

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest includes a crown with thistles, a shield divided into four quarters (ship, eagle, lion, and unicorn), and a motto scroll at the bottom.

AGENDA ITEM

4(i)

**Erection of Six Dwellinghouses at Land
to the South of the Stables, Braeface
Road, Banknock for Mr John Penman -
P/16/0660/MSC**

FALKIRK COUNCIL

Subject: **ERECTION OF SIX DWELLINGHOUSES AT
LAND TO THE SOUTH OF THE STABLES, BRAEFACE
ROAD, BANKNOCK, FOR MR JOHN PENMAN -
P/16/0660/MSC**

Meeting: **PLANNING COMMITTEE**

Date: **25 January 2017**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Denny and Banknock**

**Councillor Jim Blackwood
Councillor Brian McCabe
Councillor Paul Garner
Councillor Martin David Oliver**

Community Council: **Banknock, Haggs and Longcroft**

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks the approval of the matters specified in the conditions of planning permission in principle P/12/0124/PPP (see paragraph 3.3 below). It is being considered in tandem with the following applications:-
- Planning application P/16/0671/VRC to remove/vary conditions of planning permission in principle P/12/0124/PPP (see paragraph 3.7 below). The reason for this application is to remove the requirement for the new house plots to be serviced by an adoptable road (such that they would be served by a private access); and
 - Planning application P/16/0778/75M to modify the Section 75 planning obligation attached to planning permission in principle P/12/0124/PPP. The reason for this application is to ensure that any grant of P/16/0671/VRC is similarly bound by the terms of the Section 75 planning obligation.
- 1.2 The application brings forward the detailed design and site layout for the six house plots approved in principle under P/12/0124/PPP. The proposed dwellinghouses are detached, L-shaped with integral garages, and one and a half storey with dormers and gable roofs. The proposed external finishes are traditional/natural. The application also includes the detailed proposals for structure/screen planting and drainage.

- 1.3 The application site is part of Cloybank Estate and lies at the junction of the Cloybank Estate access road and Braeface Road. The site consists of open grassland and slopes to the south. The land falls more steeply to the south of the site. There is some new planting along the site boundaries and extensive woodland planting on the land to the south.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is being considered by the Planning Committee at the discretion of the Director of Development Services as it is linked to planning application P/16/0778/75M which requires determination by the Planning Committee.

3. SITE HISTORY

- 3.1 Planning application P/07/0451/FUL for a mixed use development was granted on 29 January 2009. The approved development consists of: a dwellinghouse, estate office, staff facilities, produce handling area, golf academy (indoor), artist studio/ workshop, a hydroponicum; the use of land for fruit production, woodland, archery, clay pigeon shooting, soft fruit production (polytunnels), a bee/honey farm; and the formation of a fishery pond and a golf academy. A Section 75 Planning Obligation attaches to this permission.
- 3.2 Planning application P/10/0524/FUL for the erection of a timber cabin for residential purposes and use of a temporary building as a coffee shop (retrospective) was granted on 17 August 2012.
- 3.3 Planning application P/12/0124/PPP for the development of land for residential purposes was granted on 3 April 2014. The permission in principle provides for six dwellinghouses and is 'enabling development' to cross-fund the development of the estate facilities approved under P/07/0451/FUL. A Section 75 Planning Obligation attaches to the permission and secures the phased payment of financial contributions in respect of education and open space, as well as a specified amount of the sale proceeds of each of the six house plots to be invested in the Cloybank Estate business.
- 3.4 Advertisement consent P/13/0673/ADV for the display of a freestanding non-illuminated advertisement was approved on 18 November 2013.
- 3.5 Planning application P/13/0674/FUL for an extension to dwellinghouse (retrospective) was granted on 13 December 2013.
- 3.6 Planning application P/16/0428/MSD for the erection of six dwellinghouses was withdrawn on 12 October 2016 pending the submission of further information and amended proposals.
- 3.7 Planning application P/16/0671/VRC for the removal of conditions 9 and 11 and variation of condition 12 to remove the wording "and so that no surface water is discharged or loose material carried out onto the public road" (planning conditions 9, 11 and 12 attached to planning permission in principle P/12/0124/PPP) is also under consideration.

- 3.8 Planning application P/16/0778/75M to modify the Planning Obligation attached to planning permission in principle P/12/0124/PPP is also under consideration.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that it would be acceptable for access to be achieved via a private access, in light of the Council's removal of its local variation to the National Roads Development Guide in respect of the number of units which can be served by a private access. As a consequence, the construction of an adoptable road is no longer required to serve the proposed development. They advise that some widening of the Cloybank Estate access road should be carried out adjacent to the new housing in the interests of road safety, and also that the required sightlines along Braeface Road are available (as required by conditions of P/12/0124/PPP).
- 4.2 The Environmental Protection Unit have advised that noise need not be a determining factor in considering the application. They are satisfied that contaminated land issues would appear to have been satisfactorily addressed in accordance with current legislative requirements.
- 4.3 The Coal Authority consider that the contents and conclusions of the site investigation report are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. Accordingly, they concur with the report that no mining precautions are required, and they have no objection to the proposed development.

5. COMMUNITY COUNCIL

- 5.1 The Banknock, Haggs and Longcroft Community Council have not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 One objection has been received in respect of the application. The concerns raised in the objection can be summarised as follows:
- The main considerations when granting planning permission P/12/0124/PPP have not been met; namely that the six plots would be sold off at a rate of 2 per annum at a selling price of approximately £100K per plot and that the £600K would be invested in the development of the Cloybank Estate;
 - The entrance to Cloybank Estate is unsafe from the aspect of visibility and conditions 7 and 8 of permission P/12/0124/PPP relating to the provision of visibility splays have not been satisfied;
 - The application does not comply with the condition that the houses are to be no taller than one and a half storeys;
 - Concerns about the standard of houses built elsewhere by the applicant;
 - The applicant stated at a Council meeting that the houses would be 'eco-houses' yet there is no mention of this in the new plans.

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 was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.2 The application site lies outwith the urban limits, within the countryside, as defined in the Local Development Plan.

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 indicates that development proposals within the countryside will be assessed in the terms of the relevant supporting countryside policies and Supplementary Guidance SG01 'Development in the Countryside'. The relevant countryside policy in this instance is Policy CG03 'Housing in the Countryside'.

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 The principle of six house plots at this location and the general arrangement of the plots and new access were established in the grant of planning permission in principle P/12/0124/PPP. As detailed in this report, the proposed house plots are 'enabling development' to cross-fund the development of the Cloybank Estate facilities approved under P/07/0451/FUL. The proposed scale and design of the proposed dwellinghouses are considered to be acceptable having regard to SG01 'Development in the Countryside'. Their height is restricted to one and half storeys which complies with condition 3 of P/12/0124/PPP. The design incorporates traditional countryside design in terms of its proportions and form, its detailing and the use of traditional/natural external finishes. In keeping with a rural area, the new plots would be served by a private access, designed as informally as possible.

7a.7 Policy GN02 - Landscape states:

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.8 The proposed development includes landscape proposals for structure and screen planting. The detailed specification is considered to be appropriate to a rural setting, and also to effectively screen the new houses as the planting matures. In addition, the maturing woodland to the south of the site contributes to a screening effect. It is therefore considered that the new development can be suitably absorbed into the landscape setting. There is also an opportunity for planting within the site to enhance the rural character of the development.

7a.9 Policy INF12 - Water and Drainage Infrastructure states:

1. *New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*

2. *Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation.*
3. *A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.*

7a.10 The proposed housing would be served by separate private storm-water and foul systems. The foul system would consist of a sewage treatment plant and a soak-away. These proposals are generally acceptable to the Roads Development Unit subject to a query in respect of the infiltration capacity of the land. It is recognised that SEPA would be required to review (and likely consent) the foul water disposal proposals and that this would be sought at Building Warrant stage.

Supplementary Guidance forming part of Local Development Plan

7a.11 Supplementary Guidance SG01 'Development in the Countryside' is relevant to this application. The proposed development is considered to accord with this guidance in respect of such matters as scale, form, storey height, detailing, external finishes and boundary treatments/landscaping.

7a.12 In light of the above assessment, the application is considered to accord with the Local Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed in respect of this application are the consultation responses and the public representations.

Consultation Responses

7b.2 The consultation responses are summarised in Section 4 of this report. No objections have been raised in the consultation responses and the identified matters could be the subject of planning conditions/informatives.

Public Representations

7b.3 The concerns raised in the objection to the application are summarised in Section 6 of this report. In respect of those concerns, the following comments are considered to be relevant:-

- As detailed in this report, a Section 75 planning obligation attaches to planning permission in principle P/12/0124/PPP. The obligation secures the phased payment of financial contributions in respect of education and open space, as well as the investing of a specified amount of the sale proceeds of each of the six house plots into the Estate business. Payment of the contributions is linked to completion of the dwellinghouses, whilst the required business investment is linked to the sale of the plots;
- The Roads Development Unit have advised that the visibility required by the relevant conditions of planning permission in principle P/12/0124/PPP is available;

- The proposed dwellinghouses are one and a half storeys and therefore comply with condition 3 of the planning permission in principle (P/12/0124/PPP);
- Any issue with the standard of houses at another site is not material to this application; and
- The planning permission in principle does not specifically require the building of 'eco-houses'. The purpose of this application is to seek the approval of the matters specified in the planning permission in principle. The requirements of Building Standards in respect of sustainable building and energy efficiency would apply at Building Warrant stage.

7c Conclusion

- 7c.1 This application seeks the approval of the matters specified in the conditions of planning permission in principle P/12/0124/PPP. The application is being considered in tandem with planning applications P/16/0671/VRC and P/16/0778/75M.
- 7c.2 The information accompanying the application is considered to be acceptable within the terms of the relevant matters specified in the conditions of P/12/0124/PPP. On that basis, the application is considered to accord with the Local Development Plan.
- 7c.3 The application is recommended as a Minded to Grant decision subject to the Planning Committee being minded to approve planning application P/16/0671/VRC and agreeing to modify the Section 75 Planning Obligation as applied for under P/16/0778/75M. Thereafter, upon the satisfactory conclusion of the Section 75 matters, approval of the application is recommended subject to appropriate conditions.

8. RECOMMENDATION

- 8.1 **It is therefore recommended that the Committee indicate that it is Minded to Grant approval of the matters specified in conditions subject to:**
- (a) the approval of planning application P/16/0671/VRC;**
 - (b) agreement of the modification to the Section 75 planning obligation sought under planning application P/16/0778/75M;**
 - (c) the satisfactory conclusion of the Section 75A application (P/16/0778/75M) and registration of the Decision Notice in the Land Register; and**
 - (d) thereafter, remit to the Director of Development Services, to approve the application subject to the following condition(s):-**
 - 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**

2. The development shall not commence until the precise details of the colour and specification of all proposed external finishing materials and surface materials have been submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
3. The development shall not commence until a scheme of internal soft landscape works has been submitted to and approved in writing by this Planning Authority. The details of the scheme shall include (as appropriate):-
 - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (ii) The location of all new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density; and
 - (iv) A programme for subsequent maintenance.
4. The soft landscape works as indicated on the Landscaping Plan and as approved within the terms of condition 3 above shall be carried out and maintained in accordance with the approved details, and shall be implemented in accordance with a timescale(s) to be approved in writing by this Planning Authority before the development commences.
5. A visibility splay measuring 4.5 metres x 54 metres shall be provided and retained in a northerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there shall be no obstruction to visibility greater than 1 metre above carriageway level.
6. A visibility splay measuring 4.5 metres x 48 metres shall be provided and retained in a southerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there shall be no obstruction to visibility greater than 1 metre above carriageway level.
7. The development shall not be occupied until the first 15 metres of the Cloybank Estate access road has been widened, in accordance with precise details to be agreed in writing by this Planning Authority.
8. The individual driveways shall be formed so that their gradients do not exceed 1 in 10.
9. Resident and visitor parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area (as they existed at the time of grant of P/12/0124/PPP).

Reason(s):-

1. As these drawings and details constitute the approved development.
- 2-4. To safeguard the visual amenity of the area.
- 5-7. In the interests of road safety.

8. To ensure the construction is fit for purpose.
9. To ensure that adequate parking is provided.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04, 05, 06, 07, 08A and 09.
2. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
3. The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

4. It is advised that SEPA will be required to review (and likely consent) the applicant's foul water disposal proposals. The applicant should provide confirmation of SEPA consent and details of any conditions for foul water disposal prior to the system being brought into use.

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pp Director of Development Services

Date: 16 January 2017

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Council Supplementary Guidance SG01 'Development in the Countryside'.
3. Objection received from Mr John Thomson, The Stables, Braeface Road, Banknock, FK4 1UE on 15 November 2016.

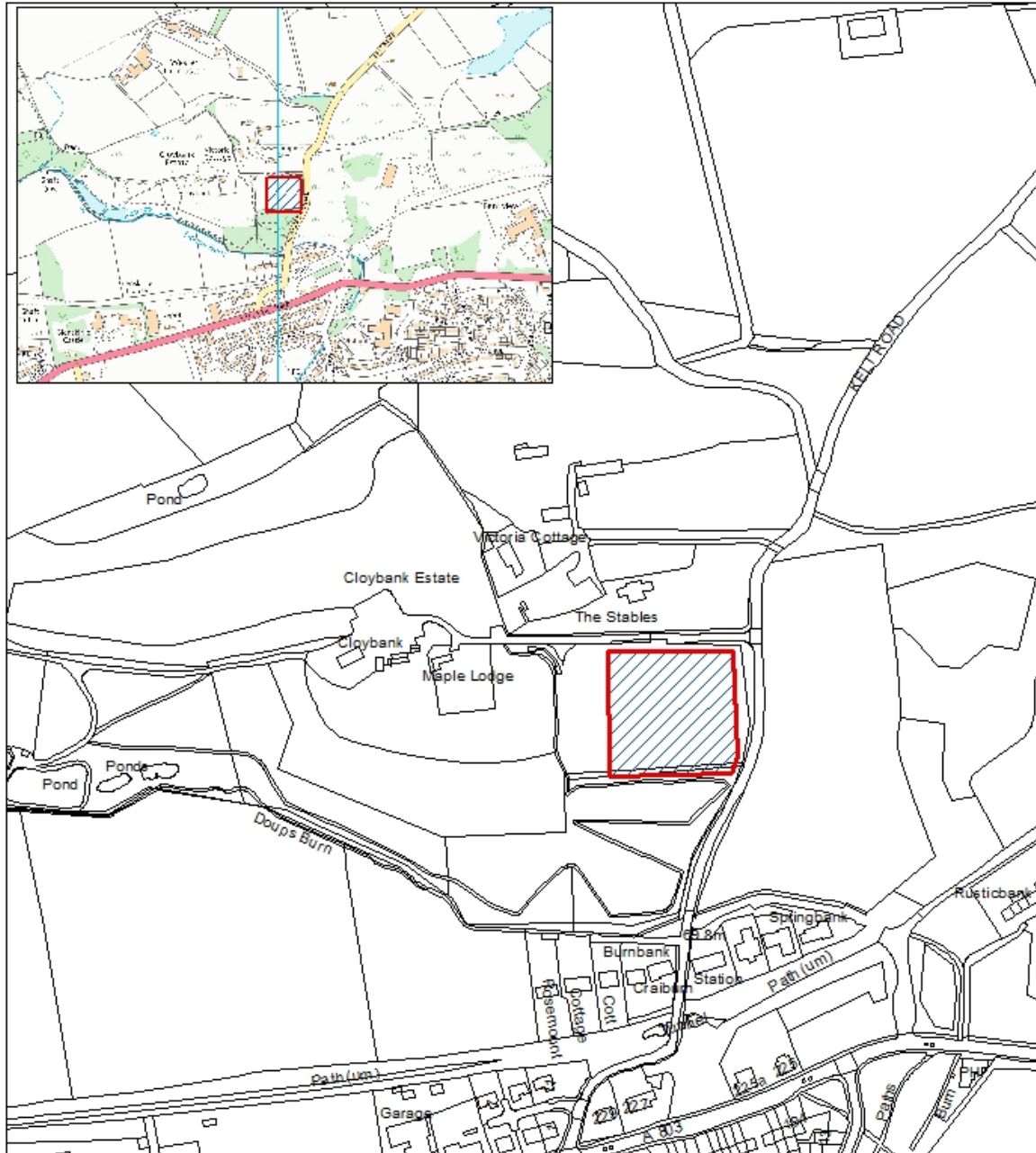
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0660/MSC

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



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