



Agenda Item 4

**ERECTION OF 3 DWELLINGHOUSES AND
ASSOCIATED INFRASTRUCTURE AT
VICTORIA HOUSE, BRAEFACE ROAD,
BANKNOCK, BONNYBRIDGE, FK4 1UE
FOR MR LOGAN DUNSMORE -
P/19/0190/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF 3 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE AT VICTORIA HOUSE, BRAEFACE ROAD, BANKNOCK, BONNYBRIDGE, FK4 1UE FOR MR LOGAN DUNSMORE - P/19/0190/FUL

Meeting: PLANNING COMMITTEE

Date: 28 August 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: Julie Seidel (Planning Officer), Ext. 4880

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the erection of 3 dwellinghouses at Victoria House. The site is located in the countryside, on the outskirts of Banknock.
- 1.2 Access would be taken via the existing vehicular access serving Victoria House, off Braeface Road. The proposed houses would sit in front of Victoria House and would be of modest, traditional design.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Collie for the following reason:
 - To allow the Planning Committee an opportunity to consider the application, the Council's policies on housing in the countryside, infill development and subdivision and the material planning considerations (the full reason is detailed in section 7b.8 of this report).

2.2 The application was called in by Councillor Harris for the following reason:

- For more detailed scrutiny of the application and recommendation. Lack of clarity on definition of 'residential property' and therefore the interpretation and application of criteria relating to housing development in the countryside and Supplementary Guidance SG01.

3. SITE HISTORY

- 3.1 A planning application (P/11/0662/FUL) for the erection of a detached house and detached double garage was refused on 9 December 2011.
- 3.2 A planning application (P/12/0596/FUL) for the erection of a domestic garage with ancillary accommodation and raised decking platform (Retrospective) was granted on 8 November 2012.
- 3.3 A planning application (P/14/0093/FUL) for the amendment to planning permission P/12/0596/FUL for the addition of a first floor shower room was granted on 28 March 2014.

4. CONSULTATIONS

- 4.1 Falkirk Council's Environmental Protection Unit have no objection. A Phase 2 intrusive site investigation is required and this could be addressed by planning condition.
- 4.2 Falkirk Council's Roads Development Unit comment that Braeface Road is of restricted width and alignment, with an annual average daily traffic flow of approximately 180 vehicles. The Unit are concerned that an increase in traffic, as a result of development, could increase the likelihood of a collision at one of the road's constrained locations. The development could also generate pedestrian traffic in a location with no pedestrian facilities. The proposed development would not be in the best interests of road safety.
- 4.3 The Coal Authority object to the application. The submitted Coal Mining Risk Assessment identifies areas of potential instability due to probable worked coal seams and a mine entry at the application site. Intrusive site investigations are required to determine the exact ground conditions, prior to determination of the application.
- 4.4 Scottish Water have no objection. There is currently capacity in the Carron Valley Water Treatment Works to serve the proposed development. There is no public waste water infrastructure which could serve the proposed development and a private treatment option is required.

5. COMMUNITY COUNCIL

- 5.1 The Banknock, Haggs and Longcroft Community Council did not make comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, no letters of objection or representation were 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 identified in the Local Development Plan (LDP). Policy CG01 'Countryside' advises that the proposed development should be assessed in relation to policy CG03 'Housing in the Countryside' and Supplementary Guidance SG01 'Development in the Countryside'.

- 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 contains criteria where housing development in the countryside will be supported. This includes housing required for the pursuance of a rural activity, restoration and replacement of existing houses, conversion of non-domestic rural buildings, infill development, enabling development and traveller sites. The proposed development does not fit any of the criteria where housing development is acceptable in the countryside. The application is contrary to policy CG03 'Housing in the Countryside'.

7a.6 Policy INF02 - 'Developer Contributions to Community Infrastructure' states:

'Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:

- 1. Specific requirements identified against proposals in the LDP or in development briefs;*
- 2. In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
- 3. In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
- 4. In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- 5. Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments.'

7a.7 The proposed development would not exacerbate deficiencies in existing infrastructure such that contributions would be required. The application accords with policy INF02 'Developer Contributions to Community Infrastructure'.

7a.8 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.9 There are no natural or built heritage features of note which require to be conserved, enhanced or integrated into the development. The proposed development would not respond positively and sympathetically to the sites surroundings as it relates to unjustified development in the countryside. The proposed development would result in 3 houses being built to the front of the donor property, Victoria House. Plot 1 would result in backland development with the neighbouring property, the Stables, and the layout would not reflect the settlement pattern of the wider rural area.
- 7a.10 The development would not be designed to encourage the use of sustainable integrated transport and provide safe access for all users. The development would be in the countryside with poor access to sustainable transport and with no safe method of pedestrian access. Infrastructure needs and their impacts have not been adequately addressed in relation to road safety and historic mine workings. The application is contrary to policy D02 'Sustainable Design Principles'.
- 7a.11 Policy D03 - 'Urban Design' states:

'New development should create attractive and safe places for people to live, work and visit. Accordingly:

1. *Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*

2. *The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
5. *Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm.'*

7a.12 There is no development brief or masterplan of relevance to the application site. The proposed development would not create a coherent structure of streets and public spaces which would complement the site's context and create a sense of identity. The proposed development would not accord with the Scottish Government's policy document 'Designing Streets'. The development would result in 3 new properties built to the front of Victoria House, accessed off its driveway. Plot 1 would result in backland development with the neighbouring property and the development would not reflect the rural settlement pattern of the wider area. The application is contrary to policy D03 'Urban Design'.

7a.13 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.14 The applicant has submitted information in relation to low and zero carbon generating technologies (LZCGT) for the proposed development. It is considered reasonable to request full details of on-site low and zero carbon-generating technologies by planning condition, in accordance with policy D04 'Low and Zero Carbon Development'.

Supplementary Guidance forming part of Local Development Plan

7a.15 Policy CG03 'Housing in the Countryside' has 6 criteria where housing in the countryside is considered acceptable. Supplementary Guidance SG01 'Development in the Countryside' contains detailed guidance in relation to each criterion, considered in detail as follows:

1. The application does not relate to housing development required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential.
2. The application does not relate to the restoration or replacement of houses which are still substantially intact.
3. The application does not relate to the conversion or restoration of non-domestic farm buildings to residential use. It is noted that there are redundant buildings on the site, however, they are intended to be demolished to facilitate development and are of low architectural merit and conversion capability.
4. Plot 1 would be situated between the front of an outbuilding at Victoria House and the rear of the neighbouring property 'the Stables' which is not a clear gap site. Plot 1 would constitute backland development with the Stable.

Plots 2 and 3 would sit in front of Victoria House and would not be between two residential properties. The nearest residential property to the north is more than 80 metres from Victoria House and is accessed off a different road.

None of the plots would front a road, being accessed off the driveway to the front of Victoria House. The proposed development would not occupy a clear gap between two existing residential properties and is not appropriate infill development.

5. The application does not constitute enabling development to secure the restoration of historic buildings or structures.
6. The development does not relate to a privately owned gypsy/traveller sites.

7a.16 The application is contrary to SG01 'Development in the Countryside', as it does not constitute any of the criteria where housing development in the countryside is considered acceptable.

7a.17 The applicant has not submitted an energy statement, however, information has been submitted in relation to low and zero carbon generating technologies (LZCGT). It is considered reasonable to request full LZCGT details by condition in accordance with SG15 'Low and Zero Carbon Development'.

7a.18 Accordingly, the application is contrary to the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are Falkirk Local Development Plan 2 (Proposed Plan), National Planning Policies and Guidance, response to consultation, the Councillor call in reason and the information submitted in support of the application.

Falkirk Local Development Plan 2 (Proposed Plan)

7b.2 The current Falkirk Local Development Plan is in the process of being replaced by a new plan, LDP2. 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 In the case of this particular application, the proposed plan in its current form does not introduce any new policy considerations or land use allocations which justify the approval of planning permission in this instance. Namely, the application site remains in the countryside and the thrust of the housing in the countryside policy (HC05) remains the same as policy CG03 of the LDP.

National Planning Policies and Guidance

7b.4 Scottish Planning Policy (2014) (SPP) advises that up-to-date Development Plans take 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.5 The 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 settlements and sets out circumstances in which new housing outwith settlements may be appropriate.

7b.6 Policy CG03 clearly sets out the circumstances where housing in the countryside will be accepted in accordance with SPP. The application is not supported by the LDP or SPP.

Responses to Consultation

- 7b.7 The Coal Authority object to the application as intrusive site investigations are required to demonstrate that the site can be safely developed. The applicant submitted supporting information in relation to coal mining legacy, however, site specific borehole data is required and the Coal Authority maintain their objection. As such, there is insufficient information to demonstrate that the proposed houses could be built on the site. Intrusive site investigations could show that the site is unsuitable for development due to ground instability. The Coal Authority are a statutory consultee and their objection requires to be addressed prior to determination of the application.

Councillor Call in reasons

- 7b.8 Councillor Collie's full call in reason is as follows:

'I have visited the site and the application does in fact appear to be:

- 1. A subdivision of albeit a very large space it all, including the outbuildings, forms part of a large residential property space. This appears to be allowable under Council planning policy.*
- 2. There are already outbuildings on the proposed site on plot 2 and 3. These are semi derelict and it would appear the development would enhance the space and is, for the space available, a limited development.*
- 3. Plot 1 appears to be an infill development between Victoria House and the adjoining property which I believe Council policy normally supports.*
- 4. There is a large space available which will ensure that each property has good garden space, there appears also to be sufficient access to the property.*
- 5. Other properties in the area have received planning permission for similar development.*
- 6. There are no objections to the development from neighbouring properties.*

The constituents seeking planning permission approached me to ask if I could seek further information, particularly under the possibility of them undertaking significant exploratory work (boreholes etc) to allay the Coal Authority Concerns which they believe could be set as conditions. I sought further information from planners and the reasons set out, which included that planning permission would be unlikely to be given, even if the Coal Authority were satisfied and withdrew their objections. The reasons given was that 'the application site is within countryside' and that the applicants 'have not demonstrated to date that the proposals comply with the development plan policy on housing in the countryside or that there are any material considerations that would justify the setting aside of the development plan in this instance' do not appear to chime with the fact that similar development had been permitted in the area, that there are already buildings (albeit semi derelict) on two of the proposed plots and it appears to be allowable under council policy as a subdivision and, for plot one, an infill site.

I have no interest to declare in the application itself but feel that this application should be looked at in more detail by the planning committee to enable more in-depth discussion on whether policy has been correctly applied in the recommendation to refuse the application.'

7b.9 The application is not supported by LDP policy as discussed in Section 7a.1 - 7a.18 of this report. The Coal Authority objection should not be dealt with by planning condition as ground stability and suitability of the site for development require to be fully addressed prior to determination of the application. Many of the points raised by Councillor Collie are also raised by the applicant in their Supporting Statement, discussed in Sections 7b.10 - 7b.22, as follows.

Information Submitted in Support of the Proposal

7b.10 The applicant has submitted information in support of the proposed development, summarised as follows:

Economy

- The proposed development is supported by SPP as it would protect and create economic jobs and growth.
- The Scottish Government Economic Strategy promotes a supportive business environment and state that the challenge for the public sector is to help create the best possible environment for business growth. Approval of the application would result in money being spent in the local economy and sustaining local jobs in Banknock, Denny and Bonnybridge.
- Falkirk Council's Economic Downturn Action Plan (EDAP) states flexibility in relation to planning matters and material considerations in order to increase investment in construction activity. The development is supported by the EDAP.

Planning Policy

- The letter from the Chief Planner (4 November 2011) states that SPP promotes a positive approach to rural housing and that Local Development Plans should support more opportunities for small scale housing development in all rural areas.
- The Scottish Government Strategy for Housing, Homes Fit for the 21st Century, states that Councils can play a key role in supporting and enabling self build and in the current economic climate may need to take a more flexible approach to the identification of housing sites.
- Policy CG03 states that housing development in the countryside will be supported in instances of appropriate infill development. The development comprises the creation of three houses within the curtilage of an existing property. The subdivision of garden ground is in accordance with HSG05. The site is infill development and meets all of the requirements of SG01. There is no justification for refusal.
- No determination has ever been made by Falkirk Council that the countryside areas in Falkirk are pressurised.
- The proposed development would contribute to the Council's Housing Land Supply. The site is brownfield which is given priority over greenfield sites in accordance with policy HSG01.
- The development is supported by policy RW10 as it would result in brownfield land being put to beneficial use.

Site History

- The applicant has sited a number of applications in close proximity to the application site including P/12/0124/PPP, P/16/0660/MS, P/16/0671/VRC, P/18/0016/FUL, P/18/0048/FUL, P/18/0063/FUL, P/18/0397/FUL, P/18/0471/FUL, P/10/0360/PPP, P/09/0273/FUL and P/12/0528/FUL which raise similar issues to this application.

Design

- The development would be based on a courtyard development with a small 'U' shaped cluster of houses at the end of the access track.
- The individual plots are large and the outcome would be a high standard of development, consistent with the setting.

Response to the Supporting Information:

Economy

- 7b.11 SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. The National Planning Framework 3 and SPP have four planning outcomes:
1. A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.
 2. A low carbon place – reducing our carbon emissions and adapting to climate change.
 3. A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.
 4. A more connected place – supporting better transport and digital connectivity.
- 7b.12 SPP advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any costs.
- 7b.13 The proposed development is not supported by SPP. The proposed development would not be sustainable development as it would result in unjustified development in the countryside which would contribute towards unsustainable growth in car-based commuting and the suburbanisation of the countryside. The net economic benefits associated with the construction of 3 houses does not outweigh LDP or SPP in terms of the principle of development in the countryside.
- 7b.14 The supporting statement refers to Scotland's Economic Strategy and Falkirk Council's Economic Downturn Action Plan (EDAP) which are low material planning considerations and do not outweigh the terms of the LDP or SPP. Scotland's Economic Strategy supports sustainable economic growth and this application does not constitute sustainable development.

Planning Policy

- 7b.15 The Scottish Government Chief Planner's letter dated 4 November 2011 relates to the use of conditions or planning obligations to restrict the occupancy of new rural housing. The letter does not promote the use of occupancy restrictions and states that LDPs should support opportunities for small scale housing development in rural areas. The LDP clearly sets out the range of circumstances where housing development in the countryside is supported in the Falkirk Council area. The application does not accord with policy CG03 'Housing in the Countryside' and is contrary to the LDP.
- 7b.16 It is accepted that the proposed development would make a small contribution to the Council's effective housing land supply figures, if the houses were constructed. Where there is a shortfall, the Council will consider supporting sustainable development proposals which are effective in the following order of preference; urban capacity sites, additional brown field sites and sustainable greenfield sites. The site is greenfield, but is not considered to be sustainable development and as such is not supported by policy HSG01 'Housing Growth' or the LDP.
- 7b.17 The Falkirk Council area is an accessible or pressured rural area where it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside. Specifically, the application site is a rural area, on the outskirts of Banknock where there is an ongoing development pressure. The application site is a good example of a pressurised rural area within the Falkirk Council area. The LDP sets out clear circumstances where housing in the countryside will be accepted in accordance with SPP. The proposed development does not accord with any of the circumstances where housing development in the countryside is accepted.
- 7b.18 The site is not considered to be brownfield, as it constitutes garden ground and land associated with Victoria House, which is landscaped and in a well maintained and attractive condition. Policy RW10 'Vacant, Derelict, Unstable and Contaminated Land' is not of relevance to the assessment of the application.
- 7b.19 Homes Fit for the 21st Century: the Scottish Government's strategy and action plan for housing in the next decade 2011-2020 sets out the vision for the supply, choice and quality of homes. It is a slightly out of date document, however, it focuses on sustainable housing development. The strategy also focuses on the development of high quality, affordable homes (including social housing). The development would not contribute towards the development of affordable housing and is not sustainable development. The proposed development is not supported by the thrust guidance contained in the strategy.
- 7b.20 Policy CG03 'Housing in the Countryside' and Supplementary Guidance SG01 'Development in the Countryside' is assessed in section 7a.5 and 7a.15 of this report. The development does not constitute infill development. Policy HSG05 'Infill Development and Subdivision of Plots' is not relevant to the assessment of the application.

Site History

- 7b.21 The applications referred to are noted, but do not justify development or outweigh the terms of the LDP. Planning Authorities are not bound by past planning decision and each application is assessed on its own merits.

Design

- 7b.22 The layout and design of the proposed development are noted. It is considered that the proposed development would not result in exemplary design or a high quality development. The design of the proposed houses is of standard form and there is no design statement submitted to explain the proposed development and how it will fit into the sites context. The proposed houses would have a limited outlook, facing onto the driveway of the donor property and plot 1 would be backland development with the neighbouring property the Stables.

7c Conclusion

- 7c.1 The 1997 Act requires planning applications to be determined in accordance with the LDP unless material considerations indicate otherwise. The application has been assessed as being contrary to the Falkirk Local Development Plan and Scottish Planning Policy. As such, material planning considerations are required to outweigh the terms of the LDP, to justify the granting of planning permission.
- 7c.2 The applicant has put forward a range of supporting information (summarised and addressed in section 7b.10 - 7b.22 of this report). In this instance there are no material planning considerations which justify the proposed development. The principle of development is not accepted on the basis that the development does not meet any of the criteria where housing development in the countryside is considered acceptable. In addition the Coal Authority object to the development as there is a lack of information in relation to extent of past coal mining activities, to demonstrate that the site is safe to develop.

8. RECOMMENDATION

- 8.1 **It is therefore recommended that the Planning Committee refuse planning permission for the following reason(s):-**
- 1. The principle of residential development is not supported as the proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration or replacement of an existing house, the conversion of non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site. The development would contribute towards unsustainable growth in car-based commuting and the suburbanisation of the countryside, contrary to policies CG01 'Countryside', CG03 'Housing in the Countryside', D02 'Sustainable Design Principles' and D03 'Urban Design' and Supplementary Guidance SG01 'Development in the Countryside' of the Falkirk Local Development Plan.**
 - 2. The applicant has not demonstrated that the site can be safely developed as insufficient information has been submitted in relation to the extent of past coal mining activities including a mine entry affecting the application site. Intrusive site investigation works are required to determine the extent of past coal mining activities and the potential implications for the layout and design of development.**

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-09 and Supporting Documents.

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pp Director of Development Services

Date: 16 August 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan 2 (Proposed Plan).
3. Scottish Planning Policy 2014.
4. Scotland's Economic Strategy 2015.
5. Homes Fit for the 21st Century: the Scottish Government's strategy and action plan for housing in the next decade 2011-2020.

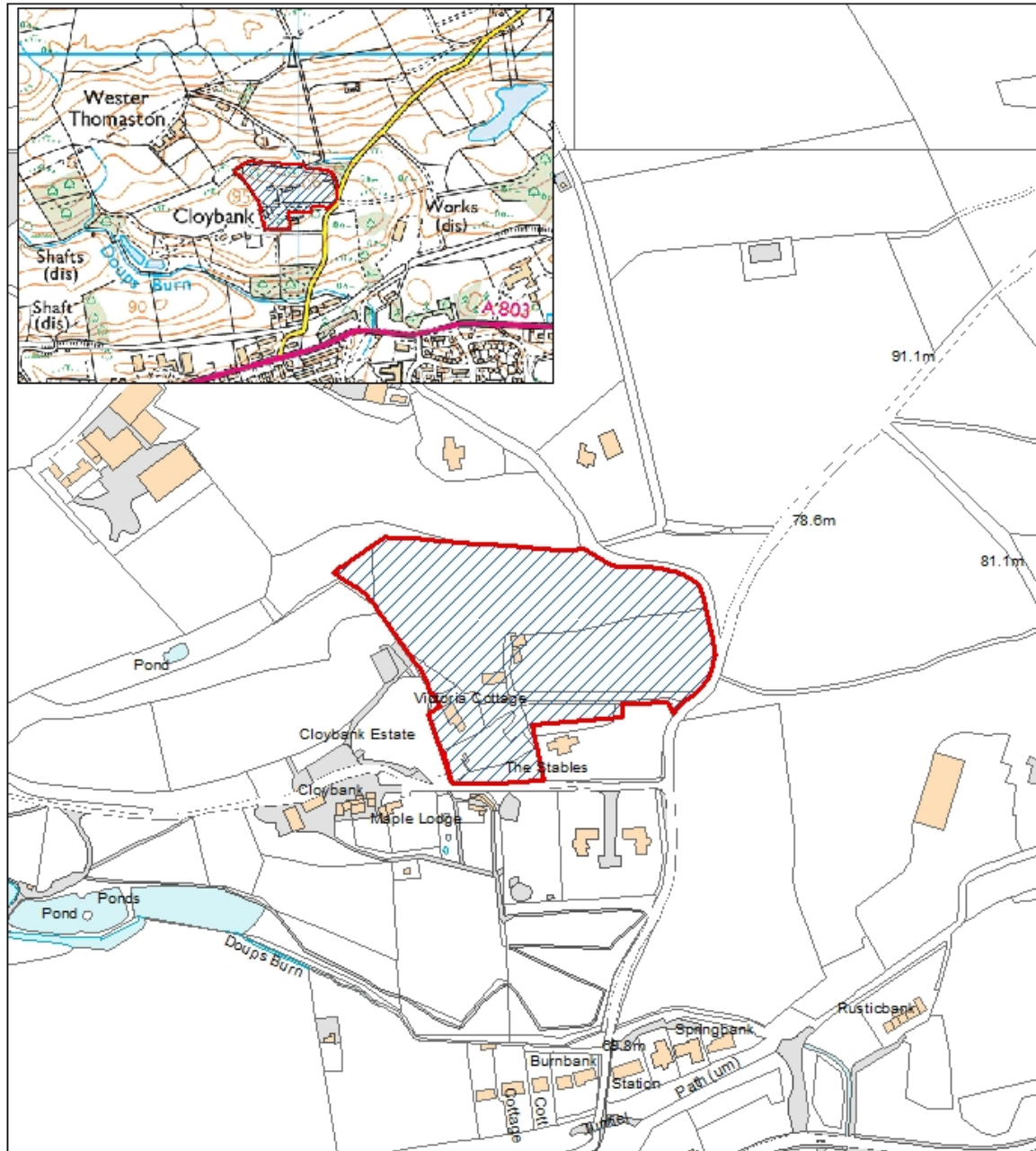
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/19/0190/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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