

PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING

PROPOSAL : Erection of 3 No. Dwellinghouses
LOCATION : Land To The South West Of Wester Bonhard, Bo'ness,
APPLICANT : Now Holdings Ltd..
APPN. NO. : P/16/0074/FUL
REGISTRATION DATE : 1 April 2016

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

This detailed application proposes the erection of three detached dwellinghouses within a countryside area to the south west of Bo'ness.

2. SITE HISTORY

None relevant to this application.

3. CONSULTATIONS

The following responses to consultation were received:

Scottish Natural Heritage	No comments.
Roads Development Unit	<p>The proposed development sits on the south side of Borrowstoun Road, which at this location is a derestricted unlit single track road with a number of blind bends and passing places created by default.</p> <p>Neither the proposed new access on the bend or the existing access can meet the required visibility splays which are 2.4 x 215 metres.</p> <p>On the grounds of road safety, it would be inappropriate to create a new access or to increase vehicle use on the existing access.</p>
Scottish Water	No response to consultation.
Environmental Protection Unit	No objections. Contaminated land condition requested.

Where the local Community Council requested consultation, their comments appear above.

4. PUBLIC REPRESENTATION

In the course of the application, 3 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

Loss of agricultural land.
 Impact upon the greenbelt.
 Road safety impacts.
 Sanitation concerns.
 Water pressure concerns.
 Impact on area of great landscape value.
 Increased costs for the maintenance of what would become a shared driveway.

Noise concerns.
Privacy issues.
Overshadowing issues.
Proximity of development to the oil pipeline to the east of the site.

5. THE DEVELOPMENT PLAN

The Falkirk Local Development Plan was adopted on 16 July 2015. The proposed development was assessed against the following policy or policies:

GN02 - Landscape

CG02 - Green Belt

RW10 - Vacant, Derelict and Contaminated Land

CG03 - Housing in the Countryside

D04 - Low and Zero Carbon Development

RW04 - Agricultural Land, Carbon Rich Soils and Rare Soils

5A. MATERIAL CONSIDERATIONS

National Planning Policies and Guidance

Assessment of Public Representations

6. PLANNING ASSESSMENT

The Development Plan

The Falkirk Local Development Plan (LDP) 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.

Local Plan Policies

The application has not been supported by any information to demonstrate how the council's requirements in respect of low and zero carbon generating technologies would be met at the site. The proposal is therefore contrary to Policy D04 - Low and Zero Carbon Development.

The application site is classified as class 3.1 prime quality agricultural land and as such the loss of this land is contrary to policy RW04 - Agricultural Land, Carbon Rich Soils and Rare Soils.

The proposal fails to accord with the terms of the Falkirk Local Development Plan.

Local Plan Policies

The application site is located outwith the urban limits of Bo'ness and within the Greenbelt. The site is also designated as being part of the South Bo'ness Special Landscape Area which is characterised as being sensitive to change due to its elevated position.

The application has not been supported by any countryside business justification and the site is not considered to constitute an appropriate gap site due to the distance between existing properties which measures in excess of 100m at this location. The proposal does not propose the reuse or renovation of existing or redundant buildings and does not represent the replacement of previous development. The proposal is contrary to Policy CG03 - Housing Development in the Countryside.

The proposal does not satisfy the relevant countryside policies for the reasons outlined above and as such the proposal is contrary to Policy CG02 - Green Belt.

The proposed dwellinghouses are proposed to be located on a site which benefits from a reasonable level of tree cover. The proposal also includes the use of natural materials and the height of the proposed structures are limited to a maximum of one and a half storeys. The proposal is not considered to adversely impact upon the Bo'ness South Special Landscape Area and therefore accords with the terms of Policy GN02 - Landscape

The application site is located within an area identified as being at high risk of Coal Mining Legacy related issues. The application has not been accompanied by an appropriate Coal Mining Risk Assessment and as such potential necessary remediation or mitigation measures to counter instability issues have not been identified. The proposal is therefore contrary to Policy RW10 - Vacant, Derelict, Unstable and Contaminated Land.

Supplementary Guidance forming part of Local Development Plan

Supplementary Guidance SG01 - Development in the Countryside sets out the limited circumstances in which new housing will be considered acceptable in a countryside location. In this instance, the proposal is not related to an appropriate countryside or agricultural business, the proposal does not incorporate the reuse of redundant farm buildings, does not replace previous buildings and is not considered to be a form of enabling development. The applicant has indicated that they feel the development represents an appropriate infill development however the terms of SG01 clearly define this to be a clear gap site between two existing residential properties and at a distance of no more than 80m apart. The existing properties should front a road or access land and existing building lines should be adhered to. The current proposal is for 3 houses located within a gap measuring in excess of 100m between residential properties, one of which is not considered to be fronting onto an road or access lane. The development of three units in the form proposed would create a development fronting onto the main public road and would create a new building line where none currently exists. In addition to this the proposed development would also fail to achieve visibility splay requirements at the two accesses to the site and would therefore not be in the best interests of road safety. The proposal is not considered to constitute an appropriate infill development opportunity and is therefore contrary to the terms of this guidance.

Supplementary Guidance SG15 - Low and Zero Carbon Development sets out a requirement for a proportion of carbon emissions savings to be met by the provision of low and zero carbon technologies and requires new housing development proposals to be accompanied by a statement outlining clearly how this will be achieved. The proposed development is not supported by any such information and as such the proposal is contrary to the terms of this guidance.

National Planning Policies and Guidance

Scottish Planning Policy (SPP) sets out the Scottish Government's priorities for the operation of the planning system and for the development and use of land. In relation to new housing development in the countryside SPP states that, in pressurised areas such as the Falkirk Council area, it is important to protect against the suburbanisation of the countryside particularly where there are environmental assets such as sensitive landscapes and good quality agricultural land. SPP states that in pressurised areas, local plans should make provisions for most new urban development to take place within, or within planned extensions to, existing settlements and that a restrictive approach be applied to new housing development within the countryside.

SPP sets out circumstances within which development of prime quality agricultural land would be considered essential and advises against development where these criteria are not met. The proposed development in this instance is not considered essential when assessed against the terms of SPP.

The proposal fails to accord with the terms of Scottish Planning Policy (SPP).

Assessment of Public Representations

Concerns regarding the loss of agricultural land and the impact of development upon the greenbelt are noted and are considered elsewhere in this report.

Road safety concerns are noted and are shared by our Roads Development Unit.

The applicants have advised that they propose to make private drainage arrangements for the site and it is considered that each plot is of sufficient size to accommodate such an arrangement without adversely impacting upon neighbouring properties.

Water pressure concerns are noted however these are not material planning considerations.

The potential impact of the proposal on the landscape value of the area is assessed elsewhere in this report.

Increased costs for shared driveway maintenance are not material planning considerations.

It is considered that the plot sizes are sufficiently large so as not to raise any issues in relation to general residential noise, privacy or overshadowing.

The application site is considered to be well outwith the recognised hazard consultation zones associated with the pipeline to the east of the site.

7. CONCLUSION

The proposal is an unacceptable form of development and fails to accord with the development plan. There are no material planning considerations that warrant grant of planning permission in this instance.

8. RECOMMENDATION

Refuse Planning Permission

Refusal is recommended for the following ;

Reason(s):

1. The proposal would represent unacceptable development in the countryside and green belt which is contrary to Policy CG03 - Housing in the Countryside and CG02 - Green Belt of the Falkirk Local Development Plan, Supplementary Guidance SG01 - Development in the Countryside and Scottish Planning Policy (SPP).
2. The proposal fails to demonstrate that an adequate assessment has been carried out in relation to coal mining legacy risks and appropriate mitigation and/or remediation measures cannot therefore be identified to the potential detriment to the safety of future occupants of the proposed dwellings. The proposal is contrary to Policy RW10 - Vacant, Derelict, Unstable and Contaminated Land of the Falkirk Local Development Plan.
3. The proposal would result in the unacceptable permanent loss of prime quality agricultural land to the detriment of the farming industry and is contrary to the terms of Policy RW04 - Agricultural Land, Carbon Rich Soils and Rare Soils of the Falkirk Local Development Plan and Scottish Planning Policy (SPP).
4. The proposal has failed to demonstrate that a sufficient proportion of carbon reductions within the development will be secured by means of low and zero carbon generating technologies to the

potential detriment of the environment. The proposal is contrary to the terms of Policy D04 - Low and Zero Carbon Development of the Falkirk Local Development Plan and Supplementary Guidance SG15 - Low and Zero Carbon Development.

5. The proposed accesses to the site do not meet visibility splay requirements and as a result would not be in the best interests of road safety. The proposal is contrary to the terms of Supplementary Guidance SG01 - Development in the Countryside.

Informatives:

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


Director of Development Services

17.5.16
Date

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