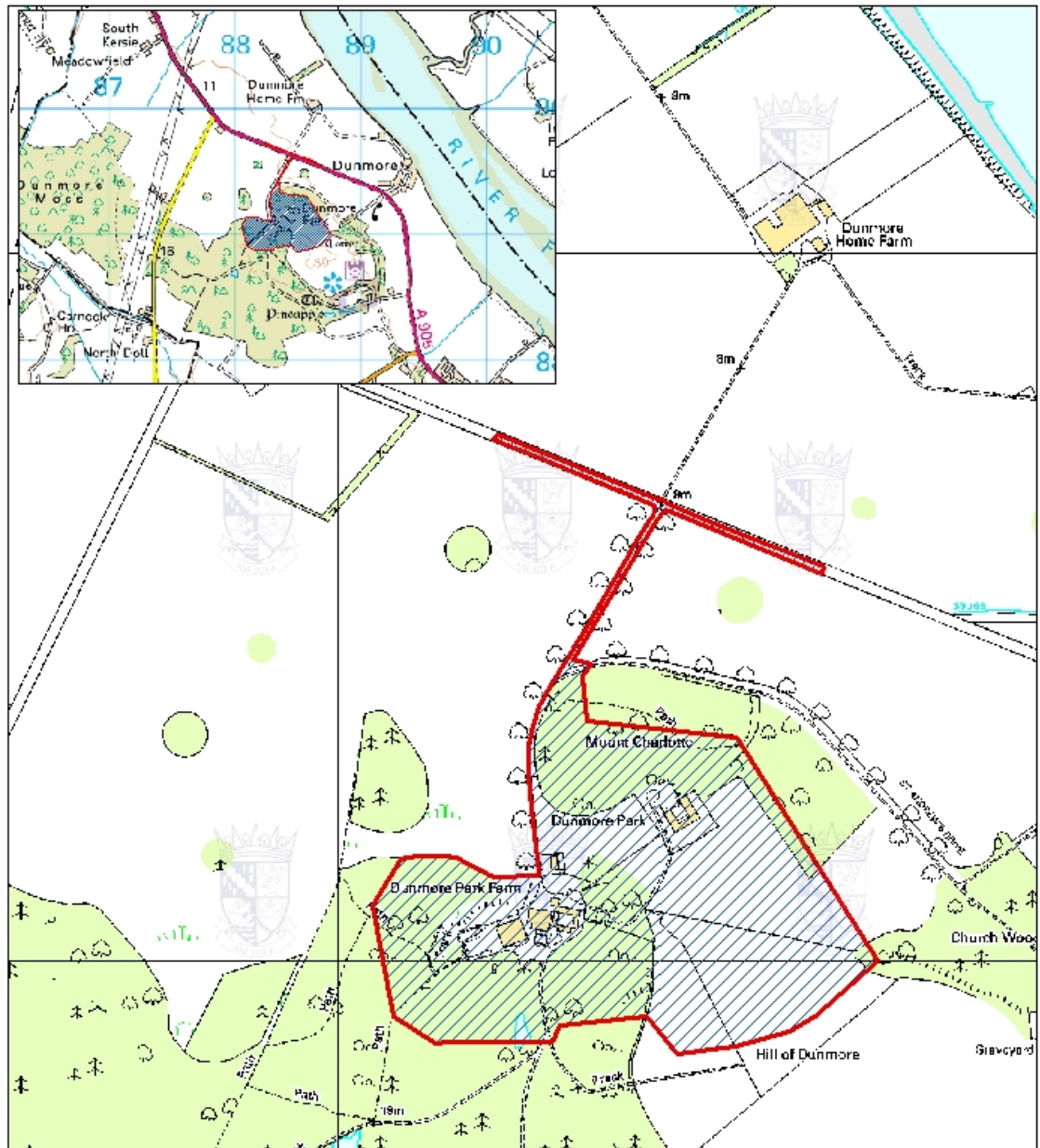
Planning Committee

Planning Application Location Plan

06/1099/FUL

and 06/0377LBC

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



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FALKIRK COUNCIL

Subject: RESTORATION OF DUNMORE PARK HOUSE TO FORM 15 DWELLINGS, CONVERSION OF STABLES TO FORM 10 DWELLINGS, ERECTION OF 45 DWELLINGHOUSES, ASSOCIATED LANDSCAPING WORKS, AMENDMENTS TO A905 AND SITE ACCESS ROAD, DUNMORE PARK, FALKIRK FK2 8LP FOR MANOR KINGDOM (06/1099/FUL)

Meeting: REGULATORY COMMITTEE

Date: 27 February 2008

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Steven Carleschi
Councillor Lynda Kenna
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Airth Parish Community Council

Case Officer: Donald Campbell, Development Management Co-ordinator

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks detailed planning permission for the erection of 45 new dwellinghouses within the policies of Dunmore Park House and the restoration of the house and associated Stables to create 25 residential units. Both of these structures are 'B' Listed and derelict. The site extends to approximately 24 Ha of agricultural land and woodland entirely within the area identified in the Inventory of Gardens and Designed Landscapes in Scotland.
- 1.2 A vehicle access to the site is proposed via the existing tree lined avenue from the A905, and junction improvements are proposed to facilitate this.
- 1.3 The proposal is to completely restore Dunmore Park House and associated Stables and this is the subject of an application for Listed Building Consent (06/0377/LBC).

- 1.4 The new housing consists of 32 detached, 2 storey dwellinghouses centered on the frontage of Dunmore Park House which faces southward towards “The Pineapple” a category ‘A’ Listed 18th century folly. A central avenue, set back from Dunmore Park House provides access to these dwellings and a significant area of woodland is proposed to enclose the proposed housing. A single dwellinghouse is proposed at the head of the access road, with a further 12 detached / linked dwellinghouses proposed to the west of the stable block, the centre piece of which is an area of open space. This part of the proposal is reminiscent of Dunmore Village, an Outstanding Conservation Area approximately 0.5km to the east of the application site. The design of the dwellinghouses reflect the character of Dunmore Park House in terms of window detailing, bay windows and materials which include natural slate on all roofs, stone and roughcast. A number of the dwellings include bell-tower features which would be finished in copper.
- 1.5 There are a number of informal footpaths through the site and the wider Dunmore Estate. Opportunities exist to introduce an informal network through the surrounding woodlands linking to Dunmore Village, Elphinstone Tower (a derelict ‘C’ Listed structure east of the application site), St Andrews Drive (a historic track bounding Mount Charlotte and Church Wood to the north and east).
- 1.6 In addition to architectural drawings, roads and drainage details, the information submitted in support of the application includes the following:
- Historical Landscape Appraisal
Woodland Survey and Management Plan
Financial Justification / Land Appraisal Summary
Design Statement Review
Bat Survey and Method Statement
Badger Survey
Sequence of Construction Proposals
Infrastructure Planning Support Statement
- 1.7 The applicant has offered to provide for the extension of the mains gas supply to Dunmore Village by means of a negotiated contract with an approximate value of £100,000, and also to provide for mains drainage and bio disk treatment facility with an approximate value of £75,000 for the village.
- 1.8 Following the initial consultation process, design amendments have been made to the proposal and further consultation, discussions and site visits have been undertaken with the relevant bodies (Historic Scotland, Scottish Natural Heritage, Garden History Society, Scottish Civic Trust, The National Trust for Scotland and the Architectural Heritage Society).

2. SITE HISTORY

- 2.1 The following applications relate to a larger site, of which the current application forms the central part.
- F/91/0540 – Development of conference hotel, leisure and golf complex and residential development (40 units) (Outline). Granted in November 1994 following “call-in” by the former Central Regional Council and subsequent referral to the Secretary of State for Scotland.

- The above permission was renewed in July 1999 (F/97/0821) and again in May 2003 (F/2002/0542).
- 06/0378/FUL – Restoration of Dunmore Park House to form 15 dwellings, conversion of Stables to form 10 dwellings, erection of 54 dwellinghouses, associated landscaping and amendments to site access road. This application was withdrawn and replaced by the current application following design changes when taken into account detailed discussions and to consultation replies.
- 06/0377/LBC – Restoration of Dunmore Park House to form 15 dwellings and conversion of Stables to form 10 dwellings. This application is linked to the current application, and consultations are ongoing with Historic Scotland further detailed information, for example, to window details and external construction materials to enable a full assessment to be carried out.

3. CONSULTATIONS

- 3.1 Education Services has expressed concern in relation to education capacity at Airth Primary School, St Francis RC Primary School, Larbert High School and St Mungos RC High School. In order to mitigate these concerns Education Services requested developer contributions of £4,000 per house and £2450 per flat. On this basis total developer contributions would amount to £241,250 with respect to education improvements. Additional costs to transport children to schools of up to £40,000 per annum have also been requested by Education Services. The applicant's agent has questioned the calculation of contributions on the basis that planning permission for 40 houses was granted in 1994 and subsequently renewed in 1999 and 2003 and the site is identified in the Falkirk Council Local Plan Finalised Draft (Deposit Version) as having a capacity of 40 units. The applicant has agreed to provide a contribution of £112,750 towards education provision based on the number of units originally proposed over and above the previously approved 40 units.
- 3.2 The Environmental Protection Unit has no objections subject to the submission of a contaminated land assessment. The submission and approval of this assessment can be achieved by planning condition prior to works commencing on site.
- 3.3 Community Services (Archaeological Services) welcomes the restoration of Dunmore House. It is noted that significant disturbance to the land on which new housing is proposed has occurred. In this respect it is considered unlikely that significant archaeological remains will exist. Investigation in an area to the south east of Dunmore House prior to construction commencing is considered appropriate however.
- 3.4 The Transport Planning Unit has no objections to the proposed development subject to conditions relating to improved pedestrian access to existing Falkirk Council core footpaths and provision of bus layby on the A905. The provision of a footpath link at the east of the site, near Church Wood and linking with an existing footpath is considered to be of particular importance and the applicant has agreed to the establishment of this link.

- 3.5 The Roads and Development Unit has no objections to the proposed development subject to amendments and conditions relating to traffic calming, A905 junction upgrade prior to development commencing, parking provision and surface water arrangements. The applicant's agent has confirmed agreement with the principles raised.
- 3.6 Scottish Water has no objections to the proposal. It is pointed out however that contributions to network improvements will be required from the development to ensure supply provision.
- 3.7 The Scottish Environment Protection Agency (SEPA) has no objections to the proposed development. Notice of obligations with regard to foul and surface water, construction and landscaping, flood risk and waste facilities have been provided to the applicant.
- 3.8 Scotways has confirmed that no public Right of Way is recorded in the surrounding area.
- 3.9 Central Scotland Police (Sector Central) has provided advice and recommendations on the proposed development in relation to secured by Design standards, boundary treatments, lighting and landscaping. These views can be accommodated within the proposed development layout.
- 3.10 The National Grid has no objections to the proposed development on the basis that no electricity or gas transmission infrastructure are located within the site area.
- 3.11 The Health and Safety Executive (HSE) PADHI response system does not advise against the proposed development.
- 3.12 Historic Scotland has expressed concern on the grounds that the housing layout and proposed planting has a damaging impact on the designed landscape. Concern is held that, as the majority of development lies in open parkland between Dunmore House and the Pineapple it would therefore seriously compromise the appreciation of Dunmore House and its historic setting. Further concern is raised over the proposal to introduce woodland planting to the south of the site, between Dunmore House and the Pineapple. It is pointed out that this is not a recreation of a lost element of the designed landscape and would introduce a visual barrier to the planned setting of Dunmore House.
- 3.13 The Scottish Civic Trust supports the conversion of Dunmore House and Stables. The proposals for the House and Stables are considered to be sympathetic to the original buildings. Improvements to the design of new housing are noted. The Trust considers that the proposal is acceptable in principle but that further details of materials for renovation and new housing are required. These details can be obtained through planning condition prior to works commencing and will also be required in the assessment of the associated application for Listed Building Consent.
- 3.14 The Garden History Society In Scotland has repeated previous concerns relating to the impact on landscape setting, the Pineapple and views from within and outwith the site as a result of the proposed new build housing. Following the provision of amendments to layout and landscaping the Society has noted the improvements made but considers these to be insufficient to address concerns relating to proposed new housing. The Society repeats its support for the principle of the restoration of Dunmore House and Stables.

- 3.15 The Architectural Heritage Society of Scotland objects to the proposal. The grounds of objection relate to the loss of the historic connection between Dunmore House and the Pineapple and that the loss of parkland compromises the amenity of the historic parkland setting. Whilst the renovation of Dunmore House is welcomed, the house types proposed for new housing are considered to be generic and to have no relationship to local design character.
- 3.16 The Landmark Trust objects to the proposed development on the grounds that the visual and historic relationship between Dunmore House and the Pineapple will be compromised by proposed woodland planting and new housing development.
- 3.17 Scottish Natural Heritage (SNH) initially objected to the proposed development. Grounds of objection relate to potential impact of foul and surface water drainage on the Firth of Forth Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), potentially serious impacts on bats and badgers as protected species and having significant adverse effects on the landscape character of Dunmore Park and the Pineapple.
- 3.18 Following the submission of additional survey information SNH has withdrawn objection on the grounds of potential impacts on the Firth of Forth SPA and SSSI. SNH has further confirmed that the objections relating to bats and badgers can be overcome subject to the imposition of suitably worded planning conditions. The objections relating to landscape character remain.
- 3.19 Architecture and Design Scotland (ADS) support the restoration of Dunmore House and Stables. Concern is expressed however that the enabling housing is inappropriately located to the detriment of Dunmore House, the Pineapple and surrounding landscaping setting.
- 3.20 The National Trust for Scotland (NTS) welcomes the proposal for the renovation of Dunmore House and Stables. The Trust objects however to the proposed new build housing, and introduction of woodland planting on the grounds that these elements are unrelated to the designed landscape and compromise the setting of Dunmore House and the Pineapple.
- 3.21 Scotland Gas Networks has no objections to the proposed development but has highlighted the existence of a high pressure gas pipeline in the vicinity of the site. The position of this pipeline has been intimated to the applicant along with guidance on acceptable working practices in circumstances of working in proximity to gas apparatus. The pipeline position does not compromise the submitted layout.
- 3.22 Historic Scotland (Ancient Monuments) has advised that consultation is unnecessary.
- 3.23 Central Scotland Forest Trust has not responded to consultation.

4. COMMUNITY COUNCIL

- 4.1 The Airth Parish Community Council has no objections to the proposed development. The Community Council accepts in principle an offer by the applicant to provide sewerage plant and gas supply to the village of Dunmore to the north of the application site. Further information is sought with regards to the location of proposed apparatus in order to assess potential disruption to residents.

5. PUBLIC REPRESENTATION

- 5.1 Two representatives have been received as a result of neighbour notification and press advertisement.
- 5.2 One objection has been received from a resident of Glasgow on the grounds of the suburbanisation of the countryside and contradiction with national and local planning policies. The renovation of Dunmore House is welcomed in principle.
- 5.3 One representation from an adjacent land owner considers the proposal to be well founded with regard to the local area and particularly welcomes the proposals to restore Dunmore House. Minor concerns over access to surrounding land are raised. These relate to retained and improved access to the site and the introduction of signage to encourage the awareness of local wildlife and barriers to prevent the use of footpaths for motorised vehicles and fly tipping.

6. DETAILED APPRAISAL

When determining planning applications, the status of the development plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

The relevant approved development plan is the Falkirk Council Structure Plan 2007 and Rural Local Plan 2004.

6a The Development Plan

Falkirk Council Structure Plan

- 6a.1 The following policies of the Structure Plan apply.
- 6a.2 Policy COM.1 ‘Housing Land Allocations’ states:

“The Council will:

- 1 support the phased provision of land for new housing as detailed in Schedule COM.1a to which a flexibility allowance of 10% will be added under Policy COM.2;*
- 2 maintain an effective 5 year supply of the housing land set out in Schedule 1a;*
- 3 review the housing calculations and allocations at intervals of no more than 5 years; and*
- 4 In delivering the requirement in Schedule Com.1a the Council will support special initiatives for residential led regeneration at the location listed in Schedule Com.1b, provided that action plans and masterplans/ development frameworks are prepared in accordance with the local plan. In particular these must address phasing, social and physical infrastructure provision, the avoidance of adverse impacts on European sites, the removal of significant restraints and land acquisition as appropriate.”*

- 6a.3 Policy COM.1 supports the provision of housing land across the Falkirk Council area including the rural area. The site is included in the Housing Land Audit and complies with this policy.

6a.4 Policy COM.5 ‘Developer Contributions’ states:

“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”

6a.5 The proposed development includes enabling development to facilitate the restoration of the derelict Dunmore House and Stables. In addition contributions towards required education improvements and infrastructure works have been proposed. The proposal complies with this policy.

6a.6 Policy COM.7 ‘School Provision’ states:

“New housing development will not be permitted unless adequate school capacity is available or will be made available.”

6a.7 A contribution of £112,750 towards education improvements at all primary and secondary schools in the catchment area of the application site is proposed by the applicant. The proposal complies with this policy.

6a.8 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.”

6a.9 The proposed development requires a rural location by virtue of its relationship with Dunmore House and Stables. In addition the site is identified in the Falkirk Council Local Plan Finalised Draft (Deposit Version) for housing purposes. The proposal complies with this policy.

6a.10 Policy ENV.3 'Nature Conservation' states:

"The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:

- (1) Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:
 - (a) it will not adversely affect the integrity of the site, or;*
 - (b) there are no alternative solutions and there are imperative reasons of overriding national public interest.**
- (2) Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*
- (4) The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats."*

6a.11 SNH has confirmed that no adverse impacts are considered to be likely on the Firth of Forth SPA, SSSI, Ramsar site approximately 1 km to the north of the application site. Potential impact on badger and bat protected species is considered to be unlikely and can be controlled by means of planning conditions requiring survey work and mitigation of any identified impacts. The proposal complies with this policy.

6a.12 Policy ENV.5 'Built Environment and Heritage' states:

"Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*

- (3) *Promoting sensitive interpretation of heritage assets.*
- (4) *Protection of the assets and their setting from inappropriate development.*
- (5) *Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset."*
- (6) *Reviewing the boundaries of areas to ensure their continuing relevance."*

6a.13 Falkirk Council Community Services (Archaeology) has welcomed the restoration of Dunmore House and Stables. A planning condition requiring archaeological survey on a small part of the site will be required.

6a.14 Objections have been received from and concern expressed by Historic Scotland, the Garden History Society in Scotland, the Architectural Heritage Society of Scotland, The Landmark Trust, Scottish Natural Heritage, Architecture and Design Scotland and The National Trust for Scotland. These raise concern over the impact of new build development on the integrity of the existing Historic Garden and Designed Landscape. In addition objections are raised relating to the visual and historic setting of Dunmore House and the Pineapple. The Scottish Civic Trust is however supportive of the proposals.

6a.15 Amendments to the proposal designed to address these concerns are assessed in Section 6b of this report.

6a.16 The views of expressed are acknowledged, however the site is identified for housing purposed and as being in the Inventory in the Falkirk Council Local Plan. It is acknowledged that there would be an impact on the Designed Landscape but not to an unacceptable degree.

6a.17 Policy ENV.7 'Quality of Development' states:

"(1) Priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.

(2) Local Plans and Supplementary Planning Guidance will provide detailed guidance on how significant impact will be assessed and the details to be included in such design concept statements."

6a.18 The proposal is accompanied by a design statement review, historic landscape appraisal and woodland survey and management plan. which have been reviewed discussions with this Service and have taken into account the view of consultees. Amendments have been made to thee design and layout to better integrate the proposed development within its setting The proposal complies with this policy.

6a.19 Policy TRANS.1 'Core Path Networks' states:

"The Council through consultation will identify a network of strategic paths and core path networks based on the main communities of the area. In particular the Council will make provision for the identification, safeguarding and development of the following:

- (1) National Cycle Network route between Edinburgh and Stirling through the Falkirk Council area;*
- (2) Strategic walking and cycling routes utilising the Union and Forth and Clyde Canal towpaths; and*
- (3) Local Core Path networks in line with the Council's Countryside Access Strategy.*

The Council in its Local Plans will contain policies that protect identified paths from development and ensure that wherever possible new development proposals create linkages and strategic routes to the identified core path network."

6a.20 The proposed development provides footpath connection to the existing core path network at a number of points. Most notably improvements to access at St Andrews Drive towards Dunmore Village and to the south of the site, towards Airth Village, are proposed. The proposal complies with this policy.

Rural Local Plan

6a.21 The following policies of the Rural Local Plan apply:

6a.22 Policy RURAL 1 'New Development in the Countryside' states:

"That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council's "Guide to Tree Planting/Housing Proposals on Slamannan Plateau".*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*

5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected".

6a.23 The proposal is for the renovation of Dunmore House and Stables with associated new enabling development to meet the renovation costs. The proposed renovation of Dunmore House and Stables is consistent with Policy Rural 4 and discussed in para. 6a.2b of this report. The new build elements of the proposed development have not been justified as essential for a rural location. Rather the justification is that these elements of the proposal are required as enabling development to secure the renovation of B Listed Buildings requiring a rural setting on the basis of proximity to these buildings and that this development would further enhance the image of the Falkirk Council area.

6a.24 Policy RURAL 4 'Rehabilitation of Former Residential Buildings' states:

"That proposals for the rehabilitation of former residential buildings in the countryside may be considered favourably provided that, in the opinion of the District Council :-

1. *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration.*
2. *The location and access are suitable and appropriate services are available.*
3. *The restored dwellinghouse is of a comparable scale and character to the original building and the proposed design is compatible with the District Council's "Design Guide for Buildings in the Rural Areas".*

6a.25 The proposals for the renovation of Dunmore House are to an exacting standard and relate to a building capable of beneficial restoration. Infrastructure proposals are acceptable. The proposal complies with this policy.

6a.26 Policy RURAL 5 'Conversion of Non Residential Buildings to Residential Use' states:

"That within the countryside, the conversion of farm and other buildings to residential use may be considered favourably provided that in the opinion of the District Council, the existing building, by virtue of its existing character, makes a positive contribution to the rural landscape and :-

1. *It can be justified that the building is no longer required for the purpose for which it was built.*

2. *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial conversion.*
3. *The location and access are suitable and appropriate services are readily available.*
4. *The works involved are acceptable in terms of scale and character and the proposed design is compatible with the District Council's "Design Guide for Buildings in the Rural Areas".*

6a.27 The proposed renovation of the Stables associated with Dunmore House are again to an exacting standard and relate to a building beneficial of restoration. The building is no longer required for its original purpose and alterations to provide residential accommodation are minimal and in character with the existing building. Infrastructure proposals are acceptable. The proposal complies with this policy.

6a.28 Policy RURAL 12 'Ecological Sites' states:

"That to protect and conserve wildlife and other natural features of significance :-

1. *There will be an overriding presumption against development which would adversely affect sites designated as a Special Protection Area, a Special Area of Conservation or a Ramsar site, Sites of Special Scientific Interest or any sites proposed by the UK Government or Scottish Natural Heritage for such designation.*
2. *Development likely to adversely affect Listed Wildlife Sites and local or non-statutory nature reserves will not normally be permitted.*
3. *Other sites of high nature conservation value will be safeguarded wherever possible.*
4. *Where development is to be approved which could affect any site of high nature conservation value, appropriate measures will be required to conserve, as far as possible, the site's biological or geological interest and to provide for replacement habitats or features where damage is unavoidable,*
5. *Appropriate site management will be encouraged wherever possible,*
6. *Local nature reserves will be designated as appropriate."*

6a.29 Scottish Natural Heritage have confirmed that the proposal is unlikely to affect the Firth of Forth SPA, SSSI, Ramsar site. Mitigation for any disturbance to bat and badger protected species can be achieved by means of appropriately worded planning conditions.

6a.30 Policy RURAL 15 'Listed Buildings' states:

"That there will be presumption against proposals which would destroy or adversely affect the architectural character, appearance or setting of Listed Buildings. The re-use of vacant Listed Buildings will be encouraged, provided that the District Council is satisfied that the proposed use would have no detrimental impact upon the building, its setting and the amenity of the surrounding area."

6a.31 The renovation of Dunmore House and Stables is encouraged. The development proposals will not affect adversely the appearance or architectural character of these buildings. The setting of Dunmore House and associated Stables would be affected but not to an unacceptable degree.

6a.32 Policy RURAL 16 'Sites of Archaeological Interest' states:

That to protect and conserve archaeological/historical features of significance :-

1. *There will be a general presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological/historical importance or their setting.*
2. *Archaeological sites which are threatened by development, where preservation has proved impossible, will be excavated and recorded. The District Council supports Historic Scotland's policy to seek developer funding of any necessary excavation, recording and publication works.*
3. *The District Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice. Furthermore, where appropriate, developers are requested to deposit any local finds and copies of publications with the District Council's Museum Service."*

6a.33 The proposed development is not considered to have any adverse impacts on archaeological remains. Archaeological investigation of a small part of the site will however be required. This can be achieved by means of an appropriately worded planning condition.

6a.34 Policy RURAL 20 'Trees and Woodland' states:

"That the District Council recognises the economic, landscape, ecological and recreational importance of trees, woodland, afforested land and hedgerows and accordingly :-

1. *Felling detrimental to the character of the landscape or to the economic, nature conservation or recreational value of the planted area itself will be discouraged. The enhancement and management of existing woodland and other natural landscape features will be encouraged.*
2. *Where necessary, endangered areas and trees will be statutorily protected through the designation of Tree Preservation Orders. Within an area covered by a T.P.O. there will be a presumption against development unless it can be proven that the proposal would not adversely affect the stability or appearance of protected species. Where permission is given to fell a tree within a Conservation Area or an area covered by a T.P.O., the District Council will normally require the provision of replacement planting appropriate in terms of number, size, species and position.*
3. *Appropriate proposals for community woodlands and amenity planting will be encouraged, in particular within and adjacent to the rural villages, along urban fringes and transport corridors, within the Green Belt and in relation to derelict and industrial sites and farmed landscapes.*

4. *When consulted on forestry planting proposals the District Council will support the provisions of the indicative forestry strategy as outlined by Central Regional Council in its approved Structure Plan.*

The District Council favors the use of appropriate native species of trees and shrubs in new planting.”

6a.35 The applicant has submitted a Historic Landscape Appraisal and Woodland Survey and Management Plan is considered to be acceptable. The Woodland Survey and Management Plan is considered to demonstrate that no adverse impact on protected trees will occur. The proposals for the introduction of additional woodland planting and the introduction of a formal management plan for existing and proposed planting is welcomed in the context of this policy.

6a.36 Policy RURAL 21 ‘Historic Gardens and Designed Landscapes’ states:

“That there will be a general presumption against development which would adversely affect the character and setting of sites identified in the “Inventory of Gardens and Designed Landscapes in Scotland” and other historic gardens and designed landscapes of national or regional significance. The District Council will seek to encourage the sensitive management of historic gardens and designed landscapes.”

6a.37 The proposed development would have an impact on the character and setting of the Designed Landscape of Dunmore House and the Pineapple. The proposed development would introduce new build housing and woodland planting in the parkland area between Dunmore House and the Pineapple. The existing use of this area is an agricultural crop field and not the parkland as originally conceived. This and the growth of mature trees between Dunmore House and the Pineapple has compromised the visual relationship between Dunmore House, the Pineapple and intervening land. Although identified as a housing land audit site, development within Local Plan Management the Designed Landscape would affect its character, however it is considered that this would not be to an unacceptable degree

6a.38 Policy RURAL 22 ‘Countryside Access’ states:

“That the District Council seeks to protect and signpost existing rights of way and other recognised footpaths and, where appropriate, will encourage the creation of new means of access to the countryside for walking, cycling and equestrian purposes.”

6a.39 No asserted public rights of way exist in the vicinity of the site. The proposed development improves public access to the countryside and improves existing links between Dunmore House, the Pineapple and the surrounding area.

6a.40 Accordingly, whilst the proposal raises issues not fully in compliance with the provision of the development plan, it does not represent a significant departure.

6b Material Considerations

6b.1 The material considerations to be assessed are the site history, enabling development and developer contributions, national planning guidance, the emerging Falkirk Council Local Plan (Deposit Version) and the views expressed by consultees and in representations.

Site History

- 6b.2 The principle of the renovation of Dunmore House and ancillary development including enabling development has been long established with the previous grant of planning permissions, for the development of hotel, leisure and golf complex and 40 residential units
- 6b.3 The proposed development does not now include proposals for a hotel and leisure facilities and is solely residential in content.

Enabling Development

- 6b.4 The applicant has demonstrated through the submission of a detailed financial appraisal, the land purchase costs, development costs and profit levels anticipated. This appraisal has been the subject of review by Falkirk Council development surveyors and construction professionals.
- 6b.5 The appraisal has been accepted, following the reduction of 4 residential units, as proposing an acceptable level of development which will ensure that the significant costs of renovating existing buildings can be achieved and that the enabling development be kept to a minimum level.

Developer Contributions

- 6b.6 The applicant has proposed the provision of £112,750 towards education improvements required as a result of the proposed development. These could be achieved through a Section 75 agreement.
- 6b.7 The applicant has also confirmed that a negotiated contract for the extension of mains gas from the existing Airth supply to the village of Dunmore will be paid for. The contract has an approximate value of £100,000.
- 6b.8 The applicant has also confirmed that a negotiated contract for mains drainage and bio disk treatment facility for the village of Dunmore will be paid for. This contract has an approximate value of £75,000.
- 6b.9 Both gas and drainage contributions are to be placed with Falkirk Council on deposit receipt through the same Section 75 Agreement.

National Planning Guidance

- 6b.10 SPP3 Planning for Housing provides Scottish Government policy in relation to housing land use. SPP3 seeks to create quality residential environments, guide new housing to the right places and deliver housing land.
- 6b.11 It is considered that the renovation of Dunmore House and Stables and provision of high quality housing of mixed type to include flats, terraced and detached units is consistent with the aims and objectives of SPP3.

- 6b.12 SPP15 – Planning for Rural Development provides Scottish Government policy on land uses in rural areas. SPP15 advises of the need for a sensitive response to increasing demand for development in the countryside. The aims behind SPP15 are that Scotland has a prosperous rural economy with a stable or increasing population.
- 6b.13 It is considered that the proposed development is consistent with the aims of SPP15 in that a quality residential development is proposed without unacceptably compromising the natural or historic environment.
- 6b.14 NPPG 18 – Planning and the Historic Environment establishes Scottish Government policy in relation to development affecting Listed Buildings and designed landscapes and their settings. National Planning policies are set out with a view to protection, conservation and enhancement of the historic environment.
- 6b.15 The principle policy expressions in NPPG 18 with regard to the proposed development relate to the renovation of Dunmore House and Stables as 'B' Listed Buildings, the potential impact on the setting of these buildings and the 'A' Listed Pineapple and the potential impact on Dunmore Park Historic garden and Designed Landscape.
- 6b.16 The proposals to renovate Dunmore House and Stables are welcomed both in policy terms and by statutory consultees. The agreed renovation works will ensure the renovation of these buildings to an exacting standard and the re-introduction of residential use would ensure their long term care and protection. This position is consistent with the aims and policy expressions of NPPG 18.
- 6b.17 The impacts of the development on Dunmore Park Historic Garden and Designed Landscape and the opposition to the current proposals by consultees has been previously outlined in this report. These concerns are more fully expressed in the following paragraphs.
- 6b.18 Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation areas 1998 provides guidance on the statutory responsibility for the protection and enhancement of Listed Buildings and Gardens and Designed Landscapes.
- 6b.19 The proposed renovation of Dunmore House and Stables is consistent with the requirements of the Memorandum. Both properties are listed on Historic Scotland's Buildings at Risk Register. The renovation and long term survival of these buildings is considered to accord with the aims of the memorandum and no objections to these proposed developments are held by Historic Scotland. It should be noted that an associated Listed Building Consent application remains under consideration.
- 6b.20 The Memorandum also provides guidance on the statutory responsibility for the protection and enhancement of Historic Gardens and Designed Landscapes. Planning Authorities are guided on the importance of recognising Historic Gardens associated with Listed Buildings. In addition guidance is provided on the potential for these Gardens to be adversely affected by unsympathetic development, ill considered planting proposals, the felling of trees, the formation of new tracks and the current position on site.

- 6b.21 The existing arrangement of the Garden has changed since its inception. The central parkland area with specimen trees is now an agricultural crop field and mature trees lessen the original relationship between Dunmore House and the Pineapple. The development proposes links using only existing footpaths. The visual and historic qualities of the Garden and Parkland are considered more fully in relation to development proposals in the context of statutory consultation responses.

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- 6b.23 The site is identified as a Housing Land Audit Site H.RUR 1 Dunmore Park with a capacity of 40 units (this reflecting the number of units in the previous planning permissions). The accompanying text states "Housing development in the policies of Dunmore Park Estate linked to restoration of the Category B-Listed Dunmore Park House. Development Proposals require to be sensitive to the landscape setting of the house and estate which is included in the Inventory of Gardens and Designed Landscapes and covered by a Tree Preservation Order".

- 6b.24 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."*

- 6b.25 The proposed development has identified and will provide for the renovation of Dunmore House and Stables and provide new housing development within an existing landscape setting. The scale and siting of development is considered to relate to important heritage features and provide an attractive environment with the use of existing materials and provision for future maintenance.

- 6b.26 The location of Dunmore House and Gardens provides challenges to the promotion of sustainable and integrated transport. The proposal does however include infrastructure improvements to local bus services through the provision of bus stops on an established bus route. In addition footpath links encourage pedestrian and cycle modes of transport.

6b.27 Policy EQ2 (part 4) 'Implementation of Sustainable Design Principles' states:

"In order to ensure that the principles set out in Policy EQ1 are incorporated into development proposals:

- (1) Masterplans will be required for development proposals requiring a comprehensive approach to design and infrastructure. The Council will set out the basis for the preparation of Masterplans in Development Frameworks or Briefs;*
- (2) Development Briefs will be prepared by the Council for other development sites where merited by the size, sensitivity or complexity of the site;*
- (3) Supplementary Planning Guidance Notes will be produced to provide detailed advice on the application of the sustainable design principles; and*
- (4) Planning applications for significant residential, business or commercial development, or smaller proposals affecting protected sites or buildings, should be accompanied by a Design Statement explaining how each of the factors in Policy EQ1 has been complied with."*

6b.28 The applicant has submitted an acceptable Design Statement addressing the achievement of the requirements of Policy EQ1.

6b.29 Policy EQ14 'Listed Buildings' states:

"The Council will seek to preserve the character and appearance of listed buildings. Accordingly:

- (1) Development affecting a listed building, or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.*
- (2) Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the Council that the building:*
 - has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and*
 - is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report; and*
- (3) RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded."*

6b.30 The proposed renovation proposals for Dunmore House and Stables are considered to comply with the terms of Policy EQ14. The relationship between the restored buildings and new development is considered to be appropriate in terms of setting and character.

6b.31 Policy EQ18 - 'Historic Gardens And Designed Landscapes' states:

"There will be a general presumption against development which would adversely affect the character or setting of sites identified in the 'Inventory of Gardens and Designed Landscapes in Scotland' and other historic gardens and landscapes of national, regional or local significance. The Council will seek to encourage sensitive management of historic gardens and designed landscapes."

6b.32 The site is identified as being on the Inventory of Gardens and Designed Landscapes as well as being a Housing Land Audit Site. The inclusion of the site on the Inventory and its suitability for housing development to facilitate the restoration of Dunmore Park House and Stables are to therefore mutually exclusive.

6b.33 Policy EQ22 'Landscape and Visual Assessment' states:

"Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area."

6b.34 The application is supported by a Design Statement, Historic Landscape Appraisal and Woodland Management and Maintenance Scheme. These documents have demonstrated that, notwithstanding the concerns relating to the Historic Garden and Parkland, that the landscape setting can absorb the development without compromising the landscape character of the area.

6b.35 Policy EQ24 'Ecological Sites and Features' states:

- "(1) Development likely to have a significant effect on Natural 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. 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, including those of a social or economic nature. 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 affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required.*
- (6) The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest."*

6b.36 The proposed development has, through assessment and consultation, demonstrated that no adverse impact will occur on the nearby Firth of Forth SPA, SSSI, Ramsar site. Potential impacts on protected wildlife species such as bat or badger are considered unlikely and can be controlled by planning condition.

6b.37 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- (1) Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

6b.38 The proposed development has demonstrated through landscape study and assessment that minimal impact on existing trees and woodland will occur. These impacts have been measured and are considered insignificant in terms of the wider landscape benefits that are proposed.

6b.39 Policy EQ29 'Outdoor Access' states:

- "(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network once it is defined.*
- (2) In promoting new routes particular emphasis will be placed on*
 - opportunities specified on the Proposals Map*
 - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
 - other areas of proven demand as identified through community consultation; and*
 - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25.*
- (3) When considering planning applications, the Council will*
 - Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*

- *Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
- *Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development."*

6b.40 The improvements relating to outdoor access in the form of increased community, use, links to the existing communities of Airth and Dunmore and links to existing core paths are welcomed.

6b.41 Policy SC1 - 'Housing Land Provision' states:

- "(1) Through the Local Plan, the Council will aim to meet the housing land requirements of the Falkirk Council Structure Plan for at least the period up to 2012, as detailed in Table 4.1. Sites contributing towards the requirement are detailed under the relevant Settlement Statements.*
- (2) Sites identified as long-term development opportunities on the Proposals map will be the preferred locations for residential growth within the relevant settlements for the period 2012 - 2020. Consideration will only be given to bringing forward these sites for development prior to 2012 where clearly justified by supply, phasing and infrastructure factors.*
- (3) Within the areas identified as Special Initiatives for Residential-Led Regeneration (SIRRs) on the Proposals Map, housing development in addition to the base requirement will be supported subject to:*
 - the preparation of a satisfactory masterplan or development framework for the area; and*
 - demonstration that the necessary social and physical infrastructure requirements for the area will be met through a co-ordinated approach to developer contributions."*

6b.42 The application site is identified as an opportunity for the development of 40 houses as housing site H.RUR 1 through Policy SC1. The proposed development is for 70 residential units. It should be noted however that the indicative figure of 40 units is based on planning permission F/91/0540 (and subsequent renewals) which included a hotel, leisure complex and golf course not contained within the current proposal.

6b.43 Policy SC11 - 'Developer Contributions To Community Infrastructure' states:

"Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities required to meet demand generated from new development. The nature and scale of developer contributions will be determined by the following factors:

- (1) Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 12/1996."*

6b.44 Contributions towards education improvements and the provision of community benefits in the form of gas and water treatment improvements are proposed.

6b.45 Policy SC13 'Open Space and Play Provision in New Development' states:

"New development will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit and strategy and the SPG Note on 'Open Space and New Development', once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:

- (1) Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
 - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
 - in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
 - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
 - The required financial contribution per house will be set out in the SPG Note on 'Open Space and New Development'.*
- (3) The location and design of open space should be such that it:*
 - forms an integral part of the development layout, contributing to its character and identity;*
 - is accessible and otherwise fit for its designated purpose;*
 - links into the wider network of open space and pedestrian/cycle routes in the area;*
 - sensitively incorporates existing biodiversity and natural features within the site;"*
 - promotes biodiversity through appropriate landscape design and maintenance regimes; and*
 - enjoys good natural surveillance;*
- (4) Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it."*

6b.46 The proposed development is a low density development in the setting of historic woodland and open space. The standards required by this policy are easily met. Formal play provision is not at present proposed but has been discussed with the applicant and is being considered at present.

6b.47 Policy SC14 'Education and New Housing Development' states:

"Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which will be set out in the SPG Note on 'Developer Contributions; Education and New Housing Development'. In cases where the school cannot be improved in a manner consistent with the Council's education policies, the development will not be permitted."

6b.48 The applicant has proposed a contribution to education improvements required as a result of the proposed development.

6b.49 Policy ST3 - 'Bus Travel And New Development' states:

"New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops, services or stations, as identified within travel plans. This provision will be delivered through direct funding of infrastructure and / or the provision of sums to support the delivery of bus services serving the development.

- (1) Bus infrastructure should be provided at locations and to phasing agreed with Falkirk Council, and designed in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.*
- (2) Bus facilities within new developments should offer appropriate links to existing pedestrian or cycle networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian or cycle links as described in Policy ST2.*
- (3) New development should incorporate routes suitable for the provision of bus services. Where bus services already exist, new developments should not be designed or constructed in ways that impede the routing of these services.*
- (4) New developments may require bus links to rail stations or other public transport infrastructure."*

6b.50 The location of the site in historic woodland presents limited opportunities for the improvement to local bus infrastructure. Buses could not access the site for example in this context the limited infrastructure work of providing bus stops on the A905 Dunmore road are considered to be satisfactory.

Consultation Responses

6b.52 The requirements of consultation responses from within Falkirk Council in relation to Education, Environmental Protection, Community Services, Transport Planning and Roads and Development can be achieved either by developer contributions or appropriately worded planning conditions.

6b.53 In relation to the request by Education Services for a contribution in relation to the total number of units proposed it should be noted that Falkirk Council's Supplementary Planning Guidance Note, Education and New Housing Development states that developer contribution are likely to apply to sites allocated for housing in the Falkirk Council Local Plan where capacity problems might have been indicated in the Local Plan. In this instance the site is included in the Housing Land Audit and the previously approved 40 units have been taken into account. It is therefore considered to be unreasonable to require a contribution for the total number of units and that the sum of £112,750 as a contribution is acceptable. It is also considered that an additional contribution towards school transport costs would be unreasonable.

6b.54 The requirements of SNH in relation to protection of wildlife can similarly be achieved by planning condition.

- 6b.55 SEPA, Scottish Water, Central Scotland Police, the National Grid, Health and Safety Executive, Scotland Gas Networks and Scotways have expressed no objections to the proposed development.
- 6b.56 Historic Scotland, The Scottish Civic Trust, The Garden History Society in Scotland, the Architectural Heritage Society of Scotland, The Landmark Trust, Architecture and Design Scotland and the National Trust for Scotland all welcome the renovation of Dunmore House and Stables.
- 6b.57 The same amenity bodies however express concerns in relation to the proposed development on the grounds that an unacceptable impact on the Historic Garden and Designed Landscape will occur. Objections are furthermore raised that the visual and historic relationship between Dunmore House, the Pineapple and the Designed Landscape will be unacceptably compromised by the introduction of new housing development and woodland planting on the land between these buildings.
- 6b.58 Whilst it is accepted that there would be an impact on the setting of Dunmore Park House and Stables and on the character of the Designed Landscape, it is considered that this would not be to an unacceptable degree which would justify refusal of planning permission. The designed landscape has been neglected for many years and has deteriorated to a significant extent. The proposal allows for the sensitive restoration of the listed buildings and long term maintenance and management of the associated landscape setting.
- 6b.59 The site is included in the Inventory of Gardens and Designed Landscapes in Scotland which states that in 1968 the estate was overgrown, had been purchased by the present owner and was being farmed, this still being the case. It also states that in 1985 Dunmore Park House was derelict and in the process of being demolished and unlikely to be restored reference is also made to the deterioration and neglect of the designed landscape. In relation to historic significance it states that although having the remains of a historic landscape, the lack of documentary evidence gives it only some interest in this regard. The Pineapple is identified as a unique and spectacular folly of outstanding architectural value.
- 6b.60 In the intervening years since the report was published there has been no management or maintenance of the Design Landscape and the neglect and deterioration previously referred to has continued. It should be noted that whilst Historic Scotland, who statutorily require to be consulted on applications affecting sites included in the Inventory of Gardens and Designed Landscapes, express concern about the application, no objection is made.
- 6b.61 The majority of the proposed housing is on what for many years, has been agricultural land with the remainder being to the west of the stable block. The previous application (06/0378/FUL) which was withdrawn, proposed more housing to the front of Dunmore Park House, further up the Hill of Dunmore and closer to the Pineapple. The current proposal has a reduced number of dwellings in this location further down the hill and further from the Pineapple. It is considered that the proposal would not have an adverse impact on the setting of the Pineapple. The proposed development presents an opportunity to secure the restoration of Dunmore Park House and Stables and elements of the long neglected designed landscape.

Representations

- 6b.62 One objection on the grounds of blatant suburbanisation of the countryside has been received. The same objection welcomes the renovation of Dunmore House and Stables. It is considered that the new residential development is acceptably related to the existing Listed Buildings to be renovated and has, to a significant degree, incorporated local architectural detailing and is reasonably required as enabling development.
- 6b.63 One representation has been submitted from an adjacent land owner. The representation raises awareness of ownership of a small part of the application site by the writer. In addition requests for signage to encourage considerations of local wildlife by the public and the introduction of barriers to prevent antisocial use of footpaths by non-pedestrian traffic are made.
- 6b.64 The developer has agreed to both requests. It is considered however that only the requested signage is appropriate. This is on the basis that installed barriers would limit agricultural use of remaining land. In addition the absence of boundary treatments to tie in with barriers would make circumnavigation easy.

6c Conclusion

- 6c.1 This proposal represents a significant opportunity to secure the sensitive restoration of Dunmore Park House and associated Stables with an appropriate level of enabling development. It is acknowledged that there would be an impact on the character of the Design Landscape, however it is considered that this would not be to a degree that would justify refusal of planning permission. The proposal has been assessed against the terms of the extant development plan, the Falkirk Council Local Plan Finalised Draft (Deposit Version) and national policy and guidance and is considered to be acceptable subject to a Section 75 Agreement and appropriate planning conditions.

7. RECOMMENDATION

- 7.1 It is therefore recommended that Committee indicates that it is minded to grant planning permission subject to:**

- (a) the satisfactory completion of an Agreement under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 relating to;**
 - (1) a financial contribution of £112,750 towards educational improvements;**
 - (2) a financial contribution of £175,000 towards the provision of mains gas and drainage in Dunmore Village or towards other appropriate improvements in the Local Area;**
 - (3) the provision of any necessary off site road works;**
 - (4) the provision of footpaths linking the site to the surrounding area;**
 - (5) a restriction on the number of new build residential units to a maximum of 45;**

(6) the phasing of the development to ensure the satisfactory restoration of Dunmore Park House and Stables;

(7) landscape maintenance;

(b) and thereafter, on conclusion of the Section 75 Agreement, to remit to the Director of Development Services to grant planning permission subject to appropriate conditions including those relating to roads, drainage, contamination, archeological investigations, external materials, phasing of development, protection of bats and badgers, landscaping and boundary treatments.

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Director of Development Services

Date: 21 February 2008

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504707 and ask for Donald Campbell (Planning Officer).

Background Papers

1. Falkirk Council Structure Plan
2. Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of representation received on 14 December 2006 from Hugh N Semple NDF Chartered Forester, Creagfasgadh Tayvallich Lochgilphead Argyll
5. Letter of representation received on 23 January 2007 from Leonard Wardrope, 174 Arisaig Drive Glasgow G52 1PX