

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT CASTLEHILL,
LINLITHGOW, EH49 6LW, FOR MR DAVID MORTON –
P/15/0662/PPP
Meeting: PLANNING COMMITTEE
Date: 1 February 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: No Community Council

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks planning permission in principle for the erection of a dwellinghouse.
- 1.2 The application site comprises land forming part of a former group of redundant agricultural buildings, including a farmhouse, and a farm access extending north to meet the B825 at the east end of the Loan village. These buildings have now been demolished and the site contains stone downtakes from these buildings (see Appendix 1 showing the previous buildings and Appendix 2 showing the site in its current state). There are existing agricultural buildings adjacent to the application site (see Appendix 3).
- 1.3 The following information has been submitted in support of the application:-
- Supporting Planning Statement; and
 - Flood Risk Assessment, dated October 2009.
- 1.4 The Supporting Planning Statement indicates that:-
- Planning permission was secured to convert the farm buildings to form 3 dwellinghouses (see Appendix 3 showing the approved scheme and Appendix 2 which indicates each building (now demolished) previously approved as a house plot). However, owing to the national economic recession, the construction work on the project was delayed until the financial situation improved;
 - In the meantime, squatters took up residence in the existing property causing considerable damage to the structure and heavy snowfall in the severe winter of 2010 caused extensive damage;
 - Having successfully managed to secure removal of the occupants and, due to the deteriorating condition of the property, the applicant elected to demolish the property thus ensuring that the previous occupants would be unable to return;

- The applicant now concedes that this strategy was not the best solution as it may not have been in the best interests of retaining the various planning permissions and could now possibly jeopardise the previously approved planning position;
- The applicant has decided he no longer has a requirement for 3 dwellinghouses but still has a need for one house on this site;
- The proposed house would be occupied by the applicant's son and his young family;
- The applicant is involved with the keeping and training of racehorses and this operation, which the son is actively engaged in at the moment, would be transferred to the new site should planning permission be granted;
- The design of the proposed dwellinghouse would be of a traditional character to reflect the character of the former properties on the site. The design would reflect the design of one of the houses previously approved. External materials would incorporate render, natural stone from the remains of the former buildings on site and natural slate; and
- The proposed house would be erected on the footprint of one of the previously approved houses and the reduced scale of development would have less of a visual impact on the area; and
- The previously approved scheme included a relocation of the existing farm access further to the east. With the modified proposal for a single house, it is considered that the position of the existing farm access is acceptable provided visibility is improved and repairs to the bellmouth are implemented (no mature tree felling would be required with visibility works restricted to the trimming back of the existing hedgerow).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillors McLuckie and Hughes.

3. SITE HISTORY

- 3.1 Planning application in principle F/2005/0031 for the conversion of redundant agricultural buildings to form 3 dwellinghouses was granted on 26 September 2005.
- 3.2 Planning application 06/0814/REM for the approval of reserved matters in respect of infrastructure works comprising access, drainage (including SUDS pond), fencing, gates and gate posts was approved on 22 March 2007.
- 3.3 Planning application P/08/0829/OUT for an extension of time period for the implementation of planning permission F/2005/0031 in respect of the formation of 3 residential units was withdrawn on 8 October 2008.
- 3.4 Planning application P/09/0312/REM for the approval of reserved matters in respect of conversion of redundant agricultural buildings to form 3 dwellinghouses was approved on 11 December 2009.
- 3.5 The development approved by F/2005/0031 and subject to subsequent reserved matters applications 06/0814/REM and P/09/0312/REM lapsed on the expiry of 2 years from the final approval of the reserved matters i.e. on 11 December 2011.

4. CONSULTATIONS

- 4.1. The Roads Development Unit have requested visibility splays of 2.5 metres x 59 metres in either direction of the existing access track area and widening of the first 15 metres of the access to 5.5 metres. They are satisfied that these requirements can be met. They have requested the submission of an updated flood risk assessment as the submitted flood risk assessment dates from 2009.
- 4.2 The Environmental Protection Unit have noted the completed agricultural questionnaire which does not indicate any contaminated land issues. They advise that noise need not be considered as a determining factor.
- 4.3 Scottish Water have not responded.
- 4.4 The Health and Safety Executive do not advise, on safety grounds, against the grant of planning permission.
- 4.5 Essar Oil (UK) Limited have advised that none of the Essar pipelines or Shell operational pipelines from the Stanlow complex should be affected by the proposal.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council for this area.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received in respect of this 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

- 7a.1 The Falkirk Local Development Plan (FLDP) was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of Supplementary Guidance documents which now have statutory status.
- 7a.2 Under the FLDP, the application site lies outwith the urban and village limits, within the countryside. The application site also lies within a Special Landscape Area and a Pipeline Consultation Zone. The first 45 metres of the site access is bounded on both sides by trees subject to a Tree Protection Order.
- 7a.3 Policy CG01 - 'Countryside' states

The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'.

7a.4 This policy states that land outwith the defined urban and village limits is designated as countryside, within which development will be assessed against the relevant supporting countryside policies and SG01 'Development in the Countryside'. The relevant supporting countryside policy in this instance is Policy CG03.

7a.5 Policy CG03 -'Housing in the Countryside' states

Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

1. *Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
2. *Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*
3. *Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
4. *Appropriate infill development;*
5. *Limited enabling development to secure the restoration of historic buildings or structures; or*
6. *Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.

7a.6 This policy supports housing development in the countryside of a scale, layout and design suitable for its intended location and subject to one of 6 criteria being satisfied. The proposed development does not satisfy any of these criteria and is therefore contrary to this policy. The criteria provide for conversion or restoration of non-domestic farm buildings to residential use and for restoration of houses that are substantially intact. This was the basis of the previous planning permission in principle (F/2005/0031) but, as noted in this report, the buildings have since been demolished. The criteria also provide for replacement houses but the guidance under SG01 is not satisfied in its entirety as detailed in paragraph 7a.12. In addition, the criteria provide for new dwellinghouses required for the pursuance of a rural business. Whilst the applicant has submitted that an existing operation (the keeping and training of race horses) would transfer to the new site, the applicant has also advised that supporting information is not available at this time. It has therefore not been demonstrated that the proposed dwellinghouse is required in connection with a viable and sustainable rural business.

7a.7 This application seeks planning permission in principle, therefore, no detailed plans accompany the application to assess scale, layout and design. However, the applicant has submitted that the proposed dwellinghouse would be erected on the footprint of one of the previously approved houses, that the design would reflect the design of one of the previously approved houses, and that natural materials would be utilised (including natural stone from the remains of the former buildings on site). These submissions are noted and suggest that a development sympathetic to the former character of the site could be achieved.

7a.8 Policy GN02 - 'Landscape'

- 1. The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations.'*
- 2. Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
- 3. Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7a.9 This policy gives priority to safeguarding the distinctive landscape qualities of the Special Landscape Areas. The site lies within the Slamannan Plateau / Avon Valley Special Landscape Area and falls into Local Landscape Character Area 4(i) Avon Valley. The guidance in respect of the Avon Valley is detailed in SG09. The site itself, lies in a shallow valley and views of it from the wider setting are reduced by existing tree belts and the natural landform. However, the proposed development would be visible at closer vantages and, whilst its visual impact would be likely to be reduced from that of the previous steading development, the previous use has been abandoned by virtue of the buildings having been demolished. In order to mitigate the visual and landscape impacts of the proposed dwellinghouse, it is considered that the provision of landscape planting should be the subject of a condition of any grant of planning permission. On this basis, the application is considered to accord with this policy.

7a.10 Policy D12 - 'Historic Gardens and Designed Landscapes' states

- 1. There will be a presumption against development which would adversely affect the character or setting of sites identified in the 'Inventory of Gardens and Designed Landscapes in Scotland', as identified on the Proposals Map.*
- 2. The value of other historic gardens and designed landscapes not listed in the Inventory will be given due weight in the planning process, having regard to their historical significance, integrity and condition. Non-inventory sites will be identified within Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations'.*
- 3. The Council will seek to encourage sensitive restoration and management of historic gardens and designed landscapes.*

7a.11 Policy D12 states that due weight will be given in the planning process to non-listed designed landscapes having regard to their historical significance, integrity and condition. The site of Muiravonside House and surrounding parkland/ woodland plus the woodland shelter belts enclosing farmland/ parkland to the west are identifiable designed elements of the Muiravonside House non-listed designed landscape. However, there is no suggestion that the proposed dwellinghouse would impact on any of the remnant features of the designed landscape given that the application site is previously developed land and the existing access can be upgraded without impacting on the tree belts along the road frontage. In respect of setting, the application site is some distance from Muiravonside House itself and lies adjacent to a large existing farm/ utility building which compromises the existing setting to a certain extent. Accordingly, the provision of a formal assessment in respect of this designed landscape was considered to be disproportionate to potential impacts. In addition, it was considered that any setting impacts could be suitably addressed by high quality and sympathetic design, appropriate scale and orientation, and landscape planting. On this basis, the application is considered to accord with this policy.

Supplementary Guidance Forming Part of Local Development Plan

- 7a.12 SG01 'Development in the Countryside' provides guidance in relation to replacement dwellinghouses in the countryside and sets out five criteria that must all be met. The proposed development meets, or potentially meets, some of these criteria in that the new house could occupy the same site as the original house and a high quality design of a comparable scale could be achieved (as informed by the applicant's submissions). However, as the existing farmhouse has been demolished, the criteria that allow a replacement house if it can be demonstrated that (a) the 'existing' house is in a habitable state (i.e. not a ruin) and (b) the 'existing' house is sub-standard and of a design that is not readily improvable or extendable, cannot be met. In addition, the criterion requiring the existing dwellinghouse to have no architectural or historical interest could not have been met, as it is understood that the farmhouse formed part of a traditional steading which did have architectural and historic interest.
- 7a.13 SG09 'Landscape Character Assessment and Landscape Designations' provides guidance in respect of Local Landscape Character Area 49(i) Avon Valley. The guidance seeks to encourage expansion of areas of native broadleaf trees and woodland along field boundaries, ensure new native species structure/ screen planting in association with new housing and encourage sensitive restoration and conversion of traditional steadings and removal of non-traditional unused/ dilapidated farm buildings. In terms of this guidance, mitigating new landscape planting should be provided, as previously mentioned in this report.
- 7a.14 SG09 lists Muiravonside House as a non-inventory designed landscape and sets out guidance in respect of development potentially affecting a designed landscape. The general aim of the guidance is to avoid adverse effects on the character and setting of the designed landscape or its remnant features. Development proposals within a non-inventory designed landscape must be supported by an assessment (depending on the scale of the designed landscape, remaining features and development type). Potential impacts have been considered in paragraph 7a.11 and it was not considered that a formal assessment was required in this instance for the reasons also explained in paragraph 7a.11.
- 7a.15 Owing to the 'in principle' issue in respect of the Housing in the Countryside policy, the application does not accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed in respect of the application are the consultation responses and the information submitted by the applicant in support of the application.

Consultation Responses

- 7b.2 The consultation responses are summarised in section 4 of this report. No objections have been raised in the consultation responses but the Roads Development Unit have requested an updated Flood Risk Assessment. In the absence of submission of this information, it has not been demonstrated that there are no flood related issues having regard to the current situation which includes changes to Scottish Planning Policy since the previous flood risk assessment was prepared in 2009. The requirements of the Roads Development Unit in respect of upgrade of the access and visibility could be the subject of conditions of any grant of planning permission.

Information Submitted in Support of the Proposal

7b.3 The submissions by the applicant in support of the proposal are summarised in paragraph 1.4 of this report. The submissions explain the circumstances leading to the demolition of the existing buildings and recognise that the demolition was not the best strategy and may now jeopardise the previous planning position. It is regrettable that the demolition works would appear to have been carried out without the advice of the Council's Development Management Unit. If a case had been made to the Council, including submissions in respect of the condition of the farmhouse (as verified by a structural engineer's report) the Development Management Unit could have advised on the potential merits of a replacement house. That opportunity is now lost and it is clear from the assessment in this report that the application is contrary to the Development Plan as there is now no existing dwellinghouse to replace. Balanced against this, it is suggested that a development sympathetic to the former character of the site could in all likelihood be achieved.

7c Conclusion

7c.1 The application is considered to be contrary to the Development Plan, for the reasons detailed in this report. The material considerations have been considered in this report and include the submissions by the applicant in support of the proposal (see paragraph 1.4 and 7b.3). However, on balance, these considerations are not considered to outweigh the terms of the Development Plan and so it is considered that the application should be determined in accordance with the Development Plan. To do otherwise may run the risk of any similar cases being difficult to resist and the undermining of the integrity of the Council's Development Plan. Whilst the situation of the applicant is unfortunate, the application is recommended for refusal.

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee refuse to grant planning permission in principle for the following reasons:

1. The application does not accord with Policies CG01 'Countryside' and CG03 'Housing Development in the Countryside' of the Falkirk Local Development Plan, or with Supplementary Guidance SG01 'Development in the Countryside' forming part of the Falkirk Local Development Plan, as the proposed development does not satisfy any of the prescribed circumstances to permit new housing development in the countryside. The proposed development therefore represents unjustified development within the countryside.
2. The application does not accord with Policy RW06 'Flooding' as it has not been demonstrated, through submission of an up to date Flood Risk Assessment, that the proposed development would not be at risk of flooding or increase the level of risk of flooding to existing development, having regard to the Flood Risk Framework set out in Scottish Planning Policy.

Informative(s):-

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

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pp Director of Development Services

Date: 20 January 2016

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Council Supplementary Guidance SG01 'Development in the Countryside'.
3. Falkirk Council Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations'.

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

Appendix 1



Appendix 2







Planning Committee

Planning Application Location Plan

P/15/0662/PPP

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



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