



## **Agenda Item 7**

**ERECTION OF 2 DWELLINGHOUSES AT  
LOCHVIEW HOUSE, LIMERIGG, FALKIRK,  
FK1 3BZ, FOR MRS NORMA MOFFAT -  
P/19/0386/PPP**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 2 DWELLINGHOUSES AT  
LOCHVIEW HOUSE, LIMERIGG, FALKIRK, FK1 3BZ, FOR  
MRS NORMA MOFFAT - P/19/0386/PPP  
**Meeting:** PLANNING COMMITTEE  
**Date:** 23 October 2019  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

**Councillor Gordon Hughes**  
**Councillor James Kerr**  
**Councillor John McLuckie**

**Community Council:** No Community Council

**Case Officer:** John Milne (Senior Planning Officer), Ext. 4815

[View this Application on Public Access](#)

**UPDATE REPORT**

1. Members will recall that this application was originally considered by the Planning Committee on 24 September 2019 (copy of previous report attached), where it was agreed to continue the application for a site visit. This site visit took place on Monday 7 October 2019.
2. Following a summary of the application by the case officer the applicant's agent spoke in support of the proposal. The agent acknowledged the proposal is contrary to the Development Plan but commented that the applicant's personal circumstances were an overriding material planning consideration.
3. Members of the committee in attendance were advised that no "Coal Mining Risk Assessment" had been submitted to date and, should the application be minded for approval, such a document should be submitted and reviewed prior to the issue of any decision notice.
4. Councillor McLuckie, a local member, spoke in support of the application.
5. A local member on the Planning Committee spoke in relation to the history of the area.
6. No issues were raised at the site visit which would alter the officer recommendation to refuse planning permission.

## **7. RECOMMENDATION**

**7.1 It is therefore recommended that the Planning Committee Refuse Planning Permission in Principle for the following reason(s):-**

- 1) The proposed development does not relate to housing required for the pursuance of an appropriate rural activity, it does not involve the restoration or replacement of an existing house ,the conversion of non-domestic farm buildings or historic building/structure nor enabling development. The proposal does not constitute appropriate infill development or constitute a gypsy/traveller site. As such, the proposed development is contrary to Falkirk Local Development Plan policies CG01 - Countryside, policy CG03 - Housing in the Countryside - and Supplementary Guidance SG01 - Development in the Countryside.**
- 2) The proposal is considered contrary to Falkirk Local Development Plan policy RW10 - Vacant, Derelict, Unstable and Contaminated Land - in that the applicant has failed to submit a Coal Mining Risk Assessment and therefore is unable to demonstrate that the site can be appropriately remediated or mitigated owing to its location within a Development High Risk Area as defined by the Coal Authority.**

**Informative(s):-**

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

.....  
**Pp Director of Development Services**

**Date: 11 October 2019**

### **LIST OF BACKGROUND PAPERS**

- 1. Falkirk Local Development Plan.**
- 2. Supplementary Guidance SG01 - Development in the Countryside.**
- 3. Falkirk Local Development Plan 2 - Proposed Plan.**

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 2 DWELLINGHOUSES AT  
LOCHVIEW HOUSE, LIMERIGG, FALKIRK, FK1 3BZ, FOR  
MRS NORMA MOFFAT - P/19/0386/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 24 September 2019

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor James Kerr  
Councillor John McLuckie

**Community Council:** No Community Council

**Case Officer:** John Milne (Senior Planning Officer), Ext. 4815

[View this Application on Public Access](#)

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

- 1.1 This application seeks the principle of development for two dwellinghouses on the yard area that is associated with a flooring business currently operating from the site. The commercial enterprise is located to the east of High Limerigg and is accessed off the B825, a classified rural road, running west to Limerigg and east to Avonbridge. The site is bounded to the roadway with existing mature landscaping and has a dwellinghouse (Lochview House) located to the west.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 This application has been called in by Councillor McLuckie to allow consideration of historic use as a redundant yard now and possible environmental enhancement by development.

**3. SITE HISTORY**

- 3.1 P/18/0490/PPP Application Withdrawn 05.10.2018 for Erection of 2 Dwellinghouses.

#### **4. CONSULTATIONS**

- |     |                                     |  |
|-----|-------------------------------------|--|
| 4.1 | Roads Development Unit              | No objection subject to conditions.  |
| 4.2 | Scottish Water                      | No public water or waste treatment infrastructure at this location.          |
| 4.3 | Environmental Protection Unit       | No objection subject to conditions.  |
| 4.4 | Coal Authority - Coal Referral Area | No Coal Mining Risk Assessment submitted to date.<br>No consultation issued. |

#### **5. COMMUNITY COUNCIL**

- 5.1 No Community Council formed.

#### **6. PUBLIC REPRESENTATION**

- 6.1 During consideration of the application, no letters of objections 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**

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.1 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.2 The application site is located outwith any urban envelope and therefore is located in a countryside location.

### 7a.3 Policy CG03 - Housing in the Countryside states:-

*Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:*

- 1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
- 2. Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*
- 3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
- 4. Appropriate infill development;*
- 5. Limited enabling development to secure the restoration of historic buildings or structures; or*
- 6. Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

*Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.*

7a.4 The proposal has not been submitted in relation to a need for housing in pursuance of agriculture, horticulture, forestry, or the management of a business for which a countryside location is essential. The proposals are not considered appropriate infill development nor restoration or replacement of an existing house.

### 7a.5 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.6 No information has been submitted with regard to service infrastructure to support the development nor any drainage strategy for the site.

7a.7 Policy RW10 - Vacant, Derelict Unstable and Contaminated Land states:

*Proposals that reduce the incidence of vacant, derelict, unstable and contaminated land will be supported, subject to compliance with other LDP policies, particularly those relating to development in the countryside. Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken.*

7a.8 While the site appears vacant, the proposal to replace the unauthorised structures on site with housing does not comply with this policy. While the policy seeks to reduce the number of vacant, derelict, unstable and contaminated sites, it does not advocate support to proposals that would be inappropriate development which conflicts with other FLDP policies.

Accordingly, the proposal does not accord with Development Plan policies.

## **7b Material Considerations**

7b.1 The material consideration to be assessed are consideration of the site in relation to coal mining legacy, planning history, responses to consultation, information submitted in support of the proposal and Falkirk Local Development Plan 2 (proposed plan).

### **Consideration of the Site in relation to Coal Mining Legacy**

7b.2 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. Any development proposal not exempt on grounds of type or nature, which would intersect with the ground requires the submission of a desk based Coal Mining Risk Assessment (CMRA) and Consultation with the Coal Authority.

7b.3 In this instance, no CMRA has been submitted by the applicant. This, in part, is a reflection of potential abortive cost to the applicant when the recommendation is to refuse the application, based on non-compliance with Development Plan policies as outlined above. However, should the application be supported, it is strongly recommended that a CMRA is concluded prior to issue of a decision notice.

### **Planning History**

7b.4 The site was subject to a previous planning application, withdrawn prior to progression to recommendation. This was to reconsider detailed aspects of vehicular access provision.

### **Responses to Consultation**

7b.5 No information has been submitted to address concerns regarding Coal Mining Risk. At this juncture it may be an abortive expense to the applicant to commission a Coal Mining Risk Assessment, given difficulty in achieving a positive recommendation with regard to Development Plan policies. All other matters may be addressed by appropriate planning conditions.

## **Information Submitted in Support of the Proposal**

- 7b.6 The applicant has submitted a supporting statement, indicating that, historically, the site formed part of a loose collection of cottages, a chapel and school. However, over the years, these have become derelict and demolition has occurred. The proposed site has been used for a timber flooring business and a number of temporary structures on the site are now in disuse. The site also appears in vacant disuse. The applicant refers to policy HSG05 - infill Development and Sub-Division of Plots - but, in the rural area, this policy is not applicable. Separate criteria is contained within Supplementary Planning Guidance SG01 - Development in the Countryside - through part 3.10(4), which the proposal fails to meet. The applicant also contends that the proposal should be supported through HC01 - Housing Land, HC02 - Windfall Housing, PE16 - Protection of Open Space and PE27 - Vacant, derelict and contaminated land.
- 7b.7 The reference numbers submitted by the applicant do not relate to the Falkirk Local Development Plan (July 2015). Irrespective, comment can be made that:
- Housing land allocations should be made through direct representation in any review or revision of Development Plan policy. Planning policy HSG01 - Housing Growth - explains the overall strategy for housing growth in the Falkirk District area. This site does not fall within that strategic approach and any inclusion of this site would have to be introduced at the appropriate opportunity.
  - Planning policy HSG03 - Windfall Housing - explains the criteria for windfall housing. At the outset, this policy refers to housing within the urban and village limits. The application site does not fall within this criteria and this policy is not applicable.
  - Planning policy INF03 - Protection of Open Space - is not relevant as the site does not constitute open space nor would the number of dwellinghouse proposed set a requirement for open space provision to be addressed. The applicant contends that development of the site would lead to an improvement in visual amenity, but this does not form part of the considerations within this policy.
  - Planning Policy RW10 - Vacant, Derelict, Unstable and Contaminated land - refers to compliance with other LDP policies, particularly those relating to development in the countryside.
- 7b.8 In this instance, while the reuse of such land may be encouraged, the policy restrictions in relation to housing development within the rural area would diminish this aspiration for this site, given that inappropriate development would not simply be approved to remedy a site of poor visual appearance. Other relevant Development Plan policies need be considered and applied.

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

- 7b.9 Falkirk Local Development Plan 2 will guide the future development of the Falkirk Council area in the period 2020-2040. The Proposed Plan contains policies and proposals indicating where development should or should not take place. It provides guidance on the future provision of housing, business, transport and infrastructure, recreation and community infrastructure, and will become the basis for determining planning applications. At this stage it is a material consideration when assessing any proposed development. There are no intended policy changes at this time which would influence the reconsideration or recommendation of this planning application.



## **7c Conclusion**

- 7c.1 In conclusion, the proposal is considered contrary to Falkirk Local Development policies relating to policy CG03 - Housing in the Countryside - in that the proposals fail to adhere to the criteria set within that policy. A Coal Mining Risk Assessment has not been carried out and is not considered competent to address through planning condition. The proposal is contrary to policy RW10 - Vacant, Derelict, Unstable and Contaminated Land - as a Coal Mining Risk Assessment has not been submitted.
- 7c.2 While the site appears vacant, the proposal to replace the unauthorised structures on site with housing does not comply with Falkirk Local Development Plan policies nor adhere to advice promoted through SG01 – Development in the Countryside. While Falkirk Local Development Plan policy seeks to reduce the number of vacant, derelict, unstable and contaminated sites, this is not at the cost of approving inappropriate development which conflicts with other LDP policies. The owner of the site could improve the visual impact of the site by merely removing the unauthorised structures and tidying up the land.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that the Planning Committee Refuse Planning Permission in Principle for the following reason(s):-
- 2) The proposed development does not relate to housing required for the pursuance of an appropriate rural activity, it does not involve the restoration or replacement of an existing house ,the conversion of non-domestic farm buildings or historic building/structure nor enabling development. The proposal does not constitute appropriate infill development or constitute a gypsy/traveller site. As such, the proposed development is contrary to Falkirk Local Development Plan policies CG01 - Countryside, policy CG03 - Housing in the Countryside - and Supplementary Guidance SG01 - Development in the Countryside.
  - 2) The proposal is considered contrary to Falkirk Local Development Plan policy RW10 - Vacant, Derelict, Unstable and Contaminated Land - in that the applicant has failed to submit a Coal Mining Risk Assessment and therefore is unable to demonstrate that the site can be appropriately remediated or mitigated owing to its location within a Development High Risk Area as defined by the Coal Authority.

### **Informative(s):-**

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

.....  
**Director of Development Services**

**Date: 12 September 2019**

### **LIST OF BACKGROUND PAPERS**

2. Falkirk Local Development Plan.
2. Supplementary Guidance SG01 - Development in the Countryside.
3. Falkirk Local Development Plan 2 - Proposed Plan.

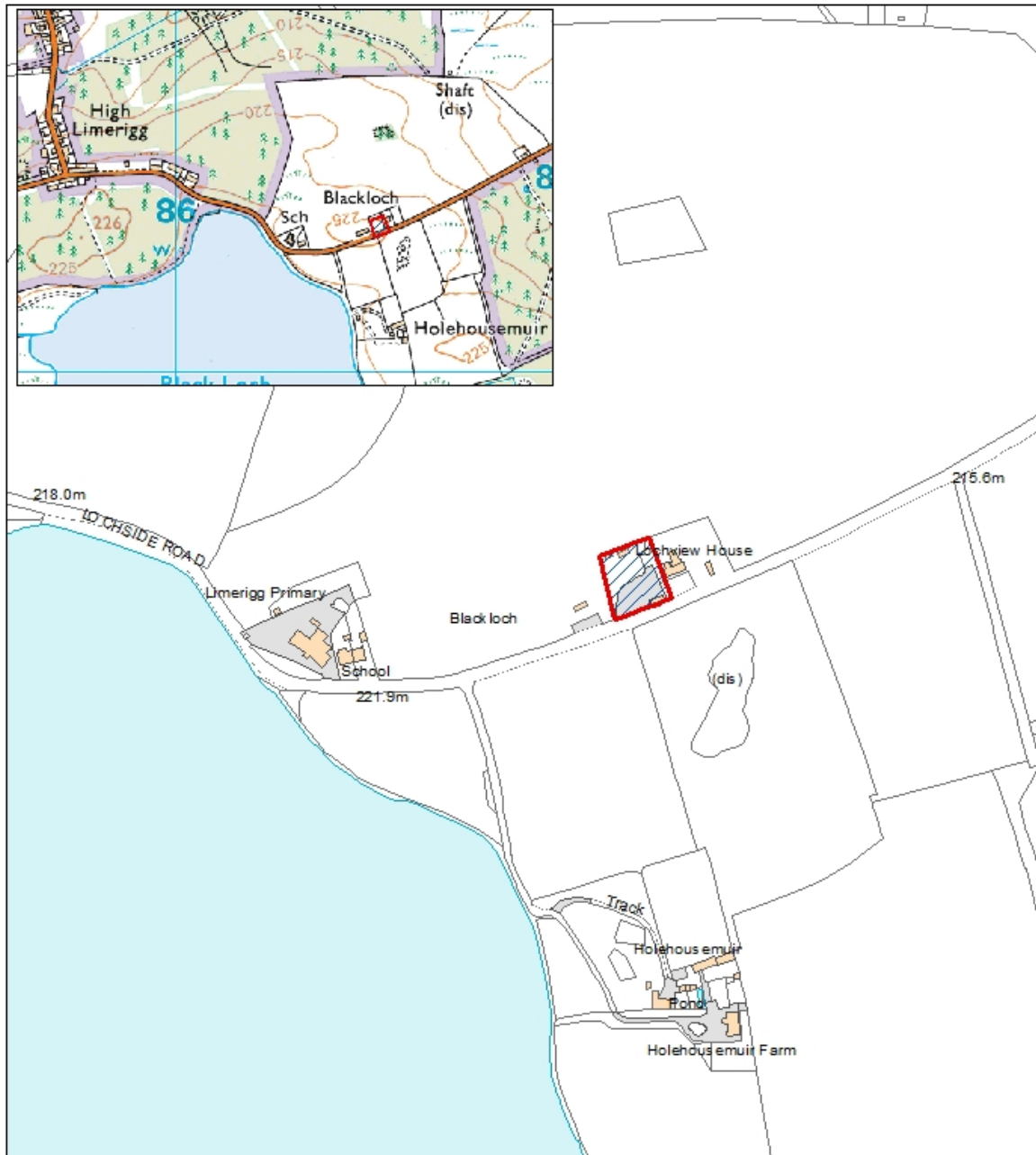
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/19/0386/PPP**

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



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