

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AT LAND SOUTH OF 7
BLACKBRAES ROAD, FALKIRK FOR MR COLIN MCMILLAN –
P/11/0571/PPP**

Meeting: **PLANNING COMMITTEE**

Date: **4 April 2012**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

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

Community Council: **Shieldhill and California**

Case Officer: **John Milne (Senior Planning Officer), Ext. 4815**

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 7 March 2012 (copy of previous report appended), where it was agreed to continue the application for a site visit. This visit took place on 19 March 2012.
2. At the site meeting the Development Management Co-ordinator summarised the case officer's report and the applicant's representative spoke in support of the planning application.
3. The Development Management Co-ordinator clarified the location of the settlement boundary identified in the Falkirk Council Local Plan, the application site boundaries and the planning history of the land adjoining the northern boundary of the application site. Members noted planning permission has previously been granted for the erection of two dwellinghouses to the north of the application site, outwith the settlement boundary (references 05/1062/OUT and P/08/0302/FUL). Outline and detailed planning permission for the two dwellinghouses was recommended for approval by officers. Having taken into account the site circumstances, it was considered the proposal was an acceptable infill development, sandwiched between existing houses to the north and business premises to the south. One of the dwellinghouses has been built. It was clarified for Members that the current use and state of the application site is a material consideration in the assessment of the planning application.

4. RECOMMENDATION

4.1 It is recommended that Committee refuse planning permission for the following reason(s):

- (1) The proposal is considered contrary to Structure Plan Policy ENV1 – ‘Countryside and Protected Areas’, Falkirk Council Local Plan policies EQ19 – ‘Countryside’ and SC3 – ‘Housing Development in the Countryside’, in that the proposal has no justification for a rural location and, if approved, would contribute to ribbon development along Blackbraes Road.**

Informative(s):

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

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Director of Development Services

Date: 27 March 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND SOUTH OF 7
BLACKBRAES ROAD, FALKIRK FOR MR COLIN MCMILLAN –
P/11/0571/PPP

Meeting: PLANNING COMMITTEE

Date: 7 March 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Shieldhill and California

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks to secure planning permission in principle to erect a dwellinghouse on land to the south of the settlement of California, off Blackbraes Road.
- 1.2 The site appears to have had a former industrial/commercial use, with a derelict shed and signs of spoil across the area. The submitted application form describes the use as a timber yard.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to the Planning Committee at the request of Councillor McLuckie.

3. SITE HISTORY

- 3.1 F/2003/0872 – development of land for residential purposes – refused February 2004.
- 3.2 F/97/0807 – erection of workshop – granted.
- 3.3 F/92/0719 – extension to building and erection of store – granted.
- 3.4 On adjoining land, to the north of the site: -
 - 05/1062/OUT – development of land for housing purposes – granted 26 June 2006.

- P/08/0302/FUL – erection of 2 dwellinghouses and detached garages – granted 20 October 2008.

4. CONSULTATIONS

- 4.1 The Roads Development Unit request planning conditions regarding road geometry if permission were to be granted.
- 4.2 Scottish Water have no objection but advise that it cannot ensure connectivity.
- 4.3 The Environmental Protection Unit request planning conditions to be imposed addressing issues of potential land contamination and noise if planning permission were to be granted.

5. COMMUNITY COUNCIL

- 5.1 No comments have been received.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, no letters of objection or representation were received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

“(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.

(2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”

- 7a.2 There is no evidence from the application that, in principle, development of housing at this site requires a countryside location.

7a.3 The proposal therefore does to accord with the Falkirk Council Structure Plan.

Falkirk Council Local Plan

7a.4 Policy EQ8 - ‘Vacant, Derelict And Contaminated Land’ states:

“The Council will seek to reduce the incidence of vacant, derelict and contaminated land, particularly within the priority areas for enhancement set out in Policy EQ7. Subject to compliance with other local plan policies, development involving the rehabilitation and re-use of derelict land will be encouraged.”

7a.5 Policy EQ19 - ‘Countryside’ states:

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

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

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

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

7a.6 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.7 The application site lies outwith the settlement envelope of California, effectively placing the site in a rural location. As no information has been submitted in support of the application, the proposal is considered to represent an unjustified introduction of housing development within the countryside, contributing to ribbon development along the Blackbraes Road.

7a.8 While the area of land appears derelict, this in itself would not merit Development Plan policies being set aside to secure the tidying up of the site. It is contended that the site's visual appearance could be greatly improved without development of the site as proposed.

7a.9 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are responses to consultation.

Responses to Consultation

7b.2 There are no matters raised which, if the application were to be approved, could not be covered by suspensive planning conditions.

7c Conclusion

7c.1 In conclusion, the application is considered to offend Development Plan policies relating to new housing in the countryside and there are no material considerations to outweigh this established criteria for development.

7c.2 Whilst the improvement to the visual appearance of the site would be welcomed, the proposed development of land within the rural area for purely visual reasons, setting aside the provisions of the Development Plan, would create an unwarranted precedent which could not be fairly resisted on other sites.

8. RECOMMENDATION

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

- (1) The proposal is considered contrary to Structure Plan Policy ENV1 – ‘Countryside and Protected Areas’, Falkirk Council Local Plan policies EQ19 – ‘Countryside’ and SC3 – ‘Housing Development in the Countryside’, in that the proposal has no justification for a rural location and, if approved, would contribute to ribbon development along Blackbraes Road.

Informative(s):

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

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Director of Development Services

Date: 28 February 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0571/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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