



Agenda Item 3

**CONSTRUCTION OF DWELLINGHOUSE
WITH ASSOCIATED DEVELOPMENT
INCLUDING OUTBUILDING AND STABLES
AT SITE TO THE NORTH WEST OF 47
MANNERSTON HOLDINGS, BLACKNESS,
FOR MR AND MRS JAMES AND KATHRYN
THOMSON - P/22/0360/FUL**

FALKIRK COUNCIL

Subject: CONSTRUCTION OF DWELLINGHOUSE WITH ASSOCIATED DEVELOPMENT INCLUDING OUTBUILDING AND STABLES AT SITE TO THE NORTH WEST OF 47 MANNERSTON HOLDINGS, BLACKNESS, FOR MR AND MRS JAMES AND KATHRYN THOMSON - P/22/0360/FUL

Meeting: PLANNING COMMITTEE

Date: 21 September 2022

Author: DIRECTOR OF PLACE SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor David Aitchison
Councillor Stacey Devine
Councillor Ann Ritchie

Community Council: No Community Council

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

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the development of a house, with stables and paddock, at land to the west of 47 Mannerston Holdings, Blackness.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by the Convener, Councillor William Buchanan, to allow the Planning Committee to assess the application in relation to Development Plan policy on housing in the countryside and landscape impacts.

3. SITE HISTORY

- 3.1 A planning application P/21/0522/FUL for the construction of a dwellinghouse with associated development, including outbuilding and stables on the same site was refused on 17 March 2022.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit have no objection to the application.
- 4.2 The Council's Environmental Protection Unit have not responded to consultation.
- 4.3 The Council's Flooding and Drainage Team advise that a Drainage Impact Assessment is required.
- 4.4 Scottish Water do not object.

5. COMMUNITY COUNCIL

- 5.1 The Blackness Community Council is currently inactive.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 1 contributor submitted a letter to the Council. The issues raised are summarised as follows:-
 - General support for the proposed development, noting that the siting, scale, form, detailing and materials would enhance the area. Comments are made in relation to the character and settlement pattern of the Blackness Holdings area.
 - Note the comments in the Design Statement and agree that a detailed drainage strategy is required. Reference made to ongoing drainage issues in Blackness area.

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 PE01 - Placemaking

- 7a.2 There is no conflict in principle with policy PE01. The proposed development represents a high-quality design, which would respect the landscape character of the area and accord with relevant countryside policies.

Policy PE14 - Countryside

- 7a.3 The application site is located in the countryside as identified in the LDP2. Policy PE14 advises that the proposed development should be assessed in relation to policy HC05 'Housing in the Countryside' and Supplementary Guidance SG01. The proposed development is assessed as being in accordance with both HC05 and SG01.
- 7a.4 Policy PE14 also requires that the scale, siting and design of development proposals in the countryside demonstrate that there would not be a significant adverse impact on the rural environment. In this case, the proposed development represents a sensitive design which responds to the character and appearance of the area. There would not be a significant adverse impact as a result of development and the application accords with policy PE14 in full.

Policy PE18 - Landscape

- 7a.5 The application site is in a Local Landscape Area. A Landscape and Visual Assessment is contained in the submitted Design and Access Statement. It is considered that there would not be a significant landscape impact as a result of development. There is no conflict with policy PE18.

Policy HC01 - Housing Land

- 7a.6 Policy HC01 provides general support for the application. The proposed development represents a type of housing development in the countryside which is supported by the Development Plan. The very modest contribution the development would make to the Council's effective 5 year supply of housing is noted.

Policy HC05 - Housing in the Countryside

- 7a.7 The application accords with Criterion No.4 of policy HC05, as appropriate infill development. A detailed assessment in relation to SG01 design criteria for cluster development at Section 7b.3 below.

Policy HC06 - Infill Development and Plot Sub-division

- 7a.8 Infill development in the countryside also requires consideration in relation to policy HC06. It is considered that the scale, density, disposition and design of the proposed development would respect the rural character of the area. Adequate garden ground would be provided and there would not be an unacceptable impact on daylight or privacy. There would be no loss of any features of note and vehicular access and other infrastructure is considered acceptable. The application accords with policy HC06.

Policy IR02 - Developer Contributions

- 7a.9 The proposed development of one house would not create or exacerbate deficiencies on existing community infrastructure, such that developer contributions would be required. There is no conflict with policy IR02.

Policy IR13 - Low and Zero Carbon Development

- 7a.10 The applicant has not submitted an energy statement to support the application. It is considered reasonable to request on-site low and zero carbon-generating technologies by planning condition in accordance with policy IR13, where a positive decision is made.
- 7a.11 Accordingly, the application is in accordance with the Falkirk Local Development Plan 2.

7b Material Considerations

- 7b.1 The material considerations to be assessed are consideration of the site in relation to coal mining legacy, Falkirk Council Supplementary Guidance, assessment of public representations and the planning history of the site.

Falkirk Council Supplementary Guidance

- 7b.2 Supplementary Guidance in association with LDP2 is at various stages of preparation. Largely consisting of the updating and consolidation of Supplementary Guidance prepared alongside LDP1, a number of Supplementary Guidance notes have been adopted, while the others are being finalised or consulted on prior to adoption.
- 7b.3 Supplementary guidance SG01 'Development in the Countryside' (adopted) directs new housing development in rural areas to the 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 HC05 sets out the circumstances where development will be supported. In this instance, it is considered that the proposed development would be infill (cluster) development. The relevant criteria from SG01 are discussed as follows:
- The proposed development would be surrounded on three sides by existing dwellinghouses, with mature trees and boundary enclosures. It is considered that the site forms an obvious and cohesive residential group within its landscape setting.
 - The development would be contained on three sides by built development and would not extend the cluster outwards.
 - The proposed development would not constitute ribbon or backland development.
 - The proposal would respect the character layout and building pattern of the existing cluster.
 - The proposal would not expand the cluster by more than 50% of the number of houses.
 - The application accords with Policy HC06 'Infill Development and Subdivision of Plots', as discussed in Section 7a.8.

- 7b.4 The application accords with SG01.

- 7b.5 The applicant has not submitted an energy statement, in accordance with SG14 'Renewable and Low Carbon Energy'. The design and access statement advises that a specialist Energy Consultant will be appointed later in the design process. It would be reasonable to require this information to be submitted for approval by condition.

Assessment of Public Representations

- 7b.6 Support for the application is noted, with specific reference to the quality of the design and its compatibility with the landscape character of the area.

- 7b.7 Comments in relation to drainage are noted. A detailed Drainage Impact Assessment is required and this can be addressed by way of suspensive planning condition.

Planning History for the Site

- 7b.8 Planning application P/21/0522/FUL was refused on the basis of non-compliance with the housing in the countryside policy and the impact on the landscape character of the area. This was because the proposed house and stables were to the west of the application site and did not form infill development or respect the settlement character of the area. It is considered that this current application addresses the previous reasons for refusal.

Consideration of the Site in relation to Coal Mining Legacy

- 7b.9 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.
- 7b.10 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7c Conclusion

- 7c.1 The application is assessed as being in accordance with the development plan. There are no material planning considerations to warrant refusal of planning permission in this instance.

8. HUMAN RIGHTS AND EQUALITY ASSESSMENT

- 8.1 Officers have considered the Human Rights Act 1998 in making this recommendation. It is considered that the proposed recommendation would not adversely impact on any protected characteristic groups as identified within the Equality Act 2010.

9. RECOMMENDATION

- 9.1 It is 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.
 2. No development shall commence on site until the proposed surface water drainage strategy and associated design detail (as appropriate) has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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 CO₂ 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. Samples of all external 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. The stables and paddock hereby approved, shall be used for domestic purposes only.
6. All approved landscaping works shall be implemented by the end of the first planting and seeding season following occupation of the dwellinghouse hereby approved.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure that adequate drainage is provided.
3. To ensure the development achieves the required CO₂ emission reduction as a result of development.
4. To safeguard the visual amenity and rural character of the area.
5. To safeguard the residential amenity of surrounding dwellings.
6. To safeguard the visual amenity and rural character of the area.

Informative(s):-

1. 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.

2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 13 and Supporting Documents.
3. Roads Services within Development Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.
4. 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.

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pp Director of Place Services

Date: 9 September 2022

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan (LDP2), August 2020.
2. Falkirk Supplementary Guidance SG01 "Development in the Countryside".
3. Falkirk Supplementary Guidance SG14 "Renewable and Low Carbon Energy".
4. Representation received from Merville Archibald and Moira Howie, 17 Mannerston Holdings, Blackness, Linlithgow, EH49 7ND, on 15 August 2022

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

Policy Schedule

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.

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:
 - o It can be demonstrated that they require a countryside location;
 - o They constitute infill development; or
 - o 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'.

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.

HC01 Housing Land

1. The housing supply target is 6,894 homes for the period 2017–2030. To meet this target, the Council will support residential development as indicated generally in the Spatial Strategy and as detailed in the Proposals and Opportunities Schedule and Settlement Statements, and on suitable windfall sites which satisfy Policy HC02.
2. The Council will maintain at least 5 years' supply of effective housing land to ensure that the Housing Supply Target is met in full over the development plan period. The Housing Land Audit is the primary source of evidence for monitoring the availability of effective housing land. If, during the period of the plan, a shortfall in the 5 year supply of effective land emerges, additional sites for housing will be supported where the proposal would constitute sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other LDP policies. In such circumstances, the scale of the proposed development relative to the scale of the shortfall will be a material consideration. The Council may also impose specific time limits on any planning permissions granted, to ensure that housing is delivered to a timescale that will address the identified shortfall.

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'.

IR02 Developer Contributions

Developers will be required to contribute to the provision, upgrading and, where appropriate, the maintenance of infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The types of infrastructure where contributions may be required are set out in Table 4.1. The nature, scale and phasing of developer contributions will be determined by:

1. Guidance and contribution rates set out in SG13 'Developer Contributions';
2. Site specific requirements set out in the LDP or relevant development brief; and
3. The principles contained in Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.

In assessing applications where developer contributions are required, the economic viability of proposals will be taken into account as a material consideration where supported by a Development Viability Statement. Developer contributions for education and open space will be waived for flatted residential development, or conversions of buildings for residential use, of up to 50 units within town centre boundaries.

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 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 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.

HC06 Infill Development and Plot Sub Division

Proposals for the erection of additional houses within the curtilage of existing properties or on small gap sites will be permitted where:

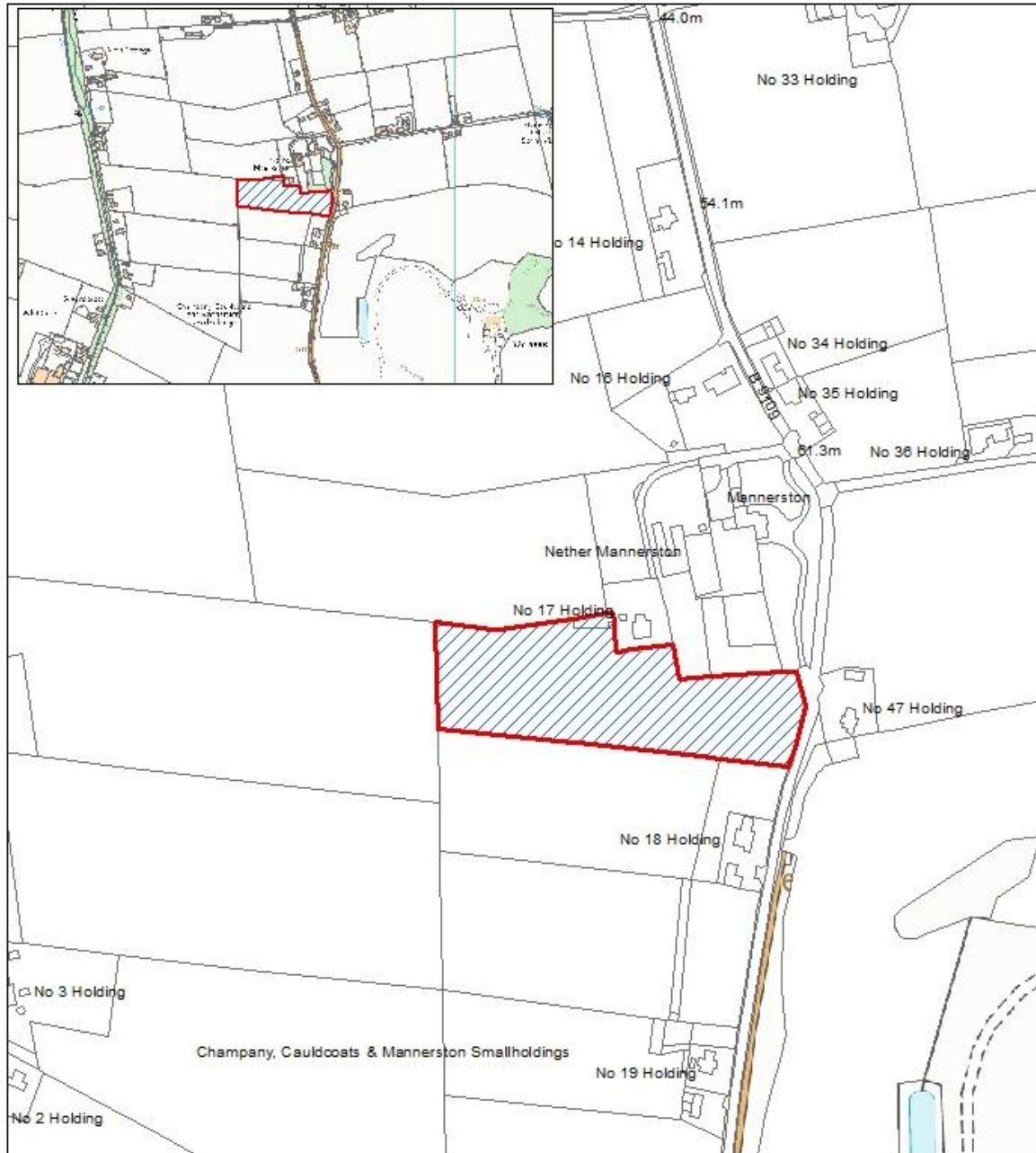
1. The scale, density, disposition and design of the proposed house(s) respect the townscape or countryside character of the area;
2. Adequate garden ground can be provided to serve the proposed house(s) without an unacceptable impact on the size or functioning of the existing garden;
3. Adequate privacy and daylighting will be afforded to both the proposed house(s) and neighbouring properties;
4. The proposal would not result in the loss of features such as trees or walls, such that the character or amenity of the area would be adversely affected;
5. The proposed vehicular access, parking and other infrastructure is of an adequate standard for both proposed and existing houses; and
6. The proposal complies with other LDP policies.

Planning Committee

Planning Application Location Plan

P/22/0360/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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