



Agenda Item 10

**ERECTION OF DWELLINGHOUSE AND
ASSOCIATED WORKS AT THE WOOD
YARD, CAULDCOATS HOLDINGS,
LINLITHGOW, EH49 7LX FOR GENIUS
LOCI ARCHITECTURAL DESIGN -
P/18/0175/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AND ASSOCIATED
WORKS AT THE WOOD YARD, CAULDCOATS HOLDINGS,
LINLITHGOW, EH49 7LX FOR GENIUS LOCI
ARCHITECTURAL DESIGN - P/18/0175/FUL
Meeting: PLANNING COMMITTEE
Date: 15 August 2018
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor David Aitchison
Councillor Lynn Munro
Councillor Ann Ritchie

Community Council: Blackness Area

Case Officer: Julie Seidel, (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the erection of a dwellinghouse with garage and associated works at the 'Wood Yard', Cauldcoats Holdings.
- 1.2 The Wood Yard is a tree surgery and timber processing business, with adjoining agricultural land. Access is proposed via the existing wood yard access.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is referred to Planning Committee at the request of Councillor David Aitchison, for the following reason:
 - Would like to get clarification re traffic impact.

3. SITE HISTORY

- 3.1 Planning permission (Ref: P/10/0130/FUL) for the part change of use from agricultural land to operate a forestry/tree surgeon business and processing of timber was granted on 2 December 2010.
- 3.2 Planning permission (Ref: P/18/0176/FUL) for the change of use from an agricultural building to kiln (associated with forestry/tree surgeon and timber processing business) and installation of solar PV panels upon roof was granted on 29 June 2018.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit advise that when the wood yard was established, the applicant built an unofficial access to the yard via a widened field gate from the A904 Linlithgow to South Queensferry Road. Planning conditions were applied to planning permission P/10/0130/FUL to bring the access to an acceptable standard, however, they have not been addressed.
- 4.2 The application site is accessed from a section of the A904 which is an unlit, derestricted, busy two way single carriageway with no pedestrian provision. The current access would not be acceptable on road safety grounds. It is too steep a gradient, a very tight turn and an unmade surface, all of which can cause vehicles to have to stop to enter, thereby, obstructing the free passage of vehicles on the road. Rainwater and loose stones from the access run out onto the A904, depositing gravel along the road edge creating a skid risk.
- 4.3 The proposed development would share the same access as the wood yard and as such the access would require to be constructed to an industrial standard, as per the National Roads Development Guide. A 6.00 metre wide bellmouth access with 10.5 metre radii is required, with the first 15 metres of the access 6.00m wide, at a gradient of no more than 2.5%, surfaced in bituminous material or concrete and include a positive drainage system to prevent any water or deleterious matter spreading on to the A904. The proposed development does not show any improvements to the access to serve the proposed development.
- 4.4 The Council's Environmental Protection Unit have no objection to the application and request a condition in relation to ground contamination.
- 4.5 Scottish Water did not respond to consultation.
- 4.6 Scottish Natural Heritage have no objection to the application.
- 4.7 The Coal Authority have no objection to the application.

5. COMMUNITY COUNCIL

- 5.1 The Blackness Community Council did not make comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 1 contributor submitted an objection to the Council as follows:
- The erection of a house on land classified as part agricultural and industrial is contrary to the current domestic development in the area, as houses are either rebuilt or extended;
 - The development, if approved, would cause a precedent for other similar housing development in the surrounding area, affecting the character and road structure; and
 - The upper floor and balcony would cause privacy issues with surrounding properties.

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 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.3 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.4 The proposed development does not meet any of the criteria set out in policy CG03, where housing development in the countryside is considered to be acceptable. The proposed development is not required for an appropriate rural activity (noting specifically that the business does not require an essential countryside location) and the submitted justification fails to demonstrate the operational need for the proposed dwellinghouse in association with the wood yard business. The proposed development does not contribute to the restoration or replacement of an existing rural house, is not a conversion of non-domestic farm buildings, and is not appropriate infill development, limited enabling development for the restoration of historic buildings/structures or a gypsy/traveller site. The application is contrary to policy CG01 'Countryside' and CG03 'Housing in the Countryside'.

7a.5 Policy D02 '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, distinctive, welcoming, adaptable, 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. Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through 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.*

Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals.

Masterplans should be informed by a development framework or brief where relevant.'

7a.6 There are no natural or built heritage features of note. It is considered that the scale, siting and design of the proposed house would be to a good standard, however, the site does not encourage the use of sustainable, integrated transportation. Road safety has not been identified or addressed by the applicant. The application is contrary to policy D02 'Sustainable Design Principles'.

7a.7 Policy D04 'Low and Zero Carbon Development' states:-

- '1. All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
 - Proposals for change of use or conversion of buildings;*
 - Alterations and extensions to buildings;*
 - Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
 - Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
 - Temporary buildings with consent for 2 years or less; and*
 - Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
- 2. The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
- 3. Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.'*

7a.8 The applicant has not submitted an Energy Statement, however, this could be dealt with by condition, in accordance with policy D04 'Low and Zero Carbon Development'.

7a.9 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.10 The application site is located in a Special Landscape Area. The applicant has submitted photomontages, which demonstrate that the proposed development would be generally read within the context and envelope of existing buildings on site. It is considered that the proposed development would not have a significant landscape impact, in accordance with policy GN02 'Landscape'.

Supplementary Guidance forming part of Falkirk Local Development Plan

- 7a.11 The main justification for the proposed development is that the house is required for the operation and security of the associated forestry/tree surgeon and processing timber business (discussed in greater detail in section 7b.5 of this report onward). Criterion No.1 of policy CG03 allows housing development required for the management of a business for which a countryside location is essential. It is considered that the tree surgery and timber processing business does not require an essential countryside location. Whilst it is accepted that the wood yard is established on site, businesses of this type are more suited to being located within established industrial areas and are not supported by policy CG03 for housing in the countryside development.
- 7a.12 The submitted supporting statement does not demonstrate the operational need for the house in association with the business. Specifically, overseeing kiln drying operations, business development and security purposes do not justify the development of a permanent dwellinghouse on site. Further, the applicant previously lived at No.8 Cauldcoats Holdings (adjacent to the application site), which means that a house which served the business was sold. The application is contrary to SG01 'Development in the Countryside'.
- 7a.13 The applicant has not submitted an energy statement, however, this could be addressed by condition in accordance with SG15 'Low and Zero Carbon Development'.
- 7a.14 Accordingly, the application is contrary to the Falkirk Local Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are National Planning Policy, the information submitted in support of the proposed development, the site history and the assessment of consultations and representations.

National Planning Policies and Guidance

- 7b.2 Scottish Planning Policy (2014) (SPP) advises that an up-to-date Development Plan takes primacy over SPP. In this instance the Falkirk Local Development Plan is up-to-date and as such the application should be assessed in accordance with its policies, with SPP as a material planning consideration.
- 7b.3 Falkirk Council area is an accessible or pressured rural area, where there is a danger of unsustainable growth in long-distance car-based commuting and suburbanisation of the countryside. SPP supports a more restrictive approach to new housing development within such areas and it is noted that the relevant rural policies guide new development to locations within or adjacent to settlements and sets out circumstances in which new housing out with settlements may be appropriate.

7b.4 Policy CG03 'Housing in the Countryside' clearly sets out the circumstances where housing in the countryside will be accepted in accordance with SPP. The application is not supported by the Falkirk Local Development Plan or SPP.

Information Submitted in Support of the Proposal

7b.5 The applicant has submitted a Design Statement which raises the following issues as a justification for development:

- The development is required as a family home and to provide a critical site presence for kiln drying operations, business development and security; and
- The house would achieve exemplary energy performance and design.

7b.6 The applicant has not given any details of the specific site security requirements, however, site security in isolation is not adequate justification for a permanent new dwellinghouse in the countryside. The applicant has not demonstrated why a continuous on-site presence is required for the operation of a tree surgery and timber processing business. It is noted that the business has operated for some time without a dwellinghouse on site to serve the business. The design and energy performance are noted, but do not outweigh the LDP and justify development.

7b.7 The applicant has submitted a late email to the Planning Authority raising a number of personal issues. A summarised version of the points raised, where considered relevant to the assessment of the application, are as follows:

- The applicant has been a tree surgeon/forester for over 30 years. The application site and neighbouring house, 8 Cauldcoats Holdings, was bought in 2004. An agricultural shed and tree surgery / timber processing shed were developed in 2010. There is a planning condition on the 2010 application making it a personal planning permission.
- The house and yard were put on the market following a personal injury insurance claim by a member of staff. The applicant's house, 8 Cauldcoats Holdings, was sold and he moved to Argyll in 2014.
- The applicant's business, 'Treeshape', has been dormant over the last few years. The future aim of the business is to carry out occasional sawmilling, make furniture, sell firewood and the occasional tree surgery.
- Planning permission P/18/0176/FUL was granted for a solar powered kiln. There is a need to be on site to supervise the kiln and for security. The applicant also advises that he needs to be on site to maintain livestock and because of a medical condition.

7b.8 The issues raised demonstrate that the applicant not only sold a house serving the business, but moved to a remote location. They also advise that the business has been dormant over the last few years, which gives weight to there not being an operational need for a house to serve the business. None of the issues raised justify the proposed development or change the recommendation to refuse planning permission.

7b.9 Members should note that there are some inaccuracies in the applicant's statement. The applicant was not informed that Falkirk Council's policies were not up to date. This has been discussed and clarified with the applicant at a recent meeting. The Roads Development Unit consultation response was not received 'out of time'.

Site History

- 7b.10 The applicant was living at 8 Cauldcoats Holdings when planning permission was granted for the tree surgery and timber processing use in 2010. This was a part change of use from the existing agricultural use on site and reflected the evolution of the applicant's business activities.
- 7b.11 Based on the applicant's supporting statement they were living and working in the area since 2004, sold 8 Cauldcoats Holdings in 2014 and moved remote from the site. It is clear from visiting the site that tree surgery and timber processing activities are on-going, although the applicant states that the business has been dormant for a few years.

Assessment of Consultations

- 7b.12 The Roads Development Unit raise concerns in relation to the proposed access. They rightly highlight two planning conditions from planning permission P/10/0130/FUL which have not been addressed as follows:
1. *Notwithstanding any details previously submitted, and prior to the commencement of development on site, all hedging at the site's frontage with the A904, and at the boundary of the adjacent land to the west where it fronts the A904 (as shown coloured green on the approved location plan, which for the avoidance of doubt bears the Council's reference 01A), shall be removed. Thereafter there shall be no obstruction above 1 metre in height within the area coloured yellow on the approved siteline plan, which for the avoidance of doubt bears the Council's reference 04.*
 2. *Prior to the proposed development being brought into use, the access to the site shall be reconfigured to form a 7 metre wide bellmouth, with the written approval of the Planning Authority. The reconfigured access shall incorporate measures to ensure that no surface water, or loose material, is discharged onto the public A904 road. Measures to prevent the discharge of surface water, or loose material, onto the public A904 road shall have the prior written approval of the Planning Authority.*
- 7b.13 The breach of planning condition is being addressed now that it has been brought to the attention of the Planning Authority.
- 7b.14 The current application does not include any improvements to the access. As such it is considered that the concerns in relation to the construction, gradient and visibility of the access mean that the access road is not to a standard suitable to serve the existing use of the site or the proposed development. The access is currently substandard and detrimental to road safety. The proposed dwellinghouse would further exacerbate the current concerns in respect of road safety.
- 7b.15 The Roads Officer met with the applicant as a result of comments made in the applicant's late supporting statement. It was clarified that the standard of access advised in the Roads Development Unit consultation is required. There was discussion in relation to drainage and it was agreed that creating a drainage channel could be damaged by larger vehicles and create a road safety risk.

Assessment of public Representations

- 7b.16 Concerns in relation to the impact on the character of the area and the pressure for further development are noted. The balcony is considered to be far enough away from surrounding properties so as not to cause a significant adverse impact on privacy.

7c Conclusion

- 7c.1 The application is assessed as being contrary to the Falkirk Local Development Plan. The consultation responses and third party objection are assessed in the body of the report. It is considered that no material planning considerations have been raised which would justify approval of the application contrary to the Local Development Plan.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Planning Committee refuse planning permission for the following reason(s):-

1. The proposed development does not accord with any of the criteria where housing development in the countryside is supported. Specifically, the applicant has not demonstrated the operational need for the dwellinghouse in association with the business. The application is contrary to policies CG01 'Countryside' and CG03 'Housing in the Countryside' and Supplementary Guidance SG01 'Development in the Countryside' of the Falkirk Local Development Plan.
2. The proposed development does not accord with the National Roads Development Guide (SCOTS, 2014) or policy D02 'Sustainable Design Principles' of the Falkirk Local Development Plan, in relation to road safety and the construction standard, gradient and visibility of the access.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 07 and Supporting Information.

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pp Director of Development Services

Date: 7 August 2018

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Scottish Planning Policy, 2014.
3. The National Roads Development Guide
4. Objection received from Mr Graeme Strachan, 7 Cauldcoats Holdings, Linlithgow, EH49 7LX on 20 May 2018

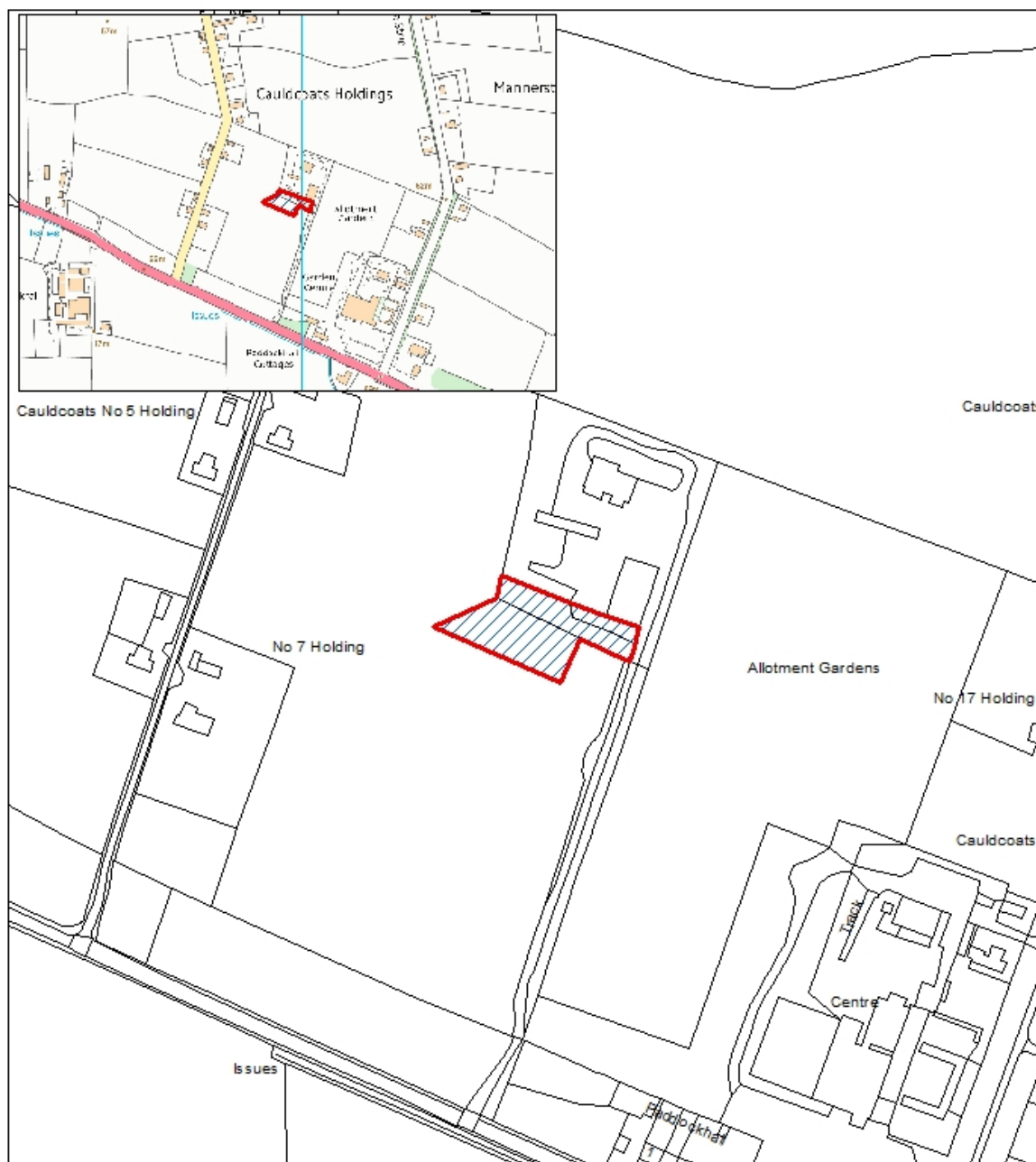
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/18/0175/FUL

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



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