

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE, 2 OUTBUILDINGS AND FORMATION OF VEHICULAR ACCESS (PARTIALLY RETROSPECTIVE) AT LAND TO THE EAST OF CARRIGBEG, FALKIRK FOR IKG ARCHITECTS –P/12/0586/FUL**

Meeting: **PLANNING COMMITTEE**
Date: **30 January 2013**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Upper Braes**

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: **Avonbridge and Standburn**

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to planning permission for the erection of one dwellinghouse, 2 outbuildings and vehicular access at land to the east of Carrigbeg, Falkirk. The application site lies to the west of the B825, within a countryside location.
- 1.2 A ruined cottage, Muirhead, is visible on the site. The footprint of the ruin and partial walls and stone are evident. The application site sits amidst extensive countryside and is partially screened from the B825 by trees.
- 1.3 The proposal would take the form of a 1 ½ storey dwellinghouse sitting on the general footprint of the ruined cottage with an additional wing of accommodation to the north. Vehicular access would be taken from an access track to the west of the application site and two outbuildings are proposed to serve the property.
- 1.4 Development has commenced on site, the access road being partially constructed. The applicant has ceased works at the request of Falkirk Council.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is referred to the Planning Committee as granting permission would be contrary to the terms of the Development Plan.

3. SITE HISTORY

- 3.1 An application (Ref: P/10/0021/PPP) for the erection of a dwellinghouse at the application site was granted planning permission in principle, by the Planning Committee, on 2 July 2010. Members should note that the current application site differs slightly from application P/10/0021/PPP. The application site is larger and the driveway takes a different line.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objection and advise that the location of the new access road is acceptable.
- 4.2 Scottish Water has no objection, but does not guarantee a connection to Scottish Water's infrastructure.
- 4.3 The Environmental Protection Unit has no objection and advise of an informative relating to contamination.
- 4.4 The Coal Authority do not object to the application and advise of a condition in relation to intrusive site investigations.

5. COMMUNITY COUNCIL

- 5.1 The Avonbridge and Standburn Community Council have not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, one letter of representation was received raising the following issues:
- Work has already commenced;
 - The two proposed outbuildings should not be used for commercial or business purposes;
 - Access along the public road should not be blocked by vehicles or machinery parked in passing places; and
 - Mud on the access road should be cleared at the end of every day during construction.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

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

- “(1) *There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 Policy ENV.1 seeks to protect the countryside from development unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. It has not been demonstrated that a countryside location is essential for the proposed dwellinghouse and the proposed dwellinghouse is not an appropriate form of agricultural diversification. The application therefore does not accord with policy ENV.1.

Falkirk Council Local Plan

7a.3 The application site lies outwith any urban or village limit, within the countryside under the Falkirk Council Local Plan.

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 Policy EQ19 'Countryside' of the above Local Plan sets out the detailed policies for consideration of development proposals in the countryside. In this instance the detailed policy is Policy SC3 'Housing Development in the Countryside.

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 Policy SC3 continues the general presumption of the Development Plan against new housing development in the countryside, except in specific circumstances. The relevant potential exceptions in this instance are 1 and 3. With regard to exception (1), it has not been demonstrated that the proposed dwellinghouse is essential for the pursuance of an activity for which a countryside location is essential. With regard to exception (3), the proposed dwellinghouse would not be sited within the envelope of an existing group of residential buildings and it would contribute towards sporadic development at this countryside location. The proposed dwellinghouse is therefore not considered to represent an appropriate infill opportunity. With regard to exception (2), the proposal does not involve the restoration or conversion of the ruined cottage as Muirhead is not in a reasonable state of repair and does not stand substantially intact. The application does not therefore accord with policy SC3.

7a.8 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

- 7b.1 The material planning considerations in respect of this application are National Planning Policies and Guidance, the consultation responses, public representation, design and the planning history for the site.

National Planning Policies and Guidance

- 7b.2 Scottish Planning Policy (a statement of the Scottish Government's policy on nationally important land use planning matters) promotes the Development Plan as the means by which to identify opportunities for housing in the countryside. In this instance the Development Plan is considered to provide an appropriate policy framework to support a range of sustainable development opportunities for housing in the countryside. The proposed development has been found, in this report, to be contrary to the relevant policies of the Development Plan.

Responses to Consultation

- 7b.3 The Coal Authority has requested that a condition be applied to any planning approval requiring appropriate intrusive site investigations. An informative relating to contamination is considered appropriate.

Assessment of Public Representation

- 7b.4 It is accepted that the applicant commenced work on the access road to the proposed house. At the request of Falkirk Council the applicant has ceased all works.
- 7b.5 The proposed outbuildings are to serve the two fields within the confines of the application site.
- 7b.6 During construction of the access road mud on the public road was raised as an issue. The applicant cleaned the road and to date there have been no further issues. Should any issues arise during construction it is considered that the applicant would co-operate with Falkirk Council. Likewise vehicles blocking the access road has also been raised as an objection. Whilst difficult to control, being a public road, it is considered the applicant would co-operate with Falkirk Council.

Design

- 7b.7 The proposal takes the form of a 1 ½ storey dwellinghouse, designed to reflect the footprint of the ruined cottage, visible on site, with an additional wing of accommodation to the north. The house is designed to reflect the general proportions of the ruined cottage, particularly where viewed from the B825. The road and parking area have also been designed so as to minimise the visual impact on the main public road where viewed from the B825. Whilst it is accepted that the proposed development would be situated, in a prominent location, it is considered that the ruin gives a visual context of built development in the existing location. It is acknowledged that the proposal would be more dominating than the existing ruin, however the existing tree line to the front of the application site would partially screen the site and it should be noted that the applicant intends to maintain this tree line and replace where necessary.

- 7b.8 The proposal is a large house, however the scale and massing are considered acceptable and would sit comfortably within the setting of surrounding countryside, fields, trees and neighboring properties. It is considered that the scale and design of the proposed development is comparable with other dwellings within the wider rural area. The outbuildings are considered acceptable in relation to their design, materials and location within the application site.
- 7b.9 It is considered that the proposed house would reflect the unique character of the surrounding rural area resulting in a unique building which respects traditional building models, but is contemporary and would reuse materials from the ruin.

Site History

- 7b.10 This application relates to the full approval of a dwellinghouse in the countryside and it has been assessed in the body of this report that the proposal does not accord with the terms of the Development Plan. The principle of a new dwellinghouse at the site was, however, granted by the Planning Committee on 2 July 2010, (Ref: P/10/0021/PPP) subject to conditions including contamination and vehicular access to the site. This current application has a slightly larger application site than the previous application and the driveway takes a different line. However it is considered that the principle of the development of a new house at the site of the ruin has been established and as such justifies the setting aside of the Development Plan.

7c Conclusion

- 7c.1 The proposed development, for the erection of a dwellinghouse, is considered to be contrary to the Development Plan for the reasons detailed in this report. Material considerations are therefore required to justify setting aside the terms of the Development Plan and approve the application.
- 7c.2 In this instance it is considered that the weight of material considerations, as detailed in this report specifically the site history, layout and design of the proposed development, support the application. Accordingly, the application is recommended for approval.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee approve the planning application subject to the following conditions.
- (1) The development to which this permission relates must be begun within three years of the date of this permission.
 - (2) No further development shall commence on site until intrusive site investigation to assess shallow coal mining conditions within the application site is carried out and the findings submitted to and approved in writing by the Planning Authority. In the event that site investigations confirm the need for mitigation, details shall be submitted to the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

- (3) No further development shall commence on site until samples of all external materials including slate, render and stone has been submitted and approved by the Planning authority. Thereafter the development shall be implemented in accordance with the approved details.
- (4) Before the house is occupied, the vehicular access, driveway and parking area shall be constructed in accordance with the approved plans (our online reference 02A, 15 and 16).

Reason(s):

- (1) To accord with the provisions of section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To safeguard visual amenity.
- (4) To safeguard the interests of the users of the highway.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online number(s) 01, 02A, 03-16 and Supporting Documents.
- (2) 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.

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Director of Development Services

Date: 22 January 2013

LIST OF BACKGROUND PAPERS

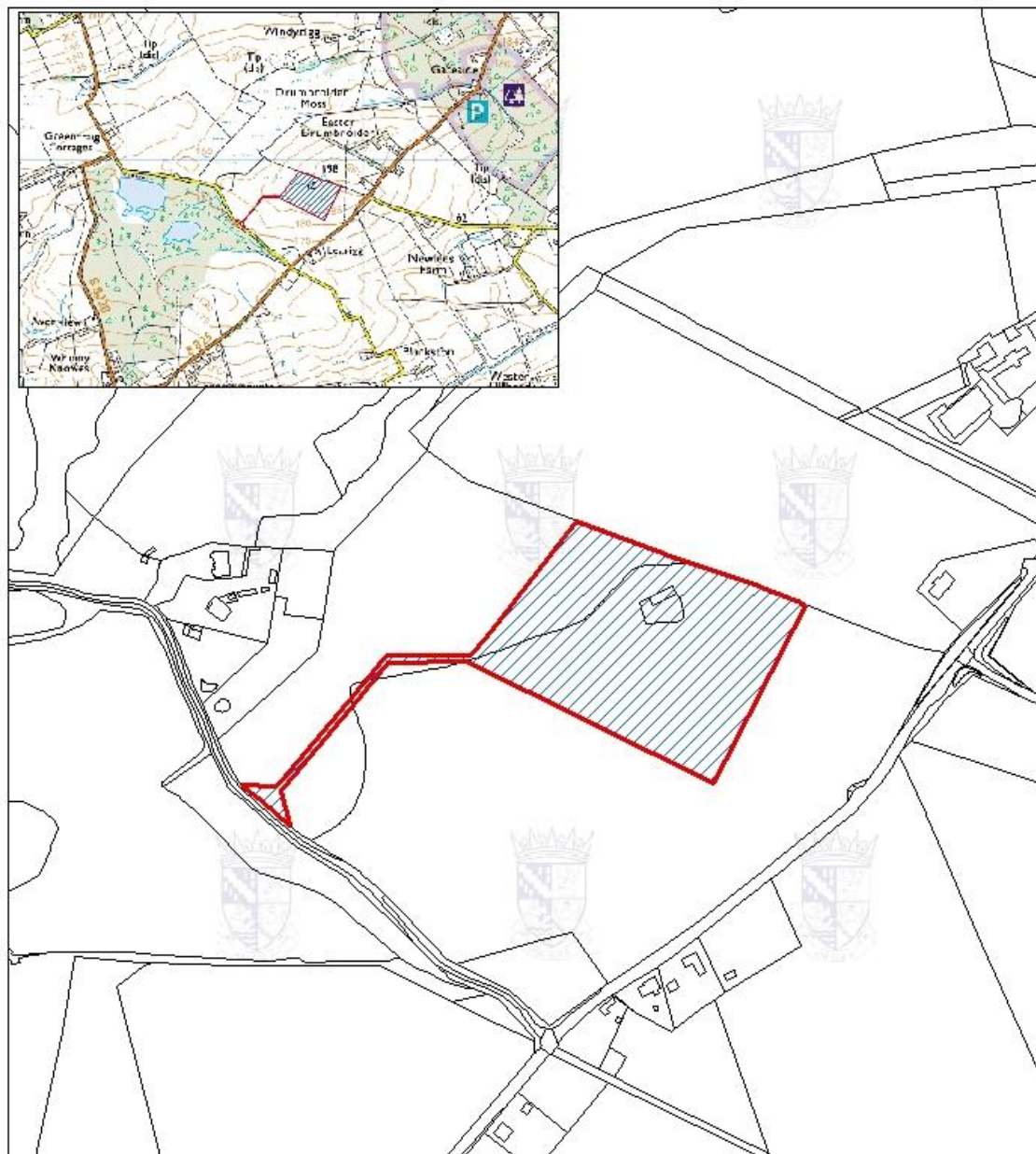
1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy.
4. Letter of representation from Mr McLean of Drumbroider Moss, Easter Greencriags, Avonbridge FK1 2LF on 5 November 2012.

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

Planning Committee

Planning Application Location Plan P/12/0586/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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