

# NOTICE OF MEETING

A MEETING of the PLANNING & REGULATION PANEL will be held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on TUESDAY 2 OCTOBER 2018 at 10.00 a.m.

**IAIN STRACHAN**  
Chief Officer - Governance  
Clerk to the Council

26 September 2018

## A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. DECLARATIONS OF INTEREST
3. URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR
4. MINUTES - PLANNING & REGULATION PANEL
  - (a) **SPECIAL– 21 AUGUST 2018** (Pages 1 - 6)
  - (b) **4 SEPTEMBER 2018** (Pages 7 - 12)

### PLANNING

5. **RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ENGINEERING WORKS AND LANDSCAPING AT LAND ADJACENT AND WEST OF DEANSTON COMMUNITY CENTRE, JAMES SMITH ROAD, DEANSTON – GLADMAN DEVELOPMENTS LTD – 18/00275/PPP - HEARING**  
Report by Senior Manager – Infrastructure (Pages 13 - 36)
6. **ERECTION OF 3NO. DETACHED, ONE AND A HALF STOREY DWELLING HOUSES AND ASSOCIATED COMMUNAL AMENITY SPACES AT LAND ADJACENT AND NORTH EAST OF ARROCHAR, GLEN ROAD, DUNBLANE – BRIDGEWATER BUILDING SOLUTIONS LIMITED – 18/00134/FUL - HEARING**  
Report by Senior Manager – Infrastructure (Pages 37 - 54)

- 7. PROVISION OF ROADSIDE SERVICES, INCLUDING ERECTION OF A PETROL FILLING STATION WITH RETAIL KIOSK, AND COFFEE SHOP WITH DRIVE THROUGH FACILITY, WITH ASSOCIATED INFRASTRUCTURE, VEHICLE ACCESS, HARDSTANDING AND LANDSCAPING AT LAND 90M WEST OF THE HIGHLAND GATE, DRIP ROAD, RAPLOCH, STIRLING - EURO GARAGES LIMITED & STIRLING DEVELOPMENT AGENCY - 18/00505/FUL**  
Report by Senior Manager – Infrastructure (Pages 55 - 64)
- 8. ESTATE OFFICE AND PARKING AREA AT LAND 65 METRES SOUTH WEST OF EAST LODGE, GARGUNNOCK - MR DAVID STIRLING - 18/00117/FUL**  
Report by Senior Manager – Infrastructure (Pages 65 - 76)
- 9. PROPOSED ERECTION OF FOUR GUEST CHALETS AT LAND SOME 200 METRES WEST OF EAST LODGE, GARGUNNOCK - MR DAVID STIRLING - 18/00118/FUL**  
Report by Senior Manager – Infrastructure (Pages 77 - 90)

(For further information contact Mary Love, Committee Officer on 01786 233078 or Tony Mason, Lead Solicitor on 01786 233109)

## **STIRLING COUNCIL**

**MINUTES of SPECIAL MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on TUESDAY 21 AUGUST 2018 at 10.00 am**

### **Present**

Councillor Alasdair MacPHERSON (in the Chair)

Councillor Maureen BENNISON  
Councillor Neil BENNY  
Councillor Alistair BERRILL  
Councillor Douglas DODDS

Councillor Chris KANE  
Councillor Graham LAMBIE  
Councillor Jeremy McDONALD  
Councillor Evelyn TWEED

### **In Attendance**

Stephen Boyle, Transport Development Control Officer  
Christina Cox, Service Manager, Planning & Building Standards  
Jay Dawson, Planning Team Leader – Development Management  
Iain Jeffrey, Senior Planning Officer  
Tony Mason, Lead Solicitor (Clerk)  
Mary Love, Committee Officer (Minute)

### **PL151 APOLOGIES AND SUBSTITUTIONS**

No apologies were received and there were no substitutions.

### **PL152 DECLARATIONS OF INTEREST**

Councillor Chris Kane declared an interest in respect of Agenda Item 4 (ref Minute Paragraph PL 154 below), having previously declared an interest when the application was presented at the Planning and Regulation Panel Meeting on 26 September 2017. Councillor Kane withdrew from the meeting during consideration of this item and took no part in the discussion

### **PL153 ERECTION OF POLE (4.1M APPROX IN HEIGHT) IN RETROSPECT AT SAUCHIEBURN MANSION HOUSE, SAUCHIEBURN, STIRLING, FK7 9PZ – MR WILLIAM RODDIE - 18/00426/FUL - HEARING**

The planning application was referred to the Planning and Regulation Panel at the request of Councillor Scott Farmer, so that Members of the Panel could consider the impact of the proposed pole on the character and amenity of the designated site of outstanding value and scenic interest. In addition Councillor Christine Simpson requested a Hearing based on similar concerns.

The report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

The Chair outlined the Hearing process and addressed the new procedures in place.

The Senior Planning Officer introduced the report, which provided details of (a) the site; (b) the proposal and (c) representations.

#### Agent for Applicant

Andrew Bennie, Director of Andrew Bennie Planning Limited presented the case in support of the application. Mr Bennie noted his full support for the conclusions contained within the report and his client's acceptance in full as to the working of the proposed planning condition and would commend the terms of the Council's report on the application to the panel. It was also noted that the CCTV camera mentioned within the report did not form part of the proposals which were presented for consideration by the Panel. Mr Bennie thanked the Panel for the opportunity to present the case to the Panel.

The Chair thanked Mr Bennie for his presentation.

#### Objector

Dennis Canavan, presented the case against the application and had the support of Carron Valley Community Council. Mr Canavan provided a historical update on the pole and its proximity, which was erected without planning permission. It was noted that the pole with the CCTV caused an unwarranted intrusion on family and friends visiting Mr Canavan's property and did not meet the requirements of the legislation on CCTV cameras. The location of the pole lies within a designated landscape area which would affect its character and scenic interest.

The Chair thanked Mr Canavan for his presentation.

#### Ward Member

Councillor Christine Simpson presented the case against the application and thanked the Panel for allowing her the opportunity to speak. She noted that although the CCTV camera did not require planning permission, Class 72 of the Town and Country Order did apply to certain conditions in terms of the intrusion and inconvenience to neighbours, whereby the camera should be limited as far as practicable for security reasons. She noted that an Enforcement Order was issued but not complied with, and has resulted in the applicant appealing the Order. Councillor Simpson noted concerns that the applicant may not comply with the condition stated within the application, if the application were approved and noted that in compliance with the Class 72 Condition of the permitted Development Order, the applicant should be required to consult with Mr Canavan to explore the possibility of changing the position of the camera to meet his concerns about its intrusion on his family life.

The Chair thanked Councillor Simpson for her presentation and subsequently, Councillor Simpson left the meeting at this point in the proceedings.

The Chair asked Mr Bennie if he had anything further he wished to add to his presentation. In response, Mr Bennie added that the application related solely to the pole and he was satisfied that the CCTV camera did fall within the remit of Class 72 Order.

The Panel went on to ask questions, to which the Planning Officer, Agent and Objector responded and it was highlighted that the application was solely for the erection of the pole and that its purpose could not be taken into consideration. In response to a particular question from the Panel regarding the appeal, it was noted that if the Panel were to approve the application, the DPA would be notified accordingly.

The Panel then went on to consider the application.

### **Motion**

“That the Panel agree to refuse the application on the grounds of being contrary to the Adopted Local Development Plan Policy 9.1 and SG27 Protecting Special Landscapes in that the pole would significantly compromise the amenity and integrity of the Local Landscape Area and no social, environmental and economic benefits have been submitted with the application.”

Proposed by Councillor Neil Benny, seconded by Councillor Alasdair MacPherson.

On the roll being called, the Members present voted as follows:-

For the Motion (8)	Councillor Maureen Bennison Councillor Neil Benny Councillor Alastair Berrill Councillor Chris Kane Councillor Graham Lambie Councillor Alasdair MacPherson Councillor Jeremy McDonald Councillor Evelyn Tweed
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Against the Motion (1)	Councillor Douglas Dodds
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### **Decision**

The Motion was carried by 8 votes to 1 and accordingly the Panel agreed to refuse the application on the grounds of being contrary to the Adopted Local Development Plan Policy 9.1 and SG27 Protecting Special Landscapes in that the pole would significantly compromise the amenity and integrity of the Local Landscape Area and no social, environmental and economic benefits have been submitted with the application.

(Reference: Report by Senior Manager Infrastructure, dated 13 August 2018, submitted).

In terms of Standing Order 42, the Panel adjourned at 10.53 am for a comfort break.

The meeting reconvened at 10.58 am with all Members present, with the exception of Councillor Chris Kane, who had declared an interest in the following application.

### **PL154 ERECTION OF 12NO. HOLIDAY CHALETS AND PROVISION OF ASSOCIATED SUPPORTING INFRASTRUCTURE AT LAND 190 METRES NORTH OF BARNES KNOWE, STIRLING - SPECTRUM PROPERTIES SCOTLAND - 17/00357/FUL - HEARING**

This planning application was referred to the Planning and Regulation Panel to allow re-consideration of the requirement for a ‘road bond’ to secure the repair of the private road within the control of the applicant.

The planning application was on the previous Panel meeting agenda dated 31 July 2018 and withdrawn. Two further representations have been received which were summarised in the report and a request for a Hearing had been received from Councillor Scott Farmer.

The Report of Handling for the planning application was set out in Appendix 1 of the report.

The Minute of the Planning and Regulation Panel of 26 September 2017 was set out in Appendix 2 of the report.

The Chair outlined the Hearing process and addressed the new procedures in place.

The Senior Planning Officer introduced the report, which provided details of (a) the site; (b) the proposal and (c) representations.

#### Agent for Applicant

Andrew Bennie, Director of Andrew Bennie Planning Limited presented the case in support of the application. Mr Bennie noted that there was no legitimate or lawful means by which such a road bond could be secured in relation to any works to a private road and it would be ultra vires for the Council to require the applicant to enter into any form of legal agreement in respect of this matter. He noted that as the purpose of the Panel's request in this regard was to ensure that the access roadway serving this proposed development was of a suitable standard, it was his position that the provisions of condition 17, as originally worded when the application was first considered, provided the most appropriate means by which to ensure that this desired outcome was achieved. Mr Bennie also confirmed that his client had no issue with the working of condition 17 as set out in the current report.

The Chair thanked Mr Bennie for his presentation.

#### Objector

Dennis Canavan, thanked the Panel for giving him permission to address them and presented the case against the application and acknowledged that he had the support of Carron Valley Community Council. Mr Canavan provided a historical update on the application. Mr Canavan noted that the current recommendation would allow as many as four chalets to be completed before any road repairs were carried out, adding that the Council should ensure that all necessary road repairs were done before the start of the development rather than after the development was partially completed.

The Chair thanked Mr Canavan for his presentation.

#### Ward Member

Councillor Christine Simpson presented the case against the application and thanked the Panel for allowing her the opportunity to speak. Her main concern, along with that of Carron Valley Community Council, was the stretch of private road between the Applicant and the Objector's houses which was in a very poor condition and would be subjected to an increasing burden of heavy traffic during construction and subsequently from increased use by tourists. The residents, who were constituents of Councillor Simpson, would not benefit from this development. Councillor Simpson noted that prior to the start of any development on site, a road condition survey should also be carried out on the private road and submitted to Stirling Council for written approval along with proposals for road repairs, and that the approved repairs should

be carried out by the applicant prior to the commencement of work on the first chalet. Councillor Simpson added that a Section 75 contribution from the applicant would be appropriate, given that the road repair could not be guaranteed by a bond.

The Chair thanked Councillor Simpson for her presentation and subsequently, Councillor Simpson left the meeting at this point in the proceedings, in accordance with Standing Orders.

The Chair asked Mr Bennie if he had anything further he wished to add to his presentation. In response, Mr Bennie added that as the application had not yet been approved, he did not have a set of conditions ready for discharge. He added that he was open to reasonable suggestions regarding the timing of repairs and that it would make more sense to carry out remedial works after the development was completed, as it could be damaged during completion. Discussion then took place regarding land ownership.

The Panel went on to ask questions, to which the Planning Officer, Agent and Objector responded.

The Panel then went on to consider the application.

### **Decision**

The panel agreed to substitute Condition 17 as follows:

Condition 17 Private Road: Prior to the start of any development on site, a road condition survey shall be carried out of the private road providing access to the site that is under the control of the applicant and submitted for written approval. Further road condition surveys shall be carried out along with proposals for road repairs (i) after completion of works on the fourth chalet and (ii) after completion of the works on the eleventh chalet; and in each case submitted to the Planning Authority for written approval. The approved road repairs shall be carried out prior to commencement of works on the fifth or sixth chalet and prior to commencement of the works on the twelfth chalet respectively with all roads work to be completed prior to occupation of any chalet.

(Reference: Senior Manager Infrastructure, dated 13 August 2018, submitted).

### **PL155 APPLICATION UNDER SECTION 42 OF THE TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 TO REMOVE CONDITION 14 OF PLANNING PERMISSION S/98/00353/DET TO PERMIT THE IMPORTATION AND DISPOSAL OF INERT WASTE TO ENABLE THE RESTORATION OF THE WESTERN AREA OF COWIEHALL QUARRY AT COWIEHALL QUARRY, COWIE, FK7 7DN - PATERSONS OF GREENOAKHILL LTD - 18/00190/FUL - HEARING**

This was a planning application under Section 42 of the Town and Country Planning (Scotland) Act 1997, to develop land without compliance with a condition (Condition 14) attached to the previous permission granted in 1998. The proposal is classified as a 'major' development and so required to be determined at the Planning and Regulation Panel in accordance with the Scheme of Delegation.

The report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

A request for a Hearing had been received from Throsk Community Council.

**Decision**

This application was withdrawn from determination and will be re-presented at a future meeting of the Panel.

(Reference: Report by the Senior Manager Infrastructure, dated 13 August 2018, submitted).

The Chair declared the Meeting closed at 11.35 am



## **STIRLING COUNCIL**

**MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on TUESDAY 4 SEPTEMBER 2018 at 10.00 am**

### **Present**

Councillor Chris KANE (in the Chair)

Councillor Maureen BENNISON  
Councillor Neil BENNY  
Councillor Alistair BERRILL  
Councillor Douglas DODDS

Councillor Graham LAMBIE  
Councillor Jeremy McDONALD  
Councillor Evelyn TWEED

### **In Attendance**

Kevin Argue, Transport Development Team Leader  
Jane Brooks-Burnett, Senior Planning Officer  
Christina Cox, Service Manager  
Jay Dawson, Planning Team Leader – Development Management  
Mark Laird, Assistant Planning Officer  
Neil Pirie, Senior Development Control Officer  
Tony Mason, Lead Solicitor (Clerk)  
Graham Gibson, Committee Officer (Minute)

### **PL156 APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillor Alasdair MacPherson

### **PL157 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **PL158 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR**

There were no items of urgent business brought forward.

**PL159 MINUTES – PLANNING & REGULATION PANEL 26 JUNE 2018 & 31 JULY 2018**

The Minutes of the Planning & Regulation Panel held on 26 June 2018 & 31 July 2018 were submitted for approval.

**Decision**

The Panel agreed to approve the Minutes of Meetings held on 26 June 2018 & 31 July 2018 as an accurate record of proceedings.

**PL160 RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ENGINEERING WORKS AND LANDSCAPING AT LAND ADJACENT AND WEST OF DEANSTON COMMUNITY CENTRE JAMES SMITH ROAD, DEANSTON – GLADMAN DEVELOPMENTS LTD – 18/00275/PPP**

A report by the Senior Manager, Infrastructure advised that planning permission in principle was being sought by Gladman Developments Ltd for the development of the above named site for residential development.

The application was a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

Due to the date on which this application was validated, it was required to be considered by the Panel under the procedures relevant at that time.

Councillor Martin Earl had requested that the application was determined by means of a Hearing and a site visit on the basis that the application was contrary to the agreed Local Development Plan.

This report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

The Panel was invited to consider Councillor Earl's request for deferral. Members agreed to defer consideration of the application for a Hearing, but agreed that a site visit was not required.

No further discussion took place regarding the application.

**Decision**

The Panel agreed to defer consideration of the application to allow a Hearing to take place at a future meeting of the Panel.

(Reference: Report Senior Manager, Infrastructure, dated 24 August 2018, submitted).

**PL161 APPLICATION UNDER SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO VARY CONDITION 3 OF PLANNING PERMISSION 13/00218/FUL TO ALLOW MOTORCYCLE ACTIVITIES TO TAKE PLACE ONE EXTRA DAY PER WEEK IN JULY AND AUGUST (SCHOOL SUMMER HOLIDAYS FROM 10.30AM – 5PM) AT FORMER ARGATY QUARRY, DOUNE – DOUNE & DUNBLANE OFF ROAD M/C CLUB – 18/00360/FUL**

This item was removed from the agenda and no discussion took place regarding the application.

(Reference: Report Senior Manager, Infrastructure, dated 24 August 2018, submitted).

**PL162 ERECTION OF 3NO. DETACHED, ONE AND A HALF STOREY DWELLING HOUSES AND ASSOCIATED COMMUNAL AMENITY SPACES AT LAND ADJACENT AND NORTH EAST OF ARROCHAR, GLEN ROAD, DUNBLANE – BRIDGEWATER BUILDING SOLUTIONS LIMITED – 18/00134/FUL**

A report by the Senior Manager, Infrastructure advised that full planning permission was being sought for the erection of 3 detached, one and a half storey dwelling houses.

The application 18/00134/FUL was called to the Planning & Regulation Panel by Councillor Alasdair Tollemache on the basis of the potential drainage issues at the site.

Due to the date on which this application was validated, it was required to be considered by the Panel under the procedures relevant at that time.

Councillor Alistair Majury had requested that the application was determined by means of a Hearing and a site visit.

This report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

The Panel was invited to consider Councillor Majury's request for deferral. Members agreed to defer consideration of the application for a Hearing, but agreed that a site visit was not required.

No further discussion took place regarding the application.

**Decision**

The Panel agreed to defer consideration of the application to allow a Hearing to take place at a future meeting of the Panel.

(Reference: Report Senior Manager - Infrastructure, dated 24 August 2018, submitted).

**PL163 PROPOSED HOUSING DEVELOPMENT (52 UNITS) WITH ASSOCIATED ROADS, LANDSCAPING, BOUNDARY TREATMENT AND INFRASTRUCTURE AT SITE OF FORMER MFI FURNITURE STORE, 1 MAITLAND CRESCENT, ST NINIANS, STIRLING – ALLANWATER DEVELOPMENTS LTD – 18/00446/FUL**

A report by the Senior Manager – Infrastructure advised that full planning permission was being sought from the Planning and Regulation Panel by Allanwater Developments Limited for a residential development (52 units) on land to the east of Glasgow Road and north of Maitland Crescent.

The application was a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

The report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

The Senior Planning Officer introduced the report

The site extended to just under 1 hectare in area, was irregular in shape and was bounded by Maitland Crescent to the south, Glasgow Road to the west, the rear gardens of houses on Robertson Place to the east and housing at Polmaise Court to the north.

The site had a principal frontage along Glasgow Road, with a second along Maitland Crescent. Vehicular and pedestrian access were available from both. Additionally, a minor access existed off Polmaise Avenue.

The topography of the site was such that the western edge of the site, adjacent to Glasgow Road, sat higher than the majority of the site and there was also a level change between Maitland Crescent and the site (south-eastern corner).

The proposal sought full planning permission to redevelop land where formerly a MFI commercial unit had existed at Maitland Crescent and a two storey commercial unit at Glasgow Road.

The Senior Planning Officer informed the panel that while a number of reasons for refusal were set out in the paper, officers were hoping to work with the applicant to produce a successful development on this site. The officer added that the applicant had submitted their application without a number of the necessary information. Asked them to withdraw, they did not want to withdraw.

The Panel noted that the report made no mention of the applicant consulting with the NHS, or of the applicant making developer contributions.

The Senior Planning Officer advised that the applicant did not include information on developer contributions, and that was why one of the reasons outlined for refusal was that the proposed development was contrary to Policy 3.3 (Developer Contributions) of the adopted Local Development Plan and SG16 (Developer Contributions). As the applicant progress, these would come to fore.

The Senior Planning Officer also advised that no consultation had taken place with the NHS relating to this application.

The Chair raised the issue that the report stated that no response had been received from the Council's roads department regarding Roads Development Control.

The Team leader – Development Management advised that the application offered very little for the roads department to comment on as it was submitted without roads information.

The Panel queried whether, if the application was refused, that officers had any knowledge of when a new application would be submitted.

The Senior Planning Officer advised that the applicant had submitted further information to e-file. However, the submission still required further details and further discussions were needed to be had with the developer.

In response to a question from the Panel, the Senior Planning Officer stated that officers would ensure that, if the application was refused, that consultation would take place with the NHS before the application comes back to the Panel.

### **Decision**

The Panel agreed to refuse the application for the following reasons:

- a) The proposed development is contrary to the Overarching Policy of the adopted Local Development Plan since the development does not demonstrate a design-led approach which includes high standards of design, reinforcement of a sense of place nor integration with neighbouring areas and the wider community.
- b) The proposed development is contrary to Primary Policy 1 (Placemaking) of the adopted Local Development Plan and Supplementary Guidance SG01 (Placemaking) since it has not been designed and sited in relation to the character of the urban area nor does the proposed development enhance the built environment. Furthermore, the application was not supported by a Design and Access Statement of an adequate standard.
- c) The proposed development is contrary to Policy 1.1 (Site Planning) of the adopted Local Development Plan since it will not contribute in a positive manner to the quality of the built environment by virtue of the design being inappropriate to the site's wider surroundings in terms of height, scale, massing and does not utilise materials and finishes which complement those prevalent.
- d) The proposed development is contrary to Policy 1.2 (Design Process) of the adopted Local Development Plan since it is not supported by a Design and Access Statement of an adequate standard.
- e) The proposed development is contrary to Policy 1.3 (Green Network and Open Space) of the adopted Local Development Plan since the submission does not include proposals for a multifunctional open space nor a commitment to provide any off-site improvements.
- f) The proposed development is contrary to Policy 2.2 (Planning for Mixed Communities and Affordable Housing) of the adopted Local Development Plan since no details have been included within the application demonstrating how the 25% affordable housing requirement will be achieved.
- g) The proposed development is contrary to Policy 3.1 (Addressing the Travel Demands of New Development) of the adopted Local Development Plan and Supplementary Guidance SG14 (Ensuring a Choice of Access for New Developments) since no details have been included within the application demonstrating how the development aims to reduce its travel demands and ensures that residual demands are met in a manner which ensures a safe and realistic choice of access by walking, cycling, public transport and motor vehicles.
- h) The proposed development is contrary to Policy 3.3 (Developer Contributions) of the adopted Local Development Plan and SG16 (Developer Contributions) since no details have been submitted outlining the developer's commitment to make a fair and reasonable contribution to critical and necessary infrastructure such as delivering affordable housing on-site, ensuring that there is a safe and realistic choice of access, provision of new or improved open space and the provision of new or expanded on and off-site facilities for the provision, storage, collection and recycling of household waste.

i) The proposed development is contrary to Policy 9.2 (Landscaping and Planting in Association with Development) of the adopted Local Development Plan since the development proposal does not include any details to achieve high quality proposals for new landscape and planting works nor suitable arrangements for the establishment and long-term maintenance of any new landscape and planting.

(Reference: Report Senior Manager - Infrastructure, dated 24 August 2018, submitted).

**PL164 APPLICATION UNDER SECTION 42 OF THE TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 TO REMOVE CONDITION 14 OF PLANNING PERMISSION S/98/00353/DET TO PERMIT THE IMPORTATION AND DISPOSAL OF INERT WASTE TO ENABLE THE RESTORATION OF THE WESTERN AREA OF COWIEHALL QUARRY AT COWIEHALL QUARRY, COWIE, FK7 7DN - PATERSONS OF GREENOAKHILL LTD - 18/00190/FUL**

A report by the Chief Officer – Governance related to a planning application under Section 42 of the Town and Country Planning (Scotland) Act 1997, to develop land without compliance with a condition (Condition 14) attached to the previous permission granted in 1998.

The proposal was classified as a ‘major’ development and was required to be determined at the Planning and Regulation Panel in accordance with the Scheme of Delegation.

Due to the date on which this application was validated, it was required to be considered by the Panel under the procedures relevant at that time.

Councillor Alasdair MacPherson had requested that the application was determined by means of a Hearing in order to ensure that robust environmental protection conditions were attached to this application, if the Panel decided to approve it.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

The Panel was invited to consider Councillor MacPherson’s request for deferral. Members agreed to defer consideration of the application for a Hearing.

No further discussion took place regarding the application.

**Decision**

The Panel agreed to defer consideration of the application to allow a Hearing to take place at a future meeting of the Panel.

(Reference: Report Chief Officer - Governance, dated 24 August 2018, submitted).

The Chair declared the Meeting closed at 10.40am.

Stirling Council

Agenda Item No. 5

Planning & Regulation Panel

Date of Meeting: 2 October 2018

Not Exempt

Residential Development with Associated Engineering Works and Landscaping at Land Adjacent And West Of Deanston Community Centre, James Smith Road, Deanston - Gladman Developments Ltd - 18/00275/PPP - Hearing

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## Purpose & Summary

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At the Planning and Regulation Panel meeting held on 4 September 2018, the Panel agreed that this planning application be determined following a Hearing.

A Hearing for this planning application will therefore take place at this meeting following which the Panel is asked to determine the planning application.

This report includes amendments to the appended report, dated 4 September 2018. The amendments related to paragraphs 2.24 and 2.50 of this report. Paragraph 2.24 is amended to include a summary of the consultation response from Scottish Natural Heritage (SNH). Paragraph 2.50 is amended by deletion of a reference to 'formal paths' due to the absence of formal footway provision on the sections of Leny Road located immediately south of the junction with Teith Road at both the east and west extents of the village.

Appendix 1 of this report sets out the Report of Handling for this planning application.

## Recommendations

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Panel is asked to:

1. refuse the application for the reasons set out below:
  - a) The proposal is contrary to Primary Policy 1 (Placemaking) of the Stirling Local Plan 2014 and the Stirling Local Development Plan: Modified Plan 2018, since this development will encroach onto a greenfield site and will not respect the character and amenity of the place.
  - b) The proposal is contrary to Policy 1.1 (a), (b) and (d) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Modified Plan 2018, since this development will not complement and connect with its surroundings; it would not respect site topography; and, does not respect the building line or reinforce areas of open space in its orientation.

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- c) The proposal is contrary to Primary Policy 2 of the Stirling Council Local Plan 2014, and Stirling Local Development Plan: Modified Plan 2018 since it is not consistent with the LDP Vision and Spatial Strategy and it will not provide significant economic and social support to the rural area.
  - d) The proposal is contrary to Policy 2.10 (Housing in the Countryside) of the Stirling Council Local Plan 2014, the Stirling Local Development Plan: Proposed Plan 2016 and SG10 (Housing in the Countryside), since this development is beyond that supported by this policy.
  - e) The proposal is contrary to Policy 2.1 of the Stirling Local Development Plan: Modified Plan, 2018, since it is not consistent with the Local Development Plan Vision and Spatial Strategy and it does not meet the provisions of the Local Development Plan Overarching Policy, its accompanying Sustainable Development Criteria and all other relevant Local Development Plan policies.
  - f) The proposal is contrary to Primary Policy 9 (Managing Landscape Change) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since it has not been demonstrated that the local landscape has capacity to accommodate the scale of development envisaged, and it would result in adverse cumulative impacts on landscape character.
  - g) The proposal is contrary to the guiding principles of sustainable development of Scottish Planning Policy since it is considered that the proposal will not provide significant economic benefits to the area; it does not support the six qualities of successful place due to a lack of active travel connections and likely adverse impacts on sense of place; and it would have a negative impact on landscape visual amenity.

## Resource Implications

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Not applicable.

## Legal & Risk Implications and Mitigation

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Not applicable.

## 1. Background

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1.1. Not applicable.

## 2. Considerations

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### **The Site**

2.1. As set out in Appendix 1.



## 3. Implications

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### **Equalities Impact**

- 3.1. This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

### **Fairer Scotland Duty**

- 3.2. This section is not applicable.

### **Sustainability and Environmental**

- 3.3. An Environmental Impact Assessment is not required.

### **Other Policy Implications**

- 3.4. All relevant policies have been set out in section 2.

### **Consultations**

- 3.5. As set out in section 2.

## 4. Background Papers

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- 4.1. Planning Application file 18/00275/PPP. File can be viewed online at:  
<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P7QH0FPIGEB00>

## 5. Appendices

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- 5.1. Appendix 1 – Report of Handling for 18/00275/PPP.

## Author of Report:

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## Signed By:

Jay Dawson  
Team Leader – Development Management

Date: 21 September 2018

## Signature:




## Approved by:

Brian Roberts  
Senior Manager - Infrastructure

Date: 21<sup>st</sup> September 2018

## Signature:



Details of Convener(s), Vice Convener(s),  
Portfolio Holder and Depute Portfolio Holder  
consulted on this report

## Wards affected:

Ward 1 Trossachs & Teith

## Key Priorities:

N/A

## Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:  
(Local Outcomes Improvement  
Plan:

N/A

Stirling Council

Agenda Item No. 5

Planning & Regulation Panel

Date of Meeting: 4 September 2018

Not Exempt

Residential development with associated engineering works and landscaping at Land Adjacent And West Of Deanston Community Centre, James Smith Road, Deanston - Gladman Developments Ltd - 18/00275/PPP

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## Purpose & Summary

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Planning Permission in Principle is sought from the Planning and Regulation Panel by Gladman Developments Ltd, to the development of the above named site for residential development.

This application is a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

Due to the date on which this application was validated, it requires to be considered by the Panel under the procedures relevant at that time. As outlined in paragraph 1 below, Panel is asked to refuse this application. However, Members of the Panel should be aware that a request for a Hearing and a site visit has been made by Councillor Martin Earl, on the basis that the application is contrary to the agreed Local Development Plan. Should Members of the Panel wish to consider this request as an option, then that will require to be the subject of agreement of the Panel. If Members were to agree, then the application would require to be deferred to a future meeting of the Panel to permit these procedures to be enacted

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

## Recommendations

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Panel is asked to:

1. refuse the application for the reasons set out below:
  - a) The proposal is contrary to Primary Policy 1 (Placemaking) of the Stirling Local Plan 2014 and the Stirling Local Development Plan: Modified Plan 2018, since this development will encroach onto a greenfield site and will not respect the character and amenity of the place.

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- b) The proposal is contrary to Policy 1.1 (a), (b) and (d) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Modified Plan 2018, since this development will not complement and connect with its surroundings; it would not respect site topography; and, does not respect the building line or reinforce areas of open space in its orientation.
  - c) The proposal is contrary to Primary Policy 2 of the Stirling Council Local Plan 2014, and Stirling Local Development Plan: Modified Plan 2018 since it is not consistent with the LDP Vision and Spatial Strategy and it will not provide significant economic and social support to the rural area.
  - d) The proposal is contrary to Policy 2.10 (Housing in the Countryside) of the Stirling Council Local Plan 2014, the Stirling Local Development Plan: Proposed Plan 2016 and SG10 (Housing in the Countryside), since this development is beyond that supported by this policy.
  - e) The proposal is contrary to Policy 2.1 of the Stirling Local Development Plan: Modified Plan, 2018, since it is not consistent with the Local Development Plan Vision and Spatial Strategy and it does not meet the provisions of the Local Development Plan Overarching Policy, its accompanying Sustainable Development Criteria and all other relevant Local Development Plan policies.
  - f) The proposal is contrary to Primary Policy 9 (Managing Landscape Change) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since it has not been demonstrated that the local landscape has capacity to accommodate the scale of development envisaged, and it would result in adverse cumulative impacts on landscape character.
  - g) The proposal is contrary to the guiding principles of sustainable development of Scottish Planning Policy since it is considered that the proposal will not provide significant economic benefits to the area; it does not support the six qualities of successful place due to a lack of active travel connections and likely adverse impacts on sense of place; and it would have a negative impact on landscape visual amenity.

## Resource Implications

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Not applicable.

## Legal & Risk Implications and Mitigation

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Not applicable.

## 1. Background

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1.1. Not applicable.

## 2. Considerations

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### The Site

- 2.1. The site is 4.4 hectares in size and comprises open pasture land, which falls within the countryside policy boundary. It has a frontage of 210 metres onto the B8032 road, which marks the southern boundary. A narrow tree belt, identified on the Scottish Natural Heritage Ancient Woodland inventory, comprising of predominantly deciduous species and hedging, occupies an intervening position between the public road to the south and the open land forming part of the site. The site frames the sports pitch that is situated beyond the established building line, defined by timber fencing, which demarcates the existing settlement boundary. The west boundary is delineated by stock proof fencing beyond which the land is actively managed farmland. The River Teith, which is designated Special Area of Conservation, bounds the site to the north.
- 2.2. The site relates to open pasture agricultural land which falls within the countryside policy boundary. The landscape is characterised as 'rolling valley farmland' within Supplementary Guidance, SG28 (Landscape Character Assessments). The distinguishing features of the site and its environs are fairly typical of this landscape character area, in that it comprises rolling agricultural land bound by well-established tree cover to the south and a transitional valley edge to the north that descends to the riparian corridor of the River Teith. The land falls from the road to the River Teith as a consequence of a steep slope in the northern section.
- 2.3. The village of Deanston lies in the valley of the River Teith around 1 kilometre from Doune and approximately 8 miles from Stirling that lies to the south east. The settlement has a population of approximately 440 and is made-up of approximately 290 residential properties; non-residential uses include, village shop with post office; visitor centre comprising café and restaurant, and primary school.

### The Proposal

- 2.4. The proposal seeks Planning Permission in Principle for residential development and associated engineering works and landscaping. The application is accompanied by a conceptual masterplan which indicates a target development of up to 65 dwellings and associated works including: new vehicular access from James Smith Road; formal and informal public open space; landscaping and boundary treatments; and Sustainable Urban Drainage System (SuDS).

### Previous History

- 2.5. There are no applications within recent years of relevance to this particular site.
- 2.6. The application is a 'Major' development and as such was subject to Pre-Application Notification (PAN) procedure. A PAN was submitted to the Council on 2 October 2017 in line with legislative requirements and a report on comments received as part of the Pre-Application Consultation process is included in a Pre-Application Consultation Report submitted with the application. An Environmental Impact Assessment (EIA) Scoping request was submitted on 22 March 2018.
- 2.7. The applicant/landowner submitted a representation to the Proposed Plan, which sought to allocate the site for residential development. The Council declined to modify the Plan in response to the representation made.
- 2.8. The unresolved representation was subsequently considered at Examination, the Report of which was published in November 2017. The Reporter noted Deanston is regarded as a tier 4 settlement within the settlement hierarchy, situated outwith

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the core area, where development is restricted in scale. The Reporter, in reference to the recently completed adjacent housing development, highlighted that the settlement has recently seen significant growth within a relatively short timescale. The Reporter recommended against modifying the Plan having concluded that, irrespective of housing land supply, residential development of the scale proposed would not accord with the spatial strategy.

### **Consultations**

#### **Roads Development Control:**

- 2.9. The application is supported by a Transport Assessment, and the overall conclusion is that the road network will operate satisfactorily with the addition of development traffic.
- 2.10. No objections raised subject to conditions relating to submission of access details; submission of Pedestrian and Cycle Improvement Plan; Bus Improvement Plan; roads design and construction in accordance with the Roads Authority's "Development Roads Guidelines and Specification", and "Designing Streets" policy document; submission of swept path analysis; submission of Travel Plan; parking requirement in accordance with Supplementary Guidance SG14; refuse collection in accordance with Supplementary Guidance SG19; and, surface water drainage system in accordance with "SuDS for Roads" guidance.

#### **Service Manager (Environmental Health):**

- 2.11. The application is supported by Site Investigation Reports, and preliminary Noise and Air Quality Assessments.
- 2.12. No objections raised subject to conditions relating to restriction of construction hours; contaminated land.

#### **Scottish Environment Protection Agency (East):**

- 2.13. The application is supported by a Flood Risk Assessment and Drainage Strategy (FRA).
- 2.14. SEPA advised, in their initial response dated 3 May 2018, that they had no objection on the basis of the information submitted within the submitted FRA assessment (April 2018, Wardell Armstrong) that all drainage was to run north and as such would not increase flood risk to the residential areas to the east of the site.
- 2.15. Following the submission of an updated FRA assessment (July 2018), an existing culverted watercourse was identified to the southern part of the site toward the residential area to the east. SEPA, in their consultation dated 26 July 2018, submitted an objection on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. Further information was requested on the source of the culvert and the risks it poses to the development site.
- 2.16. The applicant provided further information on the condition of the culvert in a response dated 8 August 2018 (Wardell Armstrong LLP). SEPA issued a final consultation response on 24 August 2018 that removed their objection subject to conditions requiring the repair or replacement of the culvert through the site, and that no built development take place over any existing or proposed culvert.

#### **Kilmadock Community Council:**

- 2.17. Object to the application on grounds of traffic safety; school capacity; drainage; and, contravention of Development Plan policy.

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**Scottish Water:**

- 2.18. Confirmed there is currently sufficient capacity in the Turret Water Treatment Works to meet demand for water supply.
- 2.19. Unable to confirm capacity at Deanston Waste Water Treatment Works for foul waste. The applicant is required to submit a Pre-Development Enquiry (PDE) Form directly to Scottish Water.

**Housing Strategy & Development:**

- 2.20. Consider that the site is suitable for on-site provision of affordable housing. Recommend that detailed design considerations take account of the Council's Housing Need and Demand Assessment, the Local Housing Strategy, and the Local Development Plan.

**Land Services Team Leader:**

- 2.21. Recommends that consideration is given to enhancement of existing play area to the rear of Keltie Place/Leny Road through an off-site contribution in line with SG02 provided that a path connection can be made from the development site. If a path link is not possible, it is recommended that on-site play provision is pursued. It is also recommended that ball catchment fencing is installed in appropriate areas of the site.

**Children's Services:**

- 2.22. No mitigation measures identified. Confirmed that it will be possible to accommodate pupils from the development within Deanston Primary School despite projections indicating that the minimum spare capacity will be exceeded by 5 pupils. Confirmed that there are currently no capacity issues at McLaren Secondary School.

**Bridge & Flood Maintenance:**

- 2.23. No objections raised subject to conditions requiring further detailed drainage information; agreement on surface water discharge rates and method statements; porosity testing; and flood routing for exceedance events, with more than one outlet.

**Scottish Natural Heritage:**

- 2.24. No objections raised and submit that the development is unlikely to have a significant effect on any qualifying interests, either directly or indirectly, provided that suitable SUDS are incorporated into the final design and standard best practice mitigation is set out in the CEMP and adhered to during construction. An appropriate assessment is not required.

**Representations**

- 2.25. 43 contributions have been received which includes 42 objections and 1 representation.
- 2.26. The comments of objections are summarised below:
  - 2.26.1 The proposal is contrary to the Local Development Plan.
  - 2.26.2 The proposal would injure the visual amenity of the local area.
  - 2.26.3 Concerns raised about the impact of the development on landscape visual amenity and heritage of Deanston.
  - 2.26.4 Concerns raised regarding the indicative housing mix.

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- 2.26.5 Concerns raised about the impact of the development on the local road network in terms of traffic, noise and roads safety.
  - 2.26.6 Concerns raised over the suitability of the use of James Smith Road as the single access point for the development.
  - 2.26.7 Concerns raised regarding the impact of the development on the privacy of the properties on James Smith Road.
  - 2.26.8 Concerns about the impact of potential tree loss on the amenity of the area.
  - 2.26.9 Concerns raised about disturbance to wildlife (red squirrels, woodpeckers, bats, owls) within the tree belt to the south of the site.
  - 2.26.10 Concerns about impact of the development on local services.
  - 2.26.11 Concerns about the ability of the local primary school to cope with increased demand.
  - 2.26.12 Concerns raised about the further loss of green space and impacts on biodiversity.
  - 2.26.13 It is submitted that the development proposal would contribute to the erosion of the setting of the designated Conservation Area.
  - 2.26.14 It is submitted that active travel routes to Doune are problematic due to inadequate pavement, particularly over narrow bridge, and topography. Highlighted that all local facilities (doctor, vet, library, pharmacy, supermarket, nursery/groups) are in Doune.
  - 2.26.15 It is submitted that the bus service is not sufficient to discourage car use or to make facilities in Doune easily accessible.
  - 2.26.16 Concerns raised about surface water drainage, highlighted that the development could compound existing problems.
  - 2.26.17 It is submitted that the waste water treatment plants are at capacity.
  - 2.26.18 It is submitted that Deanston has already accommodated significant growth in recent years and further growth would change the character of the village and community.
  - 2.26.19 It is submitted that the indicative landscaping proposals will not contribute in a meaningful way to the limited green space as identified in the development plan.
  - 2.26.20 Comments submitted questioning the claim that the development will provide a strong boundary edge. It is submitted that CALA have planted trees around the James Smith Road development, which will provide a strong edge once established.

### **Local Development Plan**

- 2.27. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application.
- 2.28. The Vision, The Spatial Strategy, Overarching Policy, Primary Policy 1: Placemaking; Policy 1.1: Site Planning; Policy 1.2: Design Process; Primary Policy 2: Supporting the Vision and Spatial Strategy; Policy 2.1: Housing Land



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Requirement; Policy 2.2: Planning for Mixed Communities and Affordable Housing; Policy 2.3: Particular Needs Housing and Accommodation; Policy 2.10: Housing in the Countryside; Primary Policy 3: Provision of Infrastructure; Policy 3.1: Addressing the Travel Demands of New Development; Policy 3.2: Site Drainage; Policy 3.3: Developer Contributions; Primary Policy 4: Greenhouse Gas Reduction; Primary Policy 5: Flood Risk Management; Primary Policy 6: Resource Use and Waste Management; Primary Policy 8: Conservation and Enhancement of Biodiversity; Primary Policy 9: Managing Landscape Change; Policy 9.2: Landscaping and Planting in association with Development; Primary Policy 10: Forests, Woodlands and Trees; Policy 10.1: Development Impact on Trees and Hedgerows.

- 2.29. Stirling Local Development Plan: Proposed Plan, June 2016 – The Proposed Plan represents the settled view of the Council on the sites which should, and should not be developed during the Local Development Plan period of 2015-2027 to provide a generous supply of land for housing.
- 2.30. Stirling Local Development Plan: Modified Plan, May 2017, includes the modifications recommended within the Examination Report, dated 24 November 2017. The relevant policies of the Plan remain substantively unchanged, with the exception of Primary Policy 2 and Policy 2.1. Primary Policy 2 no longer states that should allocated sites prove ineffective, this will be addressed in the first instance through consideration of advancing identified alternatives from Phase 2 (2019-24) or Period 2 (2024-34). Instead, circumstances where there is a shortfall in the housing land supply are addressed by Policy 2.1 of the Proposed Plan.
- 2.31. The Council has approved the Proposed Stirling Local Development Plan (as modified) for adoption. The Plan was submitted to Scottish Ministers on 15 May, which meant that unless directed not to, the Council could have adopted the Local Development Plan on 12 June 2018. However, Scottish Ministers have issued a direction which requires the Council to make an amendment to its Wind Energy Policy before adopting the Plan. This amendment will be presented to a meeting of Stirling Council on 4 October 2018. Once this is approved, the Council will be able to adopt the Plan.

### **Other Planning Policy**

- 2.32. National Policy: Scottish Planning Policy, 2014 (SPP), sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. As a statement of Ministers' priorities it carries significant weight in the determination of planning applications. Relevant to this application, is the presumption in favour of development that contributes to sustainable development. The guiding principles of sustainable development are set out in paragraph 29 of SPP, and are listed as follows:
- 2.32.1 giving due weight to net economic benefit;
  - 2.32.2 responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
  - 2.32.3 supporting good design and the six qualities of successful places;
  - 2.32.4 making efficient use of existing capacities of land, buildings and infrastructure including:
    - 2.32.1.1 supporting town centre and regeneration priorities;
    - 2.32.1.2 supporting delivery of accessible housing, business, retailing and leisure development;

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- 2.32.1.3 supporting delivery of infrastructure, for example transport, education, energy, digital and water;
  - 2.32.1.4 supporting climate change mitigation and adaptation including taking account of flood risk;
  - 2.32.1.5 improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
  - 2.32.1.6 having regard to the principles for sustainable land use set out in the Land Use Strategy;
  - 2.32.1.7 protecting, enhancing and promoting access to cultural heritage, including the historic environment;
  - 2.32.1.8 protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
  - 2.32.1.9 reducing waste, facilitating its management and promoting resource recovery; and
  - 2.32.1.10 avoiding over-development, protecting the amenity of new and existing development, and
  - 2.32.1.11 considering the implications of development for water, air and soil quality.

### **Assessment**

- 2.33. The application is for Planning Permission in Principle to establish the principle of residential development and associated works. The residential development is supported by a conceptual masterplan illustrating how the application site could accommodate up to 65 new homes. The precise type and mix of housing will be determined at a later Matters Specified in Condition stage, should the current application be approved.
- 2.34. Section 37 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications must be assessed against the Development Plan taking into account material considerations. In this case the adopted development plan is the Stirling Council Local Development Plan, 2014 (LDP). However, it is expected that the Council will adopt the Proposed Stirling Local Development Plan (as modified) at its meeting on 4 October 2018, and it is therefore an important material consideration.
- 2.35. Paragraph 34 of the Scottish Planning Policy (SPP) states that, where a Plan is under review it may be appropriate to consider whether a planning permission would prejudice the emerging Plan. Such circumstances are only likely to apply where the proposal is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Plan. Prematurity will be more relevant as a consideration the closer the Plan is to adoption or approval.
- 2.36. Although the Proposed Plan will soon be adopted, the proposed development under consideration is not of a size such that it would have a significant individual or cumulative effect that would undermine the plan making process, nor is it a site that is central to the emerging Plan or one that would prejudice the release of other sites that might better contribute to the 5 year supply of housing land. As such it is reasonably considered that a grant of planning permission in principle on this site

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would not be premature pending the adoption of the Proposed Stirling Local Development Plan.

- 2.37. The adopted Local Development Plan position in respect of the principle of development at this site for housing is clear: the proposal is contrary to the Local Development Plan
- 2.38. The applicant acknowledges in their Planning Statement (paragraph 5.3.1) that the development proposal does not conform to the Spatial Strategy of the adopted Local Development Plan (as well as to that of the Proposed Local Development Plan), and therefore that the proposal is being brought forward for consideration through the planning application process as a 'windfall' development. Windfall sites are defined in the Local Development Plan as "non-allocated sites that come forward for development and contribute to the land supply". The applicant contends that the development proposal should be considered favourably on the grounds that the Council does not have an effective 5-year housing land supply, and that it contributes to sustainable development.

#### **Housing Land Supply:**

- 2.39. Housing land supply: Paragraph 110 of SPP requires at least a 5-year supply of effective housing land to be maintained at all times, and paragraph 125 states that where a shortfall emerges, Development Plan policies for the supply of housing land will not be considered up-to-date and paragraphs 32-35 of SPP will be relevant.
- 2.40. The Planning Authority position in this regard is that the Council has an effective 5-year housing land supply as no shortfall is identified in the 2017 Housing Land Audit (2017 HLA). The 2017 Housing Land Audit shows a 5.3 year effective land supply and this will remain the position until the 2018 Audit is undertaken and published (anticipated publication in late 2018).
- 2.41. The applicant does not agree with the Planning Authority position on the housing land supply situation having regard to the 2017 Audit. The applicant's Planning Statement (April 2018) raises concerns about the methodology used in the latest Audit, in that it ignores under-delivery and completions data from previous years. It is submitted that Stirling Council has a 3.16 years supply of housing land when examining the data in the 2016 and 2017 Housing Land Audits against the requirements of the Adopted Local Development Plan.
- 2.42. The applicant has made reference to the Local Development Plan Report of Examination (24 November 2017) and using the Reporter's methodology contained therein to update the completions in the 2017 Housing Land Audit, it is submitted by the applicant that there would be a total shortfall of 644 units, which represents a 3.87 years supply of housing land.
- 2.43. It is noted that the Local Development Plan Report of Examination and a subsequent Errata have been issued by the Scottish Government's Planning and Environmental Appeals Division. However, the Planning Authority is of the view that this does not impact upon the effective land supply as published in the 2017 HLA at this time. The HLA is an annual publication and work is underway on the 2018 Audit. The 2018 Audit will fully reflect the modifications to the Plan made by the Reporters following examination. As the 2018 Audit has not been finalised the Council has to rely on the most recent agreed and published position on housing land supply, which is the 2017 Audit. Section 45 of PAN 2/120 states that Annual Housing Land Audits are the established means for monitoring housing land. The PAN sets out that HLAs have two key functions: to demonstrate the availability of sufficient effective land to meet the requirement for a continuous five-year supply;

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and to provide a snapshot of the amount of land available for the construction of housing at any particular time.

- 2.44. Therefore, for the purposes of this assessment, the Council has an effective 5-year housing land supply as no shortfall is identified in the 2017 Housing Land Audit. Therefore, the applicant's contention that Policy 2.1 of the emerging Local Development Plan, which is the Council's most up-to-date and preferred approach to addressing any shortfall in the housing land supply, is relevant to the consideration of this application, is not considered to be valid.

**Local Development Plan:**

- 2.45. **The Vision and Spatial Strategy:** The development is submitted as an extension to the settlement of Deanston, which is identified in the adopted Local Development Plan (and proposed Local Development Plan) as a Tier 4 settlement within the Rural Villages Area. The Plan's Vision supports small to medium sized infill peripheral housing developments within and adjoining settlements located within the Rural Villages Area. The Spatial Strategy provides support for controlled small-scale expansion of existing villages consistent with their limited size and role in the settlement hierarchy, to include new affordable and market housing and local business space.
- 2.46. The adopted Local Development Plan makes provision for 60 new dwellings in Deanston, comprising 14 units at Leny Road South A (site reference H093) and 46 units at Leny Road South B (site reference H094). Leny Road site A was granted permission in December 2009 and was completed by June 2011, and Leny Road site B was granted permission in February 2012 and completed by February 2015. These recently completed dwellings mean that the settlement has grown from approximately 230 units in 2010 to approximately 290 units at present, which represents a 30% increase. Thus the Development Plan has provided for, and enabled the delivery of, a relatively significant number of new homes within this Tier 4 settlement and has therefore met with the objectives of the Spatial Strategy.
- 2.47. The application under consideration could lead to a further 22% increase, which is regarded as a further substantial expansion within a relatively short timescale. The Proposed Local Development Plan sets out the spatial strategy considerations which are consistent with those of the Adopted Local Development Plan and explains that no further housing sites are allocated, taking into account Deanston's size, available services, and the village's sensitive historic setting. Thus the development site, as far as its location within the Rural Villages Area is concerned, is not strategically preferable.
- 2.48. Primary Policy 2 (Supporting the Vision and Spatial Strategy) of the Local Development Plan provides for proposals considered consistent with the Plan's Vision and Spatial Strategy. It adopts something akin to a sequential approach for dealing development proposals outwith allocated sites, as considered to be the case here. It states that outwith allocated sites, the Core Area will be the preferred location for new build development on sites located close to, and easily accessible by, major public transport routes. The difficulty within the Rural Villages Area, according to the LDP, is that development is constrained by accessibility and landscape considerations. The landscape considerations are addressed further under Placemaking, below (paragraph 2.60).
- 2.49. Dealing firstly with accessibility constraints, the village is serviced by a bus route that operates between Falkirk and Callander, stopping in Stirling. Annex B of Planning Advice Note (PAN) 75 recommends a maximum distance of 400 metres from housing to bus services. Paragraph 287 of SPP also advises against permitting significant travel-generating uses that would increase reliance on the car

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and where access to local facilities via public transport would involve walking more than 400 metres. The applicant addresses this matter in Section 2.4 of the Transport Assessment (TA), which states that all of the proposed development can access the local bus service within a 5 minute walk (400 metres). However, this statement contradicts Section 4.2 of the same report where it is stated that the site is 550 metres from the local shop and post office, which is located directly opposite the nearest bus stop. It also contradicts the statement within Section 2.11 of the Design Statement which submits “the nearest bus stop to the development is...marginally beyond the distances recommended”.

- 2.50. In an effort to clarify the matter the Planning Authority has measured the distance from the site to the nearest bus stop on Teith Road (computer calculated using GIS mapping) to be 800 metres at its shortest point, following an accessible route (avoiding routes with steps), as identified in the conceptual masterplan. It is therefore reasonably considered that the development site will be located significantly beyond the recommended maximum distances set out in Planning Advice Note (PAN) 75 and Scottish Planning Policy.
- 2.51. Within the settlement there is a limited convenience retail offering and a lack of other commercial and professional services; there are no significant employment sites, and the secondary school provision is caught to McLaren High in Callander approximately 8 miles to the North West. Therefore, it is reasonable to expect the development to generate a travel demand for access to services, places of work and education within neighbouring settlements. The difficulty here is that this demand is unlikely to be met by the public bus service as the majority of the site is more than 400 metres away from the nearest bus stop, meaning reliance on the private car is likely. This issue could be addressed, to a certain degree, with an extension of the bus route, however, there is no evidence within the Transport Assessment to suggest that discussions have taken place with local bus operators to extend the route.
- 2.52. The less than satisfactory public transport accessibility serves to support the Local Development Plan’s Spatial Strategy approach of directing new housing development to the Core Area where there is greater choice of and accessibility to major public transport routes. Scottish Planning Policy paragraph 76 highlights the importance of protecting against unsustainable growth in car-based commuting and the suburbanisation of the countryside in pressurised areas easily accessible from Scotland’s cities and main towns. This advice is relevant here given the close proximity of the site to the major settlements of Stirling and Dunblane. It is therefore considered that the development proposal is in conflict with the aims of Scottish Planning Policy with regard to promoting sustainable transport and active travel.
- 2.53. Turning to the last part of criterion b of Primary Policy 2, it is stated that new employment development, and other developments that will provide significant economic and social support to the rural area, will be encouraged in appropriate circumstances. The application is accompanied by an Economic Benefits Summary, which is a high-level infographic of the economic value of direct and indirect/induced jobs during the construction phase; gross value added during the construction period; post-construction increases in Council Tax revenue and resident expenditure per annum. It indicates that the development will increase the numbers of economically active residents and consequential increases to public sector and retailing jobs.
- 2.54. The weight that the Council and Scottish Ministers attach to the achievement of sustainable economic development is acknowledged. It is accepted that there would be certain economic benefits to the local and regional economy through this

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development. However, for the greater part, the type of economic benefit associated with the development of houses is likely to be temporary. Moreover, it has not been shown that the benefits on offer are not equally achievable from the construction of similar development elsewhere in the Council area, in a location that is in accordance with the Spatial Strategy. The economic benefits therefore carry limited weight and are insufficient to justify setting aside the provisions of the Development Plan.

- 2.55. The Spatial Strategy of the proposed Local Development Plan is consistent with that of the adopted Local Development Plan. The proposed Local Development Plan also adopts a settlement hierarchy approach that identifies Deanston as a Tier 4 settlement within the Rural Villages Area where there would be Sustainable Expansion. The proposed Local Development Plan sets out that there will be controlled small-scale expansion of settlements in the Rural Villages Area consistent with their size and role in the settlement hierarchy.
- 2.56. The overall conclusion is that the development proposal is in conflict with Primary Policy 2 of the Local Development Plan. The proposal could see this Tier 4 settlement extended by an additional 65 houses on a non-allocated site, which is not regarded as a controlled small-scale expansion in the context of a village the size of Deanston. The development proposal would not be consistent with the Spatial Strategy of the adopted Local Development Plan (and proposed Local Development Plan).
- 2.57. Where, as has been set out in the preceding paragraphs, development proposals are not specifically dealt with in the Spatial Strategy, the Local Development Plan refers proposals to the relevant, development specific Local Development Plan policies and Supplementary Guidance for assessment. This is addressed below.
- 2.58. **Housing in the Countryside:** The application site is located on the edge of, but outwith the settlement boundary which the Development Plan proposals map identifies for Deanston, and therefore lies within the countryside designation (Policy 2.10: Housing in the Countryside). Policy 2.10 provides for new housing development in the countryside. In summary, new housing is supported in the following circumstances:
- 2.58.1. Within or closely related to building groups and clusters;
  - 2.58.2. On infill sites;
  - 2.58.3. Single houses for a specific purpose;
  - 2.58.4. Replacement of single houses; and
  - 2.58.5. Conversion of a farm steading and non-domestic buildings.
- 2.59. None of these circumstances are applicable to the development proposals and as such, the application is found to be contrary to Policy 2.10.
- 2.60. **Placemaking:** Primary Policy 1 (Placemaking) requires new development to safeguard and enhance built and natural heritage. Policy 1.1 (Site Planning) requires all new development to contribute, in a positive manner, to the quality of the surrounding built and natural environment. Policy 1.2 (Design Process) sets out a requirement for a masterplanned approach for sites requiring a comprehensive approach to the provision, design and location of uses, open space and infrastructure in order to ensure that the aims of Placemaking and quality site planning are met.
- 2.61. SPP advises that planning should take every opportunity to create high quality places by taking a design-led approach and planning should support development that is designed to a high quality, which demonstrates the six qualities of

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successful place. Those qualities are: distinctive; safe and pleasant; welcoming; adaptable; resource efficient; easy to move around and beyond. The use of masterplans to set out how an area may be developed is part of the SPP strategy and is applied in this case.

- 2.62. The masterplan document, supported by a Design and Access Statement, shows the indicative layout of the site relative to the housing proposed. As this application is for Planning Permission in Principle the general layout and design of the site is not fully detailed. The Design and Access Statement suggests that the design response is heavily influenced by the topography of the landform. The site slopes steeply within its northern section, at a point close to the post and wire fence line that defines the northern boundary of the existing sports pitch. The masterplan shows that the residential area for the site would be confined to the elevated part of the site with the lowest part of the site being kept free of built development and utilised for public open space.
- 2.63. Although the layout drawing submitted with this application is only indicative, concerns are raised about the housing mix made up entirely of detached and semi-detached houses; the lack of integration of the sports pitch into the development, and the weak transition into wider countryside along the western edge where the housing turns its back on the boundary and planting is shown as a way of screening rear boundaries. Although it is recognised that the western boundary is presently dominated by rear gardens and boundary fencing, the existing sports pitch strengthens the visual transition into the open countryside. The proposal would extend the urban block to the west in a sprawling fashion, unlike the recently completed James Smith Road development which consolidates the established development pattern and respects the long-established settlement boundary line.
- 2.64. Bringing built development up to the prominent hill edge also raises concerns about the impact on landscape character as a result of significant remodelling of the locally distinctive landform, which would presumably have to occur to accommodate development in this location. The development would also be visually prominent on top of the hill in views from and out to the Mill Lade and River Teith riparian corridor, which is considered particularly important to the identity and character of Deanston and providing a sense of place.
- 2.65. It is accepted that the development could serve to improve the physical quality of the open space to the north of the site and would be beneficial given the poor range of open space within the locality as identified in the Development Plan. However, there is a clear lack of evidence and detail within the planning submissions to demonstrate that the applicant can gain control over the land to ensure that the identified green space to the north of the site could become accessible open space for the benefit of the wider community. For instance, the masterplan layout shows a path that terminates at the fence line which delineates the north boundary of the sports pitch. This is a physical barrier between the main part of the proposed site and the existing residential areas that acts as a constraint to permeability and connectivity. To overcome this constraint an opening within the existing boundary is needed and as well as an extension of the path network beyond the application site boundary, which appears to be beyond the control of the applicant.
- 2.66. This has undesirable consequences for the indicative layout which takes the form of a large cul-de-sac. The layout shows a single vehicular access from James Smith Road that terminates to the north. The proposed development would significantly alter the size and character of James Smith Road. It would become much larger and less distinct from the main part of Deanston mainly as a result of the sense of detachment that would be created by the existing sports pitch and the

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lack of connections to Keltie Place. It does not correspond well to the kind of place that is “easy to move around and beyond”, which is one of the six qualities of a successful place promoted in Scottish Planning Policy. The use of cul-de-sacs are also discouraged in the Scottish Government’s advice on Designing Streets and the Council’s Supplementary Guidance, SG01 (Placemaking).

- 2.67. Whilst it is acknowledged this is an application in principle, there is, nevertheless, not the robust level of information as regards issues such as topography, site levels, building typologies, open space etc. which would support the design concepts presented in the masterplan. Notwithstanding, there are fundamental issues within the masterplan layout to suggest that the site is not suitable for the scale of development envisaged, potentially affecting the amount of development which could be accommodated on site. It is therefore considered that the masterplan document should not be relied upon in support of any detailed proposals for this site should planning permission in principle be granted.
- 2.68. In concluding this matter, it is likely that there would be significant, though localised, adverse landscape impacts from the development. It is therefore considered that the development would not have a positive impact on the quality of the built and natural environment, and would be contrary to the placemaking objectives promoted in Primary Policy 1, Policy 1.1 and Scottish Planning Policy.
- 2.69. **Flood Risk:** The Scottish Planning Policy (Managing Flood Risk and Drainage) indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures. Development should avoid an increase in surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface. Primary Policy 5: Flood Risk Management of the LDP states that development proposals on areas shown to be at risk of flooding on Scottish Environment Protection Agency (SEPA) Flood Maps should be avoided.
- 2.70. The site is outwith SEPA’s 1 in 200 years flood zone. SEPA has no objections subject to the replacement or repair of a culvert through the site, and that built development is placed beyond any existing or proposed culverts. These matters can be addressed through planning condition. As such, the development proposals is considered to be in accordance with the relevant provisions of SPP and Primary Policy 5 of the adopted Local Development Plan (and proposed Local Development Plan).
- 2.71. **Residential Amenity:** PAN 1/2011 establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. Policy 2.11: Housing in Garden Ground/Curtilages of the Local Development Plan, although not of direct relevance to this particular development, states that proposed houses are afforded a degree of privacy comparable with surrounding houses and does not materially affect the privacy and/or daylight of surrounding residential properties.
- 2.72. Stirling Council’s Supplementary Guidance, SG12: Residential Alterations and Extensions, contains guidance that supports the aforementioned policies by advocating that the design of residential environments must seek to ensure that adequate levels of natural light can be achieved within new development and unacceptable impacts on light or sunlight to nearby properties are avoided. The Council’s guideline on minimum distances between window openings sets out well



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established British Industry Standards on the accepted distance between windows to ensure personal privacy is maintained.

- 2.73. In terms of the impact on existing residential properties from loss of sunlight/daylight and privacy, this would largely be dictated by the final layout of the development. The current indicative layout and masterplan would suggest that sufficient distance is being left between existing properties and future buildings to ensure that there would be no significant detrimental impact in this regard.
- 2.74. The ITP Energised (17 April 2018) considered noise impacts to and from the development. The report indicated that the main source of noise currently in the vicinity of the site is from natural sources, namely birdsong and the River Teith watercourse. Other noise sources were recorded from infrequent traffic movements on the B8032 and within the settlement itself. The assessment measured daytime background noise and considered the potential noise impact this might have on properties within the site. The recorded daytime noise levels were found to be acceptable in terms of potential noise impact and the report concluded there to be no adverse impact.
- 2.75. The submitted noise report also takes into consideration the potential increase in traffic from this development being complete. The proposed housing in and of itself is not regarded as a noisy land use. However, the report sets out that there will be an increase in noise levels as a result of an increase to road traffic flows on the B8032 in excess of 150 percent of baseline flows. The report submits that the projected increase would not result in ambient noise levels exceeding the 50 dBL<sub>Aeq</sub> external amenity area "desired" criterion. The report concludes that the projected increase in road traffic noise due to the development would not be significant. It is therefore reasonably considered that the development will not impinge upon the amenity of planned or existing properties as a result of noise related impacts and no further noise assessment is needed to prove that there would be no detrimental impact on the assumption that any detailed proposal would be based on the indicative masterplan layout.
- 2.76. **Ecology and Natural Heritage:** Scottish Planning Policy (Valuing the Natural Environment) states that developers should seek to minimise adverse impacts through careful planning and design, considering the service that the natural environment is providing and maximising the potential for enhancement. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration.
- 2.77. Primary Policy 8 of the adopted Local Development Plan states that the protection, conservation and enhancement of wildlife, its habits and other natural features in international designated sites will be supported in line with statutory requirements. Where adverse impacts on existing assets are unavoidable the Development Plan will only support proposals where these impacts will be satisfactorily mitigated.
- 2.78. The application has considered the impact of the development on national designations. This includes considering the impact on the River Teith Special Area of Conservation (SAC) located immediately to the north of the site. The designation's qualifying interests include sea lamprey, brook lamprey, river lamprey and Atlantic salmon protected species. There is a requirement to protect the water environment from drainage related impacts. The submitted Flood Risk Assessment and Drainage Strategy (Wardell Armstrong, April 2018) identifies the need for a Construction Environmental Management Plan (CEMP) to avoid pollutants entering the water courses to the north. This can be dealt with by

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condition of any planning permission and would be sufficient mitigation to avoid this potential impact.

- 2.79. The site and surrounding area was assessed for the presence of protected species. This includes surveys to identify the presence of bats, birds and badgers. With regard to the badger survey, the submitted ITP Energised report (12 October 2017) found no definitive evidence of badgers using the site and wider area. It is therefore accepted that any development works would not have a detrimental impact on badgers.
- 2.80. The ITP Energised report (19 July 2017) includes surveys to identify the presence of bat roosts and nesting birds. Whilst the survey did not identify roosting bats, it recorded bats using the woodland edge to the south of the site for commuting and foraging purposes. The survey also showed that the woodland habitat supports a typical farmland and lowland bird breeding bird assemblage. It is therefore considered that the site supports some protected species and farmland species of conservation interests which are tied to the hedges and treeline at the edge of the site.
- 2.81. The area of woodland within the site would be retained in terms of the submitted masterplan and 'tree mitigation and protection plan' (Enviro Centre, 17 July 2018), which will protect this habitat and mitigate any impacts. Although it is accepted that the species would likely be deterred during construction, due to the transient nature of birds and bats, it is reasonably considered that there would be no significant impact provided that suitable provision is made for the protection of the woodland edge and appropriate stand-off distances should planning permission in principle be granted. Surveys for red squirrels were not considered necessary following consideration of the supporting submissions, which sets out a clear intention to retain the woodland.
- 2.82. The proposal is considered to be in compliance with the Development Plan and SPP in relation to ecology and natural heritage in that there would be no significant impact on any important habitat or protected species. The development also would have no significant detrimental environmental impact.
- 2.83. **Affordable Housing:** The Council's Housing Service response confirms that the site is appropriate for the provision of affordable housing and, subject to Scottish Government funding, there is a requirement for 33% on-site provision in accordance with Policy 2.2 of the Local Development Plan. There is nothing within the application submissions to suggest that this requirement could not be met. Subject to the conclusion of a Planning Obligation setting out the affordable housing requirements for this site, the development would be in accordance with the Development Plan and Supplementary Guidance, SG04: Affordable Housing.
- 2.84. **Education Capacity:** The Education Authority consultation response confirms that the development site falls within the catchment areas of Deanston Primary School and McLaren High School in Callander, situated outwith the Education Core Area.
- 2.85. In terms of primary school provision, current roll projections shows that over the period to 2029/2030 spare capacity of at least 14 pupils is expected. By applying a pupil product ratio of 0.29 pupils per unit of housing (65 total), it is calculated that the development proposal would yield 19 primary school pupils. This will result in the optimum capacity of the school (87% of the build capacity) being exceeded by 5 pupils. Despite this, the Education Authority considers that it will be possible to accommodate pupils from the development within the existing school without the need for refurbishment or extension.

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- 2.86. McLaren High School roll projections have identified no current capacity issues. Thus, there is space within the catchment schools to accommodate the development and as such, there is no requirement for development contributions in this particular case.

**Conclusions:**

- 2.87. On balance, it is considered that the proposed development is contrary to the Local Development Plan and, acknowledging the weight that should be afforded the Proposed Plan, it is also contrary to the Proposed Plan. There are no other substantial material considerations that would offset these objections therefore the recommendation is to oppose this application.

## 3. Implications

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**Equalities Impact**

- 3.1. This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

**Fairer Scotland Duty**

- 3.2. This section is not applicable.

**Sustainability and Environmental**

- 3.3. An Environmental Impact Assessment is not required.

**Other Policy Implications**

- 3.4. All relevant policies have been set out in section 2.

**Consultations**

- 3.5. As set out in section 2.

## 4. Background Papers

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- 4.1. Planning Application file 18/00275/PPP. File can be viewed online at:  
<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P7QH0FPIGEB00>

- 4.2. List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	S034-ST03.002

## 5. Appendices

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- 5.1. None.

## Author of Report:

Mark Laird  
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## Contact Details:

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## Signed By:

Jay Dawson

Team Leader – Development Management  
Date: 23 August 2018

## Signature:



## Approved by:

Brian Roberts  
Senior Manager - Infrastructure

Date: 24 August 2018

## Signature:



Details of Convener(s), Vice Convener(s),  
Portfolio Holder and Depute Portfolio Holder  
consulted on this report

## Wards affected:

Ward 1 Trossachs & Teith

## Key Priorities:

N/A

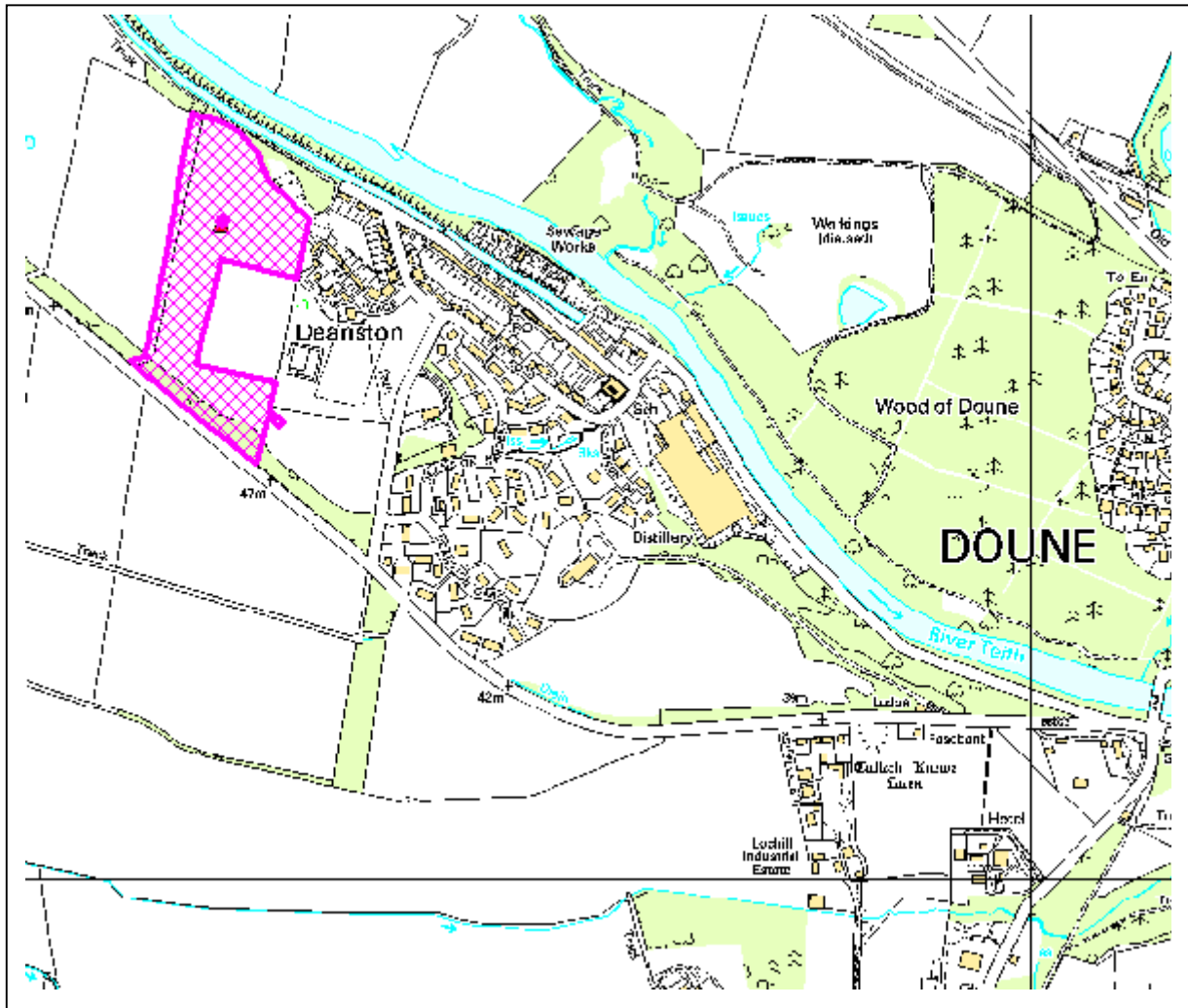
## Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:  
(Local Outcomes Improvement  
Plan:

N/A

Location of Development



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Stirling Council

Agenda Item No. 6

Planning & Regulation Panel

Date of Meeting: 2 October 2018

Not Exempt

Erection of 3No. Detached, One and a Half Storey Dwelling Houses and Associated Communal Amenity Spaces at Land Adjacent And North East Of Arrochar, Glen Road, Dunblane - Bridgewater Building Solutions Limited - 18/00134/FUL - Hearing

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## Purpose & Summary

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The Planning and Regulation Panel of 4 September 2018 agreed that this planning application be determined following a Hearing.

A Hearing for this planning application will take place at this meeting, following which the Panel is asked to determine the planning application.

Appendix A of this report sets out the Report of Handling for this planning application.

## Recommendations

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Panel is asked to:

1. approve the application subject to conditions outlined in Appendix 1 of the Report of Handling and for the following reasons:
  - 1.1 The proposal is considered to comply with the provisions of the Stirling Local Development Plan 2014, specifically Primary Policy 1 and Policy 1.1.

## Resource Implications

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Not applicable.

## Legal & Risk Implications and Mitigation

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Not applicable.

## 1. Background

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- 1.1. Not applicable.

## 2. Considerations

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- 2.1. As set out in Appendix 1.

## 3. Implications

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### **Equalities Impact**

- 3.1. This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

### **Fairer Scotland Duty**

- 3.2. This section is not applicable.

### **Sustainability and Environmental**

- 3.3. An Environmental Impact Assessment is not required.

### **Other Policy Implications**

- 3.4. All relevant policies have been set out in section 2.

### **Consultations**

- 3.5. As set out in section 2.

## 4. Background Papers

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- 4.1. Planning Application file 18/00134/FUL. File can be viewed online at:  
<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P57PB0PIFP300>

## 5. Appendices

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- 5.1. Appendix A – Report of Handling for 18/00134/FUL



## Author of Report:

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## Signed By:

Jay Dawson  
Team Leader – Development Management  
Date: 20 September 2018

## Signature:



## Approved by:

Brian Roberts  
Senior Manager - Infrastructure  
Date: 21 September 2018

## Signature:



Details of Convener(s), Vice Convener(s),  
Portfolio Holder and Depute Portfolio Holder  
consulted on this report

## Wards affected:

Ward 3 Dunblane & Bridge Of Allan

## Key Priorities:

N/A

## Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:  
(Local Outcomes Improvement  
Plan:

N/A



Stirling Council

Agenda Item No. 7

Planning & Regulation Panel

Date of Meeting: 4 September 2018

Not Exempt

Erection of 3No. detached, one and a half storey dwelling houses and associated communal amenity spaces at Land Adjacent And North East Of Arrochar, Glen Road, Dunblane - Bridgewater Building Solutions Limited - 18/00134/FUL

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## Purpose & Summary

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Full planning permission is sought for the erection of 3 detached, one and a half storey dwelling houses.

The application 18/00134/FUL has been called to Planning & Regulation Panel by Councillor Alasdair Tollemache on the basis of the potential drainage issues at the site. Due to the date on which this application was validated, it requires to be considered by the Panel under the procedures relevant at that time. As outlined in paragraph 1 below, Panel is asked to approve this application subject to conditions. However, Members of the Panel should be aware that a request for a Hearing and site visit has been made by Councillor Alistair Majury. Should Members of the Panel wish to consider this request as an option, then that will require to be the subject of agreement of the Panel. If Members were to agree, then the application would require to be deferred to a future meeting of the Panel to permit these procedures to be enacted.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

## Recommendations

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Panel is asked to:

1. approve the application subject to conditions outlined in Appendix 1 and for the following reasons:-
  - 1.1 The proposal is considered to comply with the provisions of the Stirling Local Development Plan 2014, specifically Primary Policy 1 and Policy 1.1.

## Resource Implications

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Not applicable.

## Legal & Risk Implications and Mitigation

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Not applicable.

### 1. Background

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1.1. Not applicable.

### 2. Considerations

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#### **The Site**

- 2.1. The application site is approximately 4425 square metres, and forms an irregular polygon shape from an aerial view. The site is bounded by three residential properties to the north, one residential property to the west, one residential property and Glen Road to the south and an area of woodland to the east.
- 2.2. The site is covered in a variety of vegetation, some lawn, some long grass/bushes, a line of large trees proximate to the north boundary, and a number of sapling trees to the east of the site.

#### **The Proposal**

- 2.3. The proposal seeks full planning permission for the erection of three detached, one and a half storey dwelling houses and associated amenity space.

#### **Previous History**

- 2.4. There have been no previous planning applications for this site. The site was formerly associated with Pischah Yard, however the land itself is not significantly degraded as a result of its former use.

#### **Consultations**

##### **Scottish Environment Protection Agency (East):**

- 2.5. 1 June 2018: Objection to the planning application on the grounds of lack of information on flood risk. It was requested that the Flood Risk Assessment (FRA) was updated to take account of the information contained within the Mouchel report on the 2012 flood event, in particular in relation to flows in the unnamed burn (upper reaches of the Minnie Burn). It was also requested that the existing flood risk from the small ditches within the site was assessed to ensure the proposed channel realignment will not result in an increased flood risk elsewhere.
- 2.6. 29 June 2018: SEPA removed the objection to the proposed development on flood risk grounds. An updated FRA was submitted and provided information to address previous concerns. No hydraulic modelling has been undertaken on the Minnie Burn or small watercourses within the site, however, manning's equations have been used to indicate that the channels have sufficient capacity to contain the 1 in 200-year flows under the existing scenario. Provided there is no increase

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in runoff to the watercourses as a result of the development then there should be no increased flood risk due to development.

- 2.7. SEPA also expressed support for the proposals for rainwater capture and reuse in order to reduce runoff from the site. It is noted that there are existing drainage issues at properties to the north of the site on Gibson Grove and it is imperative there is no displacement of water which would exacerbate this risk. The Sustainable Urban Drainage System (SUDS) proposals for the site should be agreed with Stirling Council and demonstrate that runoff is restricted to greenfield rates.
- 2.8. An assessment of flows has been undertaken although flows obtained are lower so the IH124 flows have been adopted. SEPA supports the conservative approach to determine flood risk based on the higher flows. There is also support for the proposals to improve the culvert inlet and culvert through adjacent property in order to reduce any flood risk to existing properties, and ongoing groundwater monitoring at the site.
- 2.9. It is recommended that a greater freeboard is provided for finished floor levels above ground levels than the proposed 150 millimetres.

#### **Bridge & Flood Maintenance:**

- 2.10. 15 May 2018: Object to the proposed development on ground of flood risk and lack of information.
- 2.11. 5 July 2018: Removal of objection to the proposed development. Following further investigation works the applicant is proposing to put a new retaining wall structure in place to protect against bank failure at the slope in question. Provided this is constructed prior to works on the site, Stirling Council Flooding would have no objection.
- 2.12. The above further proposed works, to which the Stirling Council Flooding team are agreeable, would be outwith the red line boundary of the site. Written confirmation from the land owner, Kippendavie Group Trust, has been received which outlines that they have instructed the proposed retaining wall structure to be undertaken. As such the works can be conditioned to be completed prior to the commencement of any development on the site.

#### **Roads Development Control:**

- 2.13. Transport Development has no objection, however conditions were recommended.
  - 2.13.1 Footway Extension: Existing footway, located to the north side of carriageway, will be extended to the location of the new access and constructed to Stirling Council's "Development Roads Guidelines and Specifications".
  - 2.13.2 Access: Access to the development shall measure 3 metres wide, at right angles to the access road and feature a footway crossing. It should not exceed a gradient of 1:10 and will be fully surfaced and suitably drained to ensure no surface water or loose material is splayed onto the public road. Any access gates should open inwards and be set back a minimum of 6 metres measured from the edge of the adjacent public road. The initial 2 metres length of the access driveway shall be constructed to Stirling Council's "Development Roads Guidelines and Specifications".
  - 2.13.3 Visibility: Visibility shall be provided and maintained with visibility splays of 2.4 metres by 22 metres in either direction from the centre of the proposed access, with no obstruction to visibility above carriage level.

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- 2.13.4 Parking: Parking requirements as stipulated within Stirling Council's Supplementary Guidance SG14: Ensuring a Choice of Access for New Developments should be adhered to.
  - 2.13.5 Waste: Collection vehicles will not enter private driveways to collect domestic waste. Provision should be made for a properly designed collection point at the roadside for bins awaiting collection. This collection point should be outwith the required visibility splay sightlines.

**Dunblane Community Council:**

- 2.14. 9 April 2018: The house on Plot 2 should be removed from the application. This will allow more space for the remaining 2 houses which would mean that they would fit in with the current plot and garden sizes on surrounding houses.
- 2.15. Drainage is a real concern on this site and any problems will compound the existing drainage problems in the Glen Road area.
- 2.16. There must be a strict condition that restricts development to 1½ storey house design as per the application. It is likely that if permission is granted that there will be subsequent applications to significantly vary the house design as happened on most of the plots on the other two developments on land owned by the applicant.
- 2.17. The manner in which this entire site has been developed is not satisfactory. It needed an overarching indicative plan before the individual applications for the three separate developments were presented. The consequence of not doing this is that the site that is the subject of this application is an odd shape and not easily able to contain houses to the number and size that are proposed. This approach to 'piecemeal' development of a single large site is not acceptable.
- 2.18. 20 June 2018: Further documents have been submitted by the applicant, however there is considered no reason to change the objections as submitted on 9 April 2018.

**Planning & Policy:**

- 2.19. The proposed development lies on the western edge of the Sheriffmuir (1715) designated battlefield. This particular location is the likely location of the government camp ahead of the battle and may contain objects associated with the battle. However, as the area lies on the very south-western fringes of the designated area it is less likely to contain such objects. In addition, as it has been previously afforested, it is likely that any such objects will have been destroyed. In addition, this previous development will have made the area less sensitive to further change. While the proposed development will have an impact on a Designated Battlefield, it is not at all clear if anything from the battle will have survived previous afforestation. Therefore, there are no objections or recommendation for mitigation.

**Representations**

- 2.20. 15 representations have been received from 14 parties regarding the proposal, raising the following issues below.
- 2.21. **Amenity/Design:**
  - 2.21.1 The area is bounded by woodland which is effectively Green Belt and gives the area privacy as well as an attractive natural backdrop. The loss of this would negatively affect the amenity of the general area.
  - 2.21.2 The mass and elevated position of the proposed new plots destroys the amenity of the area by looming over the adjacent plots and the access road and breaking the sight lines of the woodland areas. The proposed

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house levels exaggerate the negative impact of this and appear unsympathetic to the contours of the site, adjacent houses or the natural environment.

2.21.3 The houses should be no more than 1½ storeys as this is in keeping with surrounding properties. The palette of materials and paint finishes of the proposed houses should be in keeping with the surrounding properties.

2.21.4 The proposal is over-development, and the number of houses should be reduced from three to two. With three houses, the ratio of building footprint to site area is significantly higher than the other houses in the area which will impact upon the amenity of the area.

**2.22. Privacy/Light:**

2.22.1 The elevated position and location of the proposed houses would result in views into neighbouring houses with a negative effect on privacy.

2.22.2 The position of the access path again elevated would encourage pedestrian traffic with elevated views into other houses frontages.

2.22.3 The proposed gardens bordering existing gardens would result in noise and lack of privacy.

2.22.4 The proposal would block out light afforded to neighbouring properties, with overshadowing to conservatories and garden ground.

2.22.5 The developers, or future owners, could add rooflight windows or even bridge the 2 roof sections. As rooflights would not require planning approval, we would be powerless to prevent this.

**2.23. Trees/Woodland:**

2.23.1 The current area adjacent to Arrochar, inboard of the current swale is brownfield although it is gradually reverting to woodland however the "extra" area added to the proposed development is woodland and as such we would be against developing it.

2.23.2 The proposal will reduce the corridor for wildlife. It is also understood that these trees were planted with the aid of grant assistance and their removal may be contrary to the grant award.

2.23.3 There would be a detrimental impact on local wild-life, including wild red squirrels, hedgehogs and owls, all of who continue to fly and forage in the proposed development area.

2.23.4 The Woodlands Trust objects to this application on account of damage and loss to Kennels Wood, as satellite images show that there is woodland still present on the site that will be impacted by the siting of the proposed dwellings.

**2.24. Drainage:**

2.24.1 Due to the elevated position of the new development, there is concern that as the surface water percolates from the top site, this will re-emerge elsewhere causing waterlogging of soil and sub-base with the associated issues.

2.24.2 The development would result in flooding at neighbouring properties and associated garden grounds.

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### 2.25. Other Comments:

- 2.25.1 The site should be registered with the "considerate constructors' scheme".
- 2.25.2 The access route during construction will be the same as the final private access and this will be put in place prior to any commencement of the houses.
- 2.25.3 During construction all builders' parked vehicles, construction compound, materials storage and construction-related activity is contained within the red line boundary.
- 2.25.4 A written agreement is included to keep vehicles, etc. at least 1 metre away from the hedge growing along the boundary to the immediate south to protect it from damage, either directly or through root compaction.
- 2.25.5 Any damage done to the existing road/pavement surfaces is made good.
- 2.25.6 The public pathway should be set back from the hedge to which it is shown as adjacent to.

### Local Development Plan

- 2.26. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application.
- 2.27. Stirling Local Development Plan 2014 Primary Policy 1: Placemaking; Policy 1.1 Site Planning; Policy 2.3: Particular Needs Housing Accommodation; Policy 3.2: Site Drainage; Primary Policy 5: Flood Risk Management; Policy 7.8: Development affecting Battlefields, Gardens and Designed Landscapes; Policy 10.1 Development Impact on Trees and Hedgerows.

### Other Planning Policy

- 2.28. Other material policy considerations - Supplementary Guidance 01 Placemaking and Supplementary Guidance 12 Residential Alterations and Extensions.

### Assessment

- 2.29. Full planning permission is sought for the erection of three detached dwelling houses at land adjacent and north east of Arrochar, located off Glen Road, within the settlement of Dunblane.
- 2.30. Each dwelling is proposed to have a footprint of approximately 156 square metres. This would provide a double garage, car port, kitchen/dining area, utility, bathroom, cloakroom, lounge and study/bedroom at ground floor level. At first floor level, four bedrooms would be provided, as well as two further bathrooms.
- 2.31. The design of each dwelling consists of a one and a half storey portion (rooms within the roof space) to the front, and a single storey portion to the rear. Both sections would have pitched roofs, with a single storey link connecting them. The one and a half storey section would be 4.2 metres from ground level to eaves, and 7.56 metres to ridge. The single storey section located to the rear would be 2.82 metres to eaves and 6.36 metres to ridge. This is a contemporary design that uses simple shapes and subtle detailing.



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- 2.32. The materials proposed include a mixture of timber, harl, slate and zinc. Although mostly traditional materials, it is proposed that they are incorporated in such a way so as to give a contemporary finish. This is considered constant with the adjacent properties (in accordance with Primary Policy 1a and 1.1c).
- 2.33. The overall site is an irregular polygon, and the dwellings would be positioned in an informal manner. House one is orientated at right angles to houses two and three, with a path going through the site from the south (Glen Road) to the North (woodland area). There is a single vehicular access route into the site, with a shared driveway areas providing access to each individual carport. There is an area of landscaping adjacent to the access, with a further landscaped area to the west of the site. It is therefore considered that development of the site, as outlined within this application, would complement and connect with its surroundings (Policy 1.1).
- 2.34. The designated garden curtilage for each property is relatively limited, however outwith this, there is communal driveway, parking and landscaped area. It is therefore considered that the dwellings have sufficient parking provision, bin storage and amenity comparable to that enjoyed by neighbouring properties.
- 2.35. Concerns have been raised regarding overlooking and overshadowing that the proposal would have on neighbouring gardens, conservatories and living spaces. Following these concerns being raised, drawings demonstrating the impacts of the development have been produced. Having reviewed these, it is considered that the levels of overshadowing and overlooking would not exceed those set out within Supplementary Guidance, and as such would not present grounds for refusing the application.
- 2.36. There has been some concern regarding the issues of drainage, and subsequent flooding, at the site. The application is for a small site located outwith the catchment draining to the Minnie Burn culvert under the Glen Road and as such should not exacerbate the existing issues at this point provided development is undertaken in accordance with the proposals within the FRA. However, mitigation works have been identified and agreed with the Flooding team which removes the objection put on the application. These mitigation works are outwith the red line boundary, however written confirmation that these works can and will be carried out has been received from the landowner. As such the Planning Authority is satisfied that the applicant has sufficient control to ensure these works are carried out prior to the development of dwellings at the site.
- 2.37. The trees and planting at the site are considered to aid in the setting of the overall development, and connect well to the neighbouring woodland area. There is concern however, that the positioning of proposed trees are not given sufficient space to thrive on a long-term basis. It is therefore recommended that a landscaping plan is agreed with the Planning Authority's Tree Officer prior to the commencement of works at the site to ensure that the existing planting is retained where possible, and new planting is selected and positioned so as to maximise its long-term viability at the site.
- 2.38. The use of the site for dwelling houses is compatible with the character and amenity of the place (Policy 1.10) with the dwellings, although small in number, having a sense of identity within the development (Policy 1.1a). The design and materials are contemporary, and not dissimilar to the adjacent dwellings, and is therefore considered appropriate for the buildings surrounding the site (Policy 1.1c). Although proximate to a number of other dwelling houses, there is not considered to be a significant detrimental impact as outlined in Supplementary Guidance. The site has been designed so as to promote the existing path, and provide a navigable space for both the residents and those accessing the

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woodland beyond (Policy 1.1e). The potential and drainage issues at the site can be mitigated to the satisfaction of Flooding Officers and as such the Planning Authority is satisfied that the mitigation works can be carried out prior to the commencement of works onsite.

- 2.39. In conclusion, application 18/00134/FUL is recommended for approval as it is considered to be consistent with the provisions of the Local Development Plan and relevant Supplementary Guidance.

## 3. Implications

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### **Equalities Impact**

- 3.1. This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

### **Fairer Scotland Duty**

- 3.2. This section is not applicable.

### **Sustainability and Environmental**

- 3.3. An Environmental Impact Assessment is not required.

### **Other Policy Implications**

- 3.4. All relevant policies have been set out in section 2.

### **Consultations**

- 3.5. As set out in section 2.

## 4. Background Papers

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- 4.1. Planning Application file 18/00134/FUL. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P57PB0PIFP300>

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 4.2. List of determining plans:

<b>Stirling Council Plan No.</b>	<b>Name</b>	<b>Ref on Plan</b>
01A	Location Plan	0001 Rev P1
03A	Site Plan	1000 Rev P1
04A	Site Plan	3000 Rev P1
05	Floor Plans	3001
06	Floor Plans	3002
07	Floor Plans	3003
08	Elevations	3600
09A	Elevations	3601 Rev P1
10	Floor Plans	3004
11	Floor Plans	3005
12	Floor Plans	3006
13	Elevations	3602
14A	Elevations	3603 Rev P1
15A	Sections	3800 Rev P1
16A	Sections	3801 Rev P1
17	Sections	3900
18A	Landscaping	
19	Landscaping	
20A	Details	SKETCH 06B Rev A

## 5. Appendices

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## 5.1. Appendix 1 – Conditions and Reasons.

## Author of Report:

Charlotte Brown  
Graduate Planning Officer

## Contact Details:

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## Signed By:

Jay Dawson  
Team Leader – Development Management  
Date: 23 August 2018


## Signature:



## Approved by:

Brian Roberts  
Senior Manager - Infrastructure  
Date: 24 August 2018

## Signature:



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Details of Convener(s), Vice Convener(s),  
Portfolio Holder and Depute Portfolio Holder  
consulted on this report

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## Wards affected:

Ward 3 Dunblane & Bridge Of Allan

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## Key Priorities:

N/A

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## Key Priority Considerations:

N/A

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Stirling Plan Priority Outcomes:  
(Local Outcomes Improvement  
Plan:

N/A

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**ERECTION OF 3NO. DETACHED, ONE AND A HALF STOREY DWELLING HOUSES  
AND ASSOCIATED COMMUNAL AMENITY SPACES AT LAND ADJACENT AND  
NORTH EAST OF ARROCHAR, GLEN ROAD, DUNBLANE, - BRIDGEWATER BUILDING  
SOLUTIONS LIMITED - 18/00134/FUL**

Approve, subject to the following conditions:

- 1     **Landscape - New Planting:** No development shall take place until details of new planting proposals with details of ground preparation, species, nursery stock size and density of planting and areas of grass seed/turf have been submitted to and approved in writing by the Planning Authority.
  
- 2     **Access:** Access to the development shall measure 3 metres wide, at right angles to the access road and feature a footway crossing. It should not exceed a gradient of 1:10 and will be fully surfaced and suitably drained to ensure no surface water or loose material is splayed onto the public road. Any access gates should open inwards and be set back a minimum of 6 metres measured from the edge of the adjacent public road. The initial 2 metres length of the access driveway shall be constructed to Stirling Council's "Development Roads Guidelines and Specifications".
  
- 3     **Visibility:** Visibility shall be provided and maintained with visibility splays of 2.4 metres by 22 metres in either direction from the centre of the proposed access, with no obstruction to visibility above carriage level.
  
- 4     **Parking:** Parking requirements as stipulated within Stirling Council's Supplementary Guidance SG14: Ensuring a Choice of Access for New Developments should be adhered to.
  
- 5     **Waste:** Provision shall be made for a properly designed collection point at the roadside for bins awaiting collection. This collection point should be outwith the required visibility splay sightlines.
  
- 6     **Flooding Mitigation Measures:** Works outwith the site that provide mitigation measures shall be completed to the satisfaction of the Planning Authority prior to the commencement of works onsite. Unless otherwise agreed in writing by the Planning Authority, these works shall adhere to the details provided in the following drawings:

Gabion Basket Detail- Job number 12/074-Drawing 04B

Calculation Sheet- Job Reference 12/088

Gabion Sections and Location- Job reference 12/074-Drawing 05B

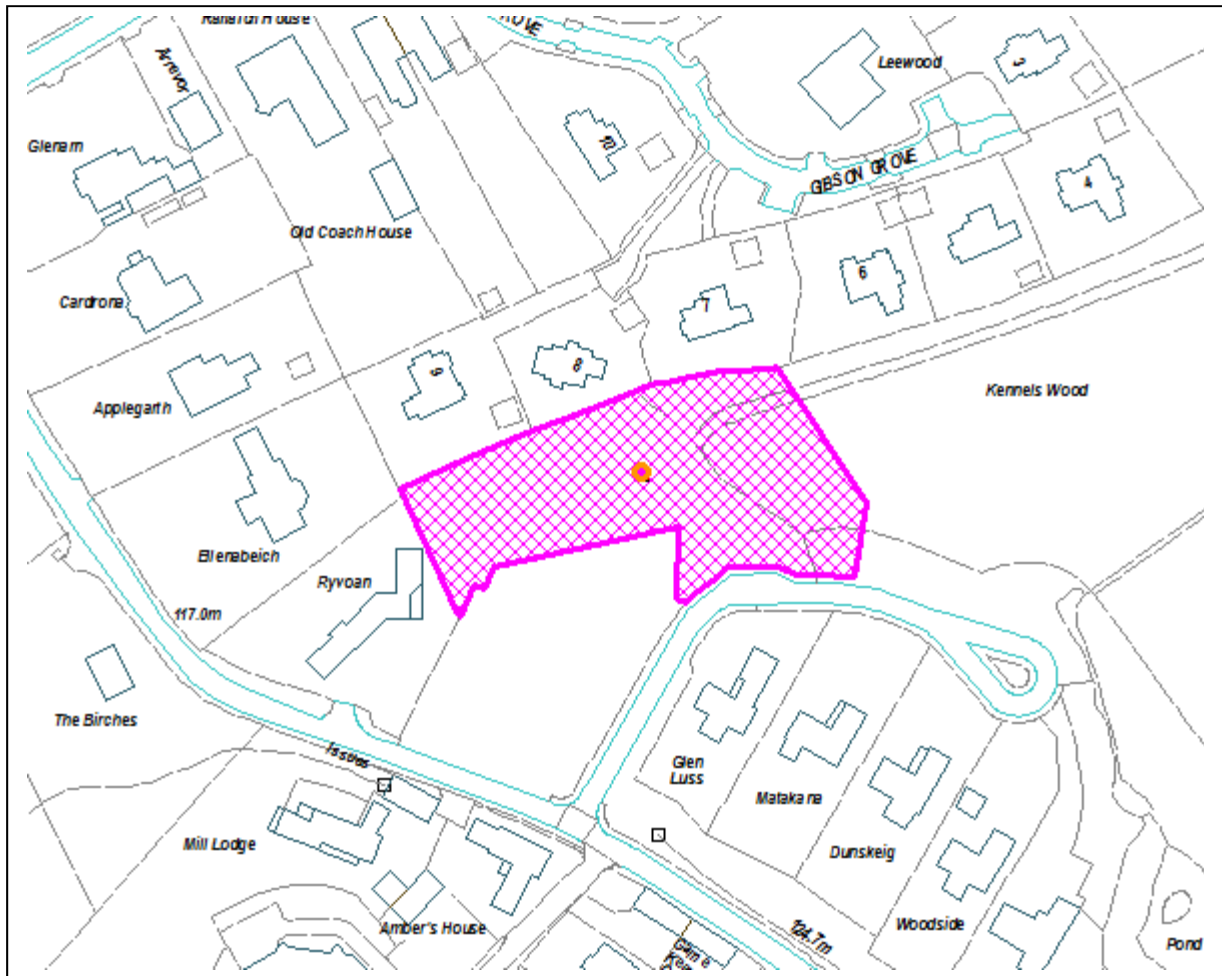
**Reasons:**

- 1 To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the visual amenity of the site, it's setting in the locality and the long-term interest of the existing and proposed trees.
- 2 To ensure vehicles can safely enter and exit the site without presenting a road safety concern.
- 3 To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.
- 4 To ensure that adequate parking facilities are available.
- 5 In the interest of visual amenity and road safety.
- 6 To ensure that the development, both during construction and once completed, does not increase the potential for drainage issues or resultant flooding at the site or elsewhere in the local area.

**Advisory Note:**

As outlined on the submitted drawings, the existing footway, located to the north side of carriageway, should be extended to the location of the new access and constructed to Stirling Council's "Development Roads Guidelines and Specifications".

## Location of Development



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Stirling Council

Agenda Item No. 7

Planning & Regulation Panel

Date of Meeting: 2 October 2018

Not Exempt

Provision of Roadside Services, Including Erection of a Petrol Filling Station with Retail Kiosk, and Coffee Shop with Drive Through Facility, with Associated Infrastructure, Vehicle Access, Hardstanding and Landscaping at Land 90M West Of The Highland Gate, Drip Road, Raploch, Stirling - Euro Garages Limited & Stirling Development Agency - 18/00505/FUL

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## Purpose & Summary

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Full planning permission is sought by Euro Garages and Stirling Development Agency for a petrol filling station with retail kiosk and separate coffee shop with drive through facility on land 90 metres west of the Highland Gate, Drip Road, Raploch, Stirling.

This application has been brought to the Planning and Regulation Panel as it relates to land in which the Council has a financial interest and the development is contrary (in part) to the Development Plan.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

## Recommendations

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Panel is asked to:

1. approve the application subject to conditions outlined in Appendix 1 to this report

## Resource Implications

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Not applicable.

## Legal & Risk Implications and Mitigation

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Not applicable.

## 1. Background

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- 1.1. Not applicable.

## 2. Considerations

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### The Site

- 2.1. The application site is located at the southern end of the proposed Kildean Business Park which comprises a strategic development site of approximately 39 acres (15.78 hectares), adjacent to Junction 10 of the M9. The current masterplan provides for a variety of office buildings ranging in size from small business units to bespoke large Headquarters.
- 2.2. The planning application site extends to 0.84 hectares (2.09 acres) and is located adjacent to the access to the business park.

### The Proposal

- 2.3. The proposal seeks full planning permission to develop roadside services, specifically a petrol filling station with retail kiosk and a coffee shop with drive through facility. The proposed layout has been designed to respond to the surrounding land use and its location on a main arterial road.
- 2.4. The petrol filling station and coffee shop buildings are both of a modern low profile design with a minimal height which will assist in ensuring the buildings sit within their surroundings. Views to the site are generally limited and the site is fairly well screened including views back towards the city from the M9.
- 2.5. The layout proposed is a five island forecourt arrangement. The petrol filling station includes a lightweight canopy and a convex, transparent PVC roof. The canopy will allow natural light to illuminate the forecourt as well as providing weather protection to the fuel pumps and allow access to vehicles.
- 2.6. The petrol filling station sales building is single storey, modern in style with a mono pitch roof. The proposed materials for the buildings comprise a mix of composite and timber panels, with vertical glazing panels and aluminium surrounds.
- 2.7. The petrol filling station is proposed to operate on a 24 hour basis and the coffee drive thru is proposed to have opening hours of 6am to 10pm.

### Previous History

- 2.8. There is no previous history of note with reference to the specific site.

### Consultations

#### Trading Standards:

- 2.9. In general any site chosen for a filling station should be sufficiently spacious to allow for facilities planned for the site, the safe routing of vehicles to and from these facilities and to accommodate the hazardous areas created by receiving, storing and dispensing fuels to vehicles. The applicant ought to be advised that a schedule of works along with method statements and risk assessments should be submitted to the Petroleum Officer prior to any works taking place on site.

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**Roads Development Control:**

- 2.10. From the Council's consultant's WSP. Having reviewed the Transport Statement, the following information requires to be provided: 1) Confirmation of the routing and provision to accommodate the core path travelling through the site; 2) Justification to support proposed parking levels; 3) Confirmation of the trip generation for all travel modes; 4) Confirmation as to why the traffic generation data and AM peak hour contained within the network flow diagrams and the trip generation tables differs; 5) An evidence base to support the deviation for the junctions proposed for assessment at the scoping stage; 6) The analysis should be revised to include committed developments; and 7) Review and provision of revised vehicle tracking demonstrating that a vehicle can rest stationary on the side road arm, such that service vehicles can pass a waiting car with no conflict.

**Transport Scotland:**

- 2.11. No objection subject to conditions for lighting details and for there to be no connection to the trunk road drainage system.

**Scottish Natural Heritage:**

- 2.12. No objection subject to a condition which requiring details of surface water and foul water drainage to be approved before works starts on site. A tree survey climb is being undertaken to ascertain whether there are any bat roosts present. If there are, then a licence would require to be obtained from SNH.

**Scottish Environment Protection Agency (East)**

- 2.13. No objection subject to a condition which requiring details of surface water and foul water drainage to be approved before works starts on site.

**Scottish Water:**

- 2.14. No objection. There is adequate water supply and foul drainage capacity.

**Bridge & Flood Maintenance:**

- 2.15. According to the Scottish Environmental Protection Agency (SEPA) maps, the site is at low - high risk of surface water flooding. Recommend no objection to the application on the condition that a detailed design is submitted prior to approval.

**Service Manager (Environmental Health):**

- 2.16. Request conditions in connection with contaminated land and noise restriction on hours of construction.

**Representations**

- 2.17. Two letters of objection has been received on the grounds that no amenities have been provided for the new residents at Kildean; that the proposal is specifically targeted at passing motorists; impact on roads; existence of a 24 hour services at Pirnhall and that the proposal would be contrary to the aims of Stirling Council's Raploch street design project; negative impact on air quality and odours; noise disturbance; light pollution; and potential harm to ground water and River Forth.

**Response:** Granting of this application including a retail kiosk at the petrol filling station could be seen as providing a limited retail facility for the residents, analysis of the impact of the roads is awaited, the existence of a facility at Pirnhall is not relevant to the consideration of this planning application nor would granting of a petrol filling station here impact on the street design project in Raploch. A petrol filling station in this location would bring back a use which hitherto existed in the days of the wider site being used for Kildean Auction Mart. Environmental health have no objection in relation to noise, air quality and odours. A condition has been

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applied which requires proposals for lighting to be submitted, so as to protect light intrusion to residential properties. A condition has been applied which requires detailed proposals for surface water and foul drainage to be approved before works starts on site; the impact on the River Forth as a special protection Area is still be determined through final consultation with Scottish Natural Heritage.

### **Local Development Plan**

- 2.18. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application.
- 2.19. Primary Policy 1: Placemaking; Policy 1.1: Site Planning; Policy 1.2: Design Process; Policy 1.3: Green Network and Open Space; Primary Policy 2: Supporting the Vision and Spatial Strategy; Policy 2.4: Safeguarding Employment Land and Property; Policy 2.7: Retail and Commercial Leisure Development; Policy 2.8: Sites Suitable for a Mix of Uses; Policy 3.2: Site Drainage; Primary Policy 4: Greenhouse Gas Reduction; Policy 4.1: Low and Zero Carbon Buildings; Primary Policy 5: Flood Risk Management; Primary Policy 6: Resource Use and Waste Management; Policy 8.1: Biodiversity Duty; Policy 9.2: Landscaping and Planting in Association with Development; Policy 10.1: Development Impact on Trees and Hedgerows.

### **Other Planning Policy**

- 2.20. Material consideration: Kildean Development Framework. The Modified Plan, 2018.

### **Assessment**

- 2.21. In addition to the extensive policies considered, outlined in Paragraph 2.18 above, the Kildean Development Framework is a key material planning consideration in this instance. The overarching vision of the Kildean framework is – “The development of the site for a high quality, ecologically sensitive, extension to Castle Business Park and Raploch, which is well integrated in to its surroundings. This will require careful consideration of the types and location of uses on the site, the built form, and the structure and type of open space and landscaping within the site.”
- 2.22. As regards Ancillary Commercial Uses, the Framework states the following – “The location of commercial uses, other than Class 4/5 Business use within the Business Park area will be limited to areas with a frontage with Drip Road. Acceptable ancillary commercial uses may include hotel/leisure use, restaurant/bar, or Class 3 café”. This application contains a Class 3 café use and does front Drip Road.
- 2.23. In this instance, part of the application site is not actually within the site boundary identified within the Local Development Plan for the Kildean development (Proposal B06). This is the site for the proposed Petrol Filling Station, which strictly speaking, is situated within the Countryside. The boundary of the Kildean proposals, as identified in the Local Development Plan, follows the line of what would have been the original Drip Road, prior to its reconfiguration in association with the development of the M9 motorway to the west. It is an area of leftover land between the new alignment of Drip Road and its former alignment. The siting of the drive-through coffee shop, on the other hand, is just within the boundary of the allocated site.

- 2.24. Given the scale of the Kildean business land allocation, and the location of the two component uses associated with this planning application, it is not considered that granting of this application would undermine the principal objectives associated with the wider Kildean site. On the contrary, they could be argued to be complementary, with their location being in close proximity to the existing restaurant and hotel. They do not undermine the objectives, in terms of land use, layout, movement, built form and landscaping which underpin the Kildean framework and on that basis, it is recommended that planning permission be granted.

## 3. Implications

### Equalities Impact

- 3.1. This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

### Sustainability and Environmental

- 3.2. An Environmental Impact Assessment is not required.

### Fairer Scotland Duty

- 3.3. This section is not applicable.

### Other Policy Implications

- 3.4. All relevant policies have been set out in section 2.

### Consultations

- 3.5. As set out in section 2.

## 4. Background Papers

- 4.1. Planning Application file 18/00505/FUL. File can be viewed online at:  
<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PCDLOHPIHNX00>

- 4.2. List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	1b
02	Location Plan	1a
07	Site Plan	3h
08	General	5c
09	General	4c
10	Elevations	6b
11	Landscaping	01

## 5. Appendices

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5.1. None.

Author of Report:

Iain Jeffrey  
Senior Planning Officer

Contact Details:

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Signed By:

Jay Dawson  
Team Leader – Development Management

Date: 24 September 2018

Signature:



Approved by:

Brian Roberts  
Senior Manager Infrastructure

Date: 24 September 2018

Signature:




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Details of Convener(s), Vice Convener(s),  
Portfolio Holder and Depute Portfolio Holder  
consulted on this report

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Wards affected:

Ward 4 Stirling North

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Key Priorities:

N/A

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Key Priority Considerations:

2.1 **N/A**

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Stirling Plan Priority Outcomes:  
(Local Outcomes Improvement  
Plan:

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N/A

**PROVISION OF ROADSIDE SERVICES, INCLUDING ERECTION OF A PETROL FILLING STATION WITH RETAIL KIOSK, AND COFFEE SHOP WITH DRIVE THROUGH FACILITY, WITH ASSOCIATED INFRASTRUCTURE, VEHICLE ACCESS, HARDSTANDING AND LANDSCAPING AT LAND 90M WEST OF THE HIGHLAND GATE, DRIP ROAD, RAPLOCH, STIRLING - EURO GARAGES LIMITED & STIRLING DEVELOPMENT AGENCY - 18/00505/FUL**

Approve subject to the following conditions:

- 1 **Drainage:** No work shall commence on site until a detailed design for surface and foul water drainage is submitted to the Planning Authority and is approved in writing.
- 2 **Comprehensive Contaminated Land Investigation:** Prior to commencement of any site works, a comprehensive contaminated land investigation shall be submitted to and approved by the Planning Authority in writing. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites - Code of Practice (BS 10175:2011)". The report must include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish Executive Planning Advice Note 33.
- 3 **Detailed Remediation Strategy:** Where the risks assessment identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted to the Planning Authority for approval. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Planning Authority.
- 4 **Remediation:** Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.
- 5 **Confirmation Work Carried Out:** On completion of the remediation works and prior to the site being occupied, the developer shall submit a report to the Planning Authority confirming the works have been carried out in accordance with the remediation plan.
- 6 **Unsuspected or Unencountered Contamination:** The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.
- 7 **Lighting:** The lighting of all external area shall be designed so as to avoid glare and sky glow; prior to commencement of the approved development, details of all the proposed lighting within the site shall be submitted to the Planning Authority and approved in writing.

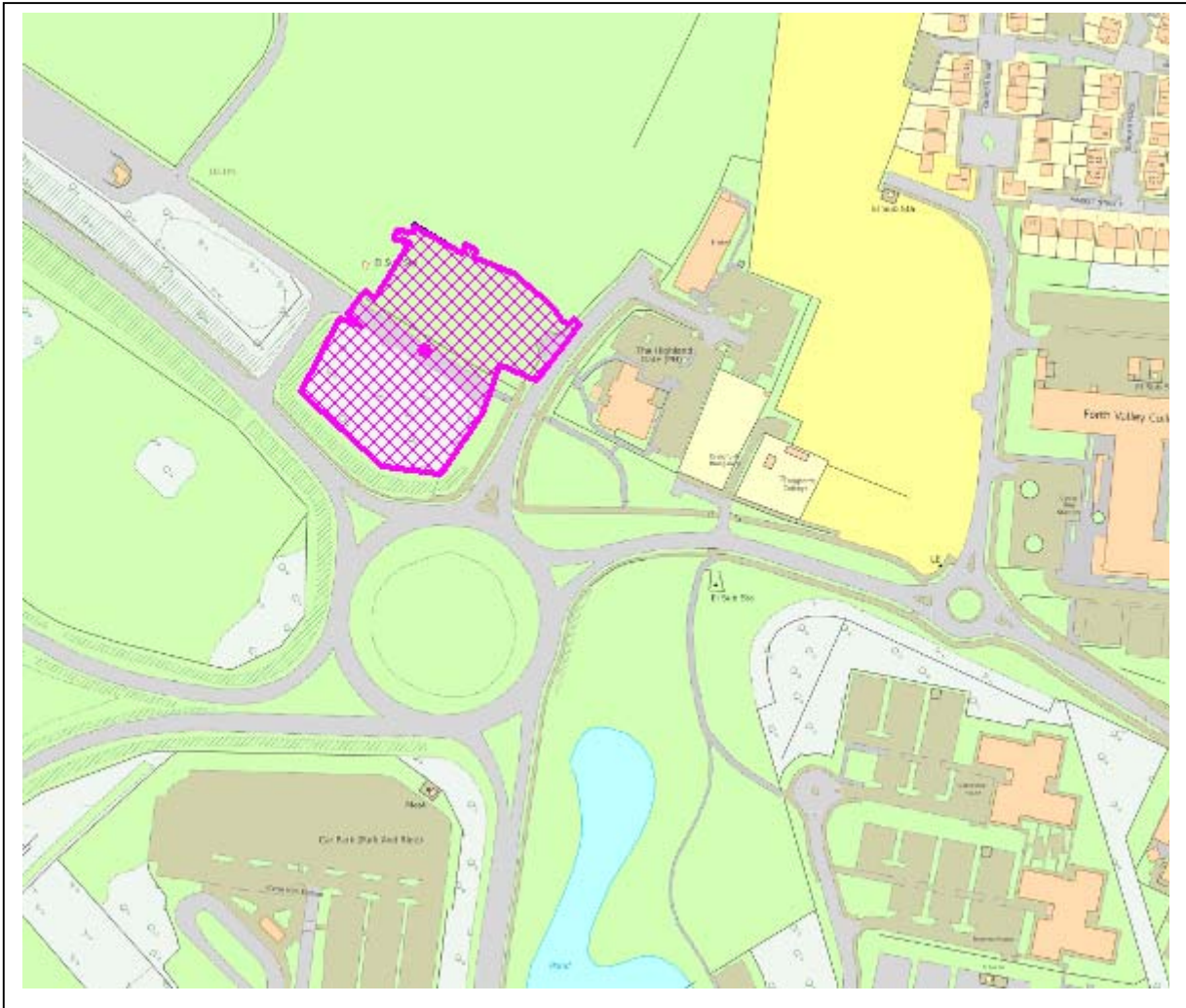
- 8 **Landscape - Planting on Completion:** All planting, seeding, turfing and other works indicated on the approved landscaping plans shall be carried out in the first planting season following completion of the buildings granted consent.
- 9 **Trunk Road Drainage:** There shall be no drainage connections to the trunk road drainage system.
- 10 **Details of Materials:** Samples of the materials to be used for the external walls and roof of the development granted permission shall be submitted to, and approved in writing by, the Planning Authority before any work starts on site.

**Reasons:**

- 1 To ensure that adequate and timeous arrangements are made available for water and drainage.
- 2 To ensure potential risks arising from previous site uses have been fully assessed.
- 3 To ensure the proposed remediation plan is suitable.
- 4 To ensure the remedial works are carried out to the agreed protocol.
- 5 To provide verification the remediation has been carried out to the Authority's satisfaction.
- 6 In the interests of public health.
- 7 To protect the occupants of nearby housing from harm to their amenity from light intrusion and to ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
- 8 In the interests of amenity, to ensure that the proposed development is provided with a suitable standard of landscaping and is assimilated into the surrounding area at the earliest practical stage.
- 9 To ensure that the efficiency of the existing trunk road drainage network is not affected.
- 10 In order to achieve an acceptable form of external treatment.



Location of Development





Stirling Council

Agenda Item No. 8

Planning & Regulation Panel

Date of Meeting: 2 October 2018

Not Exempt

Estate Office and Parking Area at Land 65 Metres South West of East Lodge, Gargunnock - Mr David Stirling - 18/00117/FUL

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## Purpose & Summary

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The Proposal seeks full planning permission for the erection of an estate office and associated infrastructure at land sixty five metres south west of East Lodge, Gargunnock. This planning application has been referred to the Planning and Regulation Panel at the request of Councillor Graham Lambie who has highlighted that the community have concerns centred on inappropriate and over development of the site.

Due to the date on which this application was validated it requires to be considered by the Panel under the procedures relevant at that time: [Planning Procedures Prior to 12th June 2018](#).

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

## Recommendations

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Panel is asked to:

1. approve the application subject to the planning conditions set out at Appendix 1 to this report.

## Resource Implications

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Not applicable.

## Legal & Risk Implications and Mitigation

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Not applicable.

# 1. Background

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- 1.1. Not applicable.

# 2. Considerations

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## The Site

- 2.1. The Leckie estate is a one thousand, five hundred and forty seven acre agricultural, sporting and forestry estate five hundred metres west of Gargunnock. The site is situated at the north eastern corner of a grazing field at the north eastern extremities of the estate immediately adjacent to Bield Farm and existing agricultural buildings, close to the main road and adjoining the site of the proposed four chalets (application 18/00118). The land is rural low land, relatively flat and is used for grazing.

## The Proposal

- 2.2. It is proposed to build an estate office building and associated infrastructure on a greenfield site within the estate. The office proposed falls with Class 4 business of the Town and Country Planning (Use Classes)) (Scotland) Order 1997. Class 4 covers office use, research and development of products or processes, light industry. Within Class 4 there is a permitted change to Class 6, storage and distribution (limited to a floor area of two hundred and thirty five square metres or less)
- 2.3. The proposed drawings show a traditionally designed full two storey building, to be built from stone and with a natural slate finished roof, constructed on the south western corner of the site, opposite a proposed agricultural shed with permitted development rights (ref 17/00235/NPA) and with a back drop of trees. The ground floor drawings show office space, waiting area and a kitchen area and the upper floor shows office space and an entertainment room. The building is to be accessed via the private estate road that leads out onto the main C22 road which leads into Gargunnock.
- 2.4. The Leckie Estate was recently purchased by the applicant who wishes to invest in the estate so that it is self-sustaining. The proposed estate office is considered essential for the running and management of the various estate management activities, including: scale of the rural sporting estate activities proposed, established forestry operations; established farming operations, as the owner will be taking over as the principal farmer; and, payroll/staffing departments. A planning application for proposed holiday chalets (application 18/00118/FUL) is also being considered by this Panel.
- 2.5. The applicant considers the estate management activities require to be accommodated by the estate office and a purpose-built building is necessary. The additional rooms and the large meeting room are required for the entertaining and hosting of rural sporting parties proposed as part of the future activities on the estate. The office accommodation will be for the estate owner, an accountant, secretary, game keeper, farm management and administration staff for booking and running the holiday lets (18/00118/FUL) and sporting operations.

## Previous History

- 2.6. 17/00235/NPA Agricultural Store and Workshop Approved.

- 
- 2.7. 17/00200/FUL Estate office and parking Withdrawn (change to design and red line).

### Consultations

#### Gargunnoch Community Council:

- 2.8. Gargunnoch Community Council objects to the application.
- 2.9. The Community Council and local residents remain strongly opposed to this application on grounds of planning policy, environmental harm and inappropriate development. The Community Council has no objection in principle to the development of a realistically sized estate office proportionate to the size and day to day operations of the estate. The proposed building is not considered to be of a scale and size appropriate for its countryside location and for the needs of a small estate.

**Response:** It is considered that the proposed build is required for the future viability of the estate and it is not considered that its size and scale will adversely impact upon the character of the area for the reasons set out in the assessment section of this report below.

- 2.10. The proposals will potentially generate a significant daily traffic flow on a road, rural in nature, minor and with a non-standard road junction at Bield Farm. The junction at Bield Farm currently has very poor visibility splays and vertical geometry and requires significant improvement, which adversely alter the character of the area. The access road has no public footpaths and this combined with increased traffic could have a negative impact upon public safety.

**Response:** Transport Development was consulted on the application and has raised no objections. The response is set out below.

#### Service Manager (Environmental Health):

- 2.11. No objection subject to conditions for noise and unsuspected contamination.

#### Roads Development Control:

- 2.12. Transport Development offered no objection to the proposed development subject to conditions. Following this response, the access improvements were carried out by the applicant, therefore Transport Development now offers unconditional support for the application.

### Representations

- 2.13. Fourteen letters of representation were received setting out the following:
- 2.13.1. Concerns about the size of the proposed building and how it is considered to be disproportionate to its stated purpose.
- 2.13.2. **Response:** This is assessed in the main body of the report (Assessment section).
- 2.13.3. That the design of the estate office is also out of character with the buildings in the local area. The proposed building is sited in the Southern Hills Local Landscape Area. The proposed development is out of keeping with a rural settlement and will have a detrimental effect on Watson House, a nearby Category B listed building.
- 2.13.4. **Response:** This is assessed in the main body of the report (assessment section).
- 2.13.5. The proposal will compromise road and public safety. The route is also a key local walking and cycling route, known locally as the Gargunnoch

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Loop. This runs from the village, through Watson House, Old Leckie Farm, Leckie Estate and The Bield Farm.

- 2.13.6. **Response:** Transport Development was consulted on the application and has raised no objections (set out above).
- 2.13.7. That the red line boundary appears to include land that is the subject of separate planning applications.
- 2.13.8. **Response:** The red line boundary includes the land necessary to build the office and provide its infrastructure and also includes the proposed means of access.
- 2.13.9. As this is clearly a rural location, the proposed building does not match the character of any other nearby buildings and would look more at place in a business park.
- 2.13.10. **Response:** This is assessed in the main body of the report (Assessment section)
- 2.13.11. No detailed economic plan has been provided to demonstrate the requirement for the office in connection with the diversification of the estate.
- 2.13.12. **Response:** The applicant has submitted a detailed financial statement/business report for these proposals, which was required to be kept private due to it containing sensitive financial information. A summarised version was made available online.

#### **Local Development Plan**

- 2.14. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts; regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application.
- 2.14.1. Primary Policy 1;
- 2.14.2. Policy 1.1: Site Planning Policy; and
- 2.14.3. 2.9: Economic Development in the Countryside.

#### **Other Planning Policy**

- 2.15. Not Applicable

#### **Assessment**

- 2.16. Full Planning Permission is being sought for the erection of an estate office and associated infrastructure at land sixty five metres south west of East Lodge, Gargunnoch on the Leckie estate. During the last 20 years the estate has received little investment and maintenance and repair was minimal.
- 2.17. Central to the estate is Leckie House which is surrounded by productive mixed farm lands, stands of amenity and commercial woodland and small low ground pheasant shoot and grouse shoot over the lands on the Gargunnoch Hills.
- 2.18. The applicant's business case indicates that the existing farming and forestry activities provide a very limited commercial return for the estate. The applicant, owner of the estate, is looking to develop a broad mix of activities which increase employment and maintain the viability of the future operation of the Estate. This office is seen as key to achieving this. The proposed estate office on a day to day

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- basis will provide a centre for shooting parties, provide for the running and management of the proposed chalets (separate application for planning permission 18/00118/FUL), established forestry operations, and established farming operations and the payroll/staffing department.
- 2.19. The applicant states that “the management activities which require to be accommodated by the estate office mean that a purpose-built building is necessary, particularly when there are no suitable existing buildings within the estate which would lend themselves to being converted. The additional rooms and the large meeting room are required for the entertaining and hosting of rural sporting parties proposed as part of the diversification of this estate.” The office accommodation will be for the estate owner, an accountant, secretary, game keeper, farm management and admin staff for booking and running the proposed holiday lets (separate application for planning permission 18/00118/FUL) and sporting operations.
- 2.20. Having regard to the Development Plan, the determining issues for this application relate to the potential impacts of the development on the rural and local landscape; whether the development supports diversification of the rural economy, and if the proposal has a site-specific need for a Countryside location in accordance with Policy 1.5 and Policy 2.9. The requirement objectives of these Policies is to protect the function of the countryside and the rural setting from poorly sited, designed and unnecessary development.
- 2.21. The development proposal is considered to comply with the Development Plan policies set out above as it will benefit the economic viability of the estate and the wider rural economy and is being sited and designed in character with the surrounding built and natural environment. The proposal in land use terms is also considered to be compatible with all planned and existing land uses in the vicinity and can be introduced to the area without impacting adversely upon the character of the area or highway safety for the following reasons.
- 2.22. The design principles have been taken from nearby properties, and the proposal is for a building of traditional form and build. There are existing properties close in proximity to the site and which would share a complimentary visual relationship with the proposal and it is set against a back drop of trees. The proposed estate office would be screened on its northern and southern side. Its sensitive siting with close visual relationship to existing properties, will minimise visual intrusion on the Southern Hill Local Landscape Area. The proposed associated hard landscaping is controlled by condition to ensure this also will be sensitive and minimise visual intrusion. The proposals therefore, represents a sympathetic diversification/expansion of an existing estate by achieving integration with the existing buildings and the wider rural landscape setting.
- 2.23. Policy 2.9 seeks to ensure a healthy and vibrant rural economy and supports rural economic activity for this reason. The estate runs and will run countryside recreational activities that have a site specific need, therefore the office proposed is considered to comply with this policy to help manage the existing and proposed activities. The office development will offer an economic benefit to the estate, which in turn will improve the local rural economy and have a positive impact upon Gargunock. It is considered that the scale of build proposed will probably exceed the current needs of the estate.
- 2.24. Having regard to Policy 2.9: Economic Development in the Countryside of the adopted Local Development Plan the proposal represents development in accordance with this policy. The proposed planning permission is conditioned so that the building is used for office purposes. Use of the building for office purposes will have a wider economic benefit but is not being provided at a scale

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that would undermine the Development Plan strategy of generally directing such uses to business areas. Furthermore, the proposed building is not considered to have a negative impact upon the character of the area by virtue of its scale, design and massing and materials proposed.

- 2.25. The community and Community Council objections have mostly centred on the fact the proposals are likely to have a negative impact upon the character of the area, there is no business case for the size of build proposed and will adversely impact upon public and highway safety. This is not considered to be the case for the reasons set out in the paragraph above.
- 2.26. Overall, it is considered that the development proposal will contribute in a positive manner to the rural environment in accordance with Policy 1.1. The proposal will also support the diversification of the estate and rural economy without impacting negatively on the core role and function of the local landscape area in accordance with Policy. Finally, the application submissions have demonstrated a sites-specific requirement for the countryside location being association with and complimentary to the existing and proposed businesses in accordance with Policy 2.9.

### 3. Implications

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#### Equalities Impact

- 3.1. This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

#### Sustainability and Environmental

- 3.2. An Environmental Impact Assessment is not required.

#### Fairer Scotland Duty

- 3.3. This section is not applicable.

#### Other Policy Implications

- 3.4. All relevant policies have been set out in section 2.

#### Consultations

- 3.5. As set out in section 2.

### 4. Background Papers

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- 4.1. Planning Application file 18/00117/FUL. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4R94EPI0CD00>

- 4.2. List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	SD/1649/OD01
02	General	SD/1649/OF02



## 5. Appendices

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### 5.1. Appendix 1 – Conditions and Reasons.

Author of Report:

Peter McKechnie  
Planning Officer

Contact Details:

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mckechnie@stirling.gov.uk

Signed By:

Christina Cox  
Planning & Building Standards Manager

Date: 20 September 2018

Signature:



Approved by:

Brian Roberts  
Senior Manager - Infrastructure

Date: 21 September 2018

Signature:




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Details of Convener(s), Vice Convener(s),  
Portfolio Holder and Depute Portfolio Holder  
consulted on this report

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Wards affected:

Ward 2 Forth & Endrick

Key Priorities:

N/A

Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:  
(Local Outcomes Improvement  
Plan:

N/A

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**ESTATE OFFICE AND PARKING AREA AT LAND 65 METRES SOUTH WEST OF EAST LODGE, GARGUNNOCK - MR DAVID STIRLING - 18/00117/FUL**

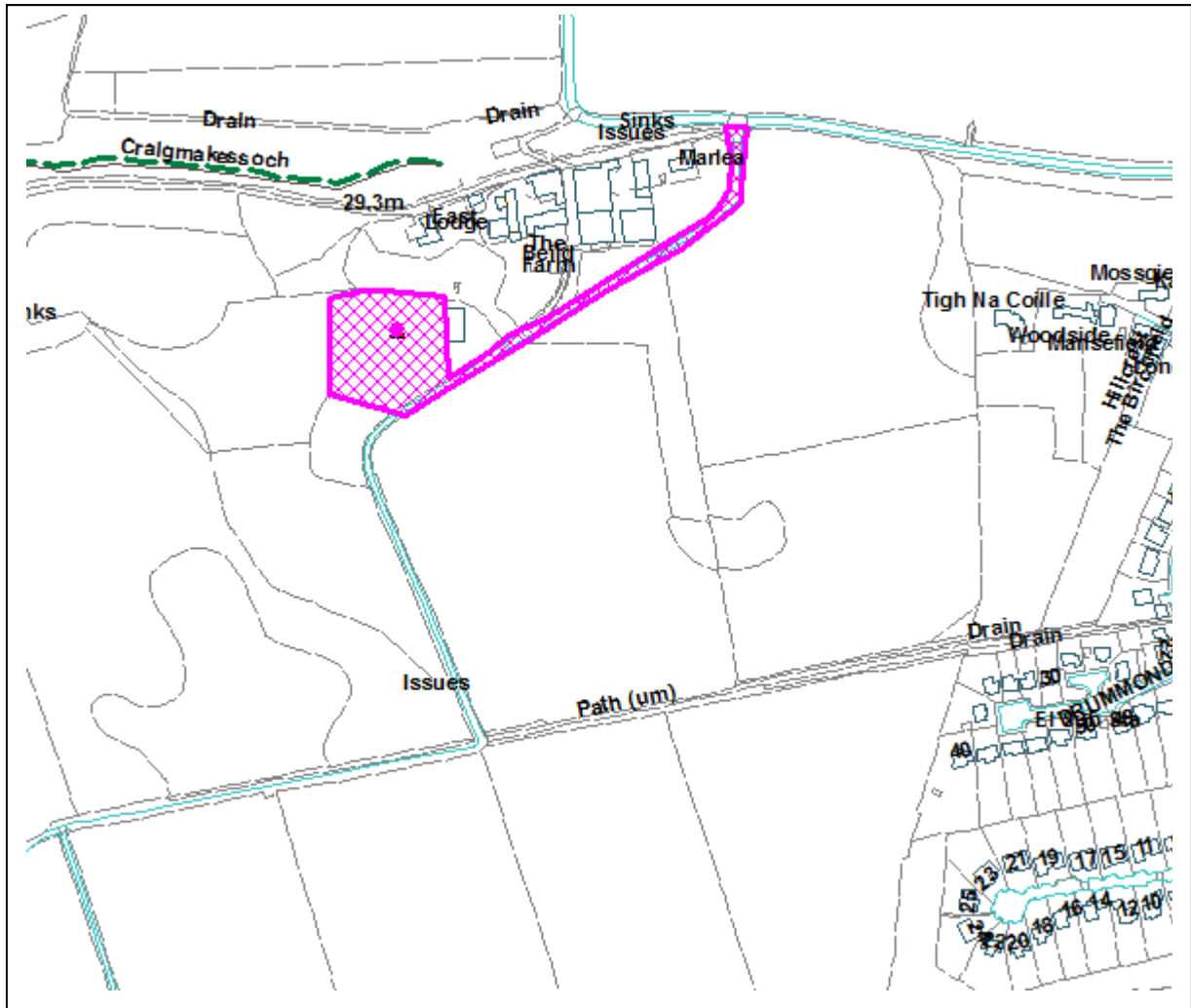
Approve subject to the following conditions:

- 1 **Details of Materials:** Samples of the materials to be used for the external walls and roof of the development granted permission shall be submitted to, and approved in writing by, the Planning Authority before any work starts on site.
- 2 **Natural Slate On Roof:** The buildings roofs hereby approved, shall be clad using a natural slate only.
- 3 **Restrict Use To:** Notwithstanding the provision of the Town & Country Planning (Use Classes) (Scotland) Order 1997, the land/premises shall only be used for Class 4 office use and for no other purpose.
- 4 **Landscape - New Planting:** No development shall take place until details of new planting proposals with details of ground preparation, species, nursery stock size and density of planting and areas of grass seed/turf have been submitted to and approved in writing by the Planning Authority.
- 5 **Landscape - Services:** No development shall take place until details of service provisions in so much as they relate to existing trees to be retained and to proposed areas of new planting have been submitted to and approved in writing by the Planning Authority.
- 6 **Landscape - Hard Landscaping:** No development shall take place until details of proposed means of boundary treatment, enclosures, screening, walls and fences, paving and hard surfacing materials have been submitted to and approved in writing by the Planning Authority.
- 7 **Landscape - Lighting:** No development shall take place until details of any outdoor lighting provision have been submitted to and approved in writing by the Planning Authority.
- 8 **Landscape - Planting Before Occupation:** All planting, seeding, turfing and other works indicated on the approved landscaping plans shall be carried out prior to the occupation of the buildings granted consent.
- 9 **Unsuspected or Unencountered Contamination:** The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.

**Reasons:**

- 1 In order to achieve an acceptable form of external treatment.
- 2 In order to ensure an appropriate finish in character with the context of the area.
- 3 In order that the Planning Authority can control the future use of the site.
- 4 To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as insufficient details of the proposed scheme of landscaping have been submitted with the application.
- 5 To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as insufficient details of the proposed scheme of landscaping have been submitted with the application.
- 6 To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as insufficient details of the proposed scheme of landscaping have been submitted with the application.
- 7 To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as insufficient details of the proposed scheme of landscaping have been submitted with the application.
- 8 In the interests of amenity, to ensure that the proposed development is provided with a suitable standard of landscaping and is assimilated into the surrounding area at the earliest practical stage.
- 9 To ensure all contamination within the site is dealt with.

Location of Development





Stirling Council

Agenda Item No. 9

Planning & Regulation Panel

Date of Meeting: 2 October 2018

Not Exempt

## Proposed Erection of Four Guest Chalets at Land Some 200 Metres West Of East Lodge, Gargunnock - Mr David Stirling - 18/00118/FUL

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### Purpose & Summary

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The application seeks full planning permission for the erection of four guest chalets and associated infrastructure on land two hundred metres west of east lodge, Gargunnock. This planning application has been referred to The Planning and Regulation Panel at the request of Councillor Graham Lambie who highlighted the community concerns centred on the inappropriate and overdevelopment of the site.

Due to the date on which this application was validated it requires to be considered by the Panel under the procedures relevant at that time: [Planning Procedures Prior to 12th June 2018](#).

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

### Recommendations

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Panel is asked to:

1. approve the application subject to the planning conditions set out at Appendix 1 to this report.

### Resource Implications

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Not applicable.

### Legal & Risk Implications and Mitigation

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Not applicable.

# 1. Background

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- 1.1. Not applicable.

## 2. Considerations

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### The Site

- 2.1. The site lies on the north edge of the Estate, Five hundred metres west of Gargunnoch, in a woodland sited between the Bield Farm and Watson House (New Leckie House).
- 2.2. The site is relatively sheltered and flat, being sited immediately to the north of the northern escarpment face of the Gargunnoch Hills. The woodland is divided by a tarmac drive, traversing east to west, from the East Lodge to Watson House, which is designated as a Core Path. To the north of the drive, the landform is characterised by a very steep drop to the field below and the woodland is categorised as mixed age, semi-natural, lowland, mixed deciduous woodland. To the south of the drive, the woodland is of plantation origin, comprising a band of Sitka and Norway spruce along the drive, with mixed species woodland sited behind, planted c. 1950.

### The Proposal

- 2.3. The application proposes the erection of four guest chalets within the wooded area described above. The applicant proposes to access the development via a new access road, then down towards the existing junction with the C22 Gargunnoch road. The chalets are single storey with roof accommodation. They have steep pitched roofs, with significant areas of glazing and are to be finished using a mixture of timber cladding, stone and it is a condition that the roofs are to be finished using a natural slate. They are to be positioned amongst the trees.

### Previous History

- 2.4. 17/00203/FUL Erection of Four Guest Chalets (Withdrawn).

### Consultations

#### Gargunnoch Community Council:

- 2.5. Gargunnoch Community Council objects to the application due to planning policy, environmental harm and inappropriate development. The Community Council is concerned about impact on biodiversity, trees and local landscape quality. The Community Council is also concerned that there is not a sufficient economic case for the proposals and that the siting and design of the chalets do not accord with Supplementary Guidance 35.
- 2.6. The proposed chalets do not accord with the definition of chalets set out within Supplementary Guidance 35.
- 2.7. **Response:** The applicant has set out that the proposed chalets are to be used by paying customers intending to shoot on the estate and outwith the shooting season clients holidaying on the estate and undertaking other rural activities. Within the Supplementary Guidance, chalets are defined as being used for the purposes of providing holiday letting accommodation. It is considered that use of the chalets for shooting parties accords with this definition, as it will involve people staying within them for short periods (holiday) to carry out this rural activity. In terms of the proposals meeting all aspects of the design criteria set out within the



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Supplementary Guidance, the guidance is not to be prescriptive, its aim is to encourage high quality design in harmony with local context, not precluding innovative or contemporary designs. These proposals are considered to comply with this and will use traditional materials that are actively encouraged within the guidance. The proposals are single storey with roof accommodation, which is acceptable in this site context in accordance with Supplementary Guidance 35.

- 2.8. The proposals have already resulted in tree loss.
- 2.9. **Response:** This was investigated and the tree removal was carried out under licence.
- 2.10. The proposals are likely to lead to further tree loss and adverse impact upon the local landscape.
- 2.11. **Response:** The applicant submitted a tree protection and arboriculture impact assessment report with this application that will ensure trees shown to be retained will be retained. All arboriculture works are to be assessed and supervised by a competent Arboriculturalist.
- 2.12. These proposals do not address the previously rejected appeal and the reasons for dismissing the appeal. This appeal concluded that construction in this area would be detrimental to the local landscape.
- 2.13. **Response:** The history of the site is a material consideration, however the policy position has changed since the appeal decision. The Arboricultural report submitted sets out that the site can be developed without significant harm.
- 2.14. The proposed designs are not chalets and should instead be considered under Policy 2.10: Housing in the Countryside.
- 2.15. **Response:** It is considered that the proposals, applied for as chalets, do accord with the policy considerations for chalets as set out in the Assessment section of this report (See below).
- 2.16. Any economic benefit does not outweigh the environmental damage.
- 2.17. **Response:** It is not considered that the proposals will result in environmental damage for the reasons set out below in the assessment section of this report.
- 2.18. These proposals will adversely impact upon local biodiversity.
- 2.19. **Response:** It is not considered that the proposals will result in environmental damage for the reasons set out below in the assessment section of this report. The applicant has identified in the submitted surveys the biodiversity of the site and is prepared to implement all necessary mitigation in order to protect the biodiversity value of the site. The mitigation is set out in the conditions.

**Service Manager (Environmental Health):**

- 2.20. No objections and no conditions.

**Roads Development Control:**

- 2.21. Transport Development offered no objection to the proposed development subject to conditions. Following this response the access improvements were carried out by the applicant, therefore Transport Development has no further comment on the application.

**Representations**

- 2.22. 18 letters of representation were received setting out the following:

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- 2.22.1. That the design of the four properties is that of residential development. The buildings do not respect local landforms and patterns of vegetation. There has already been significant woodland felling operations to clear areas for development. The proposed buildings will require further tree removal and the plans do not adequately show root protection areas for important trees.
- 2.22.2. **Response:** The design and siting of the chalets is recommended for approval for the reasons set out in the Assessment section below. The tree felling to date was investigated and was being carried out under licence. Root protection and tree removal is recommended as conditions of any approval and attached to this report (Appendix 1).
- 2.22.3. That the proposed chalets do not do not have a topographical relation to the neighbouring properties. The proposal will alter the natural boundary between East Lodge and Watson House.
- 2.22.4. **Response:** The design and siting of the chalets is recommended for approval for the reasons set out in the assessment section below.
- 2.22.5. That the application contains no detailed assessment of the biodiversity of the woodland.
- 2.22.6. **Response:** Biodiversity surveys were carried out for these proposals, which has informed detailed conditions for any approval and attached to this report (Appendix 1).
- 2.22.7. The application does not meet the policy relating to chalet developments in the countryside, and also that this area of woodland is not appropriate for development. The area of woodland itself is where many local residents walk and cycle through – and significantly forms part of the landscaped grounds of listed Watson House.
- 2.22.8. **Response:** The proposals are considered to accord with policy for the reasons set out below in the Assessment section of this report.
- 2.22.9. That the 2001 planning appeal decision confirms that whilst the woodland needs ongoing maintenance, the trees make such a significant contribution to the Local Landscape Area.
- 2.22.10. That the proposed chalets fail policy tests, as they are not intended for holiday letting accommodation, rather they are intended as an integral part of the economic operation of the Estate. Similarly, they are not part of a managed site with communal grounds, nor do they have shared facilities and access.
- 2.22.11. **Response:** The chalets are intended to be used as holiday lets and this recommendation includes conditions ensuring that this is how they will be used. Supplementary Guidance 35 supports chalets for holiday let purposes in a woodland setting and sets that communal grounds with shared facilities can form part of these types of proposals. It is not prescriptive that all chalets proposals must have communal grounds are shared facilities.
- 2.22.12. This will lead to an unacceptable increase of traffic at the junction of the Bield Farm road and Leckie Road.
- 2.22.13. **Response:** Transport Development was consulted on the application and has raised no objections.

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### **Local Development Plan**

- 2.23. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application.
- 2.24. Primary Policy 15 Tourism and Recreational Development Tourism and recreational activities.
- 2.25. Policy 15.1 Tourism development including facilities and accommodation.
- 2.26. Policy 9.1 Protecting Special Landscapes.
- 2.27. Supplementary Guidance on Chalet Development (SG35).
- 2.28. Policy 8.1 Biodiversity Duty.

### **Other Planning Policy**

- 2.29. None.

### **Assessment**

- 2.30. Full planning permission is being sought for the erection of four guest chalets and associated infrastructure on land some two hundred metres west of East Lodge, Gargunnoch on the Leckie estate. Central to the estate is Leckie House, which is surrounded by productive mixed farm lands, stands of amenity and commercial woodland and small low ground pheasant shoot and grouse shoot over the lands on the Gargunnoch Hills.
- 2.31. The applicant's business case sets out that the existing farming and forestry activities provide a very limited commercial return for the estate which has seen little investment. The applicant is looking to develop a broad mix of activities which increase employment and maintain the viability of the future operation of the Estate. These chalets are seen as an intrinsic part of achieving this and helping to secure the viability of the estate. The proposed chalets are to provide guest accommodation for shooting parties, which is to be a diversified use of the estate.
- 2.32. The site is located within a woodland, local landscape areas, area of biodiversity importance and in an area of countryside as defined in the adopted Local Development Plan.
- 2.33. The woodland compartment has not been identified as ancient woodland, native woodland remnants and ground flora are both evident on site, a number of veteran Oak and Ash are also present. Minor conifer species include stands of yew and individual Corsican Pine and Giant Redwood. A small number of Norway Spruce were noted within the compartment.
- 2.34. The site is relatively sheltered and flat, being sited immediately to the north of the northern escarpment face of the Gargunnoch Hills. The woodland is divided by a tarmac drive, traversing east to west, from the East Lodge to Watson House, which is designated as a Core Path. To the north of the drive, the landform is characterised by a very steep drop to the field below and the woodland is categorised as mixed age, semi-natural, lowland, mixed deciduous woodland.
- 2.35. Having regard to the Development Plan and statutory material consideration Supplementary Guidance 35: Chalet Developments, it is considered that this proposal can be supported for the reasons set out below. It is considered that the

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landscape can accommodate the development, without being visually prominent and adversely impacting upon the local landscape and biodiversity.

- 2.36. The proposed chalet layout is considered to be sympathetically designed to minimise visual impact. The chalets are proposed to be located within the existing woodland area. This will enable the proposal to take advantage of the setting and will also assist with minimising any visual intrusion caused by the proposal. The chalets will not be visually prominent situated amongst the trees in a location where an established landscape setting can accommodate such development without them being visually prominent within the natural environment. Moreover, the proposal represents a sympathetic diversification/expansion of an existing estate by achieving integration with the existing buildings and the wider rural landscape setting.
- 2.37. These additional four chalets have a clear site specific, rural land requirement and will generate an income that could be reinvested into the estate. The development of holiday chalets will have wider economic benefits to the local area including the village of Gargunnock.
- 2.38. The engineering operations that are required to form the internal access road, a level area for the construction and the parking to the front of the chalets is also not considered to be harmful to the local landscape setting. The proposed chalets will benefit from natural landscape screening.
- 2.39. The applicant has submitted supporting information setting out how the proposals can be formed, ensuring there is to be no significant tree loss as part of the proposal. It is anticipated that there may be limited tree loss to form the access drives. Furthermore, works will take place close to and within root protection zones. Planning conditions form part of this recommendation ensuring a detailed construction method statement is submitted involving an onsite monitoring arboriculturalist to ensure trees to be retained are protected.
- 2.40. In respect of biodiversity the applicant has carried out surveys identifying protected species within the site, which has identified red squirrels and bats for example. The survey work is to be carried out again as part of the prior to commencement conditions to ensure clear mitigation measures can be reported to the Planning Authority and agreed in writing. This will ensure the proposals are constructed without a significant impact upon the local landscape and the biodiversity of the site.
- 2.41. The chalet designs in relation to scale, detailing of the roof form/massing, vertical windows, low veranda, and finishing materials are all considered to comply with the design guidance on chalets.
- 2.42. The community and Community Council objections have mostly centred on the fact the proposals are likely to have a negative impact upon the character of the area, there is no business case for the size of build proposed and will adversely impact upon bio-diversity, public and highway safety. This is not considered to be the case for the reasons set out above.
- 2.43. Gargunnock Community Council and local residents have referred to a previous appeal. It is relevant that the policy and supplementary guidance support set out above has been developed since the appeal was determined. Furthermore, those proposals differed from the proposed siting of this application.
- 2.44. Furthermore, the proposals are considered to comply with the relevant Local Development Plan Policies 15.1 for Holiday Letting Accommodation and 9.1 for Local Landscape Areas, and the Supplementary Guidance (SG35) on chalet development which includes the holiday cottages for the reasons set out above.

- 2.45. The holiday use is to be secured through the use of an appropriate planning condition restricting the occupation of the chalets as set out at Appendix 1 to this report.
- 2.46. Overall, it is considered that this chalet development will contribute in a positive manner to the rural environment in accordance with Supplementary Guidance 35. The proposal will also support the diversification of the estate and rural economy without impacting negatively on the core role and function of the local landscape area in accordance with Policy.

## 3. Implications

### Equalities Impact

- 3.1. This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

### Sustainability and Environmental

- 3.2. An Environmental Impact Assessment is not required.

### Fairer Scotland Duty

- 3.3. This section is not applicable.

### Other Policy Implications

- 3.4. All relevant policies have been set out in section 2.

### Consultations

- 3.5. As set out in section 2.

## 4. Background Papers

- 4.1. Planning Application file 18/00118/FUL. File can be viewed online at: <https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4R98CPI0CD00>
- 4.2. List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	SD/1649/C01 E
02	Site Plan	SD/1649/C05 B
03	General	SD/1649/C02
04	General	SD/1649/C03
05	General	SD/1649/C04
06	Landscaping	SD/1649/C06 B

## 5. Appendices

- 5.1. Appendix 1 – Conditions and Reasons.

## Author of Report:

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Planning Officer

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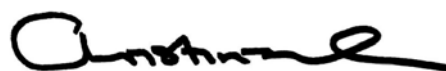
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## Signed By:

Christina Cox  
Planning & Building Standards Manager

Date: 20 September 2018

## Signature:



## Approved by:

Brian Roberts  
Senior Manager - Infrastructure

Date: 21 September 2018

## Signature:



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Details of Convener(s), Vice Convener(s),  
Portfolio Holder and Depute Portfolio Holder  
consulted on this report

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Wards affected:

Ward 2 Forth & Endrick

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Key Priorities:

N/A

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Key Priority Considerations:

N/A

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Stirling Plan Priority Outcomes:  
(Local Outcomes Improvement  
Plan:

N/A

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**PROPOSED ERECTION OF FOUR GUEST CHALETS AT LAND SOME 200 METRES WEST OF EAST LODGE, GARGUNNOCK - MR DAVID STIRLING - 18/00118/FUL**

Approve subject to the following conditions:

- 1 **Details of Materials:** Samples of the materials to be used for the external walls and roof of the development granted permission shall be submitted to, and approved in writing by, the Planning Authority before any work starts on site.
- 2 **Landscape - No Topping, Lopping or Felling:** No trees, shrubs or hedges within the application site shall be topped, lopped, felled or uprooted without the prior written consent of the Planning Authority.
- 3 **Landscape - New Planting:** No development shall take place until details of new planting proposals with details of ground preparation, species, nursery stock size and density of planting and areas of grass seed/turf have been submitted to and approved in writing by the Planning Authority.
- 4 **Landscape - Hard Landscaping:** No development shall take place until details of proposed means of boundary treatment, enclosures, screening, walls and fences, paving and hard surfacing materials have been submitted to and approved in writing by the Planning Authority.
- 5 **Landscape - Lighting:** No development shall take place until details of any outdoor lighting provision have been submitted to and approved in writing by the Planning Authority.
- 6 **Landscape - No Tipping or Ripping:** Within the fenced protected areas of landscape importance there shall be no ploughing, ripping or tipping of soil, no storage of materials or site accommodation.
- 7 **Unsuspected or Unencountered Contamination:** The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.

- 8 **Occupancy Restriction:** The lodges/chalets shall be used solely for holiday accommodation only, and shall not be occupied by the same person for more than twenty eight days in any calendar year, all to the satisfaction of the Council as Planning Authority.
- 9 **Removal of Permitted Development Rights:** Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order, (As Amended 2011), no extensions shall be erected, garden buildings erected, decking or fencing erected within the garden grounds or to the chalets hereby granted permission without the prior submission and approval of a planning application.
- 10 **Updated Tree Protection Plan:** No development shall take place until updated details of trees shrubs and hedgerows to be removed and to be retained, tree protection measures, soil stripping, storage and respreading procedures have been submitted to the Planning Authority by a qualified Arboriculturist and approved in writing. This is to include a full construction method statement, include detailed consideration of all construction operations, including vehicle movement, the proposed location for storing building materials and the location of scaffolding all out with the Construction Exclusion Zone (CEZ) fence/Root Protection Area (RPA) of the trees on site.
- 11 **Tree Removal Plan and Schedule Updated:** Prior to development commencing on site, the tree removal plan and schedule is to be updated and cross referenced to ensure they accurately reflect the full tree removal.
- 12 **Check Installation of Tree Protection Fence:** Prior to works commencing on site, the installation of the Tree Protection fence is to be checked by a fully qualified arboriculturist and the findings reported to the Planning Authority for written approval in accordance with BS:5837:Trees.
- 13 **Project Arboriculturist Attendance Schedule:** Prior to works commencing on site, a schedule of attendance by the project Arboriculturalist will be required to be submitted and agreed in writing by the Planning Authority. This will require to show frequency of site progress meetings to provide advice on construction in the vicinity of trees and monitor site works in relation to trees in particular: setting out of plot positions, services, and access driveways (no-dig construction) with finding reported back to the Planning Authority for written approval.
- 14 **Tree Management Plan:** Upon completion of the chalets a Tree Management Plan is required to be prepared by a qualified Arboriculturalist to assess and clearly establish the potential future hazards posed by the large mature trees and is to be submitted to the Planning Authority for written approval. This Plan shall reduce the hazard by pruning the crowns of potentially dangerous and significantly weak tree parts that occur within the proximity to the development and is to include detail of



trees that require felling, remedial work (e.g. crown deadwood), depending on the nature of the target, sufficient to safeguard the retained trees.

- 15 **Updated Habitat Survey (A Phase One Survey):** Prior to works commencing on site, an up to date phase one habitat survey is to be carried out which clearly identifies any areas of particularly valuable habitat and outlines how these will be preserved. This should include the identification of any groundwater dependent terrestrial ecosystems and how any areas rich in native ground flora would be retained.
- 16 **Updated Nature Surveys:** Prior to works commencing on site, the following surveys are to be updated and submitted for the written approval of the Planning Authority: a Badger Survey, Red Squirrel Survey, a Bat Survey of all trees affected, a Nesting Birds Survey, carried out along with the Bat Survey.
- 17 **Biodiversity Mitigation and Enhancement Plan:** Prior to works commencing on site, a biodiversity report and plan detailing the mitigation of impacts and the opportunities for enhancing the biodiversity value of the site is to be submitted and agreed in writing by the Planning Authority.

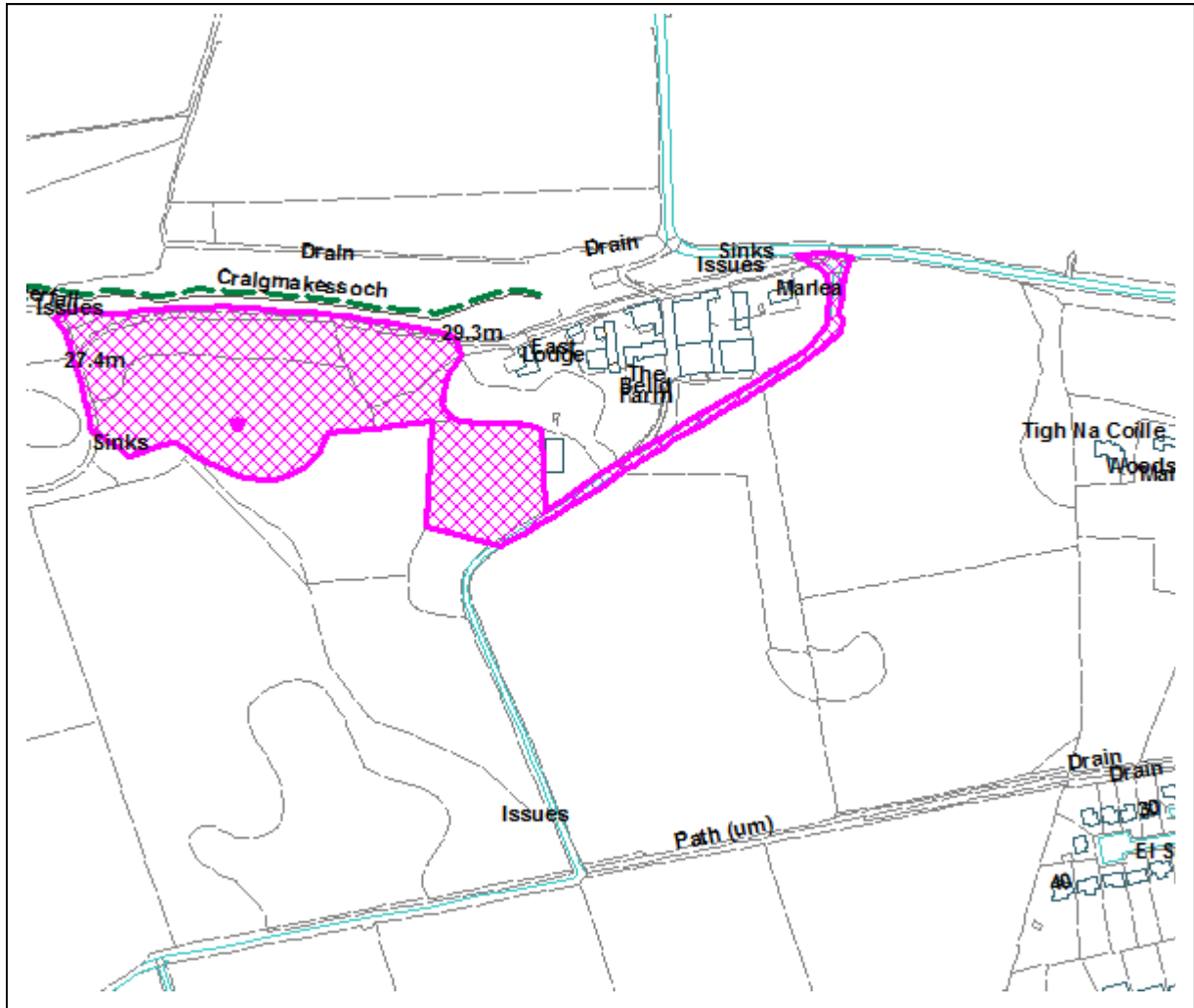
#### **Reasons:**

- 1 In order to achieve an acceptable form of external treatment.
- 2 To ensure the protection, retention and long term viability of existing trees which contribute to the amenity of the proposed development and the surrounding area and to ensure that no unnecessary damage is caused to existing trees, shrubs and other vegetation, as a result of the proposed development operations.
- 3 To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as insufficient details of the proposed scheme of landscaping have been submitted with the application.
- 4 To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as insufficient details of the proposed scheme of landscaping have been submitted with the application.

- 5 To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as insufficient details of the proposed scheme of landscaping have been submitted with the application.
- 6 To ensure the protection, retention and long term viability of existing trees which contribute to the amenity of the proposed development and the surrounding area and to ensure that no unnecessary damage is caused to existing trees, shrubs and other vegetation, as a result of the proposed development operations.
- 7 To ensure all contamination within the site is dealt with.
- 8 The site lies in an area where permission for residential development, unrelated to holiday let, would not normally be permitted.
- 9 In order to ensure any of these future alterations are applied for, as the property is not a house and to ensure they are respectful to the character of the development and its countryside setting.
- 10 To ensure the protection, retention and long term viability of existing trees which contribute to the amenity of the proposed development and the surrounding area and to ensure that no unnecessary damage is caused to existing trees, shrubs and other vegetation, as a result of the proposed development operations.
- 11 In order to ensure these both accurately reflect the full extent of tree loss because they currently differ.
- 12 To ensure the protection, retention and long term viability of existing trees which contribute to the amenity of the proposed development and the surrounding area and to ensure that no unnecessary damage is caused to existing trees, shrubs and other vegetation, as a result of the proposed development operations.
- 13 To ensure the protection, retention and long term viability of existing trees which contribute to the amenity of the proposed development and the surrounding area and to ensure that no unnecessary damage is caused to existing trees, shrubs and other vegetation, as a result of the proposed development operations.
- 14 In order to maintain the integrity of the woodland. Noting that trees that have developed and grown within a woodland context possess defects that might need remedial work and this may change depending on the proposed nature of the final development design.

- 15 In order to ensure the biodiversity sensitivity and value of this site is preserved.
- 16 In order to ensure the biodiversity sensitivity and value of this site is preserved.
- 17 In order to ensure the biodiversity sensitivity and value of this site is preserved and enhanced.

## Location of Development



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