



Agenda Item 5

**ERECTION OF DWELLINGHOUSE
AND DOUBLE GARAGE AT LAND
TO THE SOUTH OF EAST
BONHARD, LINLITHGOW FOR MRS
MARGARET LINKSTON -
P/18/0712/FUL**

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AND DOUBLE GARAGE
AT LAND TO THE SOUTH OF EAST BONHARD,
LINLITHGOW FOR MRS MARGARET LINKSTON -
P/18/0712/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **19 March 2019**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Bo'ness and Blackness**

**Councillor David Aitchison
Councillor Lynn Munro
Councillor Ann Ritchie**

Community Council: **Bo'ness**

Case Officer: **David Paterson (Planning Officer), Ext. 4757**

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 Detailed planning permission is sought to build a dwellinghouse and garage on 0.37 hectares of land to the south of the former East Bonhard farmhouse, Linlithgow. Vehicular access is proposed via an existing private drive to the south which joins with the public road 240metres to the west. The application site is bounded on all sides by mature trees and hedgerows. Ground levels across the site fall from north west to south east by approximately 4 metres.
- 1.2 The proposal is to build a one and a half storey 4 bedroom dwellinghouse and flat roof double garage on the site. The proposed building is of modern design and appearance. External finishing materials comprise red brick, aluminium windows, and a zinc sheet roof covering on the dwellinghouse and a Sedum vegetation roof on the garage.
- 1.3 The application site is within what was historically land associated with East Bonhard Farmhouse. The farmhouse has been separated from the farm and the farm outbuildings converted into a single dwellinghouse. The applicant currently lives within the converted farm outbuildings. Members may recall granting planning permission contrary to officer recommendation for a dwellinghouse to the east of the application site (reference P/17/0533/PPP). The applicants for that proposal were the occupants of East Bonhard farmhouse.

- 1.4. In support of the application the applicant states that the existing dwellinghouse within the converted outbuildings is too expensive to heat and maintain and not suited to any future change of personal circumstances that may arise due to age/health. The applicant was born locally at Bonnyton Farm and wishes to remain in the area. Similar personal circumstances were put forward in support of application P/17/0533/PPP by those applicants.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to the Planning Committee at the request of Councillor Ritchie to allow Members to discuss the planning history of the site and any other material planning considerations. Councillor Munro has also called in the application to allow discussion by Members in relation to Development Plan Policy and any material considerations.

3. SITE HISTORY

- 3.1 F/90/1093 - Change of use of a farm building to form a dwellinghouse - Granted 4 March 1991.
- 3.2 Also relevant to the proposed development are the following applications relating to a proposal for the erection of an additional dwellinghouse at the garden ground of the original farmhouse of the former East Bonhard Farm adjacent to the east:
- 3.3 P/17/0533/PPP - Erection of dwellinghouse - Planning permission in principle granted 24 January 2018.
- 3.4 P/18/0238/MSD - Erection of dwellinghouse - Granted 16 August 2018.

4. CONSULTATIONS

- 4.1 The following responses to consultation were received:
- 4.2 Scottish Natural Heritage have offered no comment.
- 4.3 The application site is located in an area of low risk from historic mine workings. A Coal mining Risk Assessment is not required.
- 4.4 The Council's Roads Development Unit have offered no objections. The proposed access to the application site is considered to be satisfactory. The applicant would need to investigate private drainage arrangements.
- 4.5 Scottish Water have advised that there is capacity in the water network at this time to accommodate the proposed development. The applicant would have to make private foul discharge arrangements.
- 4.6 The Council's Environmental Protection Unit have advised that contamination can be addressed by means of a condition. Construction noise can be addressed by means of an informative. There are no air quality issues raised.

5. COMMUNITY COUNCIL

- 5.1 No representation received.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, one letter of representation has been received. The person making representation states that the applicant does not have right of access over the proposed access road to the application site from the public road 240 metres to the west.

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 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 The application site is located in the countryside as defined in the Falkirk Local Development Plan. The following policy appraisal concludes that the proposed development does not accord with Policy CG03 "Housing Development in the Countryside", Policy D02 "Sustainable Design Principles" and supplementary guidance SG01 "Development in the Countryside". Accordingly, the proposed development does not accord with Policy CG01.

- 7a.4 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.5 Policy CG03 “Housing Development in the Countryside”, as supported by supplementary guidance SG01 “Development in the Countryside”, specifies criteria where proposals for new dwellinghouses in the countryside can be considered acceptable. The criteria are houses essential for the pursuance of a business or use for which a rural location is essential, restoration or replacement of dwellinghouses which are substantially intact, conversion of non-domestic farm buildings, appropriate infill development to secure restoration of historic buildings and structures and small privately owned gypsy/traveller sites.
- 7a.6 The proposed development does not fall within any of the criteria specified in Policy CG03. The proposed development does not accord with Policy CG03.
- 7a.7 Supplementary Guidance SG01 “Development in the Countryside” provides detailed guidance to ensure a high standard of development. Guidance SG01 supplements Policy SG03 in terms of design guidance. The proposed development does not accord with supplementary guidance SG01. Section 7a.16 details supplementary guidance SG01.
- 7a.8 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.9 The application site is well defined by means of trees and hedging at site boundaries. The application site is openly visible from the south. However, the application site sits at a lower level from the existing dwellinghouse. As a result of the levels at the site, together with the existing tree and hedging cover, the visual impact of the proposed development on the wider landscape would be minimal. The proposed development accords with Policy GN02.

7a.10 Policy GN04 - Trees, Woodland and Hedgerows states:-

The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- 1. Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- 2. In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- 3. Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- 4. The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare and implement an appropriate Management Plan; and*
- 5. There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.*

7a.11 The application site enjoys tree and hedging cover at the site boundaries. With the exception of the proposed vehicular access at the south boundary, trees and hedging at the site boundaries can be satisfactorily safeguarded during development of the site. A landscaping protection plan is submitted in support of the proposal and is considered to be satisfactory. The implementation of the protection plan can be secured by condition. The proposed development accords with Policy GN04.

7a.12 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.

Figure 5.3, Sustainable Design Principles - Supporting Policies/Guidance provides further guidance.

7a.13 The original farmhouse is of stone construction with slate roof. The applicant's dwellinghouse in the converted former farm building, is of stone and render finish with concrete tiles to match the design of the adjacent slate roof. Although a mix of materials, the existing buildings create a coherent grouping. The proposed dwellinghouse would be of red brick construction with zinc roof construction. The proposal therefore does not represent a modern design which would respect and complement the existing grouping of buildings, or the countryside setting, in terms of design or character. The proposed development does not accord with Policy D02.

7a.14 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.15 It is noted that the proposed development would include solar photovoltaic panels energy generating technology as a means to reduce carbon emissions. Details can be secured by condition. The proposal accords with Policy D04.

7a.16 The proposed development accords with the guidance contained in supplementary guidance SG06 “Trees and Development”, SG09 “Landscape Character and Assessment” and SG15 “Low and Zero Carbon Development”. However, Supplementary Guidance SG01 provides detailed guidance to ensure a high standard of development in cases where development accords with the criteria set out in Policy CG03. Supplementary Guidance SG01 provides advice on terms of design, including materials and finishes. SG01 advises the use of traditional finishes for rural buildings including stone, slate, timber and lime wash style rendering. The proposed development proposes red brick, zinc sheet roofing and aluminium windows. The proposed development does not accord with supplementary guidance SG01 in terms of design, materials and finishes. Supplementary guidance SG01 also includes detailed guidance with respect to infill development. Infill development is considered to be acceptable in instances where there is a clear gap of 80m or less between two existing residential properties fronting a road provided that the gap is not on the edge of an existing village or urban limit where the settlement edge is already defined. The proposed development does not constitute appropriate infill development under the terms of guidance SG01. Accordingly the proposed development does not accord with the guidance contained in supplementary guidance SG01.

7a.17 Accordingly, the proposed development does not accord with the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Local Development Plan 2 (Proposed Plan), responses to consultation, statements supporting the proposed development, planning applications P/17/0533/PPP and P/18/0238/MSD detailed in section 3 of this report and the letter of public representation.

Falkirk Local Development Plan 2 (Proposed Plan)

- 7b.2 The Falkirk Local Development Plan 2 (FLDP2) has been approved by the Council for consultation. The consultation period ran from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received, it is expected that FLDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. FLDP2 provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.
- 7b.3 The policies of the emerging FLDP2 reflect the policies of the adopted Development Plan.
- 7b.4 The proposed development does not accord with the following policies:
- PE14 "Countryside" reflecting Policy CG01 of the FLDP.
 - HC05 "Housing in the Countryside" reflecting Policy CG03 of the FLDP.
 - PE01 "Placemaking" reflecting Policy D02 of the FLDP.
- 7b.5 Accordingly, the proposed development does not accord with the Proposed Falkirk Local Development Plan 2.

Responses to Consultation

- 7b.6 The Council's Roads and Development Unit have raised no objections. The applicant should be advised to investigate private drainage arrangements. There would be no significant flood risk as a result of the proposed development.
- 7b.7 The Council's Environmental Protection Unit have advised that contamination can be addressed by means of a condition. Construction noise can be addressed by informative. No air quality issues are raised.
- 7b.8 Scottish Water have advised that there is capacity in the water network at this time to accommodate the proposed development.
- 7b.9 Scottish Natural heritage have offered no comment.

Additional Planning Considerations

- 7b.10 A statement supporting the proposal in terms of Development Plan policy and design has been submitted.

Statements Supporting the Proposed Development

- 7b.11 The supporting design statement proposed Policy HSG05 of The Falkirk Local Development Plan "Infill Developments and Subdivision of Plots" is material to the proposed development. The applicant considers that the development accords with Policy HSG05 – infill development in that the proposal would respect the design and character of the application site and it's setting, there would be sufficient garden ground afforded, there would be no privacy issues arising, trees at the site would be retained and there would be satisfactory access and parking. The applicant considers that the proposal accords with Policy D02 'Sustainable Design Principles' detailed in the Development Plan section of this report.

7b.12 Policy HSG05 is not a material consideration in respect of the proposed development. For the reasons stated in paragraph 7a.16, the proposal is not considered to represent infill development. Policies CG01 and CG03 determine the suitability of countryside development proposals in terms of principle. Supplementary guidance SG01 provides detailed design guidance. Policy D02 makes provision for assessment of general principles. The Development Plan section of this report is noted.

7b.13 A statement detailing the applicant's personal circumstances has been submitted in support of the proposal. It is noted that the applicant requires a dwelling more manageable in terms of maintenance, and prefers to remain at the location for personal reasons. Whilst the applicant's circumstances are acknowledged, this is not a material planning consideration in the assessment of the proposed development and would not be a reason to set aside the Development Plan in this case.

Planning Applications P/17/0533/PPP and P/18/0238/MS

7b.14 The planning history of the adjacent land to the east is noted, as detailed in the site history section of this report. It is noted that the development granted under the terms of planning permission in principle P/17/0533/PPP did not accord with the Falkirk Local Development Plan as it did not meet the tests relating to the principle of development in Policies CG01 or CG03. However, the proposed development was considered by the Planning Committee to demonstrate exceptional circumstances, including animal welfare, which satisfactorily merited setting aside the terms of the Development Plan. Permission P/18/0238/MS approved design details subsequent to the granting of P/17/0533/PPP establishing the principle of development.

7b.15 The proposed development does not demonstrate exceptional circumstance which would merit setting aside of the Development Plan in this case. Also, the granting of permissions P/17/0533/PPP and P/18/0238/MS does not set a precedent which would merit considering setting aside the Development Plan in this case.

Letter of Public Representation

7b.16 Comments in respect of right of access over the access road to the site are noted. The applicant has confirmed that they do not currently have a right of access over the access road. Should planning permission be granted, this would not override any parties legal rights. It would be for the applicant to secure all necessary permissions from the landowner as this is not a material planning consideration.

7c Conclusion

7c.1 The proposed development does not accord with the provision of both the Falkirk Local Development Plan and the emerging Falkirk Local Development Plan 2.

The proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration of an existing dwellinghouse, the conversion of non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site.

7c.2 The design of the proposed development would not be sympathetic to the character of the application site and would not integrate sensitively into its Special Landscape Area setting in relation to the setting of the existing buildings and approved development at East Bonhard.

- 7c.3 There are no material planning considerations which would justify setting aside the Development Plan in this case.

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 relate to housing required for the pursuance of an appropriate rural activity, the restoration of an existing dwellinghouse, the conversion of non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site. As such, the principle of residential development of the application site 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" and Policies PE14 "Countryside" and HC05 "Housing in the Countryside" of the Proposed Falkirk Local Development Plan 2.
2. Supplementary Guidance SG01 "Development in the Countryside" provides detailed guidance to ensure a high standard of development. The proposed development includes facing brick walls, zinc sheeting roofing and aluminium windows. The materials proposed would not respect the local character of the application site and its setting in relation to other buildings. The proposed development does not accord with Policy D02 "Sustainable Design Principles" and Supplementary Guidance SG01 "Development in the Countryside" of the Falkirk Local Development Plan and Policy PE01 "Placemaking" of the Proposed Falkirk Local development Plan 2 in terms of design.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03B, 04, 05, 06, 07, 08, 09A, 10, 11, 12, 13 and 14.

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pp Director of Development Services

Date: 7 March 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Proposed Falkirk Local Development Plan 2.
3. Planning Permission F/90/1093.
4. Planning Permission in Principle P/17/0533/PPP.
5. Approval of Matters Specified in Conditions P/18/0238/MS.
6. Objection received from Mr Tom Wilson, Bishopbrae Farm, Bathgate, EH48 4LN on 16 February 2019

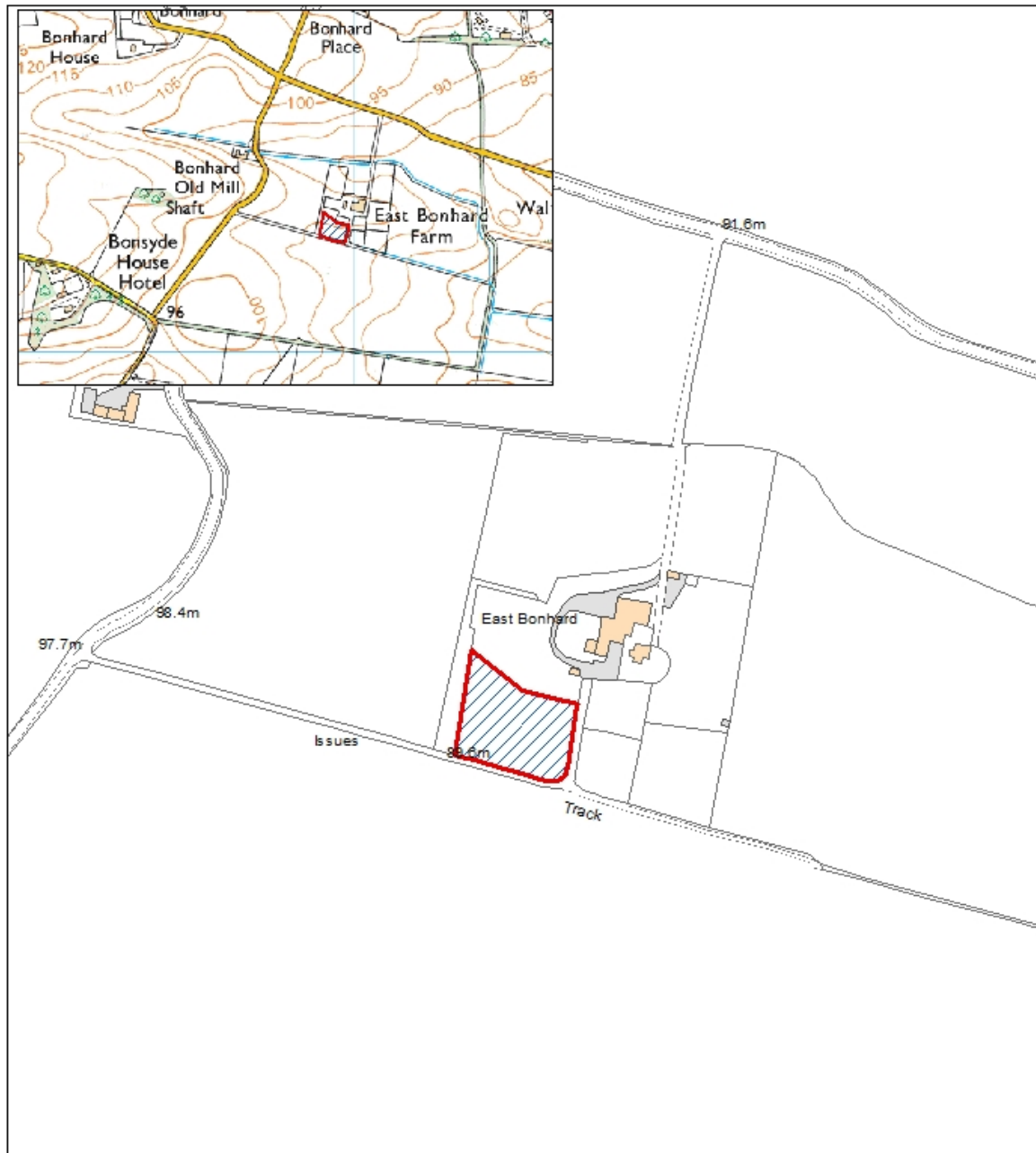
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

Planning Committee

Planning Application Location Plan

P/18/0712/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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