



## **Agenda Item 5**

**CONSTRUCTION OF  
DWELLINGHOUSE AT WESTER  
BANKNOCK, BANKNOCK, DENNY,  
FK6 5NA FOR MR MCGREGOR  
DRUMMOND - P/22/0300/FUL**

**FALKIRK COUNCIL**

**Subject:** CONSTRUCTION OF DWELLINGHOUSE AT WESTER BANKNOCK, BANKNOCK, DENNY, FK6 5NA FOR MR MCGREGOR DRUMMOND - P/22/0300/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 25 October 2022

**Author:** DIRECTOR OF PLACE SERVICES

**Local Members:** Ward - Denny and Banknock

Councillor Fiona Collie  
Councillor Paul Garner  
Councillor Alf Kelly  
[Councillor Brian McCabe](#)

**Community Council:** Banknock, Haggs and Longcroft

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

[View this Application on Public Access](#)

**UPDATE REPORT**

1. Members will recall that the Planning Committee considered this application on 21 September 2022 (copy of the report appended), when it was agreed to continue consideration of the application to allow the committee to carry out a site visit to view the physical characteristics of the site.
2. The site inspection took place on 3 October. Members viewed the application site and looked at the location of the proposed house and surrounding site context, including the access track.
3. At the site visit Members noted the presence of stone and rubble at the application site. Members asked if the site was previously developed. A review of historic photographs held by the Council did not show any past development at the application site. A historic photograph can be shown to the Planning Committee.
4. No matters were arising at the site inspection which would alter the recommendation to refuse planning permission.

## **5. RECOMMENDATION**

### **5.1 It is recommended that the Planning Committee refuse planning permission 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, enabling development or a private Gypsy/Traveller site. The application is therefore contrary to policies PE14 'Countryside' and HC05 'Housing in the Countryside' of the Falkirk Local Development Plan 2 and Supplementary Guidance SG01 'Development in the Countryside'.**
- 2. A current shortfall in the 5 year supply of effective housing land is acknowledged by the Council. The proposed development is not considered to be sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other Development Plan policies. The application is not supported by policy HC01 'Housing Land' of the Falkirk Local Development Plan 2.**
- 3. The applicant has not demonstrated that a suitable access can be achieved to serve the proposed house which would accord with the National Roads Development Guide (SCOTS, 2014). The development would not be in the best interests of road safety.**

### **Informative(s):-**

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03 and Supporting Documents.**

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**pp Director of Place Services**

**Date:** 7 October 2022

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan 2.
2. National Roads Development Guide.
3. Supplementary Guidance SG01 "Development in the Countryside".
4. Supplementary Guidance SG14 "Renewable and Low Carbon Energy".

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

**FALKIRK COUNCIL**

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**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 2022

**Author:** DIRECTOR OF PLACE SERVICES

**Local Members:** Ward - Denny and Banknock

Councillor Fiona Collie  
Councillor Paul Garner  
Councillor Alf Kelly

**Community Council:** Banknock, Haggs and Longcroft

**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 dwellinghouse at Wester Banknock, Banknock. The site is set amidst open countryside to the far north of Haggs. Access is shown as being taken via the existing access serving Wester Banknock. The proposed dwellinghouse is shown as being 1 ½ storeys and is of traditional design.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in for consideration by the Planning Committee by Councillor Alf Kelly to allow the Planning Committee to consider the proposal against Development Plan policy on housing in the countryside.

**3. SITE HISTORY**

- 3.1 There is no site history of relevance to this planning application.

## **4. CONSULTATIONS**

- 4.1 Falkirk Council's Roads Development Unit comment that the application site is located north-east of Banknock on the south side of the C26 Kelt Road, an adopted rural road without lighting or footway provision (along the majority of its length), which is subject to the national speed limit in the vicinity of the application site. Vehicular access to the site is from an existing bellmouth. Visibility from the access onto Kelt Road is restricted to the west by the vertical alignment of Kelt Road and roadside vegetation. Visibility to the east is less restricted, though a vehicle survey would be required to determine visibility requirements.
- 4.2 Vehicular traffic generated by the proposal is unlikely to significantly affect the capacity of the public road network, however, research has shown for a considerable time that minor junctions and direct accesses along a road give rise to an increased accident risk. Consequently, increasing the number of vehicular movements at an access with restricted visibility is not considered to be in the best interests of road safety. The development may also lead to pedestrian activity on Kelt Road which the Roads Development Unit would not support, having regard to the absence of footway and lighting in the area.
- 4.3 Falkirk Council's Environmental Protection Unit have no objection, subject to a condition in relation to ground contamination.
- 4.4 Scottish Water did not object to the application.
- 4.5 The Coal Authority did not object to the application.

## **5. COMMUNITY COUNCIL**

- 5.1 The Banknock, Haggs and Longcroft Community Council did not make comment on the application.

## **6. PUBLIC REPRESENTATION**

- 6.1 During consideration of the application, no letters of objection or representation were received.

## **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 The proposed development does not promote the six qualities of successful places as defined in Scottish Planning Policy (SPP). The development relates to unjustified development in the countryside, which would not encourage the use of sustainable travel or promote the efficient use of land. Further, the applicant has not demonstrated that safe access can be achieved. The application is contrary to policy PE01.

### 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 contrary to 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 dwelling is relatively modest in design and would be sited adjacent to the donor property. Whilst the site is elevated, surrounding landform (including tree cover) would not make the proposal a dominant feature within the landscape. Policy PE14 does not support the principle of development, although there is no conflict with criterion No.3.

### Policy HC01 - Housing Land

- 7a.5 Policy HC01 supports residential development as indicated in the LDP2 spatial strategy, settlement statements and on suitable windfall sites which accord with policy HC02. The application site is identified as being within countryside. The Council acknowledges that there is a current shortfall in the 5 year supply of effective housing land. In such instances, policy HC01 supports the development of additional sites for housing where development is sustainable development, having regards to SPP and other LDP2 policies. It is considered that the application does not constitute sustainable development and is not supported by policy HC01. This is with specific reference to ensuring the efficient use of land, protecting natural heritage and climate change mitigation.

Policy HC05 - Housing in the Countryside

- 7a.6 Policy HC05 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 private Gypsy/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 HC05.

Policy IR02 - Developer Contributions

- 7a.7 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.8 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.9 Accordingly, the application is contrary to the Falkirk Local Development Plan 2.

**7b Material Considerations**

- 7b.1 The material considerations to be assessed are Falkirk Council Supplementary Guidance, information submitted in support of the proposal and consideration of the site in relation to coal mining legacy.

**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 gives the circumstances where rural housing development will be supported. The application is contrary to LDP2 policy HC05 and Supplementary Guidance SG01, as it does not comply with any of the criteria where the development of housing in the countryside is considered acceptable.



- 7b.4 The applicant has not submitted an energy statement, in accordance with SG14 'Renewable and Low Carbon Energy' (adopted). It would be reasonable to require this information to be submitted for approval by condition where a positive recommendation is made.

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

- 7b.5 The application has submitted a Planning Statement which seeks to justify the development of housing in the countryside, including the following:
- The site is brownfield having been historically used for farming purposes;
  - The new house would be developed alongside the existing property, resulting in a cohesive group of buildings;
  - The proposal would increase housing locally, with good access to community facilities; and
  - The development constitutes infill development (cluster development) and accords with the Development Plan.
- 7b.6 The Planning Statement does not raise any material planning considerations which are considered to outweigh the provision of the Development Plan and justify the proposed development in this instance. It is noted that the site was used for farming activities historically, however, brownfield designation of rural land does not justify development and is not supported by any policy in the Development Plan. The applicant also seeks to demonstrate that the proposed development is infill development and is therefore supported by policy HC05. It is considered that the proposal does not accord with the criteria relating to cluster development in SG01. Specifically, the proposal is not considered to be an obvious residential group as it relates to one existing dwellinghouse. Other site confines are weak, as they are not bounded by strong landscape features.

### **Consideration of the Site in relation to Coal Mining Legacy**

- 7b.7 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.8 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 contrary to the Development Plan. There are no material planning considerations which would justify the proposed development and the application is recommended for refusal.

## **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 refuse planning permission 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, enabling development or a private Gypsy/Traveller site. The application is therefore contrary to policies PE14 'Countryside' and HC05 'Housing in the Countryside' of the Falkirk Local Development Plan 2 and Supplementary Guidance SG01 'Development in the Countryside'.
  2. A current shortfall in the 5 year supply of effective housing land is acknowledged by the Council. The proposed development is not considered to be sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other Development Plan policies. The application is not supported by policy HC01 'Housing Land' of the Falkirk Local Development Plan 2.
  3. The applicant has not demonstrated that a suitable access can be achieved to serve the proposed house which would accord with the National Roads Development Guide (SCOTS, 2014). The development would not be in the best interests of road safety.

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03 and Supporting Documents.

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**pp Director of Place Services**

**Date:** 9 September 2022

**LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan 2.
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## **Policy Schedule**

### **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 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.

## **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'.

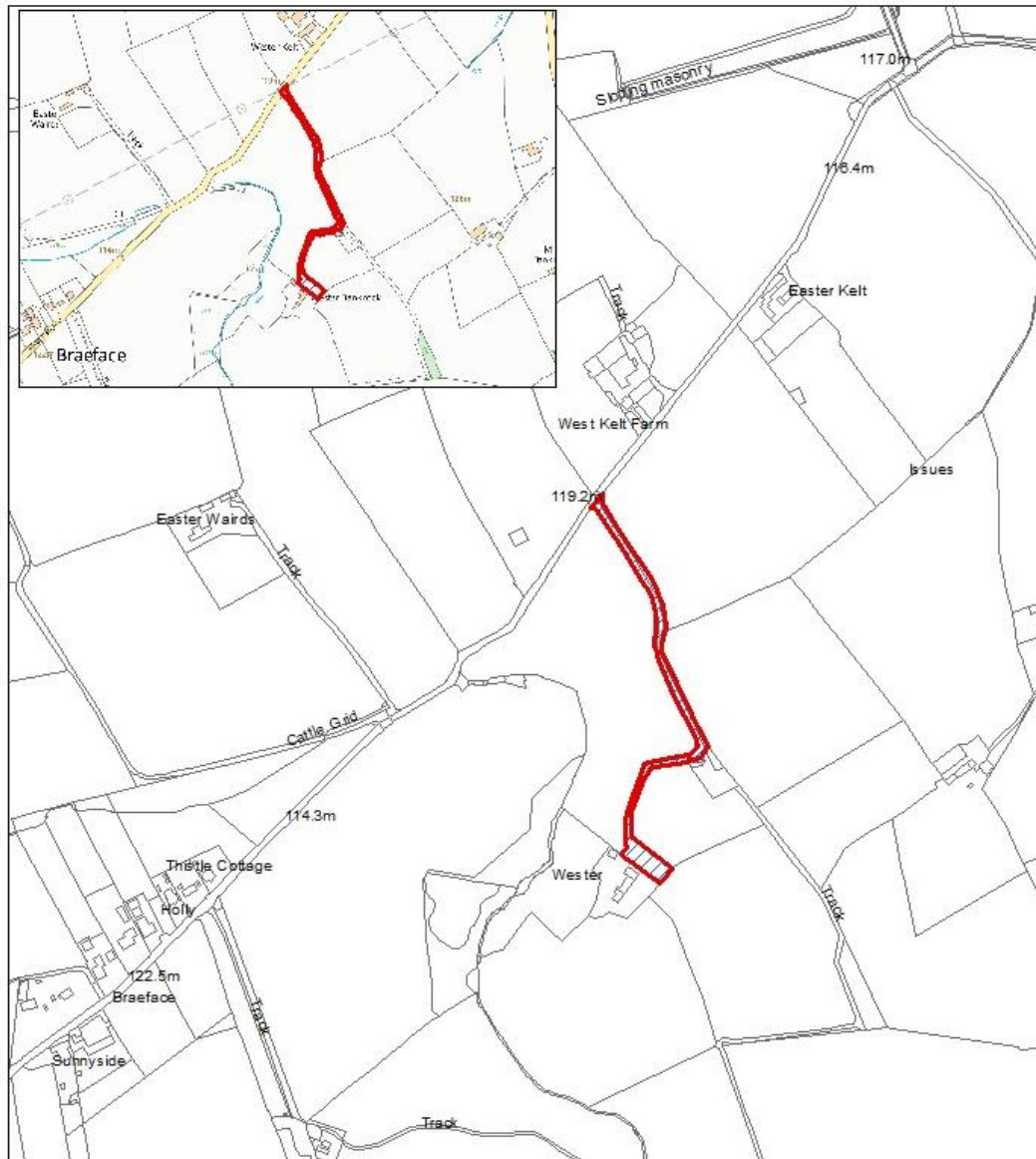


# Planning Committee

## Planning Application Location Plan

**P/22/0300/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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