

**FALKIRK COUNCIL**

**Subject:** SUBDIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT BRAEFACE COTTAGE, BONNYBRIDGE, FK4 1UE FOR MR & MRS DANIEL HENDERSON - P/09/0273/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 26 August 2009

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Member:** Councillor Jim Blackwood  
Councillor John McNally  
Councillor Martin David Oliver  
Councillor Alexander John Waddell

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

**Case Officer:** Brent Vivian (Senior Planning Officer), ext 4935

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

- 1.1 The application seeks detailed planning permission for the erection of a one and a half storey dwellinghouse.
- 1.2 The application site forms part of a large residential property on elevated ground to the north of Banknock. The site largely contains the remnants of a formal garden and lies to the east of the existing dwellinghouse on the property, which is a single storey traditional cottage. The site is well screened by mature hedges and other planting along its northern, eastern and road boundaries.
- 1.3 The residential property lies at the eastern end of a row of dwellinghouses situated on the north side of Kelt Road. The adjoining land to the north, south and east is in open pasture.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The proposed development represents a departure from the Development Plan.

**3. SITE HISTORY**

- 3.1 Outline planning application ref: 06/0359/OUT for the erection of a dwellinghouse was refused by the Regulatory Committee at its meeting on 30 August 2006.

- 3.2 Outline planning application ref: P/07/0020/OUT for the erection of a dwellinghouse was approved by the Regulatory Committee at its meeting on 28 February 2007. This application was a re-submission of application ref: 06/0359/OUT, refused planning permission in 2006.
- 3.3 Condition 4 of outline planning permission ref: P/07/0020/OUT restricts the height of the proposed dwellinghouse to single storey. The current proposal is to erect a one and a half storey dwellinghouse, therefore a detailed planning application rather than an application for the approval of reserved matters has been submitted.
- 3.4 The reason for the current proposal is due to the location of a Scottish Water water main which crosses through the site. This has constrained the location of the dwellinghouse and the size of the footprint, such that it is considered by the applicant to be impractical to erect a single storey dwellinghouse.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has advised of its requirements in respect of construction of the proposed new vehicular access and provision of visibility splays for the new access.
- 4.2 The Environmental Protection Unit is satisfied that an adequate contaminated land risk assessment has been undertaken and that the site appears to be suitable for its intended use.
- 4.3 Scottish Water has no objection to the application and is satisfied that an existing Scottish Water water main is located a safe distance from the proposed dwellinghouse.

#### **5. COMMUNITY COUNCIL**

- 5.1 The Banknock, Haggs and Longcroft Community Council has not made any representations.

#### **6. PUBLIC REPRESENTATION**

- 6.1 One objection to the application has been received, on the following grounds:-
- The proposed dwellinghouse should be limited to ground floor only as it is very high and out of character with the other cottages/bungalows.
  - This land should not be built on as it was Green Belt and fenced off to extend an existing garden.
  - Proximity to a large water pipe running through the site.
  - Concern regarding rainwater disposal as there are no drains nearby.

## 7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

*“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

Accordingly,

### 7a The Development Plan

#### ***Approved Falkirk Council Structure Plan***

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

*“(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*

*(2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 It has not been demonstrated that a countryside location is essential for the proposed dwellinghouse. In addition, the proposal does not represent a form of agricultural diversification. Therefore, the proposed development does not accord with this policy.

#### ***Adopted Rural Local Plan***

7a.3 The application site lies within the countryside under the adopted Rural Local Plan.

7a.4 Policy RURAL 1 ‘New Development in the Countryside’ states:

*“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-*

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*

4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

*The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."*

7a.5 The proposed development does not accord with this policy as it fails to satisfy any of the exceptions to the general presumption against new development in the countryside. With regard to exception 3, the proposed dwellinghouse would not occupy a clear gap site within an existing development pattern. The proposed development is therefore not considered to represent appropriate infill development within the context of this policy.

7a.6 Accordingly, the application does not accord with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses, the planning history for the site, the design of the proposed dwellinghouse and its setting in the landscape, and the representation received.

### ***Falkirk Council local Plan Finalised Draft (Deposit Version)***

7b.2 The application site lies within the countryside under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 Policy SC3 - 'Housing Development In The Countryside' states:

*"Housing development in the countryside will only be permitted in the following circumstances:*

- (1) *Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
  - *The operational need for the additional house in association with the business*
  - *That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
  - *That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
  - *That the business as a whole is capable of providing the main source of income for the occupant;*

- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
- *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
  - *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
  - *The restored or converted building is of comparable scale and character to the original building*
  - *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) *Appropriate infill opportunities within the envelope of an existing group of residential buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7b.4 The proposed dwellinghouse would not satisfy any of the circumstances detailed in this policy to support housing development in the countryside. The proposed development therefore does not accord with this policy. With regard to circumstance 3, the proposed dwellinghouse does not lie within the envelope of an existing group of residential buildings and therefore is not considered to represent an appropriate infill opportunity within the terms of this policy.

### ***Consultation Responses***

7b.5 The consultation responses are summarised in section 4 of this report. The requirements of the Roads Development Unit could be the subject of conditions of any grant of planning permission. The comments of the Environmental Protection Unit and Scottish Water are noted.

### ***Planning History***

7b.6 The planning history for the site is detailed in section 3 of this report. The principle of development of the property for an additional dwellinghouse can be seen to be accepted through the grant of outline planning permission ref: P/07/0020/OUT. The current proposal for a one and half storey dwellinghouse does not satisfy condition 4 of the grant of outline permission, which restricts the proposed dwellinghouse to single storey. Given that the principle of the proposed dwellinghouse has been accepted, a determining consideration in this application is the acceptability of exceeding a single storey dwellinghouse.

### ***Design and Landscape Setting***

7b.7 The design of the proposed dwellinghouse is considered to be sympathetic to vernacular architectural forms and traditional external finishes are proposed. Accordingly, it is considered to be compatible with the Council's Design Guide for Buildings in the Rural Area. The Design Guide promotes steeper roof pitches (preferably 45°) in order to allow for attic space or a dormer extension. In view of this, the proposal for a one and a half storey dwellinghouse incorporating 2 dormer windows is considered to be acceptable. In addition, there is a range of house styles in the area.

- 7b.8 The application site defines the eastern edge of the row of residential properties at this location and is screened by mature boundary planting. In addition, the site is relatively low lying in comparison to the other dwellinghouses on the north side of Kelt Road at this location. The proposed dwellinghouse would therefore not be highly visible and subject to the retention or replacement of existing boundary planting would be satisfactorily absorbed into the landscape setting.

### ***Representation Received***

- 7b.9 The objection to the application has been summarised in section 6 of this report. With regard to the concerns raised, the following comments are considered to be relevant:
- The design of the proposed dwellinghouse is considered to be acceptable for the reasons detailed in paragraph 7b.7.
  - The principle of an additional dwellinghouse at this location has been accepted through grant of outline planning permission ref: P/07/0020/OUT.
  - Scottish Water has advised that the dwellinghouse would be located at a safe distance from the existing water main.
  - The applicant has advised that surface water would discharge to a soakaway. The location and design of the proposed soakaway would be assessed through the Building Warrant process and would be subject to the Water Environment (Controlled Activities) Regulations (CAR) administered by SEPA.

### **7c Conclusion**

- 7c.1 The proposed development is considered to be contrary to the Development Plan for the reasons detailed in this report. However, the principle of the proposed dwellinghouse has previously been accepted by grant of outline planning permission ref: P/07/0020/FUL. The reason for this detailed planning application is to seek permission for a one and a half storey dwellinghouse incorporating two dormer windows. The outline permission restricted the dwellinghouse to single storey. Notwithstanding this, the design of the proposed dwellinghouse is considered to be acceptable, for the reasons detailed in this report. In addition, it is considered that the dwellinghouse would be satisfactorily absorbed into the landscape setting. It is therefore considered that there are material considerations to justify setting aside the terms of the Development Plan in this instance. The application is therefore recommended for approval subject to the imposition of appropriate conditions.
- 7c.2 The Council does not have an interest in this development and it is considered the application is not a significant departure from the Development Plan. In accordance with circular 3/2009, 'Notification of Planning Applications', it is not necessary to refer the application to Scottish Ministers.

## 8. RECOMMENDATION

8.1 It is therefore recommended that planning permission be granted subject to the following conditions:

- (1) The development to which this permission relates must be begun within three years from the date of this permission.
- (2) Before the development commences, the exact details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- (3) Before the development commences, the details of a scheme of soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):
  - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration/replacement;
  - (ii) The location of all new trees, shrubs, hedges and grassed areas;
  - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density;
  - (iv) A programme for completion and subsequent maintenance;

No existing trees, shrubs or hedges shall be removed prior to the written approval of the scheme of soft landscaping.

- (4) The scheme of landscaping shall be implemented in accordance with the approved details by the end of the first planting and seeding season following the occupation of the proposed dwellinghouse.
- (5) The new access driveway shall have a minimum width of 5 metres, meet Kelt Road at right angles and have a gradient of no greater than 1 in 10.
- (6) The new access driveway shall be constructed in a manner to ensure that surface water and loose material does not discharge onto the public carriageway.
- (7) There shall be no obstruction to visibility over 1 metre in height within 2.5 metres of the carriageway edge along the entire frontage of the site.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard the visual amenity of the area.

(5-7) To safeguard the interests of the users of the public highway.

**Informative(s):**

- (1) The new access driveway will require to be constructed under a Minor Roadworks Consent, issued and approved by Roads Services, Earls Road, Grangemouth.
- (2) The builder will be required to ensure that noisy work which is audible at the site boundary shall only be conducted between the following hours:

Monday to Friday	0800 – 1800
Saturday	0900 – 1700
Sunday/Bank Holidays	1000 – 1600

Deviation from these hours will not be permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

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**Director of Development Services**

**Date: 18 August 2009**

**LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan
2. Adopted Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Falkirk Council Design Guide for Buildings in the Rural Areas

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).



# Planning Committee

## Planning Application Location Plan

**P/09/0273/FUL**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



**Falkirk Council**

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