

FALKIRK COUNCIL

Subject: RESTORATION AND REFURBISHMENT OF LATHALLAN HOUSE TO FORM 9 FLATTED DWELLINGS, DEMOLITION OF LAUNDRY OUTBUILDING, RESTORATION & REFURBISHMENT OF STABLES TO FORM 3 DWELLINGHOUSES, ERECTION OF 36 DWELLINGHOUSES AND ASSOCIATED WORKS AT LATHALLAN HOUSE, FALKIRK FK2 0YG FOR ROWANHILL DEVELOPMENT LTD - P/09/0370/FUL

Meeting: PLANNING COMMITTEE
Date: 20 April 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Polmont

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This major application seeks detailed planning permission for the erection of 36 new dwellinghouses within the policies of Lathallan House and the restoration of the house and associated stables to create 12 residential units (total 48 new residential units). Lathallan House, the former stables and the remains of a walled garden, are all 'B' Listed. The House and stables lie derelict whilst the walled garden is in need of significant repair.
- 1.2 A new vehicle access to the site is proposed from the A803.
- 1.3 The proposal is to restore Lathallan House and associated stables and this is the subject of an application for Listed Building Consent (P/09/0369/LBC). The remaining elements of the proposed development pertain to new build housing. This is proposed to the immediate south of Lathallan House, in the form of terraced "mews houses", to the east, in the form of detached dwellinghouses in and around the remains of the "B" Listed walled garden and to the south east in the form of detached dwellinghouses in open agricultural land. A new 'gatehouse' is proposed at the site entrance from the A803.
- 1.4 The application site extends to approximately 12 hectares (30 acres). Ground levels fall from the A803 site access before rising to a level area on which Lathallan House is situated. From Lathallan House to both the walled garden area (to the east) and proposed townhouses (to the south) ground levels decline steadily before rising steeply further south and east.

- 1.5 The ground to which the application relates consists predominantly of fallow agricultural land with significant areas of mature woodland and wetland habitats. Evidence of European Protected Species (EPS) of Great Crested Newts and bats have been recorded. Sightings of important wildlife such as owl, badger and deer have also been noted. The remaining site area is occupied by the grounds of Lathallan House, associated stables and outbuildings and the walled garden.
- 1.6 There are a number of informal footpaths through the site and the wider area. Footpath/cycle links to Polmont to the west and tying into existing paths to the east are proposed in the development.
- 1.7 In addition to architectural drawings, roads and drainage details, the information submitted in support of the application includes the following:
- Financial Development Appraisal
 - Supporting Planning Statement
 - Ecological Impact Assessment
 - Architectural Design Statement
 - Tree Survey
 - Landscape Analysis and Masterplan
 - Topographic Survey
 - Drainage Impact Assessment
 - Road Safety Audit

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is contrary to the Development Plan (but not significantly so).

3. SITE HISTORY

- 3.1 There have been no planning applications submitted for the site. Pre-application submissions have however, been made by the applicant going back for a period of three years prior to the formal submission of the planning application currently under assessment.

4. CONSULTATIONS

- 4.1 Scottish Natural Heritage (SNH) has confirmed that the information submitted by the applicant in relation to Great Crested Newts European Protected Species etc is considered to be acceptable. Additional information is required in relation to bat mitigation but this can be addressed through the required European Protected Species (Bats) Licence made directly to SNH.
- 4.2 Historic Scotland fully supports an appropriate scheme to refurbish Lathallan House. Guidance has been provided on the proposed alterations to Lathallan House itself. The information submitted by the applicant with regard to specification of works was considered to be lacking in detail. Additional information has now been provided to allow a detailed assessment of the refurbished element of the proposed development to the satisfaction of Historic Scotland.
- 4.3 Historic Scotland objects, however, to the continued proposal to develop the listed walled garden in a manner to which Historic Scotland previously advised against. The proposed alterations are considered by Historic Scotland to be unacceptable on the basis of a significant reduction in the historic merit of the walled garden. Historic Scotland has also advised of the requirement for providing an assessment of proposed walled garden development in the context of the Scottish Historic Environment Policy (SHEP) 2010. This assessment has not been provided by the applicant.
- 4.4 The Scottish Environment Protection Agency (SEPA) has no objections to the proposal. Guidance has been provided to the applicant in relation to foul drainage, surface water drainage, pollution prevention, waste management, sustainability, biodiversity and nature conservation.
- 4.5 Scottish Water has no objections to the proposed development. The applicant has been advised of capacity availability and potential required infrastructure improvements to allow the connection to this capacity.
- 4.6 Falkirk Council Education Services has confirmed that development impacts on school capacity at Whitecross Primary School and St Mungo's RC High School will require a mitigatory financial contribution – see para 7b.19.
- 4.7 The Roads Development Unit of Falkirk Council has assessed a Stage 1 Road Safety Audit in consideration of the proposed site access in relation to the proximity of the existing Lathallan interchange. Amendments to the submitted plans are required to address the comments of the Roads Development Unit and ensure implementation on site. The applicant's drainage impact assessment has been assessed and is considered to require additional information with regard to design and specification.
- 4.8 The Environmental Protection Unit of Falkirk Council has requested the submission of a contaminated land assessment on the basis of potential ground contamination resulting from historical uses in proximity to this site. This assessment can be required by planning condition.

5. COMMUNITY COUNCIL

- 5.1 The Polmont Community Council has not commented on the proposed development.

6. PUBLIC REPRESENTATION

- 6.1 Two objections have been received as a result of neighbour notification and press advertisement.
- 6.2 One objection has been received from a resident of Erskine Hill, Polmont. The grounds of objection are made with regard to contradiction to Development Plan policy, the merits of restoration of Lathallan House, an unacceptable relationship of new development to Lathallan House, inappropriate architectural design, landscape impact, impact on protected species and a questionable requirement for enabling development.
- 6.3 One objection has been received from a resident of Linlithgow. The grounds of objection relate to more appropriate uses for Lathallan House such as a hotel and adverse impact on the landscape resulting from unnecessary housing that cannot be supported in the existing education network.

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 The following policies of the Structure Plan apply.
- 7a.2 Policy COM.5 'Developer Contributions' states:

"The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”

7a.3 The proposed development includes enabling development to facilitate the restoration of the derelict Lathallan House and stables and associated walled garden, all Listed structures.

7a.4 Policy COM.7 ‘School Provision’ states:

“New housing development will not be permitted unless adequate school capacity is available or will be made available.”

7a.5 Education Services has confirmed that the needs of the proposed development for education provision can be met provided that the applicant makes a financial contribution towards the development's impacts on that capacity – see para 7b.19.

7a.6 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.7 The proposed redevelopment of Lathallan House and stables itself requires a rural location by virtue of the site location. The site is identified in the Falkirk Council Local Plan as an opportunity (EN.POL04) for re-use for a number of potential uses including residential. The proposed enabling development of proposed new residential units within the grounds of the House, would be contrary to the terms of Policy ENV.1 unless it could be demonstrated that the enabling development was the minimum necessary to secure the restoration of Lathallan House.

7a.8 Policy ENV.2 ‘Green Belt’ states:

“There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting, and avoid prejudicing future proposals for landscape enhancement and countryside recreation.

The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.”

7a.9 The application site lies within the Green Belt with considerations of landscape setting, landscape enhancement and countryside recreation of particular relevance. The proposed development is considered to be contrary to Policy ENV.2 with regard to the promotion of new residential development in the Green Belt. The applicant has, however, presented the

argument that the proposed residential development is enabling development required to restore Lathallan House, which occupies the site. This is assessed later in this report in relation to relevant material planning considerations.

7a.10 Policy ENV.3 'Nature Conservation' states:

"The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:

- (1) Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:
 - (a) it will not adversely affect the integrity of the site, or;*
 - (b) there are no alternative solutions and there are imperative reasons of overriding national public interest.**
- (2) Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*
- (4) The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats."*

7a.11 SNH has previously objected to the proposal on the grounds that insufficient provision has been made for the mitigation of development impacts on European Protected Species of Great Crested Newts and bats and other wildlife species of owl, badger and deer. The applicant has, however, submitted further information and, aside from the need for further information on the mitigation of potential impacts on bats, has satisfied the initial concerns of SNH. SNH has withdrawn its objection and confirmed that additional details can be provided and assessed in the required European Protected Species Licence made to SNH. It is considered that the proposal complies with Policy ENV.3.

7a.12 Policy ENV.5 'Built Environment and Heritage' states:

"Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation

Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*
- (3) Promoting sensitive interpretation of heritage assets.*
- (4) Protection of the assets and their setting from inappropriate development.*
- (5) Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset."*
- (6) Reviewing the boundaries of areas to ensure their continuing relevance."*

7a.13 Lathallan House is identified in the Falkirk Council Local Plan as an asset with the potential for re-development. This is detailed in paragraphs 7a.32 and 7a.33 of this report.

7a.14 Falkirk Council Community Services (Archaeology) has welcomed the restoration of Lathallan House, stables and associated buildings. A planning condition requiring archaeological survey on a small part of the site will be required.

7a.15 Objections have been received from and concern expressed by Historic Scotland. The grounds of objection relate to an unacceptable impact in both physical and historical perspective on the structure of the Listed walled garden and its relationship with Lathallan House. The impact of new development on the setting of Lathallan House and associated structures is also questioned.

7a.16 The principle of the restoration of Lathallan House itself could be supported by Policy ENV.5. The proposal does not, however, comply fully with Policy ENV.5.

7a.17 Policy ENV.7 'Quality of Development' states:

"(1) Priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.

(2) Local Plans and Supplementary Planning Guidance will provide detailed guidance on how significant impact will be assessed and the details to be included in such design concept statements."

7a.18 The proposal is accompanied by a design statement and landscape appraisal. The proposed development integrates well with the existing landscape and involves minimal loss of trees with acceptable supplementary planting. The proposal is considered to comply with Policy ENV.7.

Falkirk Council Local Plan

7a.19 The following policies of the Falkirk Council Local Plan apply:

7a.20 Policy SC13 'Open Space and Play Provision in New Development' states:

“New development will be required to contribute to open space and play provision. Provision should be informed by the Council’s open space audit and strategy and the SPG Note on ‘Open Space and New Development’, once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:

- (1) Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
 - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
 - in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
 - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
 - The required financial contribution per house will be set out in the SPG Note on ‘Open Space and New Development’.*
- (3) The location and design of open space should be such that it:*
 - forms an integral part of the development layout, contributing to its character and identity;*
 - is accessible and otherwise fit for its designated purpose;*
 - links into the wider network of open space and pedestrian/ cycle routes in the area;*
 - sensitively incorporates existing biodiversity and natural features within the site;”*
 - promotes biodiversity through appropriate landscape design and maintenance regimes; and*
 - enjoys good natural surveillance;*
- (4) Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

7a.21 The proposed development is a low density development in the setting of historic lowland and open space. The standards relative to access to quality open space are easily met. Formal play provision is not proposed and, given the historic character of the site, not considered appropriate.

7a.22 Policy SC14 ‘Education and New Housing Development’ states:

“Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council’s education policies. The contribution will be a proportionate one, the basis of which is set out in the SPG Note ‘Education and New Housing Development’. In cases where the school cannot be improved in a manner consistent with the Council’s education policies, the development will not be permitted.”

7a.23 The proposed development would require contributions towards capacity improvements at Whitecross Primary School and St Mungo’s RC High School – see para 7b.19.

7a.24 Policy EQ4 - 'Landscape Design' states:

"Development proposals should include a landscape framework which enhances the development and assists integration with its surroundings. The landscape scheme should:

- (1) Be informed by the surrounding landscape;*
- (2) Retain and incorporate existing vegetation, natural and cultural features where they contribute to the amenity and biodiversity of the site, with provision for replacement planting where removal is authorised;*
- (3) Integrate with strategies for the provision of open space, pedestrian access, and sustainable urban drainage systems on the site;*
- (4) Promote biodiversity, including the use of native tree and plant species (see Policy EQ25);*
- (5) Incorporate robust structure planting to provide structure in larger developments, and screen the edge of developments where necessary;*
- (6) Incorporate street trees and informal open space planting to assist in structuring and unifying streets and spaces;*
- (7) Incorporate high quality hard landscaping, including surface materials, boundary enclosures and street furniture which are robust and complement the development; and*
- (8) Demonstrate that satisfactory arrangements have been made for the future maintenance and management of all landscaped areas."*

7a.25 The application incorporates a detailed landscape analysis and masterplan. The proposed landscaping is acceptable and complies with Policy EQ4.

7a.26 Policy EQ1 'Sustainable Design Principles' states:

"New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure."*

7a.27 The proposed restoration and enhancement of Lathallan House complies with the aims of Policy EQ1. Additional ancillary development is considered to be of a high design standard and is necessary to ensure the retention and restoration of Lathallan House.

7a.28 Policy EQ14 'Listed Buildings' states:

“The Council will seek to preserve the character and appearance of listed buildings. Accordingly:

- (1) Development affecting a listed building, or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.*
- (2) Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the Council that the building:*
 - has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and*
 - is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report; and*
- (3) RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded.”*

7a.29 The proposed restoration of Lathallan House and stables is welcomed and Historic Scotland has not objected to these elements of the proposed development. Historic Scotland has, however, objected to the proposed erection of detached dwellinghouses within and around the ‘B’ Listed walled garden. The objection is on the basis of an unacceptable impact on the architectural and historic importance of the wall and its relationship, physical and historical, with Lathallan House. However, in the context of an opportunity to restore the main building, the proposals for the walled garden are not sufficiently detrimental to warrant a recommendation for refusal. This element of the proposal does not therefore fully comply with Policy EQ14.

7a.30 Policy EQ15 - ‘Re-Use of Buildings’ states:

“The Council will generally support the re-use or conversion of existing vacant buildings of architectural and townscape merit, provided that the building is structurally sound and capable of beneficial conversion, and an acceptable internal layout and level of amenity can be provided.”

7a.31 The re-use of Lathallan House is supported and this element of the proposed development complies with Policy EQ15.

7a.32 In addition to the consideration of Policy EQ15, Lathallan House is identified by Opportunity EN.POL04 - ‘Lathallan House, Polmont’ for re-use/conversion of ‘House and Associated Buildings’.

7a.33 EN.POL04 Lathallan House, Polmont states:

Opportunity: Re-use/Conversion of House and Associated Buildings

Agency: Private

Comments: The opportunity exists to pursue options for the re-use or conversion of Lathallan House which is a Category B listed building. It lies in relatively close proximity to the Union Canal and enjoys good access thanks to its proximity to junction 4 of the M9 and the A801. Potential exists for a range of uses including conversion to flats, hotel, etc., subject to compliance with other Local Plan policies. Access to be from A803 only, not Nicolson Road. An

application/listed building consent for the restoration of the house, associated buildings and additional development was submitted in May 2009.

7a.34 Policy EQ22 'Landscape and Visual Assessment' states:

"Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area."

7a.35 The applicant has submitted a detailed landscape appraisal. This assessment of the landscape setting and the proposed development's impacts upon it have acceptably demonstrated that the site is capable of absorbing the development. The proposal therefore complies with Policy EQ22.

7a.36 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."*

7a.37 The proposed development requires a countryside location by virtue of the location of Lathallan House. The proposed development is not infill development but would, in part, utilise existing buildings. New residential development is unobtrusively sited and respects the landscape setting of the area. Boundary and curtilage treatments are sympathetic to a rural area. Building design is considered to be of good quality. Accordingly, it is considered that the proposal does comply with policy EQ19.

7a.39 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."*

7a.40 The proposed housing development is not essential to the pursuance of accepted countryside uses. The proposal, in part, includes the restoration of Lathallan House and stables. New housing development seeks to relate to the siting of Lathallan House and exploit the Listed walled garden and landscape setting opportunities in order to limit visual impact. In this respect, the proposed development is considered to accord with the aims of Policy SC3.

7a.41 Policy EQ20 - 'Green Belt' states:

"There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:

- (1) *The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3;*
- (2) *The proposal will not undermine the role of the Green Belt by*
 - *detracting from its existing landscape character;*
 - *reducing the visual separation between settlements; or*
 - *compromising its existing or potential future use for countryside recreation.*

Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21."

7a.42 Policy EQ20 presumes against new development in the green belt unless for justifiable uses of farming, forestry or tourism. The proposed development is not for these uses but requires this

location due to the presence of Lathallan House on the site. The renovation of Lathallan House and stables for residential use has been shown to comply with Policy EQ15 'Re-use of Buildings' and Opportunity EN.POL04. The additional new residential development in the grounds of Lathallan House does not detract from the existing landscape character of the area; reduce the visual separation between settlements; or compromise its existing or potential future use for countryside recreation. Accordingly, the proposal is not considered to compromise the aims and objectives of the Green Belt. As stated above in para 7a.37, the proposal complies with Policy EQ19. Cycling access will be improved – see 7a.48.

7a.43 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 effect 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.*
- (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.”*

7a.44 The proposed development has demonstrated, through detailed assessment of wildlife survey and mitigation studies, that potential impacts on European Protected Species of Great Crested Newts and Bats and other important species of badger and deer are unlikely to occur. Where potential impact has been identified appropriate mitigation is considered to have been demonstrated.

7a.45 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

“The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- (1) Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.”*

7a.46 The proposed development has demonstrated, through landscape assessment and tree conservation measures, that the ecological, landscape and recreational importance of trees, woodland and hedgerows has been recognised and will be respected.

7a.47 Policy EQ29 ‘Outdoor Access’ states:

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network once it is defined.*
- (2) In promoting new routes particular emphasis will be placed on*
 - opportunities specified on the Proposals Map*
 - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
 - other areas of proven demand as identified through community consultation; and*
 - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25.*
- (3) When considering planning applications, the Council will*
 - Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*
 - Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
 - Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7a.48 The proposed development provides informal countryside access within the site and to the A803 to the north. Opportunity exists, however, for access to the west where a pedestrian/cycle link could be provided under the A801 to the identified opportunity for

office/industrial/distribution development at Gilston, Polmont (ED.POL01 of the Falkirk Local Plan). A planning condition requiring the provision of a footpath/cycle link to Gilston is therefore proposed.

7a.49 Accordingly, the proposed development does not fully accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the site history, the principle of enabling development required to fund the restoration of Lathallan House, National Planning Guidance, Falkirk Council's Economic Downturn: Action Plan and the views expressed by consultees and in objections.

Site History

7b.2 The principle of the renovation of Lathallan House and ancillary development including enabling development has been discussed, at the initiation of the current applicant, for a period in excess of three years. The principle of sensitive renovation of Lathallan House, with carefully considered and financially justified enabling development has been informally accepted.

7b.3 The proposed development constraints of European Protected Species existence and the importance for mitigation of any development impacts have long been established. In addition the stringent requirements of the redevelopment of Lathallan House and ancillary structures, as important "B" Listed Buildings has also been stressed.

Enabling Development

7b.4 The applicant has submitted a detailed financial appraisal of the land purchase costs, development costs and profit levels anticipated. This appraisal has been the subject of review by Falkirk Council development surveyors and construction professionals and by an external planning and surveying consultancy.

7b.5 The applicant has submitted a financial summary of costs that provides quantified expenditure on land acquisition, emergency works, construction costs, infrastructure costs, preliminaries and contingencies. In addition, quantified costs on professional fees, finance, sales costs, company formation costs, profits and VAT have been provided.

7b.6 The conclusion of the submitted financial summary is that the enabling development proposed is the minimum required to secure the renovation of Lathallan House.

7b.7 Peer review of the applicant's financial appraisal has indicated that the proposed enabling development to restore Lathallan House etc would not be excessive.

National Planning Guidance

7b.8 Scottish Planning Policy (SPP) establishes national planning policy in relation to housing land use. In the context of the proposed development, Scottish Planning Policy seeks to create quality residential environments, guide new housing to the right places and deliver housing land in the context of historic buildings, landscapes and natural heritage.

- 7b.9 It is considered that the renovation of Lathallan House and stables and provision of high quality housing of mixed type, to include terraced and detached units, is consistent with the aims and objectives of Scottish Planning Policy.
- 7b.10 Scottish Planning Policy advises of the need for a sensitive response to increasing demand for development in the countryside. The aims behind Scottish Planning Policy are that Scotland has a prosperous rural economy with a stable or increasing population and that the housing needs of that population need to be accommodated.
- 7b.11 Scottish Planning Policy establishes Scottish Government policy in relation to development affecting Listed Buildings and their settings with a view to protection, conservation and enhancement of the historic environment.
- 7b.12 The policy expressions in Scottish Planning Policy that are relevant to the proposed development relate to the renovation of Lathallan House, stables and walled garden as 'B' Listed Buildings and the potential impact on the setting of these buildings of new enabling development.
- 7b.13 The proposals to renovate Lathallan House and stables are welcomed both in policy terms and by Historic Scotland as statutory consultee. The agreed renovation works would ensure the restoration of these buildings and the re-introduction of residential use would ensure their long term care and protection. This position is consistent with the aims and policy expressions of Scottish Planning Policy.
- 7b.14 The impacts of the development on Lathallan House walled garden and the opposition to the current proposals by Historic Scotland have been outlined in this report, above. The objection by Historic Scotland with respect to the impacts of the proposed development on the Listed Walled Garden are acknowledged.
- 7b.15 Historic Scotland's Scottish Historic Environment Policy (SHEP) provides guidance on the statutory responsibility for the protection and enhancement of Listed Buildings and their setting.
- 7b.16 The proposed renovation of Lathallan House and stables is consistent with the requirements of SHEP. The renovation and long term survival of these buildings is considered to accord with the aims of SHEP and no objections to these proposed developments are held by Historic Scotland. It should be noted that there is an associated Listed Building Consent application (P/09/0369/LBC).
- 7b.17 Historic Scotland has, however, expressed concerns with regard to the impact of new development on the setting of Lathallan House and has objected to the proposed impacts on the walled garden. In this respect these elements of the development are considered to be contrary to Historic Scotland's SHEP guidance.

Falkirk Council's Economic Downturn: Action Plan

- 7b.18 This policy emphasises the need for flexibility in the current economic climate.

Consultation Responses

- 7b.19 The requirements of consultation responses from within Falkirk Council in relation to Education, Environmental Protection, Community Services (Archaeology), Transport Planning and Roads Development can be achieved either by developer contribution or appropriately worded planning conditions, except for a few remaining roads/drainage issues which would have to be resolved following any minded to grant decision by the Committee prior to referral to Ministers. Education Services consider that developer contributions would be necessary for Whitecross Primary School and St Mungo's RC High School. The contributions would be £2,150 per house and £1,250 per flat for Whitecross PS, with the equivalent figures being £650 and £450 for St Mungo's RCHS; totalling £121,700.
- 7b.20 The requirements of SNH in relation to protection of wildlife have been addressed in the information submitted by the applicant to date. SNH has, however, requested further information in relation to the mitigation of potential impacts on bats. This information can be acceptably achieved by means of planning condition.
- 7b.21 SEPA and Scottish Water have expressed no objections to the proposed development.
- 7b.22 Historic Scotland welcomes the restoration of Lathallan House and stables but has expressed objection to the development impacts on the listed walled garden and expressed concern in relation to development impacts on the setting of Lathallan House and associated buildings. The concerns of Historic Scotland have been relayed to the applicant and revisions, most notably to the new development in and around the walled garden, have been requested. The applicant has not agreed to suggested revision to the proposed development. The concerns of Historic Scotland have therefore not been addressed.
- 7b.23 It is accepted that there would be an impact on the setting of Lathallan House, stables and ancillary buildings with any new development. On balance, the proposed new development is acceptable on the grounds that it would secure the restoration and future of Lathallan House. With regard to the financial appraisal that has been submitted by the applicant and reviewed, it is questionable whether this could be achieved if the proposed new development does not proceed.

Representations

- 7b.24 Objections on the grounds of contradiction to Development Plan policy and architectural design have, in part, been substantiated during detailed assessment of the development proposal.
- 7b.25 Objections on the grounds of adverse impact on the landscape setting of Lathallan House, potential impacts on wildlife and the need for enabling development have not been substantiated. The suitability of Lathallan House for alternative uses other than residential is noted. The consideration of the current application does not, however, include such a use.

7c Conclusion

- 7c.1 The proposed development represents a significant opportunity to secure the sensitive restoration of Lathallan House, stables and associated buildings. The proposal has been assessed against the terms of the Development Plan, and National Planning Policy. The conclusion of this assessment is that the proposal is, in part, contrary to the Development Plan. Also, the concerns raised by Historic Scotland should not be dismissed lightly. There is a relevant concern regarding the impact of the new development on the setting of the Listed

Building and, in particular, the listed walled garden. Members should also note that, in the current economic climate, the proposed enabling development may not be sufficient to make this project economically viable.

- 7c.2 However, a balanced and pragmatic approach is considered to be appropriate. The design quality of the proposed new build is considered to be high. There is no other opportunity proposed to secure the restoration of Lathallan House, stables and associated buildings and, therefore, the risk of further deterioration and the possible loss of the Listed Building is real.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee indicates that it is minded to grant planning permission subject to resolution of outstanding roads and drainage issues to the satisfaction of the Director of Development Services and, thereafter, referral to Scottish Ministers in view of the objection of Historic Scotland.

- 8.2 On conclusion of referral of the application to Scottish Ministers, referred to in section 8.1 above, Members remit to the Director of Development Services to grant planning permission subject to:

- (a) The satisfactory completion of an obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 relating to:
 - (1) Financial contribution of £121,700 towards educational contributions;
 - (2) The provision of necessary off site road works identified in the approved stage 1 Road Safety Audit, and to close off the existing access to A803, following the opening of the new access;
 - (3) The provision of a footpath/cycle link to the A801 underpass to the west of the site;
 - (4) A restriction of new build dwellinghouses to a maximum of 36;
 - (5) The phasing of the development to ensure the satisfactory restoration of Lathallan House and stables prior to the commencement of work on any new build dwellinghouse. The phasing of new build dwellinghouses thereafter shall be agreed;
- (b) and thereafter, on conclusion of the Section 75, to remit to the Director of Development Services to grant planning permission subject to appropriate planning conditions including these relating to roads, drainage, archaeological investigations, wildlife protection, ground contamination, external materials and samples as required, construction methodology, phasing of development, landscaping and boundary treatments.

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pp Director of Development Services

Date: 12 April 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Supplementary Planning Guidance.
4. Falkirk Council Economic Downturn: Action Plan
5. Scottish Planning Policy (SPP).
6. Historic Scotland's Historic Environment Policy (SHEP).
7. Letter of Objection received from Miss Ashley Thompson Beechmount, Kingscavil, Linlithgow EH49 6NA on 23 September 2009.
8. Letter of Objection received from Sandy Simpson, 44 Erskine Hill, Polmont, Falkirk FK2 0UQ on 4 August 2009.

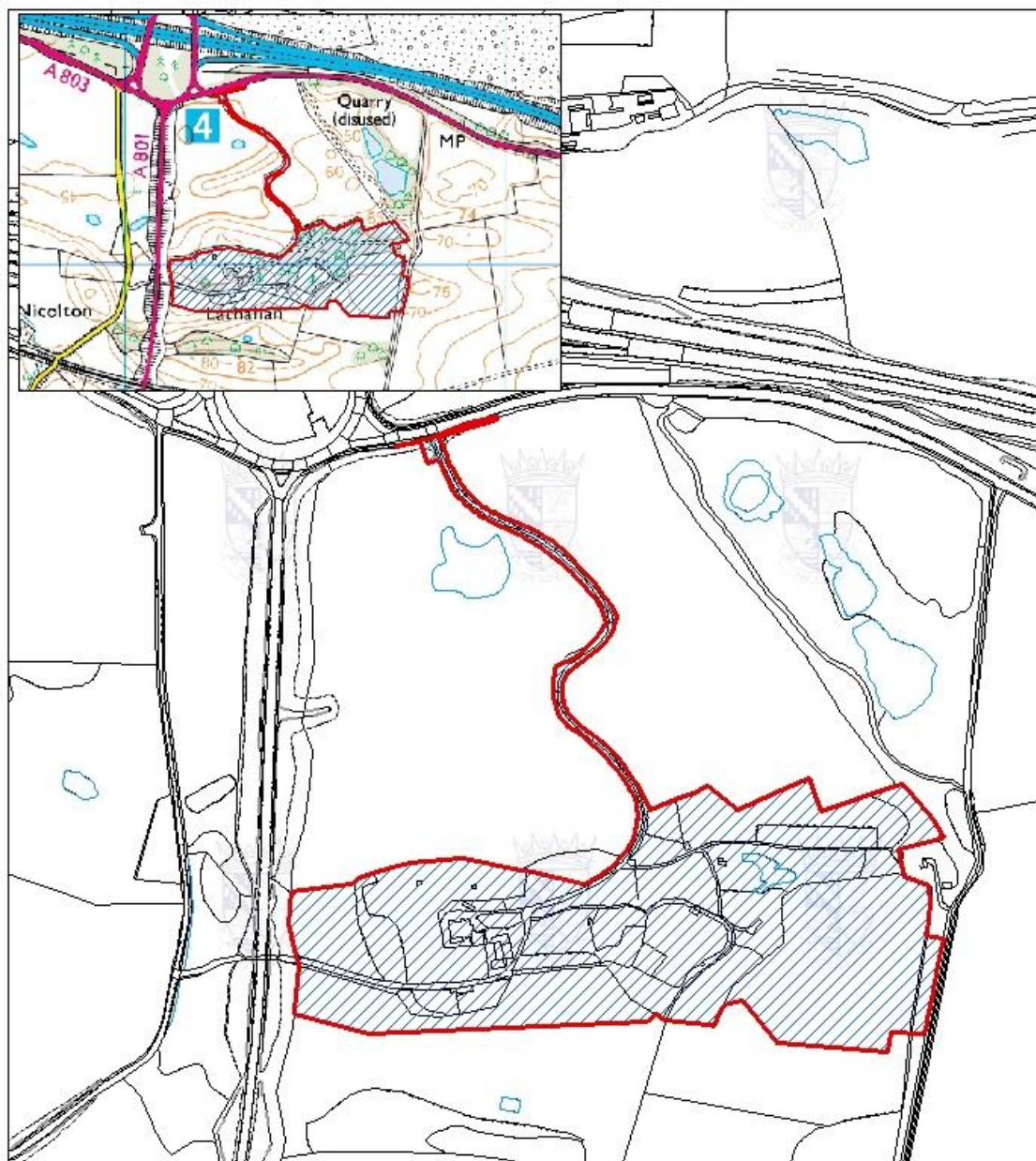
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504951 and ask for John Angell.

Planning Committee

Planning Application Location Plan

P/09/0370/FUL

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



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