

FALKIRK COUNCIL

**Subject: DEVELOPMENT OF LAND FOR MIXED USE PURPOSES
(RESIDENTIAL, EQUESTRIAN CENTRE & ASSOCIATED PARKING) AT
FORRESTER QUARTER, BONNYBRIDGE FK4 2HA FOR MR GEORGE
LAWRENCE - P/10/0196/PPP**

Meeting: PLANNING COMMITTEE

Date: 22 September 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor William Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: None.

Case Officer: Julie Seidel (Planning Officer), ext 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

1.1 This application seeks planning permission in principle for a mixed use development, comprising an equestrian centre, associated parking and residential accommodation. An indicative plan has been submitted showing two semi-detached dwellinghouses adjacent to the existing house on the east side of Dalnair Road. An indoor riding arena, stables, associated parking and three detached dwellinghouses are shown on the west side of Dalnair Road.

1.2 The application site is located within the countryside.

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The application has been called to Committee at the request of Councillor William Buchanan.

3. SITE HISTORY

3.1 None of relevance to the application.

4. CONSULTATIONS

4.1 The Transport Planning Unit advise that no specific pedestrian, cycling or public transport facilities will be required by the proposal. The Unit advise that the existing road network should be able to cope with the expected level of traffic generated by the proposal.

- 4.2 The Roads Development Unit comment that Dalnair Road is single width and has restricted horizontal and vertical alignment. Limited passing places in the vicinity of the application site are noted. The Unit has road safety concerns and as such advise that planning permission should only be granted if the development is considered to be essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. A flood risk assessment is requested due to the close proximity of the application site to the Skipperton Burn. If the principle of development is accepted then Dalnair road will require to be upgraded to provide passing places, verge, drainage and visibility improvements.
- 4.3 Scottish Water has no objection to the proposal but is unable to reserve capacity in the water and wastewater treatment works.
- 4.4 The Environmental Protection Unit advise of conditions relating to contamination, due to the presence of agricultural land, railway land and other potentially contaminative activities within 250 metres of the application site. Noise is not considered a determining factor.

5. COMMUNITY COUNCIL

- 5.1 The Bonnybridge Community Council did not comment.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, eight letters of objection were received. The salient issues are summarised as follows:
- Dalnair Road is a quiet country road and the increase in traffic would cause a road safety hazard for horse riders and other road users;
 - Dalnair Road already supports Dalnair Stables, Woodchip Stables and E & O Labs;
 - There are no passing places as well as there being blind corners on the access road adjacent to the application site;
 - There are 2 equestrian centres within half a mile of the application site;
 - There would not be enough grazing land for the proposed 18 stables, as one acre of grazing per horse is required;
 - The addition of 5 houses will change the site from greenbelt/farmland to residential;
 - A 40 year old orchard has already been cut down on the site; and
 - Inadequate drainage and sewerage facilities are available to serve the proposals.

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 Policy ENV.1 'Countryside and Protected Areas' of the approved Structure Plan seeks to protect the countryside from development unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. It is considered, in principle, that the proposed equestrian centre is appropriate to the rural area and a countryside location is essential. It has not, however, been demonstrated that a countryside location is essential for the proposed residential element of the proposal, comprising five dwellinghouses on the indicative plan. On balance the application fails to accord with policy ENV.1.

7a.3 Policy ECON.7 'Tourism' states:

“The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:

- (1) *the key locations for development will be the Millennium Canals, Falkirk Town Centre/Callendar Park and Bo'ness;*
- (2) *development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) *tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential.”*

7a.4 Policy ECON.7 'Tourism' of the approved Structure Plan states that the Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions. The equestrian centre, in principle, supports and expands the Council's main target markets and as such is supported by policy ECON.7.

Rural Area Local Plan

7a.5 The application site lies outwith any urban or village limit, within the countryside, under the 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. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 3. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 4. 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.*
- 5. 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 Policy RURAL 1 'New Development in the Countryside' of the adopted Rural Local Plan seeks to protect and conserve the open nature and character of the countryside whilst at the same time encouraging a level of beneficial development appropriate to the rural location. This policy has a general presumption against new development in the countryside except in limited circumstances. In this instance the relevant potential exceptions are Criteria 1, 2, 3 and 4. With regard to Criterion 1, it has not been demonstrated that the proposed residential element is essential to the pursuance of agriculture or any other economic activity requiring a rural location. With regard to Criterion 2, the proposed residential element would not occupy a clear gap in an existing development pattern and would arguably contribute to further sporadic, ribbon development at this countryside location. With regard to Criterion 3, no overriding national or local need for the proposed business development has been claimed or demonstrated. With regard to Criterion 4 it is considered that the equestrian centre, business element of the proposal, represents an economic activity appropriate to a rural location and would accord with the Council's Tourism strategy. However, on balance the proposal is contrary to policy RURAL 1.

7a.8 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.9 Policy RURAL 2 'Village Limits' of the adopted Rural Local Plan seeks to prevent ribbon development and intrusion into open countryside. The proposal is not considered to be infill development and as such the proposal would contribute to sporadic, ribbon development in the countryside. The application is contrary to policy RURAL 2.

7a.10 On balance, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The following matters were considered to be material in the consideration of the application:-

- Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as Amended by the Final Proposed Modifications (June 2010)
- National Planning Policies and Guidance
- Information Submitted in Support of the Proposal
- Assessment of Public Representations

Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as Amended by the Final Proposed Modifications (June 2010)

7b.2 The application site lies outwith any urban or village limit, within the countryside, under the emerging District wide Local Plan.

7b.3 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.4 Policy EQ19 'Countryside' of the emerging District wide Local Plan sets out the detailed policies for consideration of development proposals in the countryside. In this instance the detailed policy is Policy SC3 'Housing Development in the Countryside' and Policy EP16 'Leisure and Tourism Development in the Countryside'.

7b.5 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.6 Policy SC3 'Housing Development in the Countryside' continues the general presumption of the Development Plan against new housing development in the countryside except in limited circumstances. The relevant potential exceptions in this instance are 1 and 3. With regard to 1, it has not been demonstrated that the proposed residential element is essential for the pursuance of an activity for which a countryside location is essential. With regard to 3, the proposed residential element would not be sited within the envelope of an existing group of residential buildings and it would arguably contribute towards sporadic development at this countryside location. The proposal is therefore not considered to represent an appropriate infill opportunity. The application does not accord with policy SC3.

7b.7 Policy EP15 'Tourism Development' states:

"Proposals for tourism development will be supported where:

- (1) they will support the strategic tourism priorities set out in Policy ECON.7 of the Structure Plan, and the tourism strategies of the Council and VisitScotland;*
- (2) they will complement the existing pattern of provision;*
- (3) the quality of development will be such as to enhance the image and tourism profile of the area; and*
- (4) they comply with other Local Plan policies."*

7b.8 Policy EP15 'Tourism Development' generally supports tourism development where the proposal supports the strategic tourism priorities set out in the Structure Plan. The equestrian centre, business element of the proposal, would support the tourism strategy and complement the existing pattern of provision in the area. The application is supported by policy EP15.

7b.9 Policy EP16 - 'Leisure And Tourism Development In The Countryside' states:

Leisure and tourism development within the countryside will only be permitted where the use demonstrates a particular need for a countryside location and could not more appropriately be located within the Urban or Village Limits, or where existing buildings are to be utilised. In particular:

- (1) Proposals for small-scale self-catering chalet developments, caravan and camping sites may be acceptable, subject to appropriate siting and compliance with Policy EP15. Proposals for new hotels, B&Bs, guest houses and pubs/restaurants will generally only be permitted where existing buildings are being utilised or where a specific opportunity is identified in the Local Plan;*
- (2) Proposals for outdoor sport and recreation which require a countryside location may be acceptable, subject to appropriate siting. Associated built development will be limited to that which is directly ancillary to the activity (e.g. clubhouses, changing facilities, parking);*
- (3) Proposals for new visitor attractions, heritage and interpretative centres may be acceptable, subject to appropriate siting and compliance with Policy EP15. The nature and theme of the facility must provide a clear rationale for the countryside location chosen; and*
- (4) Proposals for new roadside facilities will not be permitted unless it is demonstrated that there is a clear need for additional services. Proposals for facilities on motorways and the trunk road network should comply with the guidance in NPPG9.*

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-EQ16), and of the adequacy of access and car parking arrangements must be satisfactory.

- 7b.10 Policy EP16 'Leisure and Tourism Development in the Countryside' permits leisure and tourism development in the countryside where the use demonstrates a particular need for a countryside location. It is considered that the proposed equestrian centre requires a countryside location and is supported by policy EP16.
- 7b.11 The emerging District wide Local Plan supports the policies set out in the Development Plan, Falkirk Council Structure Plan and Rural Local Plan covering this site and described earlier in this report. The proposed development is contrary to the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Modifications (June 2010).

National Planning Policies and Guidance

- 7b.12 Scottish Planning Policy 'A Statement of the Scottish Government's Policy on Nationally Important Land Use Planning Matters' promotes opportunities, through the Development Plan, for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. Planning authorities should apply proportionate standards to access roads to enable small developments to remain viable.
- 7b.13 Scottish Planning Policy promotes the Development Plan as the means by which to identify opportunities for housing and the promotion of economic activity, including developments linked to tourism, in the countryside. In this instance the Development Plan and the emerging District wide Local Plan are considered to provide an appropriate policy framework to support a range of sustainable development opportunities for development in the countryside. The proposed development has been found, in this report, to be contrary to the relevant policies of the Development Plan.

Information Submitted in Support of the Proposal

- 7b.14 The applicant has submitted a letter of support for the proposal as follows:
- The proposal will enable Dalnair Road to be realigned by removing the redundant outbuildings and replacing with two semi-detached dwellinghouses. The new building would be retracted from the road by 2 metres, significantly improving the sight lines of the road and access and egress to the proposed equestrian centre and housing;
 - The proposal is supported by the Government's rural development policies by allowing diversification and growth of the rural economy;
 - The proposal will secure the viability of Forrester Quarter and will offer new full and part time employment in the area; and
 - A group of plots for individually designed houses will support the formation of the new business.

- 7b.15 The points raised by the applicant's agent are noted. However, these fail to demonstrate the operational need for housing in association with the business, particularly as the business has not yet been established. The applicant was given an opportunity to provide further information to support the proposal or justify its location within the countryside but, to date, further supporting information has not been received.

Assessment of Public Representations

- 7b.16 The Roads and Development Unit share the concerns of objectors in relation to the quality of the access road and road safety issues;
- 7b.17 It is accepted that there are other equestrian centres within the locality of the application site, however this is not considered a material planning consideration;
- 7b.18 The application is in principle, therefore the number of horses and amount of grazing land is indicative only at this stage;
- 7b.19 The application site is in an area of countryside and the granting of planning permission will not affect the rural designation;
- 7b.20 There is no requirement for planning permission to fell trees on the site, and
- 7b.21 The comments in relation to drainage are noted.

7c Conclusion

- 7c.1 The proposed development is contrary to the Development Plan for the reasons detailed in this report. Material considerations are therefore required to justify setting aside the terms of the Development Plan and approve the application. In this instance it is considered that the weight of material considerations, as detailed in this report, do not support a departure from the above mentioned policies of the Development Plan.
- 7c.2 Accordingly, the application is recommended for refusal.

8. RECOMMENDATION

- 8.1 It is recommended that Committee refuse planning permission for the following reason(s):-
- (1) The application does not accord with Policy ENV. 1 'Countryside and Protected Areas' of the approved Falkirk Council Structure Plan, Policy Rural 1 'New Development in the Countryside', Policy RURAL 2 'Village Limits' of the adopted Rural Local Plan and Policy SC3 'Housing Development in the Countryside' of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the final Proposed Modifications (June 2010) as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouses and is not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.

Informative(s):

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

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For Director of Development Services

Date: 15 September 2010

LIST OF BACKGROUND PAPERS

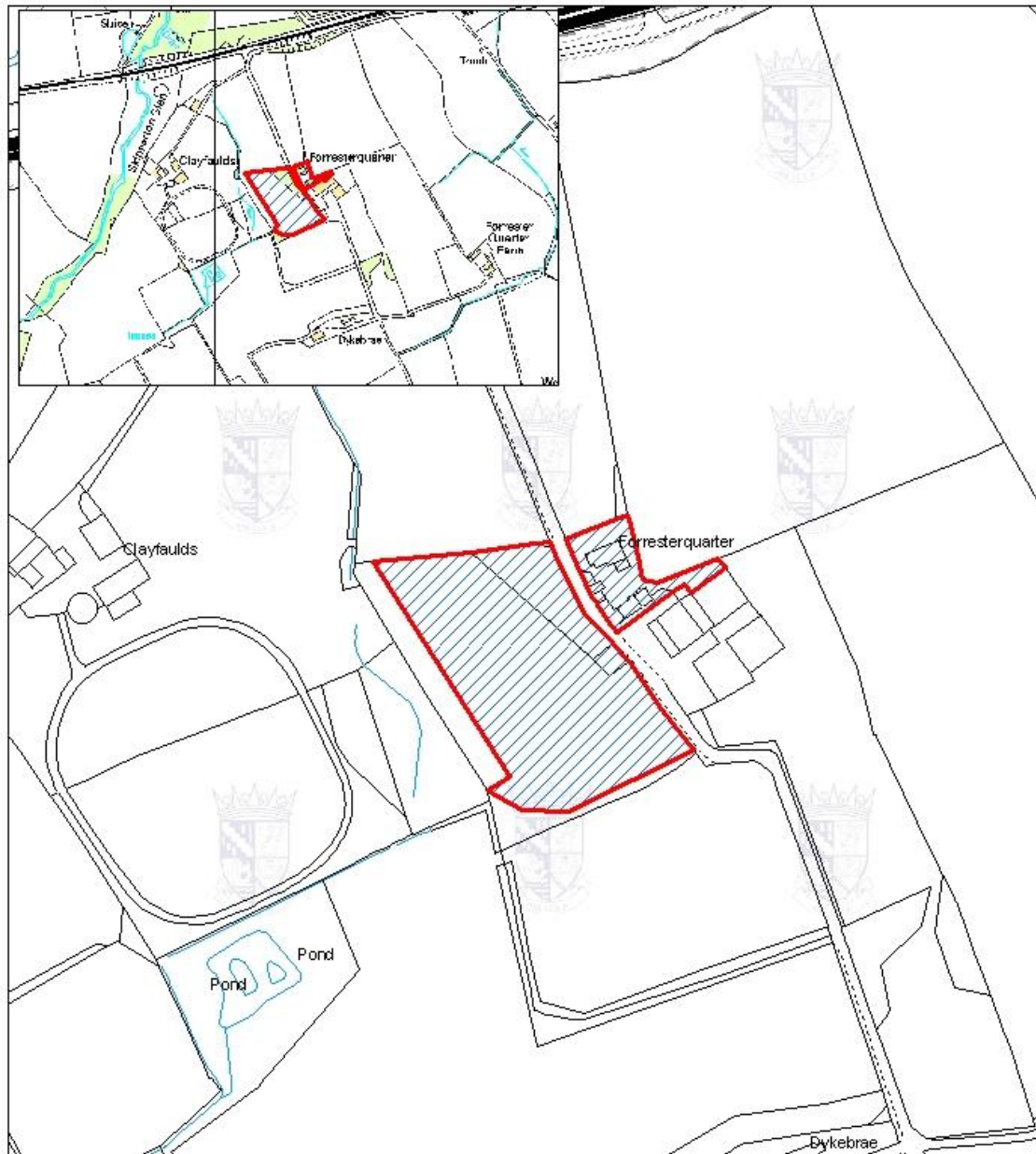
1. Falkirk Council Structure Plan.
2. Rural Area Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Faxed objection received from name illegible, 19 Dunmuir Street, Bonnybridge, FK4 1ER on 7 May 2010.
5. Letter of objection received from Mrs Delissen, West Cottage, High Forrester Quarter Farm, Bonnybridge, FK4 2HA on 6 May 2010.
6. Letter of objection received from Mr McClure, Glenside Cottage, Clayfaulds, Bonnybridge, FK4 2HA on 23 May 2010.
7. Email of objection received from Virginia Lucey of E & O Laboratories Ltd, Burnhouse, Bonnybridge, FK4 2HH on 24 May 2010.
8. Letter of objection received from Mrs Anderson, 24 Reilly Garden, High Bonnybridge, FK4 2BB on 27 May 2010.
9. Letter of objection received from horse owner, Denny, FK3 on 5 June 2010.
10. Letter of objection received from Mr Denholm, Wester Lochdrum Farm, Bonnybridge, FK4 2HA on 5 June 2010.
11. Letter of objection received from Mr McGill, Muir Rig, Bonnybridge, FK4 2HH on 8 June 2010.

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

Planning Committee

Planning Application Location Plan P/10/0196/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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