



Agenda Item 6

**CHANGE OF USE OF LAND TO PRIVATE
GARDEN GROUND (RETROSPECTIVE),
DEMOLISH EXISTING DWELLING AND
OUTBUILDING AND ERECTION OF
DWELLINGHOUSE AND DOMESTIC
GARAGE AT HILLROY, 18
MANNERSTON HOLDINGS,
BLACKNESS, LINLITHGOW, EH49 7ND
FOR PETER AND KAREN MUSHET -
P/19/0375/FUL**

FALKIRK COUNCIL

Subject: CHANGE OF USE OF LAND TO PRIVATE GARDEN
GROUND (RETROSPECTIVE), DEMOLISH EXISTING
DWELLING AND OUTBUILDING AND ERECTION OF
DWELLINGHOUSE AND DOMESTIC GARAGE AT
HILLROY, 18 MANNERSTON HOLDINGS, BLACKNESS,
LINLITHGOW, EH49 7ND FOR PETER AND KAREN
MUSHET - P/19/0375/FUL

Meeting: PLANNING COMMITTEE
Date: 20 November 2019
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor David Aitchison
Councillor Lynn Munro
Councillor Ann Ritchie

Community Council: Blackness Area

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

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UPDATE REPORT

1. Members will recall this application was originally considered by the Planning Committee on 23 October 2019 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Monday 4 November 2019. The site visit was unaccompanied.
2. The planning case officer summarised the proposal. The case officer clarified the scale of the proposed dwellinghouse in relation to the existing dwellinghouse in that the proposed dwellinghouse would be 2.78m higher at ridge height and two and a half times the internal area over two floors. The committee viewed drawings of the proposed development and viewed the application site.

3. Members of the Committee sought clarification on the height of the proposed dwellinghouse at eaves height and whether the proposed dwellinghouse constituted a two storey dwellinghouse or a one and a half storey dwellinghouse. In response it is advised that the existing dwellinghouse measures 2.9 metres to eaves height, with a small extension measuring 3.3m, and the proposed dwellinghouse measuring 4.6m – 5.5m to eaves height on the front elevation and 6m to eaves height on the rear elevation. The planning case officer noted that the proposed development includes architectural features common to one and a half storey dwellings, however the design, scale and massing of the proposed dwellinghouse constitutes a two storey dwellinghouse. The wall head at first floor level is significantly higher than would be the case with a one and a half storey house as indicated by the height of the proposed development at eaves level.
4. Further concern was raised by a member of the Planning Committee that the existing dwellinghouse, and other similar smallholding and former smallholding dwellinghouses in the area, do not now, and cannot be adapted to, provide a satisfactorily standard of residential accommodation. In response, the planning case officer referred to a list of planning permissions granted that was submitted by the applicant with the purpose of supporting the design of the proposed dwellinghouse. The case officer highlighted that the list of submissions included properties which had been adapted and extended in a manner which respected the character of the original buildings and the special Landscape Area setting. These properties indicate that smallholding dwellings in the area similar to the application site have successfully been adapted to provide a satisfactory standard of residential accommodation.
5. The applicant has noted that three dimensional images of the proposed development submitted as part of the planning application were not available to the members at the site visit. These images constitute drawing number 8 in the planning application file and can be viewed on the Council's website.
6. It should also be noted that since the meeting of the Planning Committee on 23 October 2019, two further representations have been submitted. The further representation by an objector refers to the importance of smallholding and former smallholding properties in the area in terms of historic significance and contribution to the landscape. Also raised are concerns in terms of the excessive scale of the proposed development and that the proposal would not respect the character of the Special Landscape Area.
7. In response, a further statement submitted by the applicant states that expected lifestyle has changed since the time the existing dwellinghouse was erected. The applicant also states that the increase in footprint is not excessive. The applicant accepts that existing buildings can be adapted to create thermally efficient houses but states that new buildings are more thermally efficient. The additional representations and applicant's response do not raise any new material planning considerations.
8. It is considered that no new matters have emerged from the site visit that would alter the officer recommendation to refuse planning permission. The previous recommendation is therefore reiterated as follows:-

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee refuse planning permission for the following reason(s):-

- 1. The proposed replacement new dwellinghouse would be significantly larger than the existing dwellinghouse and is therefore not of a comparable size to the existing dwellinghouse. Accordingly the proposed development does not accord with Policy CG03 of the Falkirk Local Development Plan "Housing in the Countryside", Policy CG01 of the Falkirk Local Development Plan, "Countryside" and Supplementary Guidance SG01, "Development in the Countryside".**
- 2. The scale and design of the proposed development would not respond positively and sympathetically to the application site and its countryside setting. Accordingly the proposed development does not accord with Policy D02 of the Falkirk Local Development Plan "Sustainable Design Principles".**
- 3. The proposed development would not safeguard the character of the Special Landscape Area setting of the application site. Accordingly the proposed development does not accord with Policy GN02 of the Falkirk Local Development Plan "Landscape" and Supplementary Guidance SG09 "Landscape Character Assessments and Landscape Designations"**
- 4. It has not been satisfactorily demonstrated that the proposed development would satisfactorily safeguard the interests of any roosting bats and nesting birds at or near the application site. Accordingly the proposed development does not accord with Policy GN03 of the Falkirk Local Development Plan "Biodiversity and Geodiversity" and Supplementary Guidance SG05 "Biodiversity and Development".**
- 5. It has not been satisfactorily demonstrated that the proposed development would satisfactorily achieve a minimum 10 % overall reduction in CO₂ emissions by installation of low and zero carbon energy generating technologies. Accordingly the proposed development does not accord with Policy D04 of the Falkirk Local Development Plan, "Low and Zero Carbon Development", Policy D02 of the Falkirk Local Development Plan, "Sustainable design Principles" and Supplementary Guidance SG15, "Low and Zero Carbon 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, 02A, 03, 04, 05, 06 and 07.**

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pp Director of Development Services

Date: 8 November 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan 2 (Proposed Plan).
3. Representation received from Mr Jack Roots, 19 Mannerston Holdings, Blackness, Linlithgow, EH49 7ND, on 2 July 2019
4. Objection received from Mrs Annette Lambourne, 4 Mannerston Holdings, Linlithgow EH49 7LY, EH49 7LY on 28 June 2019.
5. Objection received from Mr Stephen Granger, 11 Mannerston Holdings, Blackness, Linlithgow, EH49 7NP on 28 June 2019.
6. Objection received from Karen & Trevor Walker, 3 Mannerston Holdings, Blackness, Linlithgow, EH49 7LY, on 3 July 2019.
7. Representation received from Paula Roots, 19 Mannerston Holdings, Blackness, Linlithgow, EH49 7ND, on 2 July 2019.
8. Objection received from Mrs B Watson, 47 Mannerston Holdings, Blackness, Linlithgow, EH49 7ND, on 1 July 2019.
9. Objection received from Merville/Moira Archibald/Howie, 17 Mannerston Holdings, Blackness, Linlithgow, EH49 7ND, on 3 July 2019.
10. Representation received from Ms Suzanne Meikle, 9 Bowling Green Road, Kirkliston, EH29 9BG on 19 July 2019.

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

FALKIRK COUNCIL

Subject: CHANGE OF USE OF LAND TO PRIVATE GARDEN GROUND (RETROSPECTIVE), DEMOLISH EXISTING DWELLING AND OUTBUILDING AND ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE AT HILLROY, 18 MANNERSTON HOLDINGS, BLACKNESS, LINLITHGOW, EH49 7ND FOR PETER AND KAREN MUSHET - P/19/0375/FUL

Meeting: PLANNING COMMITTEE

Date: 23 October 2019

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor David Aitchison
Councillor Lynn Munro
Councillor Ann Ritchie

Community Council: Blackness Area

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

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located at the west side of the B9109 road west of The Binns, Linlithgow. The application site comprises a single storey three bedroom dwellinghouse, formerly part of an agricultural holding, and a stand-alone outbuilding.
- 1.2 This application proposes the demolition of the existing dwellinghouse and outbuilding and the erection of a two storey dwellinghouse comprising five bedrooms, two office rooms and two family rooms. A new stand-alone double garage is also proposed.
- 1.3 Also proposed is the retrospective change of use of some 1700 sq.m. of land adjacent to the existing dwellinghouse from agricultural holding to garden ground. The application proposes to regularise a change of use which has been demonstrated to have occurred in excess of 10 years ago.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Ann Ritchie to allow the Committee the opportunity to give further consideration to the application against relevant Development Plan policies and material considerations including visual amenity.

- 2.2 The application was also called in by Councillor David Aitchison on the grounds that this is a replacement house for a substandard property. The new dwelling would not interfere with visual impact. The run down current property has an adverse effect on the surrounding area.

3. SITE HISTORY

- 3.1 A planning application (F/2000/0363) for the formation of an access and the erection of a boundary fence was granted on 1 August 2000.
- 3.2 A planning application (P/07/1055/FUL) for an extension to the dwellinghouse was granted on 13 December.2007.

4. CONSULTATIONS

- 4.1 Falkirk Council's Roads Development Unit have raised no objections. No conditions are advised.
- 4.2 Falkirk Council's Environmental Protection Unit have advised that contamination and construction noise can be addressed by means of informatives. There are no significant air quality issues.
- 4.3 The Coal Authority advise that the application site lies in an area of low risk from the impact from historic mining activity. An informative is applicable.

5. COMMUNITY COUNCIL

- 5.1 Blackness Area Community Council have made no comments.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 8 contributors submitted letters to the Council. The salient issues are summarised below.
- The proposal does not accord with the Falkirk Local Development Plan.
 - The proposed dwellinghouse does not respect the character of the existing dwellinghouse or the Special Landscape Area setting of the application site.
 - The proposed development would result in the loss of agricultural land.
 - The proposed dwellinghouse would be detrimental to visual amenity.
 - The retrospective application for change of use of land adjacent to the existing dwellinghouse is to accommodate further development at a later date.
 - The existing dwellinghouse can be improved to provide a satisfactory standard of living accommodation. Other similar smallholdings and dwellinghouses in the area have been so improved.

- The application site does not constitute brownfield land.
- The proposal would result in an unacceptable level of increased traffic detrimental to road safety.
- The existing dwellinghouse should be retained for its historic significance.
- There would be an unacceptable impact on the privacy of adjacent residents.
- Adjacent properties would be overlooked by the proposed development.
- The Scottish Government does not support the loss of agricultural smallholdings.
- Construction operations would have a detrimental impact on livestock at adjacent land.
- There would be a potential detrimental impact on drainage infrastructure supporting adjacent land.

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 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.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 within the countryside as identified in the Development Plan. Policy CG01 states that development would need to be assessed in terms of relevant countryside policies and relevant guidance of the Development Plan. This report concludes that the proposed development does not accord with Policy CG03 “housing development in the countryside” and supplementary guidance SG01 “Development in the Countryside”. Accordingly, the proposed development does not accord with Policy CG01.

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 Policy CG03 "Housing Development in the Countryside", as supported by Supplementary Guidance SG01 "Development in the Countryside", specifies criteria where proposals for new dwellinghouses can be considered acceptable. This includes the replacement of dwellinghouses which are substantially intact. However, in order to accord with policy CG03 in this regard the proposed replacement house must be of a comparable size to the original house. In this case the proposed new dwellinghouse is significantly larger than the existing house and is therefore not of a comparable size to the existing dwellinghouse. Accordingly the proposed dwellinghouse does not accord with Policy CG03.

7a.5 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.6 The scale and design of the proposed new dwellinghouse would not respond positively to the application site and its countryside setting. The dwellinghouse would be significantly larger and the palette of finishing materials would not respect the character and design of the existing dwellinghouse and other smallholdings and dwellinghouses in the area. Accordingly, the proposed dwellinghouse does not accord with Policy D02.

7a.7 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.8 The applicant has submitted a landscape visual impact statement in support of the application. However, the statement has not been carried out in accordance with Guidelines for Landscape Visual Impact Assessments 3rd Edition and has not been carried out by a chartered landscape architect. It is not considered that the statement satisfactorily demonstrates that the proposed development would respect the landscape character of the site and its setting. The proposed development is significantly larger in scale than the existing dwellinghouse and other properties in the area. It is considered that the proposal would have an unacceptable impact on the landscape character of the area and the statement submitted by the applicant does not demonstrate otherwise. Accordingly, the proposed development does not accord with Policy GN02, as supported by Supplementary Guidance SG09 'Landscape Character Assessments and Landscape Designations'.

7a.9 Policy GN03 - Biodiversity and Geodiversity states:-

The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:

- 1. Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- 2. Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- 3. Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
- 4. Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- 5. Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
- 6. All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*

7a.10 The application site and trees located nearby are potential nesting sites for birds and roosting sites for bats, which are a protected species. The applicant has failed to submit a habitat survey to demonstrate that there would be no significant impact on nesting birds or roosting bats, or demonstrate that any such impact could be satisfactorily mitigated. Accordingly the proposed development does not accord with Policy GN03.

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 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.12 The applicant has failed to demonstrate that the proposed development would include satisfactory low and zero carbon energy generating technologies to achieve a minimum 10% reduction in levels of CO₂. Accordingly the proposal does not accord with Policy D04 and Policy D02. However, if permission were to be granted this could be covered by condition.

7a.13 The proposed development does not accord with guidance contained in supplementary guidance SG01 "Development in the Countryside", SG05 "Biodiversity and Development", SG09 "Landscape Character Statements and Landscape Designations" and SG15 "Low and Zero Carbon Development".

7a.14 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 consideration of the site in relation to coal mining legacy, responses to consultation, assessment of public representations, statements submitted by the applicant in support of the proposed development, the application for regularisation of a previous change of use of adjacent land 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 Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.

Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

Responses to Consultation

- 7b.3 It is noted that no objections have been received from consultees. It is also noted that the Environmental Protection Unit has advised that contamination and construction noise can be addressed by means of informatives. A coal mining risk informative would also be appropriate if permission were to be granted.

Assessment of Public Representations

- 7b.4 It is acknowledged that the proposed development does not accord with the Development Plan.
- 7b.5 It is acknowledged that the scale and design of the proposed development would not respect the character of the existing dwellinghouse and other properties in the area and would not safeguard the character of the Special Landscape Area setting.
- 7b.6 The application site is not agricultural land. The dwellinghouse no longer forms part of an agricultural holding. There would be no loss of any smallholding as a result of the proposed development.
- 7b.7 There is no evidence to support the view that the applicant proposes further development at a future date. Any future applications would require to be assessed on their own merits.
- 7b.8 Comments stating that the existing dwellinghouse is capable of improvement/extension are noted. It is noted that the applicant has submitted a statement detailing cases of smallholdings and dwellinghouses in the area which have been altered and extended, resulting in larger properties. This statement is submitted in support of the proposed design. However, this statement also indicates that these extended properties have

successfully provided a satisfactory standard of living accommodation. There is no evidence to support the applicant's statement that the existing dwellinghouse cannot provide a satisfactory standard of living accommodation.

- 7b.9 Comments regarding the applicant's statement that the application site constitutes brownfield land are noted. This issue is addressed in the "statements submitted in support of the proposed development" of this report.
- 7b.10 The Roads Development Unit has raised no concerns in terms of traffic generation. It is not considered that there would be any significant increase in traffic as a result of the proposed replacement dwellinghouse.
- 7b.11 The existing dwellinghouse is not a listed building and has no formal protection for any historic significance. However, this report recognises the importance of safeguarding the character of the application site and its Special Landscape Area setting.
- 7b.12 The proposed dwellinghouse would be approximately 90m from the nearest dwellinghouse to the south and 70m from the nearest dwellinghouse to the north. There is open agricultural land to the west. There would be no significant impact on the privacy or amenity of nearby properties. There would be no significant overlooking of nearby properties.
- 7b.13 The Environmental Protection Unit has raised no concern in terms of construction noise and advised that construction noise can be addressed by means of an informative. There is no evidence to support the view that there would be a significant impact on the well being of livestock as result of construction operations.
- 7b.14 The application site is served by private drainage arrangements. The Scottish Environment Protection Agency (SEPA) are the drainage authority. Should planning permission be granted the applicant should be advised to contact SEPA to discuss private drainage arrangements.

Application to Regularise a Previous Change of Use

- 7b.15 It is noted that the application includes a proposal to regularise a change of use of land adjacent to the existing dwellinghouse from agricultural land to garden ground. The applicant has satisfactorily demonstrated that the change of use occurred in excess of 10 years ago and can therefore be considered lawful in planning terms. This being the case, and should the wider proposed development not be acceptable, the applicant could regularise the change of use by a separate application for a Certificate of Lawful Use.

Statements in Support of the Proposed Development

- 7b.16 The applicant has stated that it is considered that the application site constitutes brownfield land. It is clear that the site is currently developed. However, brownfield land excludes garden ground as defined in the Falkirk Local Development Plan. Regardless of terminology the proposed development would have to accord with the provisions of

the countryside related policies of the Development Plan (Policies CG01 and CG03) to be supported or satisfactorily demonstrate that there are material planning considerations to justify setting aside the terms of the Development Plan. This report concludes that the proposal does not accord with the Development Plan and that no planning considerations have been demonstrated to justify setting aside the terms of the Development Plan.

- 7b.17 The applicant has stated that the proposed development does not constitute a new dwellinghouse as it would replace an existing dwellinghouse and as a result Development Plan policies relevant to the development of a new dwellinghouse are not applicable. The proposal is to demolish the existing dwellinghouse and replace with a new dwellinghouse. The policies of the Development Plan forming the assessment contained in this report are the policies relevant to the proposal.
- 7b.18 The applicant has submitted a list of developments in the area of new dwellinghouses and extended dwellinghouses, the design of which it is claimed justify the design of the proposed development. The extensions highlighted are for modest extensions to single storey dwellings and the resultant buildings respect the character of the original dwellings and the rural landscape setting. Proposals for new dwellings highlighted were granted where it was considered there were material considerations to justify permission and do not set a precedent. No exceptional circumstances have been demonstrated in this case which would justify the setting aside of the Development Plan. The proposed development would have a more significant impact on the character of the existing dwellinghouse and rural setting than any cases highlighted by the applicant. The list of cases quoted by the applicant demonstrates that the smallholding dwellings, and former smallholding dwellings, in the area can successfully be adapted to provide a satisfactory standard of living accommodation.

Falkirk Local Development Plan 2 (Proposed Plan)

- 7b.19 The Falkirk Local Development Plan 2 (FLDP2) has been approved by the Council for consultation. The consultation period ran from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received, it is expected that FLDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. FLDP2 provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.
- 7b.20 FLDP2 reflects policies of the Falkirk Local Development Plan in terms of the consideration of this application.

7c Conclusion

- 7c.1 The proposed development does not accord with the Falkirk Local Development Plan.
- 7c.2 It has not been demonstrated that the proposed dwellinghouse accords with the criteria set out in policy CG03 of the Development Plan "Housing in the Countryside".
- 7c.3 The proposal would not respect the character of the existing dwellinghouse to be replaced or the application site in terms of scale and design.
- 7c.4 The proposal would have a significant detrimental visual impact on the character of the Special Landscape Area setting of the application site.

- 7c.5 It has not been satisfactorily demonstrated that the interests of nesting birds and roosting bats would be safeguarded.
- 7c.6 There are no material planning considerations which would justify setting aside the Development Plan in this case.

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee refuse planning permission for the following reason(s):-

- 1. The proposed replacement new dwellinghouse would be significantly larger than the existing dwellinghouse and is therefore not of a comparable size to the existing dwellinghouse. Accordingly the proposed development does not accord with Policy CG03 of the Falkirk Local Development Plan "Housing in the Countryside", Policy CG01 of the Falkirk Local Development Plan, "Countryside" and Supplementary Guidance SG01, "Development in the Countryside".**
- 2. The scale and design of the proposed development would not respond positively and sympathetically to the application site and its countryside setting. Accordingly the proposed development does not accord with Policy D02 of the Falkirk Local Development Plan "Sustainable Design Principles".**
- 3. The proposed development would not safeguard the character of the Special Landscape Area setting of the application site. Accordingly the proposed development does not accord with Policy GN02 of the Falkirk Local Development Plan "Landscape" and Supplementary Guidance SG09 "Landscape Character Assessments and Landscape Designations"**
- 4. It has not been satisfactorily demonstrated that the proposed development would satisfactorily safeguard the interests of any roosting bats and nesting birds at or near the application site. Accordingly the proposed development does not accord with Policy GN03 of the Falkirk Local Development Plan "Biodiversity and Geodiversity" and Supplementary Guidance SG05 "Biodiversity and Development".**
- 5. It has not been satisfactorily demonstrated that the proposed development would satisfactorily achieve a minimum 10 % overall reduction in CO₂ emissions by installation of low and zero carbon energy generating technologies. Accordingly the proposed development does not accord with Policy D04 of the Falkirk Local Development Plan, "Low and Zero Carbon Development", Policy D02 of the Falkirk Local Development Plan, "Sustainable design Principles" and Supplementary Guidance SG15, "Low and Zero Carbon 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, 02A, 03, 04, 05, 06 and 07.**

.....
pp Director of Development Services

Date: 11 October 2019

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6. Objection received from Karen & Trevor Walker, 3 Mannerston Holdings, Blackness, Linlithgow, EH49 7LY, on 3 July 2019.
7. Representation received from Paula Roots, 19 Mannerston Holdings, Blackness, Linlithgow, EH49 7ND, on 2 July 2019.
8. Objection received from Mrs B Watson, 47 Mannerston Holdings, Blackness, Linlithgow, EH49 7ND, on 1 July 2019.
9. Objection received from Merville/Moira Archibald/Howie, 17 Mannerston Holdings, Blackness, Linlithgow, EH49 7ND, on 3 July 2019.
10. Representation received from Ms Suzanne Meikle, 9 Bowling Green Road, Kirkliston, EH29 9BG on 19 July 2019.

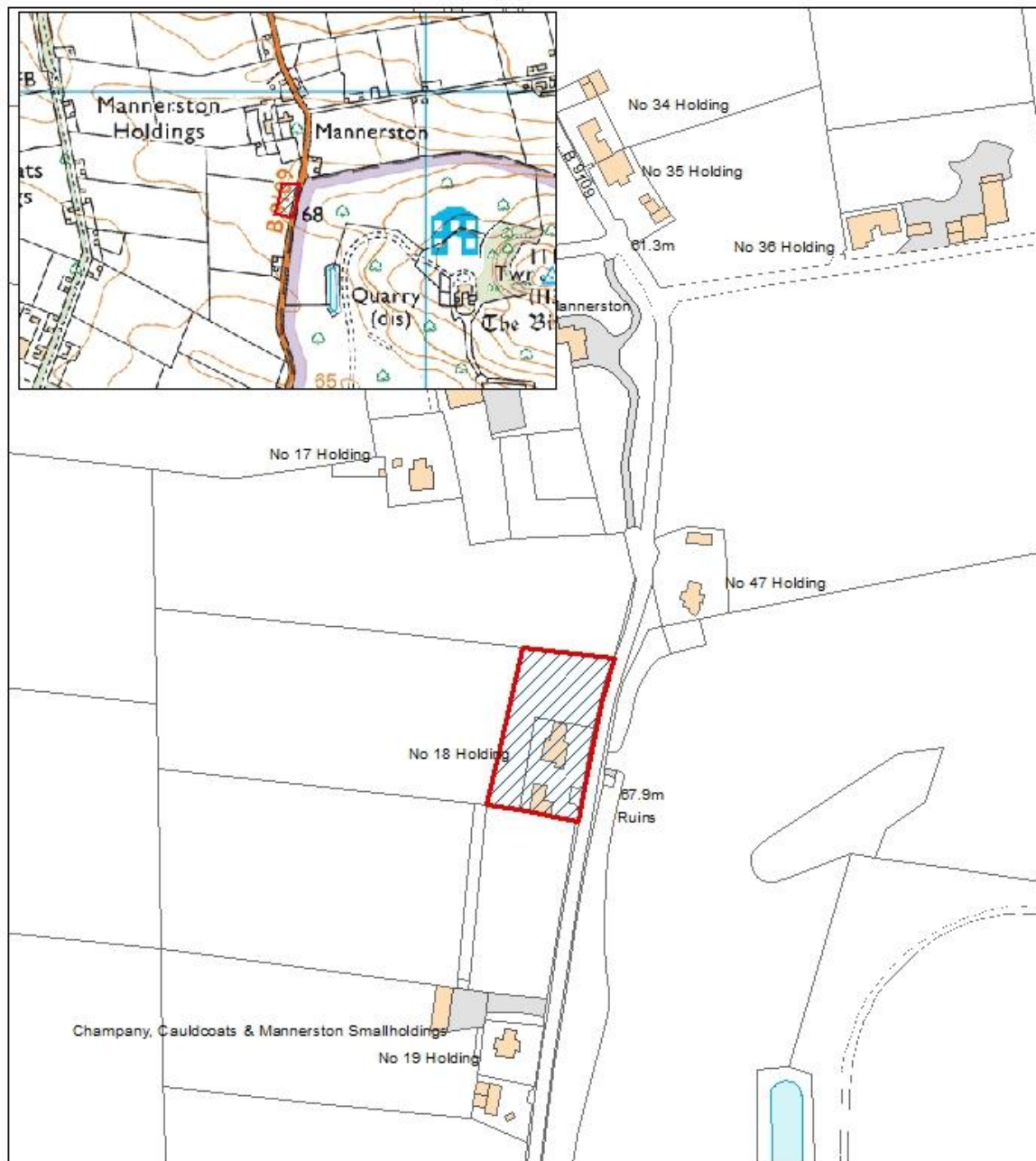
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

Planning Committee

Planning Application Location Plan

P/19/0375/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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