

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

ORIGINAL APPLICATION

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	James	Forename	John
Surname	Williamson	Surname	Watson
Company Name	Now Holdings Ltd	Company Name	John Watson Architectural
Building No./Name	Beechwood Nurseries	Building No./Name	Consultants Ltd
Address Line 1	17 Houston Mains Holdings	Address Line 1	11 Market Street
Address Line 2		Address Line 2	Midcalder
Town/City	Uphall	Town/City	Livingston
Postcode	EH52 6PA	Postcode	EH53 0AL
Telephone		Telephone	01506 885928
Mobile		Mobile	07775932268
Fax		Fax	NA
Email		Email	johnwatson@jwac.wanadoo.co.uk

3. Postal Address or Location of Proposed Development (please include postcode)

Site adjacent to Bonhard House, Bo'ness, EH51 9RR

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application
 What is the application for? Please select one of the following:

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: 	Date:
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****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of 3 No Dwelling houses

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

6960 approx

8. Existing Use

Please describe the current or most recent use:

Grazing

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

NA

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

4 per house

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☒

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☒

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☒

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☒

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes ☒ No ☐

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☐ Don't Know ☒

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site?

Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☐ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

in turning area

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☒ No ☐

If yes how many units do you propose in total?

3

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.