



Agenda Item 8

**ERECTION OF DOMESTIC GARAGE
AND ACCOMMODATION ANCILLARY
TO DWELLINGHOUSE UNDER
CONSTRUCTION AT HILLROY, 18
MANNERSTON HOLDINGS,
BLACKNESS, LINLITHGOW, EH49 7ND
FOR PETER & KAREN MUSHET -
P/20/0581/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF DOMESTIC GARAGE AND
ACCOMMODATION ANCILLARY TO DWELLINGHOUSE
UNDER CONSTRUCTION AT HILLROY, 18 MANNERSTON
HOLDINGS, BLACKNESS, LINLITHGOW, EH49 7ND FOR
PETER & KAREN MUSHET - P/20/0581/FUL

Meeting: PLANNING COMMITTEE

Date: 17 March 2021

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

[View this Application on Public Access](#)

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. It forms part of a larger site which is currently under construction for the erection of a dwellinghouse under the terms of planning permission P/19/0375/FUL. This is detailed in section 3 of this report. Planning permission P/19/0375/FUL includes, amongst other things, the erection of a new double garage. The current application is for alterations to the new garage, to include ancillary accommodation which would be incidental to the enjoyment of the new dwellinghouse (approved under P/19/0375/FUL) and located in the garage roofspace. The proposal would include dormer windows facing east, a full length balcony facing west and an external staircase to the proposed ancillary accommodation.
- 1.2 The footprint of the garage as amended would not increase and no additional hard surface around the garage is proposed.
- 1.3 The application site is located in an area designated in the Falkirk Local Development Plan 2 (Development Plan) as a Local Landscape Area.
- 1.4 The application is not supported by a Landscape Visual Impact Assessment. The scale of the proposal does not require the submission of such an assessment.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The scale and design of the proposed development does not reflect the character and historic development pattern of the rural landscape found within the Mannerston area. Accordingly, the application does not accord with countryside related policies of the Development Plan. As this report recommends that planning permission be granted for reasons set out in sections 7b.21-7b.26 and section 7c of this report, the application requires consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 Planning permission F/2000//0363 was granted on 1 August 2000 for the formation of an access and erection of boundary fence.
- 3.2 Planning permission P/07/1055/FUL was granted on 13 December 2007 for extension to dwellinghouse.
- 3.3 Planning permission P/19/0375/FUL was granted on 25 November 2019 for the change of use of land to private garden ground (retrospective), demolish existing dwelling and outbuilding and erection of dwellinghouse and domestic garage.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has confirmed that the Scottish Environment Protection Agency (SEPA) is the responsible drainage authority in respect of the proposed development and drainage approval should accordingly be sought from SEPA.

5. COMMUNITY COUNCIL

- 5.1 The Blackness Area Community Council have objected to the proposed development on the following grounds:-
- The proposed extended garage would not respect the application site's setting and existing properties in the area in terms of scale and design.
 - The proposal constitutes the formation of an additional separate dwelling at the site.
 - The proposal would be prominently visible in the area and would be detrimental to the amenity and landscape character of the area which is designated as a landscape area of local importance in the Development Plan.
 - The proposed development should be accompanied by a Landscape Visual Impact Assessment.
 - It has not been satisfactorily demonstrated that there would be satisfactory drainage provided.

- The development approved under the terms of planning permission P/19/0375/FUL [detailed in Section 3 of this report] was not fully interrogated and the decision to approve was “unfair”. The current application should be assessed fully in terms of the Development Plan.
- The proposed development does not accord with the policies of the Development Plan or supplementary planning guidance.
- The proposal could set a precedent for inappropriate development in the area.

6. PUBLIC REPRESENTATION

6.1 Three additional letters of objection have been received. These objections reflect the concerns of the Community Council and, in addition, the following concerns are raised:-

- The proposal would have a significant impact on the function of the garden ground of the dwellinghouse currently under construction at the site.
- The proposal merits the revisiting of the decision to grant planning permission reference P/19/0375/FUL [detailed in section 3 of this report].
- There is no agricultural use associated with the application site. The proposed development is not related to agricultural use.
- The proposal would not respect the Green Belt setting.
- The proposal constitutes inappropriate urban expansion.
- The proposal would result in unacceptable overlooking of neighbouring properties.
- The proposal would result in intensification of development at the application site.

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:

HC05 - Housing in the Countryside

PE18 - Landscape

IR10 - Drainage Infrastructure

PE24 - Flood Management

PE14 - Countryside

HC05 Housing in the Countryside,

- 7a.2 The development approved under the terms of planning permission P/19/0375/FUL, to which this application relates, does not yet exist as a completed development at the site. Policy HC05 is therefore a material planning consideration. The proposed alterations to the approved garage would not respect the character or historic development pattern of the application site's countryside and Local Landscape Area setting, in terms of scale and design. Historically, the Mannerston area comprised of agricultural holdings containing modest bungalow and one and a half storey dwellings proportionate in design, scale and style to a traditional rural setting.
- 7a.3 The proposed development would include two small, pitched roof dormers on the front roof slope. These would be proportionate to the building and are considered acceptable. The rear roof slope would include a new flat roofed extension in the roof slope. It would dominate the slope, leaving only a small area of the more traditional pitched roof visible. The dormer would not be set up from the rear wall and would be finished with a white render. The dormer is excessive in scale (measuring 10m in length and 3m in height) in comparison to the historic development pattern of the area. This west facing elevation with its full length flat roofed dormer and surrounding balcony reflects a more urban design. Although it is noted that even in a more urban area, the dormer would likely constitute a bulky addition.
- 7a.4 The proposed development would not be for the purpose of the operation of an agricultural use, or business use for which a countryside location is essential and is not of a scale or design suitable for its intended location.

PE14 Countryside

- 7a.5 Policy PE14 seeks to ensure that development proposals in the countryside demonstrate that their scale, siting and design is such that there would be no significant adverse impact on the rural environment. The assessment of the proposed development detailed in sections 7a.1-7a.4 of this report is noted. The proposed development does not accord with policy PE14.

PE18 Landscape

- 7a.6 Policy PE18 seeks to protect and enhance landscape character and quality. Developments within designated Local Landscape Areas (LAA) should be designed to minimise any adverse effects on the landscape character any scenic interest for which the LAA is designated. Policy PE18 is supported by Supplementary Guidance SG09 “Landscape Character Assessment and Landscape designations” which identifies that the landscape character of the area is defined by the “distinct small scale field pattern with smallholdings, dwellings and buildings extending along minor roads”. The assessment of the proposed development detailed in sections 7a.1-7a.4 of this report is noted. The proposed development does not accord with policy PE18.

IR10 Drainage and PE24 Flood Management

- 7a.7 It is noted that the Roads Development Unit has advised that SEPA, and not Falkirk Council, is the controlling drainage authority in this case. It is noted that the footprint of the garage as approved by planning permission P/19/0375/FUL would not increase and no additional areas of hard standing are proposed. There is no evidence to suggest that drainage at the site would not accord with the following policies of the Development Plan IR10 “Drainage” and PE24 “Flood Management”.
- 7a.8 Accordingly, the proposed development does not accord with the Development Plan.

7b Material Considerations

- 7b.1 The material consideration to be assessed are Supplementary Guidance, The Roads Development consultation response, objection from the Blackness Area Community Council, letters of representation and planning permission P/19/0375/FUL.

Supplementary Guidance

- 7b.2 The Development Plan section of this report (7a onwards) is noted. The proposed development does not accord with Supplementary Guidance SG01 “Development in the Countryside” and SG09 “Landscape Character Assessments and landscape Designations”.
- 7b.3 SG01 refers to policies of the former Falkirk Local Development Plan, now superseded by the Falkirk Local Development Plan 2 adopted August 2020 (Development Plan). An updated SG01 is in the process of being adopted, having undergone appropriate statutory consultation procedures. It is noted that the emerging updated SG01 reflects the previous guidance in respect of the proposed development.
- 7b.4 The draft SG09 is going through the consultation process, as such its content maybe subject to change. The emerging document reflects previous guidance in relation to landscape character assessments and landscape designations.
- 7b.5 Whilst the scale of the proposal does not require the submission of a Landscape Visual Impact Assessment, the proposal does not accord with the wider aspirations of Supplementary Guidance SG09 “Landscape Character and Landscape Designations”.

Road Development Unit Consultation Response

- 7b.6 The Roads Development Unit advises that SEPA is the controlling drainage authority in respect of the proposed development. Any drainage proposals would need SEPA’s authority. Section 4 of this report is noted.

Blackness Area Community Council Objection

- 7b.7 Comments that the proposed development would not respect the application site's location or Local Landscape Area setting in terms of scale and design are noted and considered in more detail in the main body of the report.
- 7b.8 There is no evidence to suggest that there is any intention that the proposed development be occupied as a separate dwelling. A separate application for planning permission would be required if this was proposed in the future.
- 7b.9 The scale of the development does not require the submission of a Landscape Visual Impact Assessment under the terms of policy PE18 of the Development Plan "Landscape" or supplementary guidance SG09 "Landscape Character and Landscape Designations".
- 7b.10 It is noted that SEPA is the controlling drainage authority. There is no evidence to suggest that the proposed development will not drain satisfactorily.
- 7b.11 This report fully assesses all relevant policies of the Development Plan and all relevant supplementary guidance.
- 7b.12 Comment that the proposed development does not accord with the Development Plan or relevant supplementary guidance are noted and considered in more detail in the main body of the report.
- 7b.13 It is not considered that this proposal would set a precedent for inappropriate development in the area.

Letters Of Representation

- 7b.14 It is not considered that the proposed development would have a significant impact on the function of the garden ground of the dwellinghouse approved under the terms of planning permission P/19/0375/FUL.
- 7b.15 This application is made for the consideration of alterations to the garage approved under the terms of planning permission P/19/0375/FUL only. Revisiting the entire development approved under the terms of this previous permission is not proposed and this report does not seek to do so. This application does not raise any material planning considerations whereby such an assessment would be necessary or appropriate.
- 7b.16 It is noted that the proposed development is not essential to the pursuance of agriculture. However, the proposed development is intended as ancillary accommodation associated with a dwellinghouse already so assessed, approved and under construction. There is no requirement for the proposed development to be justified in terms of land use.
- 7b.17 The application site is not located within Green Belt as identified in the Development Plan.
- 7b.18 The proposal is significantly isolated from the nearest urban area and does not constitute urban expansion.

- 7b.19 The nearest occupied building to the south is 95 metres distant, the nearest north 115 metres and the nearest west in excess of 400 metres. The proposal raises no overlooking issues.
- 7b.20 The proposal would not result in overdevelopment of the site. The footprint of the garage would not be increased. The proposal raises no access or parking issues.

Planning Permission P/19/0375/FUL

- 7b.21 Planning permission P/19/0375/FUL for the erection of a dwellinghouse and domestic garage at the location of the application site, detailed in section 3 of this report, is a significant material planning consideration.
- 7b.22 Planning permission was determined by the Planning Committee. The Director of Development Services recommended that planning permission be refused on the grounds that the design of the proposed dwellinghouse did not respect the character or historic development pattern of the Mannerston area and its designated Landscape Area setting. The scale of the proposed development was considered to be excessive in comparison to the historic development pattern of the area and the design more appropriate to an urban setting.
- 7b.23 Following a site inspection, the Planning Committee determined that, notwithstanding the recommendation that the proposed development did not accord with the Development Plan, "the scale and design of the proposal could be considered to be appropriate to the site and its setting" and granted planning permission. Planning permission was duly granted on 25 November 2019. For clarity, the planning permission declared that the proposal did not accord with the Development Plan.
- 7b.24 The approved house is now under construction at the application site.
- 7b.25 The approved house under construction is a large dwellinghouse, very distinctive in styling, incorporating traditional style dormers to the front and extensive glazing, balconies and a long flat roof dormer style element to the rear.
- 7b.26 The proposed garage alteration would replicate the design and scale of the approved dwellinghouse under construction at the site and would integrate successfully with it. There would be no significant impact on the function of the garden ground of the dwellinghouse and no access or parking issues are raised.

7c Conclusion

- 7c.1 The proposed development does not accord with policies of the Development Plan and supplementary guidance. The scale and design of the proposal would not respect the character of historic development in the area or the landscape setting.
- 7c.2 However, the dwellinghouse approved under the terms of planning permission P/19/0375/FUL is under construction and constitutes a significant material planning consideration. The proposed development would respect the design of the dwellinghouse under construction and would integrate well in terms of scale.
- 7c.3 There would be no significant overlooking of adjacent properties. No access or parking issues are raised.

- 7c.4 It is not considered that the proposed development would set a precedent for future inappropriate development in the countryside. The proposal would merely respect the dwellinghouse it would be subservient to.
- 7c.5 On balance, there is justification in this case to set aside the terms of the development plan and grant planning permission.

8. HUMAN RIGHTS ASSESSMENT

- 8.1 Officers have considered the Human Rights Act 1998 in reaching a recommendation to Grant Planning Permission

9. RECOMMENDATION

- 9.1 It is therefore recommended that the Planning Committee grant 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.

Reason(s):-

1. As these drawings and details constitute the approved 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, 02, 03, 04 and 05.
2. 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.

3. 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.

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pp Director of Development Services

Date: 9 March 2021

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan 2.
2. Supplementary Guidance SG01 "Development in the Countryside".
3. Supplementary Guidance SG09 "Landscape Character and Landscape Designations".
4. Planning Application P/19/0375/FUL.
5. Objection received from Mrs Watson, 47 Mannerston Holdings, Blackness, Linlithgow, EH49 7ND on 23 December 2020.
6. Objection received from Merville Archibald & Moira Howie, 17 Mannerston Holdings, Blackness, Linlithgow, EH49 7ND on 5 January 2021.
7. Objection received from Blackness Area Community Council on 5 January 2021.
8. Objection received from Trevor and Karen Walker, KXRegulatory Ltd, 3 Mannerston Holdings, Blackness, Linlithgow, EH49 7LY on 5 January 2021.

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

Policy Schedule

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'.

HC08 Residential Extensions and Alterations

Extensions and alterations to residential properties will be permitted where:

1. The scale, design and materials are sympathetic to the existing building;
2. The location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and
3. It will not result in overdevelopment of the plot, thereby giving rise to adverse impact on the functioning of garden ground, unacceptable loss of off-street parking or road safety issues.

Detailed guidance on the application of these criteria is set out in Supplementary Guidance SG03 'Residential Extensions and Alterations'.

PE18 Landscape

1. The Council will seek to protect and enhance landscape character and enhance landscape quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations';
2. Development within Local Landscape Areas should be designed to minimise any adverse effects on the landscape character and scenic interest for which the area is designated; and

3. Development proposals which are likely to have significant landscape and visual effects must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.

IR10 Drainage Infrastructure

1. Necessary sewerage infrastructure associated with new development should either be adopted by Scottish Water or have alternative maintenance arrangements which are acceptable to SEPA. Connection to the public sewer is the most sustainable option and will ensure that any pollution risk to the environment is minimised.
2. Surface water management for new development should comply with current best practice on Sustainable Urban Drainage Systems (SUDS), where appropriate forming an integral part of the development's landscape structure as set out within Supplementary Guidance SG05 'Green Infrastructure and New Development'. SUDS will be required to meet the specifications as detailed in the most recent version of Sewers for Scotland should the developer wish the surface water system to vest in Scottish Water.
3. For developments that involve a change of use and/or redevelopment, wherever possible, opportunities should be taken to retrofit SUDS.
4. 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. The strategy should follow the latest version of the SUDS Manual.

PE24 Flood Management

1. The Council will support the delivery of the objectives and actions set out in the Local Flood Risk Management Strategies and Local Flood Risk Management Plans covering the area. There will be a presumption against development which would prejudice the implementation of the relevant actions.
2. Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy, with development being avoided in locations at medium to high flood risk, unless it accords with the criteria set out in the Framework. There will be a presumption against new development which would:
 - Be likely to be at risk of flooding;
 - Increase the level of risk of flooding for existing development;
 - Result in a use more vulnerable to flooding or with a larger footprint than any previous development on site; or
 - Lead to an increase in the probability of flooding elsewhere.

3. Development proposals on land identified as being at medium to high risk from any source of flooding, and low to medium risk areas as identified by the Flood Risk Framework, or where other available information suggests there may be a risk, including proposals to restore the natural course of watercourses, will be required to provide a flood risk assessment in accordance with SEPA's Technical Flood Risk Guidance for Stakeholders that demonstrates that:
 - Any flood risks can be adequately managed both within and outwith the site;
 - An adequate allowance for climate change and freeboard has been built into the flood risk assessment;
 - Access and egress can be provided to the site which is free of flood risk; and
 - Water resistant materials and forms of construction will be utilised where appropriate (including any development permitted in medium to high risk areas (that accords with the exceptions in the Flood Risk Framework) or is located in adjacent low to medium risk areas).
4. Development proposals on previously developed land which is at risk of flooding will be limited to uses which are of equal or less vulnerability as defined by SEPA's Land Use Vulnerability Guidance.
5. Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded.

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;

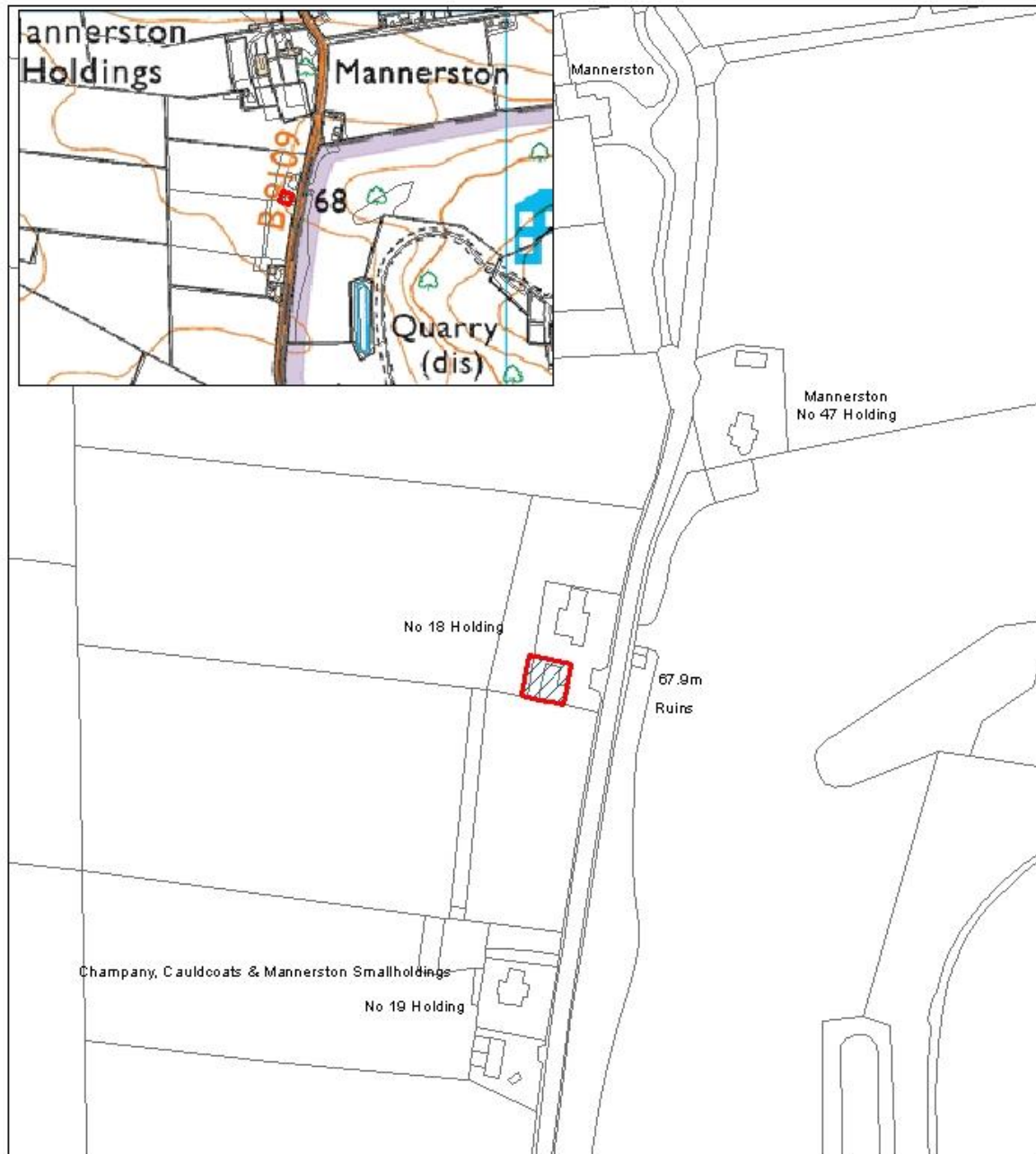
3. Development proposals in the countryside should additionally demonstrate that their scale, siting and design is such that there will be no significant adverse impact on the rural environment, having regard to other policies on the natural and historic environment, and design guidance in Supplementary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

Planning Committee

Planning Application Location Plan

P/20/0581/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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