

**FALKIRK COUNCIL**

**Subject:** **ERECTION OF 2 DWELLINGHOUSES AT CHATTAN, BONNYSIDE ROAD, BONNYBRIDGE FK4 2AD FOR MR EDWIN GRIFFIN - P/11/0699/FUL**

**Meeting:** **PLANNING COMMITTEE**

**Date:** **7 March 2012**

**Author:** **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** **Ward – Bonnybridge and Larbert**  
**Councillor Billy Buchanan**  
**Councillor Tom Coleman**  
**Councillor Linda Gow**

**Community Council:** **Bonnybridge Community Council**

**Case Officer:** **Alan Scott (Assistant Planning Officer), Ext. 4909**

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

- 1.1 The application site is located on the edge of Bonnybridge and on the north side of the Chattan Industrial Estate. The site is situated within the rear garden ground of the residential property, Chattan, and is accessed from the industrial estate's northern access road. The application site is currently used as an informal parking/storage area.
- 1.2 Full planning permission is sought for the erection of two semi-detached dwellinghouses of two storeys in height. The proposed houses would have a pitched roof, small front porch projection and two parking spaces to the front with rear garden areas of 9 metres in length. Proposed materials include buff coloured roughcast walls and slate grey roof tiles.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 This report relates to a planning application for a proposal which would represent a Development Plan departure but which is being recommended for approval and therefore requires to be determined by the Planning Committee.

**3. SITE HISTORY**

- 3.1 F/2002/0412 – Erection of Dwellinghouse – Granted – 14.08.2002

#### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have not commented on the application.
- 4.2 The Council's Environmental Protection Unit have no objections to the proposal. A condition has been requested due to the presence of several works and extensive made ground on site and potentially several other contaminative activities within 250m of the site. It is also requested that acoustic glazing be used due to the location of the application site adjacent to the Chattan Industrial Estate.
- 4.3 The Council's Archaeological Advisor has no objections to the proposal.
- 4.4 Historic Scotland have no objections to the proposal. They state that, although the development will be visible at a distance from the Antonine Wall Scheduled Ancient Monument, the proposed semi-detached houses are situated within an existing area of residential and industrial development and located just outside the boundary of the World Heritage site buffer zone.
- 4.5 Scottish Water have no objections to the proposal. However it should be noted that any planning approval granted does not guarantee a connection to their infrastructure.

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

- 5.1 Bonnybridge Community Council has not commented on the application.

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

- 6.1 No letters of representation have been received.

#### **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

##### **7a The Development Plan**

##### ***Falkirk Council Structure Plan***

- 7a.1 There are no policies relevant to this proposal contained in the Structure Plan.

## **Falkirk Council Local Plan**

### **7a.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.*

### **7a.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 all of the following:*
  - *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; and*
  - *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 all of the following criteria are met:*
  - *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; and*
  - *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 residential buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.*

7a.4 Policy EP2 – ‘Land for Business and Industrial Use’ states:

*In order to maintain the business and industrial land supply and the employment role of existing business and industrial areas:*

- 1. The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*
- 2. The areas for retention in business and industrial use identified on the Proposals Map will be retained and reserved for Class 4, 5 or 6 uses, except for the established business parks of Callendar Park and Gateway Business Park, Grangemouth which will be reserved for Class 4 uses only and the Glasgow Road Camelon Industrial Area which may include a food retail element to meet local needs as part of the mix.*

*Other ancillary employment uses may be permitted within these areas where they are compatible with the principal business/industrial use of the site, will not result in a significant reduction in the availability of business land or property, and are consistent with other Local Plan policies.*

7a.5 Policy EQ19 ‘Countryside’ notes that land outwith urban and village limits defined on the Local Plan proposals map is designated as countryside and will be subject to detailed policies for specific uses indicated in Table 3.3 of the Local Plan. This table includes Policy SC3. Policy SC3 sets out the circumstances in which housing in the countryside will be permitted.

7a.6 While the donor property, Chattan, lies within the urban area, the associated garden ground, which is the subject of this application, is located outwith the urban limit. The unused garden ground is positioned between the donor house and an existing industrial area and would be considered as a natural extension to the designated urban area.

7a.7 Policy SC3 ‘Housing in the Countryside’ seeks to ensure that proposals for residential development in the designated countryside will only be permitted where it is for justifiable reasons. While the proposed dwellings are not specifically for a justifiable countryside-based purpose, it is considered that the proposal is acceptable given the character and existing development pattern of the surrounding area.

7a.8 Policy EP2 ‘Land for Business and Industrial Use’ seeks to safeguard the retention of existing areas of business and industrial land. While the adjoining land to the southeast is designated as a Business and Industry Retention Area, the industrial buildings to the southwest of the site are excluded from this designated area.

7a.9 Due to the proximity to the adjacent industrial area, planning permission was granted for the donor house subject to a condition that the permission would limit occupation of the dwellinghouse to persons with an ownership or employment interest in Chattan Industrial Estate. The applicant has stated that the proposed dwellings will be for family members who are employed within Chattan Industrial Estate.

7a.10 Taking all the above factors into account, while the proposal constitutes a departure from policies EQ19 and SC3 of the Falkirk Council Local Plan, it is considered that this would be an acceptable extension to the current designated urban area and would not adversely impact on the surrounding countryside.

## **7b Material Considerations**

- 7b.1 Material considerations of relevance to the proposal are the consultation responses and supporting information.

### ***Consultation Responses***

- 7b.2 The Council's Environmental Protection Unit have no objections to the proposal. It has been requested that a condition be attached due to the presence of several works and extensive made ground on site and potentially several other contaminative activities within 250m of the site. Acoustic glazing is also a requirement in this instance due to the position of the site adjacent to an industrial estate and this has been included in the submitted plans.
- 7b.3 While the proposed development is adjacent to the Antonine Wall World Heritage Site Buffer Zone, neither the Council's Archaeological Advisor or Historic Scotland have raised any objections to the proposal. Historic Scotland recognise that, while the development may be visible from the Antonine Wall Scheduled Ancient Monument, it is located within an existing area of residential and industrial development.
- 7b.4 Scottish Water have no objections to the proposal.

### ***Supporting Information***

- 7b.5 Additional information has been submitted on behalf of the applicant explaining that the proposed dwellinghouses are for two family members who work in the Chattan Industrial Estate. It has also been emphasised that the proposed site is located on an area of unused garden ground.

## **7c Conclusion**

- 7c.1 In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, it is considered the proposal relates to an area of land which, while currently designated as countryside, is considered to be an appropriate extension to the urban limit while still preserving the qualities of the surrounding countryside and adjacent industrial estate.
- 7c.2 On that basis the application is recommended for approval subject to conditions.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that Committee grant permission subject to the following condition(s):-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) The occupation of the dwellinghouses hereby permitted shall be limited to persons with an ownership or employment in Chattan Industrial Estate, or a dependent of such a person residing with him or her, or a widow or widower of such a person.

- (3) i. Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- iii. Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- iv. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (4) Before any work is commenced on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority.
- (5) Details of the acoustic glazing to be used shall be submitted to, and approved by, the Planning Authority prior to the commencement of construction works.

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the proposed dwellinghouses are occupied by persons, or their dependants, with an ownership or employment interest in Chattan Industrial Estate.
- (3) To safeguard the environmental amenity.
- (4) To enable the Planning Authority to consider this/these aspect(s) in detail.

- (5) To ensure that the occupants of the properties are safeguarded against excessive noise intrusion.

**Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01B, 02A and 03.

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**Director of Development Services**

**Date:** 28 February 2012

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Local Plan
2. Letter from Jim MacKinnon, Chief Planner, Scottish Government to Heads of Planning, dated 4 November, 2011

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504909 and ask for Alan Scott, Assistant Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/11/0699/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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