

**FALKIRK COUNCIL**

**Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT GREYRIGG RESERVOIRS, CALIFORNIA, FALKIRK FOR MR CHRISTOPHER FERRIE – P/09/0790/PPP**

**Meeting: PLANNING COMMITTEE**

**Date: 21 April 2010**

**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** Councillor Gordon Hughes  
Councillor Stephen Fry  
Councillor John McLuckie

**Community Council:** Avonbridge and Standburn

**Case Officer:** Stephen McClure (Planning Officer) Ext, 4702

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

- 1.1 The site, which extends to 0.4 ha, is located within the countryside and contains a disused covered reservoir and derelict pump house. It is heavily overgrown and enclosed by bunding and fencing. There is a farm steading (Balnacree Farm) adjacent to the site, and a small cottage on the opposite side of the roadway. The site also bounds the road junction between the B8028 and the C53 Boxtou Road, which incorporates a mini-roundabout. This application seeks planning permission in principle for the development of land for residential purposes. No indication of the number of units proposed has been submitted.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor John McLuckie.

**3. SITE HISTORY**

- 3.1 F/2000/0207 – change of use of land to garden centre/nursery and house – withdrawn.
- 3.2 F/2000/0685 – erection of dwellinghouse (detailed) – refused.
- 3.3 F/2001/0823 – erection of dwellinghouse (outline) – refused.
- 3.4 Appeal against refusal of F/2001/0823 – appeal dismissed.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit advise that the site is located adjacent to the junction of the B8028 and C53 Boxton Road, which are typical rural roads of restricted width and alignment, and lack of footway provision and lighting. The two roads meet at a mini roundabout with poor visibility, and the Roads Development Unit would not be in favour of any increase in vehicular and pedestrian traffic at this location. For this reason the proposal is not considered favourably by the Roads Development Unit.
- 4.2 Scottish Water have no objections to the proposal.
- 4.3 The Health and Safety Executive does not advise, on safety grounds, against the granting of planning permission in this case.
- 4.4 Shell Chemicals UK Ltd has no objections to the proposal and confirms that no pipelines operated by them within the area will be affected by the proposals.
- 4.5 British Petroleum Grangemouth have no objection to the proposal, and do not operate pipelines in the area.
- 4.6 The Environmental Protection Unit have advised that, if granted permission, a contaminated land report would require to be submitted before works commence on site.

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

- 5.1 The Avonbridge and Standburn Community Council has made no representation on the application.

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

- 6.1 In the course of the application, 2 contributors submitted letters to the Council. The salient issues are summarised below:

- The proposed development is contrary to the Local Plan.
- The proposed development would result in road safety problems.
- The site has already been refused at appeal by the Scottish Government Reporter.
- Erection of dwellings on the site would impact greatly on the appearance of the site and surrounding area.
- The objector would not allow any access to provide septic tank/drainage over land in his ownership
- The privacy of the adjoining property would be adversely affected.
- It is unclear how many properties are intended to be placed on the site.

- Water pipe supply has been troubled in the past, the addition of extra dwellings may impact on this further.
- No information in relation to how the works to demolish the site would be carried out has been provided and this may be noisy and cause traffic problems.
- No information is provided on the proposed access into the site, the adjacent junction is known as an accident black spot.

## 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 applicant has not provided any information to demonstrate that a countryside location is essential for this particular proposal, and it would not be considered an appropriate form of agricultural diversification. It is therefore considered that the proposal does not accord with Policy ENV.1.

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

7a.3 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.4 The proposed use of the land for residential purposes has not been demonstrated to be absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The site would also not be considered to be an appropriate infill development, as no clear gap site exists and it would contribute to ribbon/sporadic development. It is therefore considered that the proposal does not accord with Policy Rural 1.

7a.5 Policy RURAL 8 'Changes of Use in the Countryside' states:

*"That proposals for changes of use relating to existing industrial, commercial and institutional uses within the countryside will generally be considered favourably, provided that they comply with the criteria outlined in POLICY RURAL 1."*

7a.6 The proposal could not be considered a favourable change of use from the existing land use, as this would only be acceptable if the proposal complied with the criteria outlined in Policy Rural 1. As previously stated, the proposal does not accord with Policy Rural 1. Therefore, it is considered that the proposal does not accord with Policy Rural 8.

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

## **7b Material Considerations**

7b.1 The material considerations to be considered are the Falkirk Council Local Plan Finalised Draft (Deposit Version), consultation responses and assessment of public representations.

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

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

7b.4 The relevant policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version), can be seen to reinforce and affirm Policies Rural 1 and 8. The proposed site is outwith the urban and village limits within the Local Plan Finalised Draft (Deposit Version). The applicant has not provided any evidence to demonstrate that the residential use would be essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. The proposal does not involve any rehabilitation of former residential properties or conversion of farm or other buildings to residential use. The site could not be considered as an appropriate infill opportunity within the envelope of existing residential buildings, as the development would result in ribbon/sporadic development. It is therefore considered that the proposal does not accord with Policies EQ19 and SC3.

### ***Consultation Responses***

7b.5 Roads Development Unit - The response from this Unit is considered to be the most relevant, as additional vehicular and pedestrian traffic would be detrimental to road safety at this location. This is due to the lack of footway provision, lighting and restricted visibility available at the roundabout intersecting the B8028 and C53 Boxton Road. The proposed development would not be in the interests of road safety.

### ***Assessment of Public Representations***

7b.6 Through the assessment of the application, it is considered that the proposal is contrary to the Local Plan.

7b.7 The Roads Development Unit has highlighted the issues with regards to the roadways and junction adjacent to the site.

7b.8 The dismissal of the appeal has been taken into account during the assessment of the application.

7b.9 During the assessment of the application, the visual impact of dwellings on the site has been taken into consideration.

7b.10 Access to land outwith the site is a private matter and not a material consideration.

7b.11 The application is only at a stage of establishing the principle of the land for residential use, therefore any impact on neighbouring properties with regards to privacy cannot be fully assessed. At this stage it would not be considered that it would impact on the neighbouring dwellings so far as to warrant refusal of the application.

7b.12 The application is to establish in principle whether the site would be suitable to be developed for residential purposes. If granted, a further application would be required, which would include details including the number of units, layout and access arrangements.

7b.13 Scottish Water has been consulted on the application and has not highlighted any specific issues with the water supply.

7b.14 The application is to establish the principle of the site being used for residential purposes, information in relation to the demolition of existing structure would not be required at this stage, and would not necessarily be required within a detailed application. Noise issues in relation to construction would not be a material planning consideration in this case.

## **7c Conclusion**

7c.1 The proposed development is contrary to the terms of the Development Plan and there are no material considerations which would justify a departure from the well established policies contained therein.

## **8. RECOMMENDATION**

8.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):

(1) No justification has been provided to demonstrate that the use of the land for residential purposes is absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The proposed development is not considered to be an appropriate form of an infill development. The proposal would be contrary to Policy Rural 1 “New Development in the Countryside” and Policy Rural 8 “Changes of Use in the Countryside” of the Falkirk Council Rural Local Plan, Policy ENV.1 “Countryside and Protected Areas” of the Falkirk Council Structure Plan, Policy EQ19 “Countryside and Policy SC3 “Housing Development in the Countryside”, of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

(2) The proposed development would not be in the 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.

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Director of Development Services

Date: 13 April 2010

## **LIST OF BACKGROUND PAPERS**

1. Letter of representation from Ms Begg, Greyrigg Cottage Falkirk FK1 2JB on 25 November 2009
2. Letter of Objection from Ian and Mhairi Davidson, Balnacree Farm Falkirk FK1 2JB on 24 November 2009
3. Falkirk Council Structure Plan 2004
4. Falkirk Council Rural Local Plan
5. Falkirk Council Local Plan Finalised Draft (Deposit Version)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

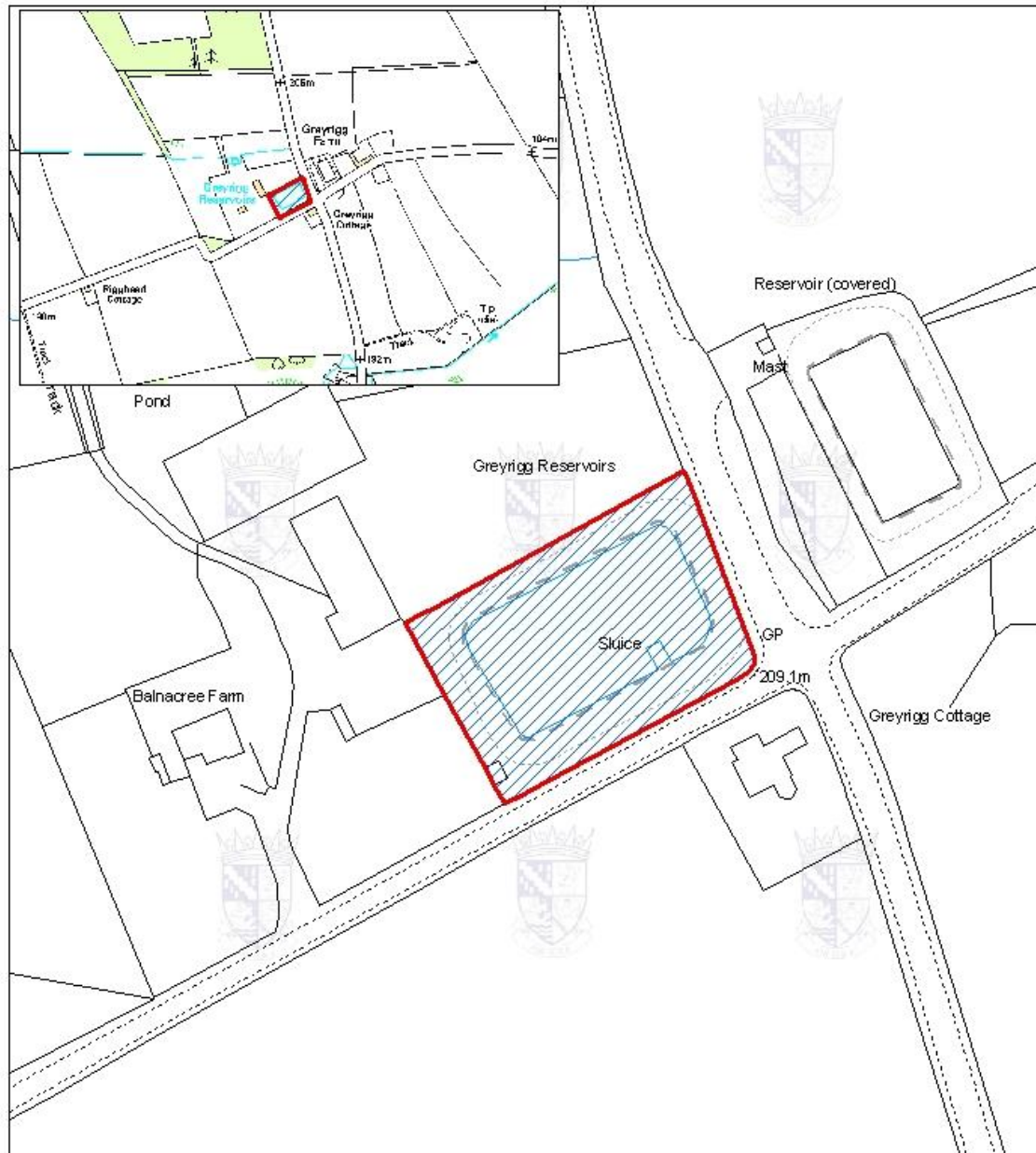


# Planning Committee

## Planning Application Location Plan

**P/09/0790/PPP**

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



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