



## **Agenda Item 7**

**ERECTION OF DWELLINGHOUSE AT  
LAND TO THE WEST OF RUMAH,  
SHIELDHILL ROAD,  
REDDINGMUIRHEAD FOR  
MR ASHLEY BEAUMONT -  
P/20/0279/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AT LAND TO THE WEST OF RUMAH, SHIELDHILL ROAD, REDDINGMUIRHEAD FOR MR ASHLEY BEAUMONT - P/20/0279/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 January 2021

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes

Councillor Adanna McCue  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Reddingmuirhead and Wallacestone

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

[View this Application on Public Access](#)

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

- 1.1 This detailed planning application proposes the construction of a two storey, detached dwellinghouse and detached garage within the countryside between Reddingmuirhead and Shieldhill. The application site fronts onto the northern side of the B810 Shieldhill Road and proposes to utilise an existing field access to serve the site.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The proposed development is contrary to the terms of the Development Plan.

**3. SITE HISTORY**

- 3.1 P/16/0453/FUL - Detail - Granted 9 September 2016 - Formation of Vehicular Field Access.
- 3.2 P/18/0190/PPP - Planning Permission in Principle - Granted 31 August 2018 - Erection of Dwellinghouse.
- 3.3 P/19/0758/FUL - Application Withdrawn 22 May 2020 - Erection of Dwellinghouse.

## **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have no objection to the proposed development.
- 4.2 Scottish Water have no objection.
- 4.3 The Council's Environmental Protection Unit have no objections. Conditions and informatives suggested.
- 4.4 The Coal Authority have no objections to this planning application subject to the imposition of a planning informative.

## **5. COMMUNITY COUNCIL**

- 5.1 The Reddingmuirhead and Wallacestone Community Council have not made representations to this application.

## **6. PUBLIC REPRESENTATION**

- 6.1 No letters of representation have been received during the course of this application.

## **7. DETAILED APPRAISAL**

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

Accordingly,

### **7a The Development Plan**

- 7a.1 [The Falkirk Local Development Plan \(LDP2\)](#) was adopted on 7 August 2020. The proposed development was assessed against the following policy or policies:

#### Policy PE14 - Countryside

- 7a.2 The application site is located outwith the urban and village limits and within an area of countryside as defined by the Falkirk Local Development Plan. The proposal fails to accord with policy PE14.

#### Policy HC05 - Housing in the Countryside

- 7a.3 The proposed dwellinghouse is not required for any form of agricultural, horticultural, forestry or business use for which a countryside location is essential. The proposal is not a restoration or replacement of an existing house or the conversion or restoration of redundant farm steadings. The proposal is not an infill site and does not constitute enabling development. The proposal is not a gypsy/traveller site. The proposed development is not therefore supported by policy HC05.

### Policy IR13 - Low and Zero Carbon Development

- 7a.4 The applicants have indicated that low and zero carbon generating technology in the form of photovoltaic roof cells will be installed in order to meet the carbon reduction targets required. A suitably worded planning condition can be applied to secure these savings. The proposal accords with policy IR13.

### Policy PE01 - Placemaking

- 7a.5 Setting aside the countryside location of the application site, the proposed development would achieve a distinctive character with a scale, design and siting which would respond positively to the site's surroundings. The proposed development would achieve a safe, secure and pleasant environment for all users and the site is located close to existing bus links and pedestrian footpaths to aid sustainable travel options. The proposal would create a welcoming environment which would be adaptable for a variety of occupants and would be resource efficient. The proposal accords with the terms of policy PE01.
- 7a.6 On balance, the proposal is deemed to be contrary to the terms of the Falkirk Local Development Plan 2.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed are the planning history of the site and the results of coal mining risk assessment and survey work.

### **Planning History and Coal Mining Legacy**

- 7b.2 Members will recall that planning application P/18/0190/PPP for the erection of a single dwellinghouse was granted by planning committee on 31 August 2018. This application granted planning permission in principle for a single dwellinghouse located slightly to the south east of where the current application proposes and closer to Shieldhill Road (B810). Following the grant of this permission, survey work was undertaken by the applicants to establish ground conditions prior to the submission of an application for approval of matters specified in conditions. This survey work uncovered the location of a historic mine shaft entry which effectively made the previously envisaged house position undevelopable. The current application is a direct response to this survey work and proposes relocating the proposed dwellinghouse further back from Shieldhill Road and outside the zone of influence of the mine shaft. As a result, the current proposed house position is outside the approved application site boundary of previous application P/18/0190/PPP. A fresh detailed application for planning permission was therefore required to be submitted. It is considered that despite the fact that the current application is a larger application site incorporating an additional area of countryside to that approved under permission P/18/0190/PPP, the previous decision of the planning committee to grant permission for a dwellinghouse is a strong material consideration in the assessment of the current application. For the purposes of assessment against development plan policy, the current application is directly comparable to application P/18/0190/PPP. The location of the mineshaft which has been discovered effectively prevents the potential for the previous permission to be implemented and there is therefore very little prospect of an approval of the current application resulting in the construction of two dwellinghouses in this location. Taking into consideration the recent planning history on this site and the position of the mine shaft entry, it is considered appropriate to set aside the terms of the Development Plan in this instance.

## Human Rights Assessment

7b.3 The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. The Human Rights Act 1998 adds a new test of proportionality to local authorities' decision making and in its assessment of development proposals the planning authority should be satisfied that it had acted proportionately, whether the action is proportionate to its aim. The Human Rights Act 1998 has been considered in reaching a recommendation to Planning Committee.

### 7c Conclusion

7c.1 The proposed development is assessed as being contrary to the terms of the Development Plan however, material considerations in the form of recent planning history and the discovery of a mineshaft within the site are considered sufficient to outweigh the terms of the Development Plan in this instance.

## 8. RECOMMENDATION

8.1 **It is recommended the Planning Committee grants planning permission subject to the following condition(s):-**

1. **The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
2.
  - i. **No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**
  - ii. **Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**
  - iii. **Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed**

by the relevant parties have been submitted to and agreed in writing by the Planning Authority.

- iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
3. The development hereby approved shall not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:
- i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and
  - ii) a Statement of Conformity which confirms that 12%, of the required CO<sub>2</sub> emissions reduction is achieved through the installation of low and zero carbon generating technologies.

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

4. Notwithstanding the details on the approved plans, and prior to the commencement of development, full details of all external finishing materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
5. Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
  - ii. location of new trees, shrubs, hedges and grassed areas
  - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. programme for completion and subsequent maintenance.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development.
3. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.
- 4-5. To safeguard the visual amenity of the area.

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02 and 03.
2. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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

4. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
5. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority).

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**pp Acting Director of Development Services**

**Date: 12 January 2021**

## **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan 2 .

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.



## **Policy Schedule**

### **PE14 Countryside**

1. 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. Development in the countryside will be assessed in terms of the relevant countryside policies for specific uses (HC05 and JE05);
2. Development proposals in the countryside for uses not covered by policies for specific uses will only be permitted where:
  - It can be demonstrated that they require a countryside location;
  - They constitute infill development; or
  - They utilise appropriate existing buildings.

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 Development in the Countryside;

3. Development proposals in the countryside should additionally demonstrate that their scale, siting and design is such that there will be no significant adverse impact on the rural environment, having regard to other policies on the natural and historic environment, and design guidance in Supplementary Guidance SG01 'Development in the Countryside'.

### **HC05 Housing in the Countryside**

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 that the restored/ replacement house is of a suitable size and design;
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 HC09.

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'.

## **IR13 Low and Zero Carbon Development**

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 12% 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 is contained in Supplementary Guidance SG14 Renewable and Low Carbon Energy. 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 the other sustainability aspects of the current Sections 6 and 7 of the current Building Standards Technical Handbook.

## **PE01 Placemaking**

Development proposals should promote the six qualities of successful places as defined in Scottish Planning Policy by addressing the following principles:

### **1. Distinctive**

- Existing natural and historic environment features should be identified, conserved, enhanced and integrated sensitively into development. Further guidance is set out in Policies PE05-PE27, and accompanying Supplementary Guidance SG07- SG12;
- The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create a coherent structure of buildings, streets and public spaces that are attractive, distinctive and create a sense of identity within the development. Further guidance is set out in SG02 'Neighbourhood Design';
- Development should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, manages surface water sustainably, and contributes, where appropriate, to the wider green network. Further guidance is set out in SG05 'Green Infrastructure and New Development';

- Developments of a significant scale should contribute to public art either through a contribution to an existing local project, or through provision of public art within the development, guided by a strategy prepared by the developer in consultation with the Council and Falkirk Community Trust. Further guidance is set out within SG13 'Developer Contributions' and the public art procurement guide produced by Falkirk Community Trust.

## **2. Safe and pleasant**

- Development 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 provision of safe access for all. Further guidance is set out in SG02 'Neighbourhood Design';
- Development should not exacerbate existing air quality issues or introduce new sources of pollution which impact on local air quality without appropriate mitigation.

## **3. Easy to move around and beyond**

- Development should be designed to encourage the use of active travel and sustainable, integrated transport. Further guidance is set out in Policies IR05-IR07;
- Development should build on the existing network of paths, edges, nodes, districts and landmarks to create places that people can navigate easily around.

## **4. Welcoming**

- Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality hard or soft landscape treatment. Further guidance is set out in SG02 'Neighbourhood Design'.

## **5. Adaptable**

- Development should be designed to consider how people use places differently, for example depending on age or degree of personal mobility;
- Where appropriate, development should provide a mix of building densities, tenures and typologies where a variety of diverse but compatible uses can be integrated.

## **6. Resource efficient**

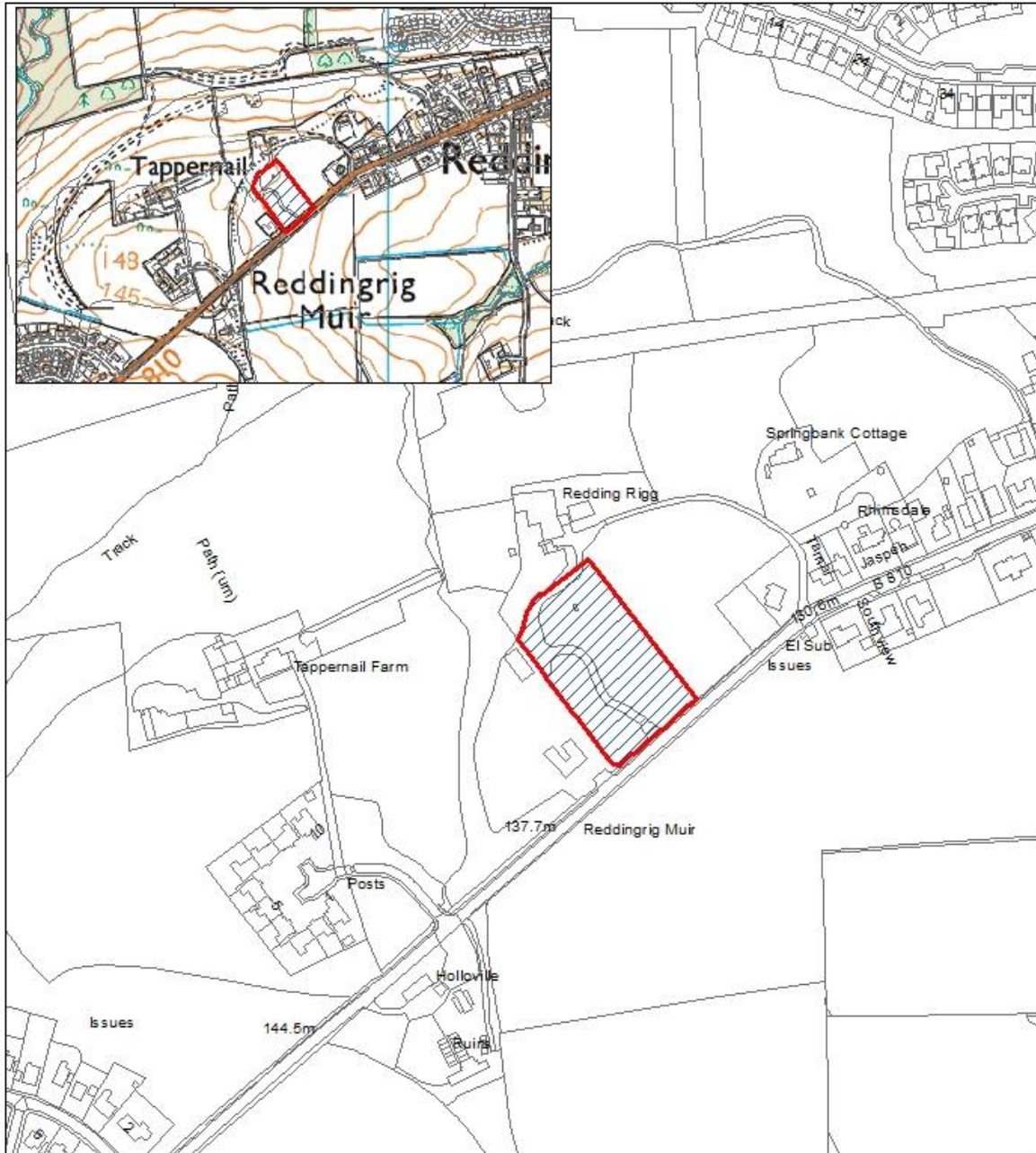
- In support of climate change mitigation, development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through: energy efficient design; choice and sourcing of materials; reduction of waste; recycling of materials and incorporating space to separate materials at source; incorporation of low and zero carbon generating technologies and integration into neighbourhood and district heating networks. Further guidance is set out in Policies IR12-IR14;
- In support of climate change adaptation, 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;
- Provision should be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.

# Planning Committee

## Planning Application Location Plan

# P/20/0279/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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