

FALKIRK COUNCIL

Subject: ERECTION OF TWO DWELLINGHOUSES AT MILNQUARTER FARM,
ROMAN ROAD, BONNYBRIDGE FK4 2DE FOR STEWART HOMES
(SCOTLAND) LTD – P/09/0334/FUL

Meeting: PLANNING COMMITTEE

Date: 26 August 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: No Community Council

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 two semi-detached one and half storey dwellinghouses.
- 1.2 The application site is located to the immediate east of a farm steading converted to residential use. The steading is served by a private access which crosses the Milnquarter Burn to connect to a new housing development and Roman Road, Bonnybridge. The design of the proposed dwellinghouse would be in the style of the converted steadings.
- 1.3 The site forms part of an open area between housing to the west and a mix of urban uses fronting Broomhill Road. Its current use is the storage of building materials and containers. In addition an area has been hardsurfaced for car parking. A Roman Camp associated with the Antonine Wall lies to the south of the site and the Antonine Wall is to the north.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Buchanan.

3. SITE HISTORY

- 3.1 Planning application ref: 06/0793/FUL for the conversion of a barn to form two dwellinghouses was approved in December 2007.
- 3.2 Planning application ref: P/08/0752/FUL for the erection of two dwellinghouses was withdrawn. The current application is identical to this withdrawn application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that the proposed development would result in 7 dwellinghouses being served by a shared private access. This number of dwellinghouses requires to be served by a minor access road, with footway and lighting provision, in order to comply with the Design Guidelines for Roads in the Falkirk Council Area. The existing access therefore requires to be upgraded, with a new bridge over the Milnquarter Burn. The design of the new bridge would require a Flood Risk Assessment, to ensure that Milnquarter Burn is not disrupted by the new structure. Together, the proposed development and the existing residences would require turning facilities for service vehicles and 16 parking spaces (14 resident and 2 visitor spaces). Details for surface water drainage, including SUDS, are required to be submitted.
- 4.2 The Environmental Protection Unit has requested the submission of a contaminated land assessment due to records indicating the presence of potential sources of land contamination within 250 metres of the site.
- 4.3 Scottish Water has no objection to the application.
- 4.4 Historic Scotland has advised that the proposed development lies partly within the buffer zone for the Antonine Wall World Heritage Site, and immediately to the north of a part of the Antonine Wall termed 'Antonine Wall, Milnquarter, Roman Camp'. The line of the wall itself is to the north. Historic Scotland are concerned that the application contains no analysis of the impact of the proposal upon the Antonine Wall World Heritage Site. However, Historic Scotland consider that the two proposed dwellinghouses would appear in the landscape to form part of the bulk and form of the existing Milnquarter Farm complex, and therefore would not adversely affect the setting of the Antonine Wall. On this basis, Historic Scotland does not object to the application. However, it is stressed that development of this small piece of the buffer zone should not be seen as setting a precedent for further development of the area.
- 4.5 Scottish Natural Heritage has no objection to the application. It notes that the site lies within a Site of Importance for Nature Conservation (SINC) but it would appear that previous activities have rendered the development site of limited ecological value.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council for this area at present.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received to this application.

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

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 dwellinghouses. In addition, they are not a form of agricultural diversification. The proposed development therefore does not accord with this policy.

Adopted Rural Local Plan

7a.3 The application site lies outwith any urban or village limits, in 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 This policy has a general presumption against new development in the countryside except in limited circumstances. In this instance, the relevant potential exceptions are 1 and 3. With regard to exception 1, it has not been demonstrated that the proposed dwellinghouses are essential to the pursuance of agriculture or any other economic activity requiring a rural location. With regard to exception 3, the proposed dwellinghouses would encroach onto open ground outwith existing building lines, and as such would not occupy a clear gap site in an existing development pattern. The proposed development is therefore not considered to represent appropriate infill development within the context of this policy. The proposed development therefore does not accord with this policy.

7a.6 Policy RURAL 17 'Antonine Wall' states:

"That along the Antonine Wall there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the wall. Proposals which would lead to a sympathetic use of the wall for tourism, local recreation and interpretation will generally be considered favourably."

7a.7 Historic Scotland consider that the proposed dwellinghouses would not adversely affect the setting of the Antonine Wall as they would appear in the landscape to form part of the bulk and form of the existing Milnquarter Farm complex. This view is accepted. In addition, the proposed development would not have any direct impacts on the line of the wall or affect its amenity. The proposed development therefore accords with this policy.

7a.8 Accordingly, the application proposed is not considered to accord with the Development Plan,. Taking into consideration the provisions of ENV 1 of the Falkirk Council Local Plan and Rural 1 of the Rural Local 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 and impact on rural amenity.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 The application site lies within the urban limits for Bonnybridge under the Falkirk Council Local Plan Finalised Draft Deposit Version) as amended by the Proposed Pre-Inquiry Modifications, dated May 2008.
- 7b.3 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:
"Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:
- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
 - (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
 - (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
 - (4) Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
 - (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
 - (6) There is no conflict with any other Local Plan policy or proposal."*
- 7b.4 The application site is not proposed as part of a housing opportunity site, but as it falls within the urban limits for Bonnybridge, as modified by the Proposed Pre-Inquiry Modifications, it can be considered as a potential windfall housing opportunity and therefore subject to the criteria of Policy SC2.
- 7b.5 The main potential issues under this policy are considered to relate to criteria (1), (3) and (4). With regard to criterion (1), details of the previous use of the land relative to the application site boundaries are required in order to confirm that the application site is brownfield. With regard to criterion (4), an upgraded access road would be required in order to accommodate an increase in use of the access and comply with the Design Guidelines for Roads in the Falkirk Council Area. With regard to criterion (3), the access upgrade would need to make satisfactory provision for pedestrians in order to ensure good accessibility by walking. The proposed development is considered to accord with criterion (2) and the site is not considered to be a small gap site or a subdivided plot, therefore criterion (5) is not relevant. The proposed development is not considered to conflict with any other policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version), in reference to criterion (6). In summary, it has not been demonstrated that criteria (1), (3) and (4) of this policy are fully complied with or would be complied with. The proposed development therefore does not accord with these aspects of the policy.
- 7b.6 It should be noted that Proposed Pre-Inquiry Modifications to include the application site within the urban limits for Bonnybridge is subject to a number of objections. It is therefore considered that little weight can be afforded to this policy at this present time pending the outcome of the local plan review process. The Reporter's recommendations arising from the local plan inquiry are expected by the end of the year.

7b.7 Policy EQ17 ‘Antonine Wall’ states:

“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- (1) There will be a presumption against development which would have an adverse impact on the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*
- (2) There will be a presumption against development within the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is not conflict with other Local Plan policies; and*
- (3) The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map.”*

7b.8 It is considered that the proposed dwellinghouses would not adversely impact on the setting of the Antonine Wall, for the reasons detailed in the assessment of the application against Policy Rural 17 of the adopted Rural Local Plan. Accordingly, for the same reasons, the proposed development is considered to accord with Policy EQ17.

7b.9 Policy EQ24 ‘Ecological Sites and Features’ states:

- “(1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*

- (5) *Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest."*

7b.10 Part of the application site lies within a locally designated Site of Importance for Nature Conservation (SINC). The particular interest of this SINC is a predominance of marshy grassland and rushes. In this instance it is considered that the proposed development would not compromise the overall integrity of this SINC. This is because the application site appears to lie within an area of made ground with little opportunity to restore it to its previous damp grassland habit. The comments by Scottish Natural Heritage reinforce this. Subject to the applicant demonstrating that the application site lies entirely within the infill/raised area, the proposed development would accord with the policy. Mitigation in the form of temporary fencing to protect the balance of the SINC during the construction period would be required. This could be the subject of a condition if planning permission were to be granted.

Consultation Responses

7b.11 The consultation responses are summarised in section 4 of this report. The advice detailed in these responses is supported. The applicant has not submitted details in relation to upgrade of the existing private access or surface water drainage, therefore there are potential issues in relation to road safety, sustainable transport and drainage/flooding. The provision of 16 parking spaces and a turning area to serve the overall development is also an unresolved issue. The requirement for a contaminated land assessment could be the subject of a condition if planning permission were to be granted.

Planning History

- 7b.12 The planning history for the site is detailed in section 3. The previous application for the same proposal (ref: P/08/0752/FUL) was withdrawn following it being recommended for refusal.
- 7b.13 The current proposal encroaches over land which was indicated in planning permission ref: 06/0793/FUL for car parking to serve the 5 units forming the steading redevelopment. This permission provided for the conversion of a barn to form 2 dwellinghouses to increase the number of dwellinghouses to 5. It is understood that the two new dwellinghouses are now completed. The provision of car parking and turning facilities to serve the overall development, including the current proposal, is unresolved.

Impact on Rural Amenities

7b.14 It is accepted that the proposed dwellinghouses would not impact on the open character of the countryside. This is because they would appear in the landscape setting as part of the existing steading complex.

7c Conclusion

- 7c.1 This application, for the erection of two dwellinghouses, is considered to be contrary to the Development Plan, for the reasons outlined in this report. Whilst it is recognised that the proposed development would not impact on the open character of the countryside, the Antonine Wall or the SINC, these considerations do not justify setting aside the terms of the Development Plan. In addition, the application does not comply with Policy SC2 of the Falkirk Council Local Plan Finalised Draft, as modified by Proposed Pre-Inquiry Modification. Even if it were to comply, granting the application under this policy would be prejudicial to the outcome of the local plan review process, for the reasons detailed in this report. Concerns are also raised in this report regarding parking and turning provision within the context of the existing residential development at this location.
- 7c.2 The applicant was requested to confirm if they wished to address the access, parking and surface water drainage issues in relation to the proposed development. However, no response has been received and the application is being recommended for determination on the basis of the submitted information.

8. RECOMMENDATION

- 8.1 It is recommended that detailed planning permission be refused for the following reasons:-
- (1) The application does not accord with Policy ENV1 of the approved Falkirk Council Structure Plan or Policy Rural 1 of the adopted Rural Local Plan as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouses and the proposed dwellinghouses are not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.
 - (2) The application does not accord with Policy SC2 of the Falkirk Council Local Plan Finalised Draft (Deposit Version), as modified by Proposed Pre-Inquiry Modifications as it has not been demonstrated that the application site is brownfield, that the existing access has the capacity to accommodate the increase in use associated with the proposed development, or that adequate provision would be made for pedestrians. In any case, granting the application within the terms of this policy would be prejudicial to the outcome of the local plan review process as objections have been received to the proposed modification to include the application site within the urban limits of Bonnybridge.
 - (3) No details have been submitted in relation to upgrade of the existing access or surface water drainage, therefore it has not been demonstrated that the proposed development is acceptable in road safety, sustainable transport or drainage terms.

- (4) It has not been demonstrated that adequate car parking and turning facilities would be provided for the overall residential development comprising the proposed dwellinghouses subject to this application, the two dwellinghouses approved under planning permission ref: 06/0793/FUL and three existing dwellinghouses.

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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)

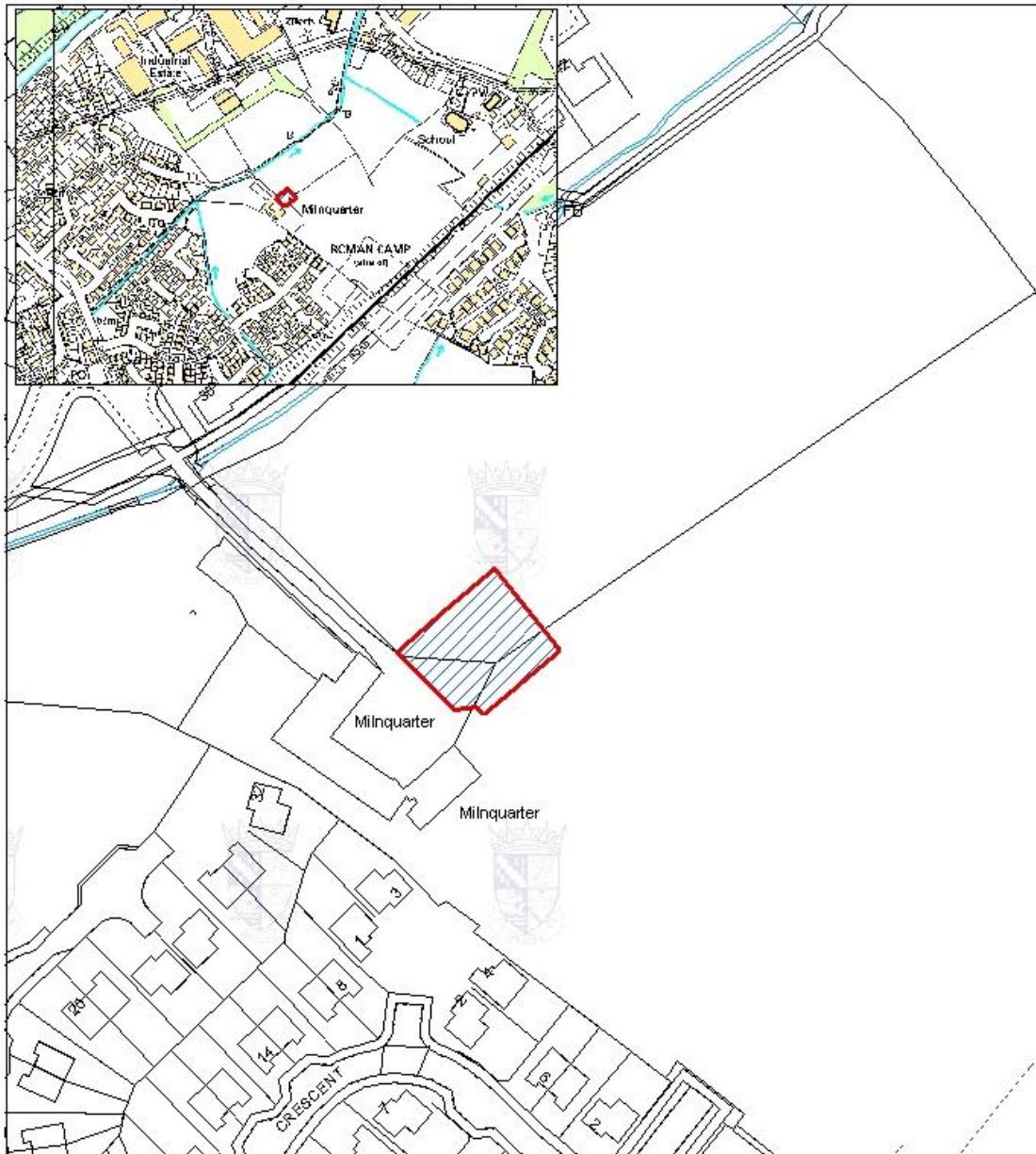
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0334/FUL

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



Folkestone Council

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