



Agenda Item 6

**ERECTION OF DWELLINGHOUSE AT
LAND TO THE SOUTH OF THE
STABLES, BRAEFACE ROAD,
BANKNOCK FOR MR AND MRS
ANDREW DODD - P/18/0672/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND TO THE SOUTH OF THE STABLES, BRAEFACE ROAD, BANKNOCK FOR MR AND MRS ANDREW DODD - P/18/0672/FUL
Meeting: PLANNING COMMITTEE
Date: 24 April 2019
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Fiona Collie
Councillor Paul Garner
Councillor Nigel Harris

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 full planning permission for the erection of a detached one and a half storey dwellinghouse.
- 1.2 The application site is at Cloybank Estate and is accessed via the Cloybank Estate Road off Braeface Road, near Banknock. The site is Plot 6 of six house plots approved in principle in 2014 under planning permission P/12/0124/PPP (see the site history in section 3).
- 1.3 Cloybank Estate provides a range of sporting and leisure facilities. It has also provided a source of local employment and training for young people.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee because it is contrary to the Falkirk Local Development Plan (LDP). The six house plots approved in 2014 were contrary to the Development Plan but justified as 'enabling development' to cross-fund development works at Cloybank Estate. As the current application is a stand-alone application, it requires to be considered afresh against the 'in principle' terms of the LDP and is therefore also assessed as contrary to the LDP.

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 consisted 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 provided 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 tying occupancy of the third, fourth, fifth and sixth dwellinghouses to completion of certain estate facilities.
- 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/16/0660/MSC for the erection of six dwellinghouses was approved on 21 April 2017. This application sought approval of the matters specified in the conditions of planning permission P/12/0124/PPP.
- 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) was granted on 21 April 2017.
- 3.8 Planning application P/16/0778/75M to modify the Section 75 Planning Obligation attached to planning permission in principle P/12/0124/PPP was approved on 14 March 2017.
- 3.9 Planning application P/18/0016/FUL for the erection of dwellinghouse and integral garage (Plot 4) was granted on 22 February 2018.
- 3.10 Planning application P/18/0048/FUL for the erection of dwellinghouse and integral garage (Plot 3) was granted on 21 March 2018.
- 3.11 Planning application P/18/0063/FUL for the erection of dwellinghouse and detached garage (Plot 1) was granted on 21 March 2018.
- 3.12 Planning application P/18/0397/FUL for the erection of dwellinghouse and integral garage (Plot 2) was granted on 19 September 2018.

- 3.13 Planning application P/18/0471/FUL for the erection of dwellinghouses and integral garage (Plot 5) was granted on 2 November 2018.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit have no objection to the application.
- 4.2 The Council's Environmental Protection Unit have advised that a contaminated land assessment would be required if any unexpected land contamination is encountered following commencement of the development, should planning permission be granted.
- 4.3 Scottish Water have no objection to the application. They advise that there is currently sufficient capacity at the Carron Valley Water Treatment Works to serve the proposed development.
- 4.4 The Coal Authority have no objection on the basis that they were satisfied with a Rotary Boring Report prepared in 2012 and submitted for application P/16/0660/MS. The report concluded that the site was safe and stable for 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 No public representations have been received in respect of the application.

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 (LDP) 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 policies:-
- 7a.2 The application site lies outwith the urban limits, within the countryside, as defined in the LDP.

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 states that development proposals in the countryside will be assessed against the relevant supporting countryside policies and supplementary guidance SG01 'Development in the Countryside'. The relevant supporting 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 This application is a stand-alone detailed planning application and therefore must be considered afresh against the terms of this policy, notwithstanding the approval in 2014 (reference P/12/0124/PPP). The proposed development does not meet any of the criteria of the policy to support new housing in the countryside. The application is therefore contrary to the policy.

7a.7 The layout, scale and design of the proposed development have been informed, to a degree, by the approval under P/16/0660/MSC. The previously approved one and a half storey height is retained, typical rural vernacular is reflected in the inclusion of gables, a 45 degree roof pitch and vertically proportioned windows. In addition, consistency is achieved with the other plots in terms of aspects of the design detail and external finishing materials.

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 previous approval (P/16/0660/MSC) secured the provision of structure and screen planting to assist to absorb the new development into its landscape setting. Soft landscaping along the new internal plot boundaries, which is in keeping with the overall landscape strategy, will be required. The detailed specification for the landscaping for the plot would be subject to a condition to any grant of planning permission.

7a.10 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.11 An energy statement accompanies the application which indicates that the proposal would include the provision of an air source heat pump. The detailed provision, in order to meet the requirements for low and zero carbon development, would be the subject of a condition of any grant of planning permission.

7a.12 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.13 The proposed dwellinghouse would be served by separate private storm water and foul systems. The foul system would consist of a sewage treatment plant and a soakaway.

Supplementary Guidance forming part of the Local Development Plan

7a.14 Supplementary Guidance SG01 'Development in the Countryside' is relevant to this application. The guidance explains the circumstances to justify new housing in the countryside. It also contains design guidance in relation to such matters as scale, form, storey height, detailing, external finishes and boundary treatment/landscaping. Overall, the proposal is considered to be acceptable with regard to the design guidance.

7a.15 In summary, the application is assessed as contrary to the LDP, as it does not meet the criteria under Policy CG03 to justify new housing in the countryside.

7b Material Considerations

7b.1 The material considerations to be assessed in respect of this application are the Proposed Falkirk Local Development Plan 2, the consultation responses and the planning history.

Proposed Falkirk Local Development Plan 2

- 7b.2 The Proposed Falkirk Local Development Plan 2 (LDP2) 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 LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 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 Under the Proposed Plan, the application site also lies outwith the urban limits, within the countryside. The policy considerations of relevance are the same or similar to those of relevance under the LDP.

Consultation Responses

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

Planning History

- 7b.5 The planning history for Cloybank Estate is summarised in Section 3 of this report. Planning permission in principle for six house plots was approved in 2014 and was justified as 'enabling development' to cross-fund the estate facilities. An application to approve the matters specified in conditions (P/16/0660/MSC) was subsequently approved in April 2017. This included the detailed design for the six dwellinghouses. The current application is effectively for a change of house type to the approved plans.

7c Conclusion

- 7c.1 This application, being a stand-alone detailed application, requires to be assessed against the 'in principle' policy of the LDP for new housing in the countryside. As such, the application is assessed as contrary to the LDP. However, the planning history for the site is a significant material consideration in this instance. As detailed in this report, planning permission in principle was approved in 2014, contrary to the LDP, for a six plot 'enabling development' to cross-fund development works at Cloybank Estates. The detailed design for the proposed houses was subsequently approved in April 2017. The current application is effectively for a change of house type and is considered to be acceptable in terms of layout, design and scale.
- 7c.2 A Section 75 Planning Obligation attaches to the planning permission in principle (P/12/0124/PPP). The obligation secures the phased payment of financial contributions in respect of education and open space. It also ties the occupancy of the third, fourth, fifth and sixth dwellinghouses to the completion of certain development works at the estate. The wording of the planning obligation ensures that stand-alone detailed applications are also bound by the terms of the Section 75.
- 7c.3 The application is therefore recommended for approval, notwithstanding the LDP position. The conditions of the previous MSC application (P/16/0660/MSC) are carried over as appropriate.

8. RECOMMENDATION

8.1 It is therefore recommended that the 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. The development shall not commence until the precise details of (a) the existing and proposed finished levels and (b) 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 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. Unless otherwise agreed, the proposed dwellinghouse shall not be occupied until the soft landscape works as indicated on the Landscape Plan approved under P/16/0660/MSK have been fully completed to the satisfaction of the Planning Authority.**
- 5. The proposed dwellinghouse shall not be occupied until it has been confirmed that there is a visibility splay measuring 4.5 metres x 54 metres in a northerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there is no obstruction to visibility greater than 1 metre above carriageway level.**
- 6. The proposed dwellinghouse shall not be occupied until it has been confirmed that there is a visibility splay measuring 4.5 metres x 48 metres in a southerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there is no obstruction to visibility greater than 1 metre above carriageway level.**

7. The proposed dwellinghouse shall not be occupied until the first 15 metres of the Cloybank Estate access road has been widened to a position to the west of the access that will serve the 6 private dwellinghouses, in accordance with precise details to be agreed in writing by this Planning Authority.
8. The individual driveway shall be formed so that its gradient does not exceed 1 in 10.
9. The development hereby approved shall not be occupied or brought into use until 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 CO₂ emissions reduction is achieved through the installation of low and zero carbon generating technologies.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order), no development within Class 3E (Gates, Fences, Walls or any other Means of Enclosure) shall be undertaken without the express prior consent of this Planning Authority.

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 the development achieves the required CO₂ emission reduction as a result of development.
10. To safeguard the visual amenity of the area.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02B, 03A and 04A.

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 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at the boundary

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

4. In the event that unexpected contamination is encountered following the commencement of development, the applicant is advised to notify the Planning Authority immediately, carry out a contaminated land assessment, undertake any necessary remediation works and only commence the development with the prior written approval of the Planning Authority.
5. Care should be taken to minimise air emissions / suppress dust created during construction. The Institute of Air Quality Management (IAQM) provides dust management guidance for the construction phase.

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pp Director of Development Services

Date: 9 April 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Council Supplementary Guidance SG01 'Development in the Countryside'.
3. Proposed Falkirk Local Development Plan 2.

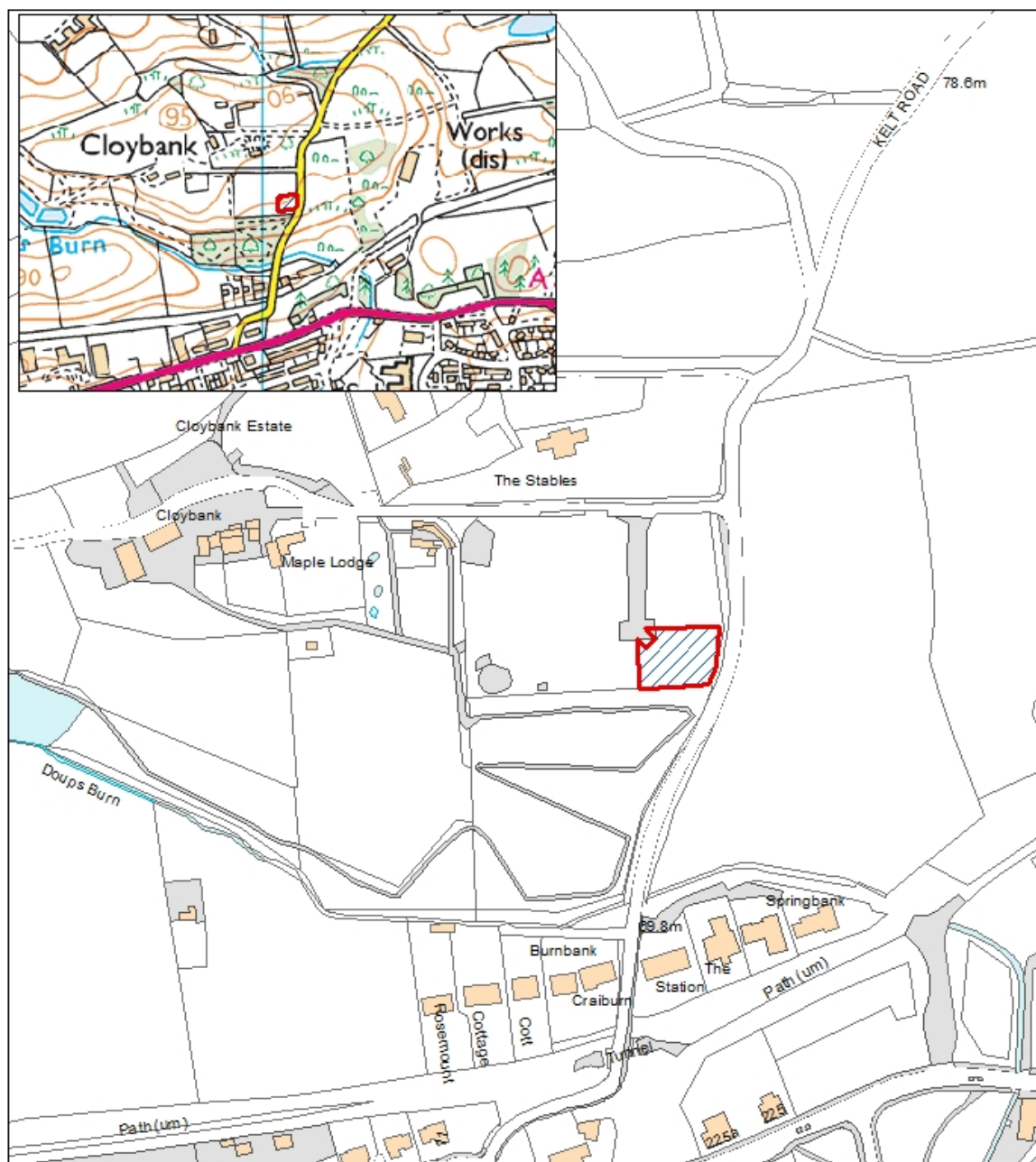
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/18/0672/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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