



## **Agenda Item 7**

**DEMOLITION OF FIRE DAMAGED  
DWELLINGHOUSE AND ERECTION  
OF NEW DWELLINGHOUSE AT  
LINHOUSE COTTAGE, LINHOUSE  
FARM, AVONBRIDGE, FALKIRK, FK1  
2JS FOR MR & MRS A CAMPBELL -  
P/18/0637/FUL**

**FALKIRK COUNCIL**

**Subject:** DEMOLITION OF FIRE DAMAGED DWELLINGHOUSE AND  
ERECTION OF NEW DWELLINGHOUSE AT  
LINHOUSE COTTAGE, LINHOUSE FARM, AVONBRIDGE,  
FALKIRK, FK1 2JS FOR MR & MRS A CAMPBELL -  
P/18/0637/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 19 March 2019

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor James Kerr  
Councillor John McLuckie

**Community Council:** Avonbridge and Standburn

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

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This application seeks full planning permission for the erection of a new dwellinghouse at Linhouse Cottage, Linhouse Farm, Avonbridge. The application site is located on the south side of the public road, and to the west of the former Linhouse Farm steading, now in residential use.
- 1.2 The previous dwellinghouse, Linhouse Cottage was destroyed by fire in 2018. At the time of submission of this application the walls of the original dwellinghouse remained partly in place, although the roof had been totally destroyed. The application site has since been cleared.
- 1.3 The proposed dwellinghouse would be one and a half storey with a rendered wall finish, slate roof and timber windows and reflect the character of the former Linhouse Cottage in scale and design.
- 1.4 The proposed dwellinghouse would connect to the drainage infrastructure which served the original dwellinghouse.
- 1.5 No alterations to site boundaries are proposed.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 This application has been referred to Planning Committee as the granting of planning permission would be contrary to the provisions of the Falkirk Local Development Plan.

## **3. SITE HISTORY**

- 3.1 F/97/0422 - Erection of dwellinghouse (outline) - Granted 2 December 1999.
- 3.2 F/2000/0118 - Erection of dwellinghouse (detailed) - Granted 30 August 2000.
- 3.3 P/18/0177/75D - Discharge of Section 75 Agreement attached to planning permission F/97/0422, which restricted occupation of the dwellinghouse approved under that planning permission to a person or persons employed on a full time basis in agriculture - Discharge approved 1 June 2018.
- 3.4 Also relevant to the proposed development is planning permission 06/0099/FUL for alterations, extensions and conversion of the former Linhouse Farm steading to form four dwellinghouses granted on 7 March 2007. This has been implemented.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have raised no objections. The proposed development would connect to the drainage infrastructure which served the original dwellinghouse.
- 4.2 The Environmental Protection Unit has advised that construction noise can be addressed by means of an informative. No other comments raised.
- 4.3 Scottish Water has advised that there is capacity in the water network at this time to accommodate the proposal development. It is noted that there is an existing connection at the site to the water network.

## **5. COMMUNITY COUNCIL**

- 5.1 No comments received.

## **6. PUBLIC REPRESENTATION**

- 6.1 No representations received.

## **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 The application site is located in the countryside as defined in the Falkirk Council Local Development Plan. The following policy appraisal concludes that the proposed development does not accord with Policy CG03 “Housing in the Countryside” as supported by 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 form buildings, appropriate infill development, limited enabling development to secure restoration of historic buildings and structures and small privately owned gypsy / traveller sites.
- 7a.6 Supplementary guidance SG01 provides detailed design guidance to ensure a high standard of development in cases where development accords with the criteria set out in Policy CG03. 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 80 metres 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 infill development as detailed in SG01. The proposed development does not fall within any of the criteria specified in Policy CG03. The proposed development does not accord with Policy CG03 or supplementary guidance SG01 in terms of the principle of development.
- 7a.7 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.8 It is noted that no trees would be removed from the application site. A statement supporting the proposed development has been submitted demonstrating that trees would be safeguarded during development of the site. The proposed development accords with the Policy GN04.

7a.9 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.10. The proposed development would be similar in character to the house destroyed by fire. The proposal would respect the character of the application site and its setting. There would be a satisfactory level of amenity ground, access and parking provision. There would be no impact in terms of privacy. The proposed development accords with Policy D02.

7a.11 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 CO<sub>2</sub> 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.12 It is proposed to install photovoltaic solar panel energy generating technology to reduce carbon emissions. Details can be secured by condition. The proposed development accords with Policy D04.

7a.13 Policy BUS05 “Major Hazards and Pipelines” states:-

1. *Proposals within Major Hazard and Pipeline Consultation Zones as defined by the HSE and shown on the Proposals Map will be assessed in relation to the following factors:*
  - *The increase in the number of people exposed to risk in the area;*
  - *The existing permitted use of the site or buildings;*
  - *The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means; and*
  - *The potential impact on existing chemical and petrochemical sites and pipelines.*

2. *The Council will give careful consideration to applications for hazardous substances consent (HSC) that would extend major hazard distances within the urban area, to balance the desirability of growth and development at nationally important clusters of industries handling hazardous substances with the possibility of prejudice to the development of sites allocated in the LDP. Applications for HSC should demonstrate that off-site constraints have been minimised as far as possible through the optimum location and method of storage, and by ensuring that the quantity/type of materials applied for is specifically related to operational needs.*
3. *The revocation of HSC consents where the use on the site has ceased will be pursued.*
4. *The preferred location for new pipelines will be in existing Pipeline Consultation Zones.*

7a.14 The site lies within the outer zone of the Bathgate Gas Compressor Station Consultation Zone and is below the threshold for consultation with the Health and Safety Executive. The proposed development would not increase the number of people at risk in the area and complies with Policy BUS05.

7a.15 The proposed development accords with the guidance contained in supplementary guidance SG06 "Trees and Development", and SG15 "Low and Zero Carbon Development." The proposed development accords with the guidance contained in supplementary guidance SG01 "Development in The Countryside" in terms of design standards for housing development in the countryside. However, the proposal does not accord with the guidance contained in SG01 in terms of the definition of "infill development."

7a.16 The proposed development does not accord with Policies CG01 "Countryside" and CG03 "Housing Development in the Countryside" and supplementary guidance SG01 "Development in the Countryside" in terms of the definition of infill development. Accordingly, the proposed development does not accord with the Falkirk Local Development Plan.

## **7b Material Considerations**

7b.1 The material consideration to be assessed are the site history, consultation responses, and the Proposed Falkirk Local Development Plan 2.

### ***Responses to Consultation***

7b.2 It is noted that consultees have raised no objections. An Informative can be attached as advised by the Environmental Protection Unit with respect to construction noise.



## ***Site History***

- 7b.3 It is noted that the proposed development does not accord with the Development Plan. However it is considered that there are circumstances in this case which would justify setting aside terms of the Development Plan. The proposed development does not relate to a property which has deteriorated over time. The proposed development is required as a result of recent fire damage in 2018. It is considered that the principle of development has previously been established.
- 7b.4 The design of the proposed dwellinghouse complies with Policy D02 “Sustainable Design Principles”, SG01 “Development in the Countryside” and Policy CG03 “Housing Development in the Countryside”. It has been established under the terms under the terms of the grant of application P/18/0177/75D that there is no longer requirement to restrict occupancy of the proposed development to persons employed full-time in agricultural as it is established that Linhouse Farm no longer exists or operates as an agricultural business.

## ***Falkirk Local Development Plan 2 (Proposed Plan)***

- 7b.5 The Falkirk Local Development Plan 2 (FLDP2) is expected to 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.6 FLDP2 reflects policies of the Falkirk Local Development Plan in terms of this application.

## **7c Conclusion**

- 7c.1 The proposed development does not accord with the Falkirk Local Development Plan and the Proposed Falkirk Local Development Plan 2 in terms of justification for a new dwellinghouse. However, the circumstances in this case are that what is proposed is a replacement of a dwellinghouse which was destroyed recently by fire, and it is considered that the principle of development has been established.
- 7c.2 The proposed dwellinghouse would respect the application site and it's setting in terms of scale and design. There would be no impact on the amenity or privacy of adjacent properties and a satisfactory standard of access and parking. The erection of the replacement dwellinghouse is considered to be acceptable.

## **8. RECOMMENDATION**

- 8.1 **It is therefore recommended that Committee grant planning permission 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. Notwithstanding any details previously submitted, the development shall not proceed above foundation level until such time as details of materials have been submitted to, and approved in writing by, the Planning Authority.
3. Notwithstanding any details previously submitted, the development hereby approved shall not be occupied or brought into use until such time as the following documents have been submitted to, and approved in writing by, the Planning Authority:
  - (i) A copy of the appropriate sustainability label (i.e. at least Bronze Active); and
  - (ii) A statement of conformity which confirms that 10% of the required CO<sub>2</sub> emissions reduction is achieved through the installation of low and zero carbon generating technologies.

Details and timetable of how this is to be achieved, including details of physical works on site, shall be submitted to, and approved in writing by, the Planning Authority. The approved details shall thereafter be implemented in accordance with the approved timetable and retained operation thereafter, unless otherwise agreed in writing by the Planning Authority.

**Reason(s): -**

1. As these drawings and details constitute the approved development.
2. To ensure that the proposed development respects the character of the application site and its setting.
3. To ensure that 10% of carbon reduction is achieved by low and zero carbon generating technologies.

**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, 08A and 09A.
2. 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 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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

3. 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.

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**pp Director of Development Services**

**Date: 7 March 2019**

#### **LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan.
2. The proposed Falkirk Local Development Plan 2.
3. Planning application F/97/0422.
4. Planning application F/2000/0118.
5. Planning application P/18/0177/75D.
6. Planning application P/18/0251/FUL.

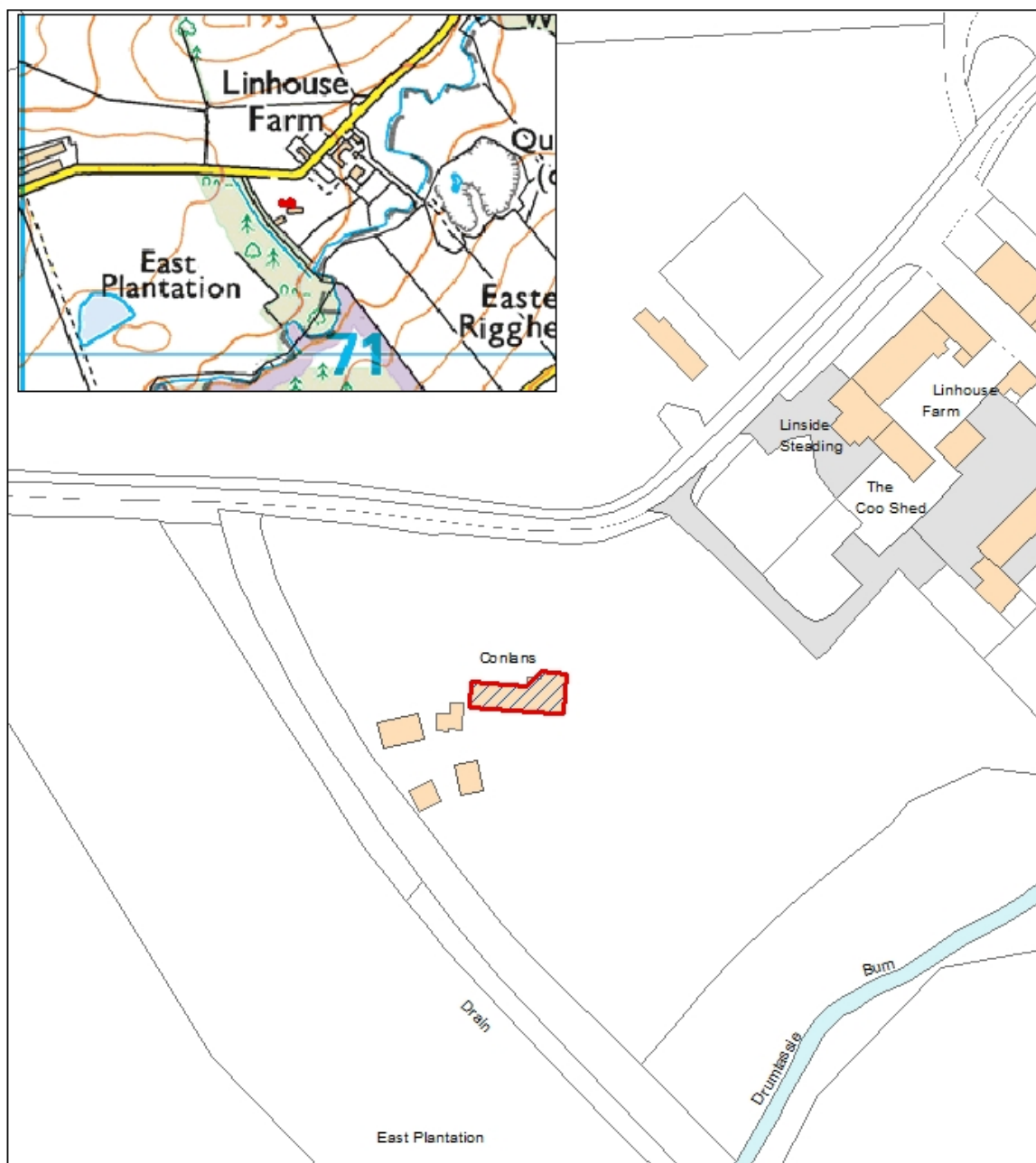
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/18/0637/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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