



## **Agenda Item 8**

**ERECTION OF DWELLINGHOUSE AND  
ASSOCIATED INFRASTRUCTURE,  
INCLUDING CHANGE OF USE OF  
QUARRY TO GARDEN GROUND AT  
HILLVIEW, GLEN ROAD, TORWOOD,  
LARBERT, FK5 4SN FOR MR & MRS  
GILLIES GUTHRIE - P/20/0083/PPP**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AND ASSOCIATED INFRASTRUCTURE, INCLUDING CHANGE OF USE OF QUARRY TO GARDEN GROUND AT HILLVIEW, GLEN ROAD, TORWOOD, LARBERT, FK5 4SN FOR MR & MRS GILLIES GUTHRIE - P/20/0083/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 17 June 2020

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert

Provost William Buchanan  
Councillor Niall Coleman  
Councillor David Grant

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** Julie Seidel (Planning Officer), Ext. 4880

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

- 1.1 The application relates to planning permission in principle for a proposed dwellinghouse. The site is located in the countryside, at the western approach to Torwood.
- 1.2 The site is shown as being part of the garden ground for Hillview and although no measurements are provided on the block plan a section of the partially restored former Torwood Quarry would also be incorporated into the application site. The adjacent property Ochilview and outlying quarry land are shown as being owned by the applicant.
- 1.3 The block plan shows a narrow, detached dwellinghouse adjacent to and with a similar footprint to Hillview. The submitted information does not show how garden ground and parking would be allocated to the proposed property and the donor property post development. Access would be taken via the existing access serving Hillview and the partially restored quarry.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Provost Buchanan to allow scrutiny by the Planning Committee in relation to Development Plan policies on housing in the countryside.

### **3. SITE HISTORY**

- 3.1 There is an extensive planning history associated with the application site and the former quarry site the details of which are as follows.
- 3.2 A planning application (05/0788/OUT) for the erection of a dwellinghouse garage and workshop was refused on 17 January 2006.
- 3.3 A planning application (05/1071/FUL) for the change of use of derelict land to garden ground and erection of a domestic garage and workshop was granted on 16 March 2006.
- 3.4 A planning application (P/07/0940/FUL) for the engineering/regrading works and change of use of former quarry to garden ground was refused on 10 July 2008.
- 3.5 A planning application (P/09/0771/FUL) for the regrade and landscape of the disused quarry was granted on 23 May 2011.
- 3.6 A planning application (P/12/0492/PPP) for the erection of a dwellinghouse, garage, car port and studio was refused on 17 December 2012.
- 3.7 A planning application (P/12/0493/PPP) for the erection of 4 holiday lodges and caretaker's residential accommodation was refused on 7 June 2013.
- 3.8 An Enforcement Case (ENF/2011/0048) in relation to the breach of planning conditions was closed on 20 January 2012.
- 3.9 An Enforcement Case (ENF/2012/0127) in relation to the breach of planning conditions was closed on 1 January 2013.
- 3.10 A planning application (P/17/0462/VRC) to remove Condition No. 2 of P/09/0771/FUL, to make the temporary access permanent, was refused on 29 September 2017.
- 3.11 An application for a Certificate of Existing Lawful Use (P/18/0524/CPE) for the use of a building as a single dwellinghouse (Class 9) was granted on 23 October 2018.
- 3.12 A planning application (P/19/0292/FUL) for the deletion of Condition 2 of P/09/0771/FUL to make the temporary access permanent was granted on 18 September 2019.
- 3.13 A planning application (P/19/0187/FUL) for the change of use of quarry to garden ground was granted on 18 September 2019.
- 3.14 A planning application (P/19/0547/FUL) for a change of use of quarry to garden ground, extension to dwellinghouse, erection of outbuilding with ancillary living accommodation and erection of fence and woodstore was granted on 11 December 2019.

## **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit comment that the application site is located on the east side of the C9 Glen Road which is an adopted, unlit road, which lacks footway provision and is subject to the national speed limit over the site's entire frontage.
- 4.2 Access to the site is via an existing verge crossing, constructed as a temporary measure (to facilitate the restoration of the quarry). The verge crossing was granted permission by the Planning Committee at the meeting on 28 August 2019 to remain as a permanent access (P/19/0292/FUL).
- 4.3 A traffic survey was undertaken during consideration of application P/18/0009/VRC to obtain vehicle speeds adjacent to the application site. Informed by the survey, visibility splays measuring 2.4m by 93m and 2.4m by 109m were required to the north-west and south-east respectively of the quarry access. The required level of visibility is achieved to the north-west. However, the vertical alignment of Glen Road restricts visibility to the south-east, where the required level of visibility cannot be achieved.
- 4.4 The current proposal for a dwellinghouse would be likely to increase the number of vehicular movements at a site, where visibility is restricted and considered to be sub-standard. The Roads Development Unit conclude that the proposed development would not be in the best interests of road safety and advise that their response could be used to support a recommendation to refuse planning permission in principle for a dwellinghouse.
- 4.5 The Council's Environmental Protection Unit have no objection to the application, subject to a condition in relation to ground contamination and an informative in relation to hours of construction work.
- 4.6 Scottish Water advise that they are unable to confirm capacity in Torwood Waste Water Treatment Works to serve the proposed development. The applicant requires to submit a Pre-Development Enquiry (PDE) Form directly to Scottish Water.
- 4.7 The Coal Authority do not object to the application. They note that the Coal Mining Risk Assessment submitted with the application recommends that a programme of investigative drilling, including gas monitoring, should be undertaken.

## **5. COMMUNITY COUNCIL**

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council is currently inactive, as such no comments were received on the application.

## **6. PUBLIC REPRESENTATION**

- 6.1 During consideration of the application one letter of objection was received, raising the following issues:
  - There has been building work going on by Mr Guthrie for decades and it is time for it to stop. The mess and noise and disruption is continual.
  - This application would only make an ugly building, which would dominate the skyline even more and be unattractive and obtrusive.

## 7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### 7a The Development Plan

7a.1 The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following 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 is located in the countryside as identified in the Local Development Plan. 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 'Housing in the Countryside' 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 relevant criteria where housing development is acceptable in the countryside. The application is contrary to policy CG03.

7a.6 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.7 There are no natural or built heritage features which require to be identified, conserved, enhanced and integrated into the development. It is considered that the principle of housing development on the site would not respond positively and sympathetically to the site's surroundings, noting the countryside location and dominant position at the entrance to Torwood. It is considered that the proposed development would not create buildings and spaces which are attractive, distinctive, welcoming, adaptable and safe and easy to use. The location of the site would not encourage the use of sustainable, integrated transport and would not provide safe access for all users. The site access has sub-standard visibility and there is no footpath link to Torwood. As such the proposed development would not be acceptable in terms of road and pedestrian safety. The application is contrary to policy D02 'Sustainable Design Principles'.

7a.8 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.9 There are no development briefs or masterplans of relevance to the site. The siting, density and design of the proposed development would not create a coherent street structure, noting that the proposed development is a form of tandem development where the proposed garden ground and plot boundary has not been defined. The proposed development would not accord with the Scottish Government's policy document 'Designing Streets'. The application is contrary to policy D03 'Urban Design'.

7a.10 Policy D04 'Low and Zero Carbon Development' states:-

1. *All new buildings should incorporate on-site low and zero carbon generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO<sub>2</sub> emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
  - *Proposals for change of use or conversion of buildings;*
  - *Alterations and extensions to buildings;*
  - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
  - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
  - *Temporary buildings with consent for 2 years or less; and*
  - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.11 An energy statement would be required to demonstrate the required provision of on-site low and zero carbon generating technologies (LZCGT). It is considered that this matter could be the subject of a condition of any grant of planning permission in principle, in accordance with policy D04 'Low and Zero Carbon Development'.

**Supplementary Guidance forming part of Local Development Plan**

7a.12 Supplementary Guidance SG01 'Development in the Countryside' directs new housing development in rural areas to existing villages, in order to sustain their vitality and take advantage of village services and infrastructure. It is recognised that there are some instances where housing development in the countryside is necessary or supported and policy CG03 gives the circumstances where development will be supported. The application is contrary to policy CG03 and Supplementary Guidance SG01, as it does not constitute any of the criteria where the development of housing in the countryside is considered acceptable.

7a.13 In addition, SG01 advises that rural housing development should not constitute ribbon or backland development. Ribbon development is defined as the outward linear growth of development along a road. In this instance, the proposed development would constitute ribbon development as it would result in outward linear growth west from the village boundary of Torwood.



- 7a.14 The applicant has not submitted an energy statement, in accordance with SG15 'Low and Zero Carbon Development', however, it considered reasonable to request this by condition.
- 7a.15 Accordingly, the application does not accord with the Falkirk Local Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed are National Planning Policy, the proposed Falkirk Local Development Plan 2, the planning history for the site, representation received and information submitted in support of the application.

### **National Planning Policy**

- 7b.2 Scottish Planning Policy (2014) (SPP) advises that an 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.3 The Falkirk Council area is an accessible and 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 out with settlements may be appropriate.
- 7b.4 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 Falkirk Local Development Plan or SPP.

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

- 7b.5 The Proposed Falkirk Local Development Plan 2 (LDP2) was submitted to Scottish Ministers in July 2019. Unresolved representations to the Proposed LDP2 were considered through the LDP Examination which took place between October 2019 and March 2020. The Examination Report, containing the reporters' recommendations in relation to each of the representations, was published on 31 March 2020. The next step is for the Council to make the requisite modifications to the Proposed LDP2, to publish notification of its intention to adopt the plan as modified, and to submit the Modified Plan to Scottish Ministers prior to adopting it. Adoption is scheduled for the end of July 2020. Pending adoption of the new plan, the Proposed LDP2, read in conjunction with the Examination Report, constitutes a material consideration and should be given significant weight in the determination of planning applications.
- 7b.6 The relevant policies contained within the Proposed Falkirk LDP2 and the changes as recommended in the Examination Report are not considered to be materially different from those within the current adopted plan and in this instance, would not result in the proposal being assessed differently. The proposal is contrary to the Proposed Falkirk LDP2.

## **Planning History**

- 7b.7 A Certificate of Existing Lawful Use (P/18/0524/CPE) was granted by the Planning Committee and established the former outbuilding, Hillview, as a dwellinghouse in the countryside. This current application would see another dwellinghouse for the applicant at the site and further encroachment into the partially restored quarry and out with the settlement boundaries defined in the LDP and Proposed Falkirk LDP2.
- 7b.8 There is a pattern of sporadic development by the applicant at the site. It is noted that the applicant formerly resided in Woodside (directly adjacent to the application site). The garage for Woodside was converted into a house, Ochilview. Thereafter the outbuilding for Ochilview was converted into a dwellinghouse, Hillview. The applicant indicates that he still owns both Ochilview and Hillview on the submitted block plan.
- 7b.9 It is considered that the sporadic and unplanned expansion out with the settlement boundary into the countryside, at the western entrance to Torwood, adversely affects the visual amenity of the area and seeks to erode the established village boundary defined in the Falkirk Local Development Plan and the proposed Falkirk LDP2. The proposed development would further add to the sporadic, ribbon development at the western approach to the village of Torwood.
- 7b.10 Planning permission was recently granted for an extension to Hillview and a substantial 2-storey outbuilding at the front of the site (P/19/0547/FUL). The indicative location of the proposed house is shown as directly adjacent to Hillview, behind the large outbuilding yet to be constructed. It is considered that the proposed development could contribute to an overdevelopment of the site, together with existing and granted development at the site.

## **Representations Received**

- 7b.11 The objector raises concerns about continual noise and disruption for local residents. It is noted that there has been building work ongoing at the site for a lengthy period.
- 7b.12 The comments in relation to visual amenity are noted.

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

- 7b.13 The applicant has provided supporting information as follows:
- The applicant and his wife are both registered disabled and need a disabled friendly house;
  - Precedent has been set with more than 10 new builds outside the village limit;
  - The development will enhance the visual impact entering and leaving the village; and
  - There is no safety issue with the access.
- 7b.14 The applicant has not provided any details of the specific disabled needs he and his wife have or why either of their other two houses at the site, Hillview and Ochilview, are not suitable. In particular, it should be noted that Hillview is accessed via a ramp and is currently single storey. The existing layout of Hillview is shown in planning permission drawings (P/19/0547/FUL).

- 7b.15 Disability needs do not provide justification for housing in the countryside, either in relation to Council or National policy. It is noted that the applicant owns two properties which could be potentially suitable and that there are other properties within the Council area which are designed to be suitable for disabled living or could be adapted to meet individual needs. It is difficult to comment any more fully on this point as a result of the limited information provided by the applicant.
- 7b.16 Housing development in the countryside is often remote from medical and other community facilities, which makes it particularly unsustainable for disabled / additional needs living. It is also noted that there is no footpath from the site to Torwood. This means that pedestrian access would not be safe or easily accessible, particularly for disabled residents.
- 7b.17 The applicant has not specified what development he refers to in relation to the issue of precedent. Each application is assessed on its own merits and referring to other development, particularly in a general way without providing detail, does not establish a precedent or support the application.
- 7b.18 The Council's Roads Development Unit advise against development on safety grounds, as visibility at the access is restricted and there is no footpath. The intensification of development at the site may increase traffic and pedestrian movements at an unsafe location.
- 7b.19 It is not considered that further development at the western countryside approach to Torwood would enhance the visual amenity of the area. The scale, massing and design of existing buildings at the site, together with granted development and the proposed location of a further dwellinghouse would add to the sporadic and unplanned appearance of development. The site also encroaches into countryside, does not respect the rural character or settlement pattern of the wider countryside location and is contrary to the Falkirk Local Development Plan a proposed Falkirk Local Development Plan 2.

## **7c Conclusion**

- 7c.1 The application is assessed as being contrary to the Falkirk Local Development Plan and the proposed Falkirk Local Development Plan 2. There are no material planning considerations which would justify the proposed development and the application is recommended for refusal.

## **8. RECOMMENDATION**

**8.1 It is recommended that Planning Committee refuse the planning application 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 proposed development would result in further sporadic ribbon development, leading to overdevelopment of the site at the western countryside approach to Torwood, which would have an unacceptable impact on the rural setting of Torwood. The applicant has not demonstrated that both the donor and proposed dwellinghouses would have an adequate level of usable garden ground, including off-street parking, post development which may impact the level of residential amenity which could be achieved for existing and proposed residents.**
- 3. The proposed development does not accord with the National Roads Development Guide (SCOTS, 2014) in relation to road safety as the proposed development would result in an increase in traffic at an access with poor visibility.**

**Informative(s):-**

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02 and Supporting Documents.**

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**pp Director of Development Services**

**Date: 8 June 2020**

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan
2. Proposed Falkirk Local Development Plan 2
3. Scottish Planning Policy 2014
4. National Roads Development Guide (SCOTS) 2015
5. An objection was received from Mr David Aitchison, Carbrook, Glen Road, Torwood on 20 May 2020.

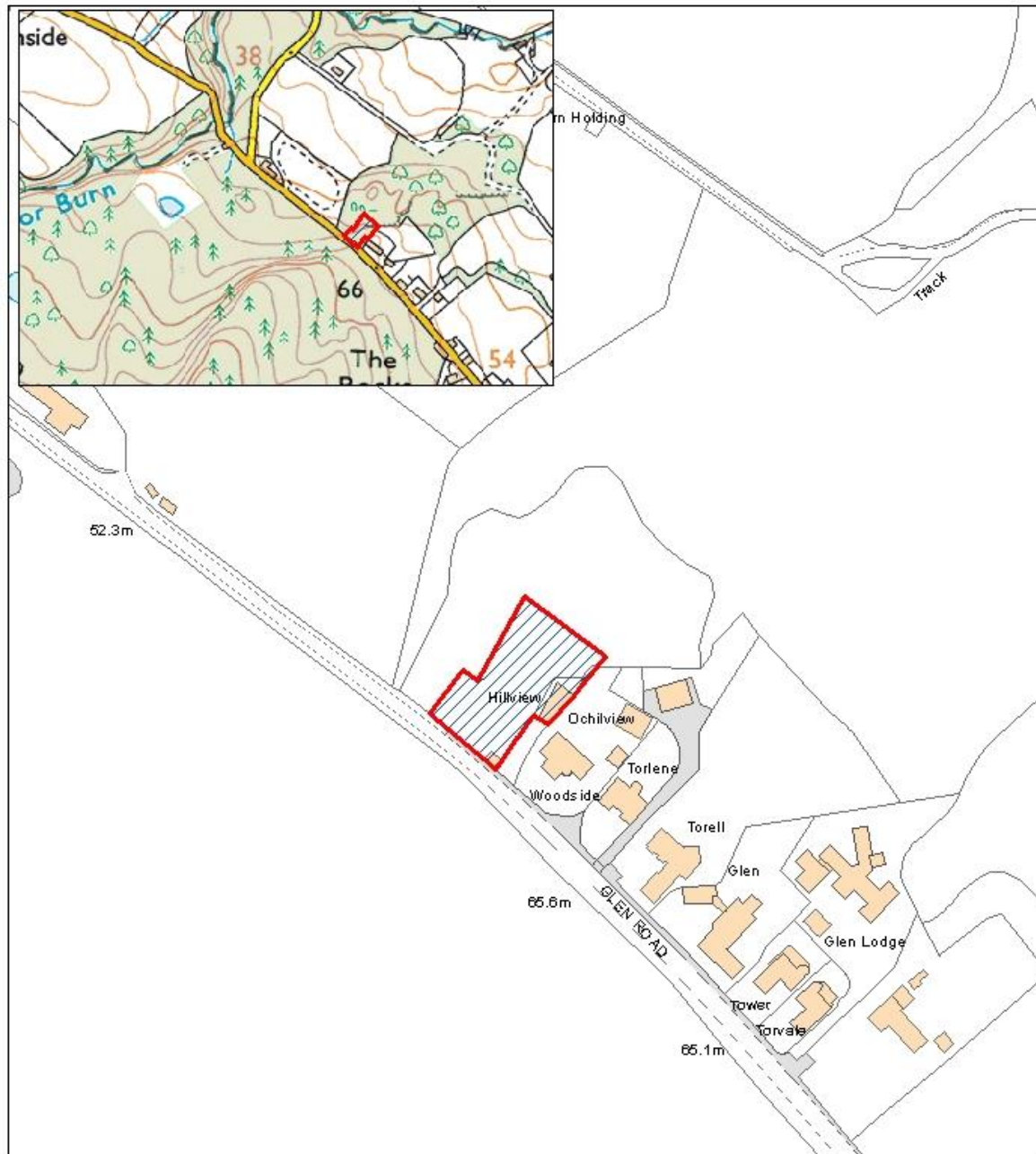
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/20/0083/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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