

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE AT LAND SOUTH WEST OF BROADSIDE COURT, DENNY FOR CAMPBELL PROPERTIES - P/12/0272/PPP**

Meeting: **PLANNING COMMITTEE**

Date: **19 September 2012**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Denny and Banknock**
Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin Oliver

Community Council: **Denny and District**

Case Officer: **Kevin Brown (Planning Officer), Ext. 4701**

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 22 August 2012 (copy of previous report appended), where it was agreed to continue the application for a site visit. This visit took place on 3 September 2012.
2. A number of objectors were heard and discussions on site focused on two main issues, namely drainage and damage, repair and maintenance of the unadopted access road to the site. The applicant spoke in support of the proposal and advised that in his opinion the site is appropriate for development. The applicant advised that if permission were to be granted he felt the existing drainage provision in the area was adequate and advised that he would be prepared to repair any damage to the access road that may occur as a result of the construction process. The applicant did however advise that ongoing maintenance of the road could not be undertaken solely by himself and that other residents would need to contribute towards this.
3. Councillors Blackwood, McCabe, McNally and Oliver, as Local Members, were heard in relation to the application.
4. At the time of the site visit no consultation response had been received from Scottish Water. A response has now been received. This response raises no objection to the proposal.
5. The applicant has also since clarified that to avoid any concern relating to drainage capacity, he is happy to install an entirely private drainage system within the site. Clarification has been provided in relation to the access road maintenance arrangements. It is confirmed that ongoing maintenance of the access road is shared by all the properties in the adjacent development.

6. The applicant has also advised that should Committee be minded to grant planning permission he would be happy to carry out a structural survey of the adjacent footbridge access to an objector's property to establish if any damage is caused during construction of the proposed dwellinghouse. It is considered that this would be a matter for the interested parties and it would not be appropriate for it to be the subject of a planning condition.

7. No issues were raised which would amend the recommendation to refuse planning permission.

8. RECOMMENDATION

8.1 It is therefore recommended that planning permission in principle be refused for the following reason(s):-

- (1) The proposed development is not essential to the pursuance of agriculture, horticulture or forestry. A countryside location is not essential for the proposed development. The proposed development is not essential for the management of a business for which a countryside location is essential, or to provide funding for such a business. The proposed development does not constitute an appropriate form of infill development and is not an appropriate form of agricultural diversification. The proposed development does not therefore accord with Policy SC3 "Housing Development in the Countryside" or Policy EQ19 "Countryside" of the Falkirk Council Local Plan or Policy ENV1 "Countryside and Protected Areas" of the Falkirk Council Structure Plan.

Informative(s):-

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

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Director of Development Services

Date: 12 September 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of objection received from Mr Keith Hollis 32 Broadside Court, Denny FK6 5GZ on 28 May 2012.
4. Letter of representation received from Mrs Sarah Burt 29 Broadside Court Denny FK6 5GZ on 29 May 2012.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AT LAND SOUTH WEST
OF BROADSIDE COURT, DENNY FOR CAMPBELL
PROPERTIES - P/12/0272/PPP

Meeting: PLANNING COMMITTEE

Date: 22 August 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock
Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin Oliver

Community Council: Denny and District

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application for planning permission in principle proposes the erection of a single dwellinghouse on an area of rough hardstanding within a countryside location to the west of Denny. The application site is adjacent to a grouping of buildings including detached dwellinghouses, flats and an industrial unit and associated yard area. The site appears to have been used for some time as an informal turning and parking area.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Application called to Committee by Councillors McCabe and Blackwood.

3. SITE HISTORY

- 3.1 The application site itself has not been the subject of any relevant planning history, however a number of new detached dwellinghouses have recently been approved in the vicinity of the site, most notably P/09/0523/FUL and 05/0527/FUL. These two planning permissions have been implemented and the dwellinghouses are substantially complete. The granting of these previous applications is not considered to lend any weight to the current planning application due to the differing circumstances between the sites.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have no objections.
- 4.2 Scottish Water has not responded to consultation.
- 4.3 The Environmental Protection Unit have no objections, however a contaminated land survey has been requested to be carried out and an acoustic barrier and glazing is requested to be incorporated in any design so as to protect against noise from the nearby industrial unit.

5. COMMUNITY COUNCIL

- 5.1 Denny and District Community Council have not commented on the proposal.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 2 contributors submitted letters to the Council. The salient issues are summarised below:
 - Drainage is inadequate.
 - Access to the site is restricted and represents a road safety risk.
 - The development would degrade the existing road surface further and vibration may cause damage to nearby properties.
 - Construction work would cause a noise nuisance.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

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

specific protected areas as defined generally by Schedules ENV.1 and ENV.3.

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

7a.2 The proposal is not considered to require a countryside location and the development does not provide an appropriate form of agricultural diversification. The proposal fails to accord with the terms of the Falkirk Council Structure Plan.

Falkirk Council Local Plan

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:*
- *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.4 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.5 The application site is located in a countryside location outwith the urban limits. The site does not constitute an appropriate infill development and the proposal does not utilise any existing buildings. The proposed dwellinghouse is not essential for the pursuance of agriculture, horticulture, forestry or the management of any business for which a countryside location is essential. The site is immediately adjacent to an industrial unit which has generated noise complaints in the recent past and as such there are doubts over the land use compatibility with the proposed housing use.

7a.6 The proposal fails to accord with the provisions of the Falkirk Council Local Plan.

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

7b Material Considerations

7b.1 The material considerations to be assessed are the public representations.

Assessment of Public Representations

7b.2 This is an application for planning permission in principle and therefore drainage arrangements have not been assessed in detail at this stage.

7b.3 The Roads Development Unit has assessed the proposal and has raised no concerns relating to the site access or road safety issues.

7b.4 Noise, vibration and disturbance related to construction work are not material planning considerations.

7c Conclusion

7c.1 The proposal is an unacceptable form of development which is contrary to the terms of the Development Plan. There are no material planning considerations that warrant an approval of planning permission in these circumstances.

8. RECOMMENDATION

8.1 It is therefore recommended that planning permission in principle be refused for the following reason(s):-

- (1)** The proposed development is not essential to the pursuance of agriculture, horticulture or forestry. A countryside location is not essential for the proposed development. The proposed development is not essential for the management of a business for which a countryside location is essential, or to provide funding for such a business. The proposed development does not constitute an appropriate form of infill development and is not an appropriate form of agricultural diversification. The proposed development does not therefore accord with Policy SC3 "Housing Development in the Countryside" or Policy EQ19 "Countryside" of the Falkirk Council Local Plan or Policy ENV1 "Countryside and Protected Areas" of the Falkirk Council Structure Plan.

Informative(s):-

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

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Director of Development Services

Date: 14 August 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of objection received from Mr Keith Hollis 32 Broadside Court, Denny FK6 5GZ on 28 May 2012.
4. Letter of representation received from Mrs Sarah Burt 29 Broadside Court Denny FK6 5GZ on 29 May 2012.

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