

FALKIRK COUNCIL

Subject: RELOCATION OF EXISTING TIMBER PRODUCT BUSINESS, RESTORATION FOR GRAZING PURPOSES AND DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT LAND AT FORMER SITE OF DUNMORE MILL, FALKIRK, FOR MARGARET FERNS (OUTLINE) – P/08/0938/OUT

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Carleschi
Councillor Lynda Kenna
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Airth Parish

Case Officer: David Paterson (Planning Officer) ext, 4757

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located on the west side of Moss Road, south of the A905 Airth to Stirling Road, approximately one mile west of Airth.
- 1.2 The site boundary encloses 3.3 hectares of land. The site consists of an existing timber products business and surrounding open grass land to the east, north and west.
- 1.3 It is proposed to relocate the existing timber products business, which occupies an area of 0.78 hectares within the site, to new premises, which are to be developed at an area measuring 0.7 hectares to the west of the existing business sites, within the application site boundary. It is a major application.
- 1.4 The existing 0.78 hectare area on which the current business is located, would be restored to pasture/agricultural land.
- 1.5 It is proposed to develop land measuring 0.68 hectares at the east side of the application site for housing purposes. The housing element of the proposal is presented as 'enabling' development to provide funds for the relocation of the timber products business.
- 1.6 The applicant notes that the proposed new area for the relocated timber products business can accommodate a modernised business and provide a sufficient area for screen planting.

- 1.7 The applicant also notes that although the current business occupies an area of 0.78 hectares, there has historically been a timber business operating in the area which occupied a much larger site of approximately 3 hectares.
- 1.8 The application is accompanied by a supporting statement which states the following:-
- The operator of the existing timber products business requires to modernise the business in order to keep pace with economic conditions.
 - There is concern that the existing timber products business is located close to overhead electricity cables. This is considered to be detrimental to the health of the employees of the business. The supporting statement quotes data from the Radiation Protection Division of the Health Protection Agency and quotes that a cross political party group has requested a moratorium on new dwellinghouses and schools within 60 metres of existing power lines.
 - There has been planning permission granted for developments in the Dunmore area which sets a precedent for approving the proposed development.
 - Relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) can be considered to support the proposed development.
 - The Council's Action Plan for Economic Downturn can be considered to support the proposed development.
- 1.9 The application is accompanied by a statement detailing the costs involved in relocating the timber products business and providing for the proposed residential development.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Craig Martin.

3. SITE HISTORY

- 3.1 F/90/1254 – siting of temporary caravan – granted on 30 January 1991.
- 3.2 F/99/0242 – use of land and building for car boot sales (2 days per week Saturday/Sunday) – granted temporary permission on 24 November 1999.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that it is preferable that the development should be served by a single access from Moss Road, which is a derestricted road. It is also noted that, should planning permission in principle be granted, a condition be attached to ensure the submission of detailed drainage proposals as an application, or part of an application, for approval of matters specified in conditions.

- 4.2 The Environmental Protection Unit has advised that an application, or part of an application, for approval of matters specified in conditions should include a site investigation to establish if contamination, as defined by Part 11a of the Environmental Protection Act 1990 is present.
- 4.3 The application site falls within the catchment areas for Airth Primary School, St Francis RC Primary, Larbert High School and St Mungo's RC High School. The RC primary catchment will change from St Francis to Sacred Heart in August 2010. The response of Education Services is based on a possible housing development of 15 units. Airth Primary school is expected to exceed its capacity within the next 5 years. Larbert High School is expected to reach capacity in the next 5-10 years. It is noted that the application site is not identified in the Development Plan as a housing opportunity. Education Services has objected to the proposed development. Should, however, planning permission in principle be granted, the applicant should be requested to make a contribution towards education provision and the rate of contribution should be set at £3,150 per dwelling unit. This contribution constitutes a contribution of £2,150 per dwelling unit towards Airth Primary School and £1,000 per dwelling unit towards Larbert High School. It is noted that there are no capacity issues in respect of RC Schools.
- 4.4 Scottish Water has raised no objection to the proposed development.
- 4.5 Scottish Natural Heritage has advised that the applicant should undertake studies of bats, birds and badgers at and adjacent to the site.

5. COMMUNITY COUNCIL

- 5.1 Airth Parish Community Council has submitted the following comments:-
- The proposed development does not accord with the Development Plan.
 - There is no reason why the present business requires to be relocated to another site.
 - The proposed development would generate a level of traffic which is in excess of the level which Moss Road can safely accommodate.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been 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

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 The proposed development is not considered to be agricultural diversification.

7a.3 It is noted that the existing timber business is long established and, in such circumstances, the proposed relocation of the business could be considered to justify the relocation to the adjacent rural site. There is no justification, however, for the proposed housing development, as a rural setting is not essential and the proposed housing is not required in association within the function or operation of the business.

7a.4 The proposed development does not accord with Policy ENV.1.

7a.5 Accordingly the proposed development does not accord with the Falkirk Council Structure Plan.

Rural Local Plan

7a.6 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.7 It is noted that the existing timber products business is long established. In such circumstances the proposed relocation of the business could be considered to fulfil a local need.
- 7a.8 There is, however, no justification for the proposed housing development in terms of the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. There is no connection between the timber products business and the proposed housing development other than to provide funds. There is no provision for enabling development under the terms of Policy Rural 1.
- 7a.9 Accordingly the proposed development does not accord with Policy Rural 1.
- 7a.10 Policy RURAL 2 'Village Limits' states:

"That the boundary of the village areas as indicated on the Village Maps is regarded as the desirable limit to the growth of the villages at least for the period of the Local Plan. Accordingly, there will be a general presumption against proposals for development which would either extend the village areas beyond this limit or which would constitute undesirable sporadic development in the countryside."

- 7a.11 The proposed housing development would constitute sporadic development in the countryside. The housing development would be physically detached from the timber products business and have no connection to the business other than to provide funding.
- 7a.12 Accordingly the proposed development does not accord with Policy Rural 2 and therefore is not in accordance with the Rural Local Plan and consequently the Development Plan.

7b Material Considerations

- 7b.1 The material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the objection from the Community Council, consultation responses, the supporting statements accompanying the application, Scottish Planning Policy (SPP) and the Falkirk Council Economic Downturn Action Plan.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 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 buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7b.3 There is no justification for the proposed housing development in terms of the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. There is no connection between the timber products business and the proposed housing development other than to provide funds. There is no provision for enabling development under the terms of Policy Rural SC3.

7b.4 Accordingly the proposed development does not accord with Policy SC3.

7b.5 Policy EQ19 - 'Countryside' states:

"(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7b.6 The proposed development would not utilise existing buildings.

7b.7 The proposed development does not constitute infill development.

7b.8 It is noted that the existing timber products business is long established. In such circumstances the proposed modernisation of the business could be considered to justify the relocation to the adjacent rural location.

7b.9 There is however no justification for the proposed housing development in Terms of Policy SC3 "Housing Development in the Countryside".

7b.10 Accordingly, the proposed development does not accord with Policy EQ19.

7b.11 Policy EP5 'Business and Industrial Development in the Countryside' states:

"New business and industrial development in the countryside will only be permitted in the following circumstances:

- (1) *Areas specifically identified for business and industrial development on the Proposals Map;*
- (2) *Business/industrial development where the need for a countryside location is demonstrated and the proposal could not more appropriately be accommodated within the Urban or Village Limits;*
- (3) *Proposals involving the reuse of vacant industrial, commercial or institutional land or premises, or the conversion of farm or other buildings for business use where the scale and nature of the activity is compatible with the location;*
- (4) *Limited extensions to existing established businesses in the countryside which can be accommodated without any additional adverse impact on the rural environment; or*
- (5) *Proposals for the processing of secondary materials including construction and demolition wastes at existing mineral sites in addition to industrial sites;*
- (6) *Appropriate leisure and tourism development that accords with Policy EP16.*

Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ18)."

7b.12 It is noted that the timber products business is long established and, although a business of this type could be accommodated in a more urban setting, the business could be considered to justify a relocation to the adjacent rural site. In such circumstances there would be no significant additional adverse impact on the rural environment.

- 7b.13 It is noted, however that there is no justification for the proposed new housing under the terms of Policy EP5.
- 7b.14 The proposed development therefore does not accord with Policy EP5.
- 7b.15 Accordingly, the proposed development does not accord with the provisions of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

The Objection from the Airth Parish Community Council

- 7b.16 It is noted that the proposal does not accord with the Development Plan.
- 7b.17 It is noted that the existing timber products business is long established. In such circumstances it could be considered acceptable that the existing business could relocate to an adjacent rural location.
- 7b.18 It is noted that the Roads Development Unit has raised no objection in terms of increased traffic generation.

Consultation Responses

- 7b.19 It is noted that should planning permission be approved, any application for approval of matters specified in conditions should include a full drainage strategy and a contamination site investigation.
- 7b.20 The consultation response from Scottish Natural Heritage is noted. The application does not accord with the Development Plan. As the application is recommended for refusal it is not considered appropriate to request the applicant to meet the expense of carrying out wildlife surveys of the site. Should the Committee, however, be minded to grant planning permission, a condition should be attached requiring that any application for approval of matters specified in conditions should include any relevant wildlife surveys. In respect of the issue of bats, should the Committee be minded to grant planning permission, a bat survey would require to be submitted for the approval of the planning authority prior to the issue of planning permission in principle.

Supporting Statement

- 7b.21 It is noted that the applicant has advised that the existing business requires a programme of modernisation in order to keep pace with economic conditions. It is also noted that a business of this nature could be accommodated in an urban setting. However, on the basis that the existing business is long established, there could be considered to be justification, under the terms of the Development Plan, to relocate the existing business to the adjacent rural site.
- 7b.22 The concern of the applicant in terms of the close proximity of overhead electricity cables to the existing business is noted. However, the impact of electricity cables on health is not a material planning consideration. In any case, it is noted that research in respect of this matter is ongoing and that there is no conclusive evidence to support the concerns of the applicant.

- 7b.23 The applicant's comments in respect of other developments in the area is noted. Planning applications are considered on their own merits. The planning history of other developments in the area is not relevant to the proposed development.
- 7b.24 It is noted above that the proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7b.25 There is not sufficient detail included in the supporting statement in terms of cost breakdown to assess whether the projected costs and financial provisions would address the costs of the relocation of the timber products business and provide for the development of the proposed housing.

Scottish Planning Policy (SPP)

- 7b.26 It is noted that the SPP advises that authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. The SPP also states that "removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential".
- 7b.27 Section 7a.7 of this report is noted whereby "it is noted that the existing timber products business is long established. In such circumstances the proposed relocation of the business could be considered to fulfil a local need".
- 7b.28 It is noted, however that this application also proposes to develop part of the application site for housing in order to "enable" the relocation of the timber products business. The SPP advises that Development Plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups and new build housing which is linked to a rural business or would support the formation of new businesses by providing funding. The SPP recognises that such an approach is a more relaxed stance in comparison to local planning authority practice to date.
- 7b.29 The SPP also, however, stresses that this more relaxed approach should be part of a structured and coordinated Development Plan process in order that there is adequate provisions for links to public transport and active travel networks, such as footpaths and cycle routes, and good access to community amenities and services. There is no such strategic provision in the Development Plan or the emerging Falkirk Council Local Plan. It is noted that the application site lies in an isolated rural location and that there would be poor access to active travel networks and community amenities and services.
- 7b.30 It is not considered that the proposed development accords with the SPP.

Falkirk Council Economic Downturn Action Plan

- 7b.31 The Economic Downturn Action Plan provides for aid and advice to local businesses in order that they may remain viable in times of economic difficulty. The Action Plan however does not include the consideration of any form of enabling development and/or development which does not accord with the Development Plan.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 It is noted that the existing timber products business is long established and, although a business of this nature could be accommodated in an urban setting, there could be considered to be justification under the terms of the Development Plan to relocate the business to an adjacent rural site.
- 7c.3 The possible impact of electricity cables on health is not a material planning consideration.
- 7c.4 The planning history of other developments in the area is not relevant to the proposed development.
- 7c.5 There is not sufficient detail included in the supporting statement in terms of cost breakdown to assess whether the projected costs and financial provisions would address the costs of the relocation of timber products business and provide for the development of the proposed housing.
- 7c.6 There are no material planning considerations which would justify a departure from the Development Plan in this case.
- 7c.7 Should, however, the Committee be minded to grant planning permission, in principle, this should require to be subject to the conclusion of:
- The approval of bat, breeding birds and badger surveys by the planning authority in writing, in consultation with Scottish Natural Heritage, and
 - A Section 69 Agreement requiring a developer contribution towards the provision of education. The contribution should be at a rate of £3,150 per dwelling and paid prior to the commencement of works on site.

8. RECOMMENDATION

8.1 It is recommended that planning permission be refused for the following reasons:

- (1) The proposed development is not a form of agricultural diversification and it is not considered that a countryside location is essential. The proposed development does not therefore accord with Policy ENV.1 of the Falkirk Council Structure Plan "Countryside and Protected Areas".**
- (2) The proposed development is not essential to the pursuance of agriculture, horticulture, forestry, the management of a business for which a rural location is essential or any other economic activity for which a rural location is essential. The proposed development does not therefore accord with Policy Rural 1 of the Rural Local Plan "New Development In The Countryside" and Policy SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Housing Development In The Countryside".**

- (3) The proposed development would constitute sporadic development in the countryside and therefore does not accord with Policy Rural 2 of the Rural Local Plan "Village Limits".
- (4) The proposed development does not utilise existing buildings, and does not constitute infill development. The proposed development does not therefore accord with Policy SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Housing Development In The Countryside" or Policy EQ19 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Countryside".
- (5) There is insufficient justification for the proposed new residential development under the terms of Policy EP5 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Business and Industrial Development in the Countryside". The proposed development does not therefore accord with Policy EP5.

Informative(s);

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 01 and 02A.



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Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Rural Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Planning Application F/90/1254.
5. Planning Application F/99/0242.
6. Scottish Planning Policy.
7. Falkirk Council Economic Downtown Action Plan.

8. Letter of Objection from Airth Parish Community Council.

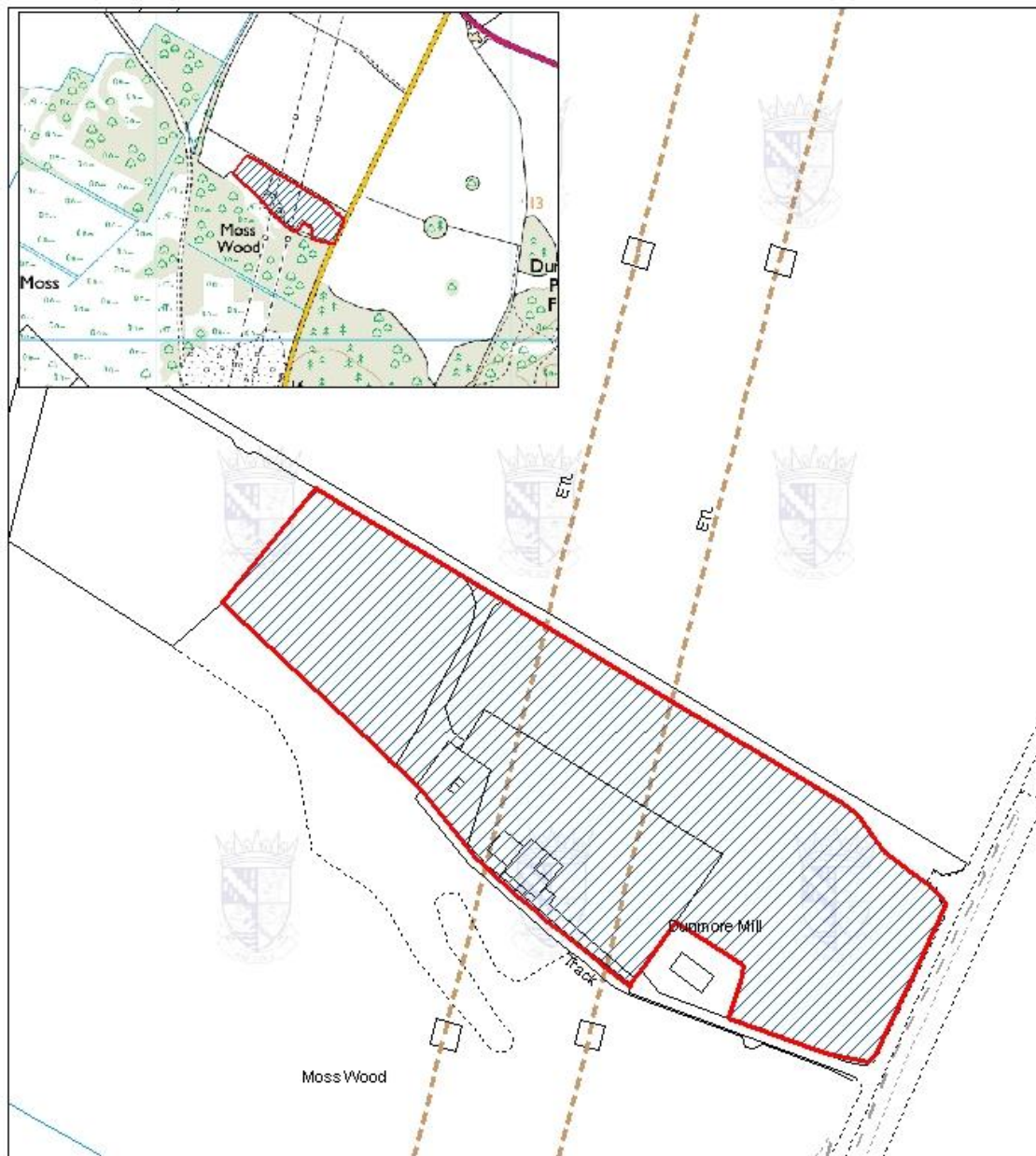
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/08/0938/OUT

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



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