

NOTICE OF MEETING

A MEETING of the **PLANNING & REGULATION PANEL** will be held in the **COUNCIL CHAMBERS, OLD VIEWFORTH** on **TUESDAY 26 SEPTEMBER 2017** at **10.00 a.m.**

IAIN STRACHAN
Chief Officer - Governance
Clerk to the Council

20 September 2017

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 – 5 SEPTEMBER 2017** (Pages 1 - 8)

PLANNING

5. **ERECTION OF 12NO. HOLIDAY CHALETS AND PROVISION OF ASSOCIATED SUPPORTING INFRASTRUCTURE AT LAND 190 METRES NORTH OF BARNS KNOWE, STIRLING – SPECTRUM PROPERTIES LIMITED – 17/00357/FUL – HEARING**
Report by Senior Manager, Infrastructure, Localities & Infrastructure (Pages 9 - 30)
6. **ERECTION OF 1 NO. SINGLE STOREY DETACHED DWELLING AT LAND ADJACENT AND NORTH OF 23 SAUCHENFORD HOLDING, SNABHEAD ROAD EAST, PLEAN – RUSTIC ECO PROPERTIES – 16/00645/FUL – HEARING** Report by Senior Manager, Infrastructure, Localities & Infrastructure (Pages 31 - 46)
7. **CONVERSION AND EXTENSION OF EXISTING GARAGE INTO SELF-CONTAINED ANCILLARY ANNEX AND TWO STOREY EXTENSION TO THE MAIN DWELLING, 9 ST THOMAS WELL, STIRLING, FK7 9PR – MISS AMANDA TERVIT - 17/00387/FUL – HEARING**
Report by Senior Manager, Infrastructure, Localities & Infrastructure (Pages 47 - 60)

8. **APPLICATION UNDER SECTION 42 OF THE TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 TO NOT COMPLY WITH CONDITION 5 OF PLANNING PERMISSION 14/00498/FUL IN REGARDS TO DISABLED PARKING PROVISION AT THE ENGINE SHED, FORTHSIDE WAY, STIRLING, FK8 1QZ – HISTORIC ENVIRONMENT SCOTLAND – 17/00531/FUL – HEARING**
Report by Senior Manager, Infrastructure, Localities & Infrastructure (Pages 61 - 72)

(For further information contact Gail McLaughlin, Committee Officer on 01786 233079 or
Iain Strachan, Governance Officer on 01786 233108)

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in COUNCIL CHAMBERS, OLD VIEWFORTH, TUESDAY 5 SEPTEMBER 2017 at 10.00 am

Present

Councillor Alasdair MACPHERSON (in the Chair)

Councillor Maureen BENNISON
Councillor Chris KANE
Councillor Jeremy McDONALD

Councillor Alistair BERRILL (except part of item PI028)
Councillor Graham LAMBIE
Councillor Evelyn TWEED

In Attendance

Christina Cox, Christina Cox, Planning & Building Standards Manager, Localities & Infrastructure
Jay Dawson, Team Leader – Development Management, Localities & Infrastructure
Stephen Easton, Traffic Management Officer
Gavin Forrest, Planning Officer, Localities & Infrastructure
Andy Gardiner, Planning Officer, Localities & Infrastructure
Rebecca Jardine, Communications Officer – Children, Committees & Enterprise
Jonathan Padmore, Team Leader, Transport Planning, Localities & Infrastructure
Iain Strachan, Chief Officer – Governance, (Clerk)
Mary Love, Committee Officer, Localities & Infrastructure (Minutes)

Also in Attendance

Andrew Mickel, Director of Mactaggart & Mickel Homes Ltd.
Sam Shortt, Chartered Engineer

AGENDA

The Chair intimated his intention to alter the order of the Agenda. The items were taken in the order minuted below.

PL020 APOLOGIES AND SUBSTITUTIONS

Apologies were received on behalf of Councillor Douglas Dodds.

PL021 DECLARATIONS OF INTEREST

Councillor Evelyn Tweed declared an interest in Agenda Item 5, Minute Paragraph PL028 refers, and advised that she would take no part in consideration of that item.

Councillor Alistair Berrill declared an interest in Agenda Item 5, Minute Paragraph PL028 refers, and advised that he would take no part in consideration of that item but intended to speak as a local member before leaving the room.

PL022 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business.

PL023 MINUTES – PLANNING & REGULATION PANEL – 1 AUGUST 2017

Decision

The Panel agreed to approve the Minutes of Meeting held on 1 August 2017 as an accurate record of proceedings.

PL024 ERECTION OF 12 NO. HOLIDAY CHALETS AND PROVISION OF ASSOCIATED SUPPORTING INFRASTRUCTURE AT LAND 190 METRES NORTH OF BARNS KNOWE, STIRLING – SPECTRUM PROPERTIES LIMITED – 17/00357/FUL

A report by the Senior Manager, Infrastructure, advised of the erection 12 holiday chalets and associated infrastructure. The planning application had been referred to the Planning and Regulation Panel, as it was a 'Major' development.

The officer recommendation was to approve the planning application subject to the satisfactory conclusion of a legal mechanism for the payment of a road bond to secure the repair of the private road within the control of the applicant and the condition and reasons set out in the appendix attached to the submitted report.

The Chair advised Members of the Panel that a request for a Hearing had been made by Carron Valley and District Community Council.

No further discussion took place on the item.

Decision

The Panel agreed to defer consideration of the application pending a site visit and Hearing to take place at a future Panel meeting.

(Reference: Report by Senior Manager – Infrastructure (Localities & Infrastructure) dated 4 September 2017, submitted).

PL025 ERECTION OF 1 NO. SINGLE STOREY DETACHED DWELLING AT LAND ADJACENT AND NORTH OF 23 SAUCHENFORD HOLDING, SNABHEAD ROAD EAST, PLEAN – RUSTIC ECO PROPERTIES – 16/00645/FUL

The Senior Manager, Infrastructure advised of the application for the erection of a single storey detached dwelling house. The application had been referred to the Planning and Regulation Panel at the request of Councillor Maureen Bennison on the basis of allowing the Panel to fully assess the Housing in the Countryside Policy and its related supplementary guidance, as it may relate to this application.

The officer recommendation was to refuse Planning Permission for the following reasons:

1. In the opinion of the Planning Authority, the proposal was contrary to Local Development Plan Supplementary Guidance SG10, Housing in the Countryside. The proposal was not considered to visually relate to the existing building group as it was proposed to front a northbound road leading to the junction of the A9 which was free of development. The proposal did not conform to the established pattern of linear development at Sauchenford, which was characterised by an east-west formation and therefore was not in accordance with paragraph 2.7 of the Guidance which required proposals to respect the character, layout and building pattern of the existing group.
2. In the opinion of the Planning Authority, the proposals did not comply with Section 2.9 of SG10. This section stated that in a group outwith a Green Belt consisted simply of frontage houses along a road, infill or additions would be permitted where gaps existed. This had been exhausted by previous developments. This section also stated that extension by no more than 2 plots in either direction may be permitted if there was an appropriate topographical stop. The area had already been developed by 2 or more dwellings in an easterly direction. Visually, albeit not topographically, the road was a physical stop and the proposed change of development pattern did not relate to the area.
3. In the opinion of the Planning Authority, following consultation with the Roads and Transportation Service, any further increased turning manoeuvres at the Sauchenford Cottages junction would be detrimental to road safety and set a dangerous precedent for further similar applications in the future.

The Chair advised Members of the Panel that a request for a site visit Hearing had been made by Councillor Maureen Bennison.

No further discussion took place on the item.

Decision

The Panel agreed to defer consideration of the application pending a site visit and Hearing to take place at a future Panel meeting.

(Reference: Report by Senior Manager, Infrastructure (Localities & Infrastructure) dated 2 September 2017, submitted).

PL026 CONVERSION AND EXTENSION OF EXISTING GARAGE INTO SELF-CONTAINED ANCILLARY ANNEX AND TWO STORY EXTENSION TO THE MAIN DWELLING, 9 ST THOMAS WELL, STIRLING, FK7 9PR – MISS AMANDA TERVIT – 17/00387/FUL

The Senior Manager, Infrastructure advised of an application for the conversion and extension of an existing garage into a self-contained ancillary annex and two storey extension to the main dwelling.

The application had been referred to Planning & Regulation Panel at the request of Councillor Scott Farmer on the following grounds:

1. The development was out of character with the setting of the area;

2. The development was detrimental to the amenity of the area and amounted to potential over-development given the enclosed nature of the street; and
3. The development would result in potentially an unacceptable increase of traffic in the enclosed setting.

The Officer recommendation was to grant the approval of the planning application subject to conditions set out in Appendix 1 of the report.

A request had been made for the Panel to consider a Site Visit and Hearing in determining the application, in order to provide local objectors with an opportunity to present their concerns.

No further discussion took place on the item.

Decision

The Panel agreed to defer consideration of the application pending a site visit and Hearing to take place at a future Panel meeting.

(Reference: Report by Senior Manager, Infrastructure (Localities & Infrastructure) dated 4 September 2017, submitted).

PL027 APPLICATION UNDER SECTION 42 OF THE TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 TO NOT COMPLY WITH CONDITION 5 OF PLANNING PERMISSION 14/00498/FUL IN REGARDS TO DISABLED PARKING PROVISION AT THE ENGINGE SHED, FORTHSIDE WAY, STIRLING, FK8 1QZ – HISTORIC ENVIRONMENT SCOTLAND – 17/00531/FUL

The Senior Manager, Infrastructure advised of an application under Section 42 of the Town & Country Planning (Scotland) Act 1997 in regards to disabled parking provisions at The Engine Shed, Forthside Way, Stirling, FK8 1QZ.

The application had been referred to Planning and Regulation Panel due to Stirling Council having an interest in the site as land owner of the immediately adjacent surrounding land, which was part of a Masterplan for the Forthside regeneration area, within which the 'Engine Shed' site is located.

The Officer Recommendation was to remove Condition 5 of 14/00498/FUL for the following reasons:

- i. Condition 5 of 14/00498/FUL related to a defined redline site. There was physically no capacity within the redline site to provide car parking. The imposition of condition (5) therefore did not satisfy legal requirements related to planning conditions as the applicant was not able to satisfy the condition.
- ii. The Condition served no useful purpose as the applicant could not comply with it. If this application were to be refused the Planning Authority could not enforce the Condition.

The Chair advised Members of the Panel that a request for a Hearing had been made by Councillor Danny Gibson and Riverside Community Council.

No further discussion took place on the item.

Decision

The Panel agreed to defer consideration of the application pending a site visit and Hearing to take place at a future Panel meeting.

(Reference: Report by Senior Manager, Infrastructure, (Localities & Infrastructure) dated 4 September 2017, submitted.)

PL028 ERECTION OF RESIDENTIAL DEVELOPMENT WITH ASSOCIATED LANDSCAPING AND ACCESS AT LAND BETWEEN GARTNESS ROAD AND BLAIRESSAN HOUSE, STATION ROAD, KILLEARN – MACTAGGART AND MICKEL – 16/00784/FUL - HEARING

Councillor Alistair Berrill and Councillor Evelyn Tweed, having declared an interest, took no part in consideration of this item. As previously stated, Councillor Alistair Berrill advised Members of the Panel that he wished to speak about this application as a local member, prior to leaving the room.

A report by the Senior Manager, Infrastructure advised of an application for the erection of residential development and access at land between Gartness Road and Station Road in Killearn.

At its meeting on 1 August 2017, the Panel agreed to defer consideration of the application pending a Site Visit and Hearing to take place at a future meeting of the Panel. The Site Visit took place on 30 August 2017.

All Members currently present had attended the site visit on 30 August 2017 and could therefore take part in consideration of the item.

The Officer recommendation was to agree to approve the application subject to the satisfactory conclusion of a Section 75 Legal Planning Agreement that required the provision of 12 houses on site and agreed the conditions and reasons as set out in Appendix 1 which were attached to the report.

The Chair outlined the procedure for the Hearing.

The Senior Planning Officer introduced the report, which provided details of (a) the proposal; (b) previous history; (c) Development Plan and other material considerations; (d) assessment; (e) objections and comments; and (f) consultations. The Senior Planning Officer also proposed for an additional condition to be added to the Officer Recommendation, should the application be agreed, which was for a construction management plan, to ensure that the construction work and tree removal/new planting on the site and parking for construction staff was managed in the interest of public and road safety.

The Planning Officer responded to a number of questions and requests for points of clarification from Members of the Panel relating to the safer routes to school and Affordable Housing, confirming that the Section 75 Legal Planning Agreement requested would allow the Planning Authority to seek for the inclusion of twelve Affordable Houses within the proposed development.

Applicant

Andrew Mickel, Director of Mactaggart & Mickel Homes Ltd presented the case in support of the application. He provided a brief description of the Company's history and confirmed that Mactaggart and Nickel Homes Ltd agreed with the policy

assessment and recommendations set out in the report. He highlighted that despite the application not being major and as such, there was no statutory need to hold a consultation event, the Company had positively engaged with the community. There had been a series of pre-application discussions and meetings, which involved the landowner, agents, applicants, and their development team, along with officers from Planning and Roads Services. The applicant had also hosted two public meetings in Killearn on 29 March 2016 and 27 September 2016, to engage with the local community and present and discuss draft site layouts. A further meeting between the Applicant and Killearn Community Council took place in November 2016. Mr Mickel confirmed that there was no intention to reduce the number of affordable houses mentioned within the report and that the Company were aiming for twelve. He also confirmed that he would be happy to consult with the Council with regard to a traffic management plan and confirmed that the open space outlined on the map would be paid for by the homeowners within factor maintenance costs.

Mr Mickel responded to questions from Members of the Panel.

Objectors

Sam Shortt spoke against the application and thanked the Panel on behalf of all who objected to the proposal on various grounds, which were supported by Killearn Community Council and added that aspects of his submission covered planning related issues drafted by TMS Planning and Development Services Ltd.

Concerns were raised regarding the potential impact of the development in Killearn and its residents. Mr Shortt raised concerns around planning in relation to the LDP structural landscaping requirement not being met, along with road safety concerns, and highlighted the proposed route to the local primary school being unsafe, due to the need for pedestrians to walk on the main road for part of the way.

Mr Shortt responded to questions from Members of the Panel.

Local Member

Councillor Alistair Berrill spoke against the application as a local member and addressed his concerns around the road safety risks highlighted by Mr Shortt and highlighted the potential increase of traffic flow caused by commuting residents, should the development be approved. He also raised concerns around the design and impact of the development, which he said, would detract from the conservation area adjacent to the site.

Councillor Berrill left the room at this point in the proceedings.

The Chair noted that Jim Ptlomey for Killearn Community Council had intended to speak against the application, however due to unforeseen circumstances, he had submitted his apologies.

The Panel then proceeded to consider the application.

Councillor Graham Lambie having moved that the application be refused but having failed to find a seconder, requested that his dissent be recorded.

Decision

The Panel agreed:

1. to approve the application subject to the satisfactory conclusion of a Section 75 Legal Planning Agreement that required the provision of 12 Affordable Houses on site;
2. the conditions and reasons as set out in Appendix 1, which were attached to the report, and with the following additional conditions:
 - i. approval of a school travel plan by the Planning Authority prior to commencement of any work on the development site;
 - ii. approval of a landscape management plan by the Planning Authority prior to commencement of any work on the development site; and
 - iii. approval of a construction management plan by the Planning Authority prior to commencement of any work on the development site.

(Reference: Report by Senior Manager – Infrastructure (Localities & Infrastructure) dated 4 September 2017, submitted).

In terms of Standing Order 39, the Panel adjourned at 11.10 am for a comfort break.

The meeting reconvened at 11.20 am, with Councillor Alistair Berrill re-joining Members of the Panel.

PL029 ERECTION OF A PERGOLA AT ACHENGILLAN COACH HOUSE, BLANEFIELD, G63 9AU – MR ROBERT DAVIES – 17/00409/FUL

The Senior Manager, Infrastructure advised of the application for the erection of a pergola. The application had been referred to the Planning & Regulation Panel by the Council's Planning and Building Standards Manager because the applicant was a local Councillor.

The Planning Officer introduced the report which provided details of (a) the site and proposal; (b) Development Plan; and (d) assessment and highlighted that this was a retrospective application, as the pergola had already been erected. He confirmed that the only reason the application had been presented to Members of the Panel was due to the applicant being a local Councillor.

The Officer recommendation was to grant the approval of the planning application without any planning conditions.

The Planning Officer responded to questions from Members of the Panel.

Decision

The Panel agreed:

1. to grant the approval of the planning application without any planning conditions

(Reference: Report by Senior Manager, Infrastructure (Localities & Infrastructure) dated 4 September 2017, submitted).

PL030 REVIEW OF STIRLING COUNCIL (VARIOUS STREETS, CAMBUSBARRON) PROHIBITION AND RESTRICTION ON WAITING) (CONSOLIDATION AND AMENDMENT NO.3) ORDER 2015

A report was presented to the Panel, reviewing an Order to introduce “no waiting at any time”, parking restrictions along part of Douglas Terrace, Cambusbarron. The Order had previously been refused at the Planning & Regulation Meeting on 6 September 2016, and it was recommended that the report was brought back to the Panel in eight months to review the situation.

The Officer recommendations was for the Panel to agree to adopt one of the following:-

1. Having reviewed the report, to instruct officer to promote a new Order inclusive of a further consultation of all streets affected.
2. To uphold the previous decision and allow the status quo to continue.

The Officer advised Members of the Panel that since the September 2016 meeting, one letter of complaint had been received along with a recently submitted letter from Cambusbarron Community Council. Two emails were received from Councillor Scott Farmer, which had been sent from residents who had expressed concerns over the current situation, along with a telephone call enquiring on the progress of the issue.

The Officer responded to questions from Members of the Panel in relation to options available around the issue.

Decision

The Panel agreed to instruct officers to promote a new Order inclusive of a further consultation of all streets affected.

(Reference: Joint Report by Roads and Land Service Manager (Localities & Infrastructure, Road and Land Team Leader (Roads Network) (Localities & Infrastructure), Senior Manager, Environment & Place (Localities & Infrastructure) dated 28 August 2017, submitted.)

The Chair declared the Meeting closed at 11.40 am

STIRLING COUNCIL**THIS REPORT RELATES
TO ITEM 5
ON THE AGENDA**

PLANNING & REGULATION PANEL**LOCALITIES &
INFRASTRUCTURE**

26 SEPTEMBER 2017**NOT EXEMPT**

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

1. SUMMARY

- 1.1 The proposal seeks full planning permission for the erection of 12 holiday chalets and associated infrastructure. The planning application had been referred to the Planning and Regulation Panel as it is a 'Major' development.
- 1.2 At its meeting on 5 September 2017, the Panel agreed to defer consideration of the application pending a Site Visit and Hearing to take place at a future meeting of the Panel. The Site Visit is scheduled for Thursday 21 September 2017.

2. OFFICER RECOMMENDATION(S)

The Panel agrees:

- 2.1 to approve the planning application subject to the satisfactory conclusion of a legal mechanism for the payment of a road bond to secure the repair of the private road within the control of the applicant; and
- 2.2 the conditions and reasons as set out in Appendix 1 attached to the report.

3. CONSIDERATIONS**The Site**

- 3.1 The site extends to 2.227 hectares in area. It is located within the grounds of Sauchieburn House/Estate which is between one and two miles south west of Chartershall and the Battle of Bannockburn Visitor Centre.

The Proposal

- 3.2 The proposed 12 chalets will be for holiday let. The chalets would comprise two floors of accommodation, with the upper floor contained within the roof space. The approach road to the site would be the road past the properties known as Woodside, Ardsonas & the Lodge from the north east. The application site is within an area where previous tree planting has largely been cleared, with the exception of a few mature trees.

Previous History

- 3.3 Planning application for 5 holiday chalets with associated access and parking at the site – application was withdrawn – reference 13/00018/FUL. Refusal of planning permission for erection of 2 holiday chalets with associated access track, parking and drainage at the site – reference: 15/00361/FUL. The application for 2 chalets was refused on the grounds of adverse landscape impact and an approval would set an undesirable precedent. This current planning application considers all the documents submitted, which include the case that the landscape impact is acceptable, and is a complete re-assessment of the merits of this fresh planning application.

Development Plan Policy

Stirling Local Development Plan - the relevant policies and supplementary guidance are:

- 3.4 Primary Policy 15: Tourism and Recreational Development Tourism and recreational activities make a significant contribution to the economy of the Plan area, and are based substantially on the quality of the natural and built environment. Proposals for tourism and recreational development should:
- (a) increase the volume and value of tourism and recreation to the local economy, and the duration of the visitor stay and tourism season;
 - (b) preserve and enhance the quality of the natural and historic environment, and the visitor experience;
 - (c) where appropriate improve the provision of facilities for the business/conference tourism accommodation offering, particularly within the Core Area; and
 - (d) where appropriate, improve the provision of recreational facilities which promote local community well-being, health and quality of life benefits.
- 3.5 Policy 15.1: Tourism development including facilities and accommodation
- (a) Proposals for tourism and recreational development including facilities and accommodation, will be supported where they:
 - (i) Are commensurate in scale with their location and setting within the built and natural environment;

- (ii) Complement existing tourist facilities and help facilitate the sustainable management of tourists at or between major tourist destinations;
 - (iii) Promote a wider spread of visitors and therefore economic benefits; and
 - (iv) Promote responsible access to, interpretation of, and effective management and enhancement of the natural and historic environment, and cultural heritage.
- (b) In addition, the following specific types of tourist accommodation will only be supported in the following circumstances:
- i) The sensitive expansion of existing tourist caravan and campsites will be supported in preference to the establishment of new sites.
 - (ii) Proposals for chalet developments (as defined in SG35*), will be supported where the landscape can accommodate such development without it being visually prominent. Such proposals must also comply with SG35.
- (c) Planning permission covered by any part of this policy may be subject to conditions and/or planning obligations to control use.

[*Proposals for houses for holiday letting purposes in the Countryside, falling outwith the scope of criterion (b)(ii), will be assessed separately under Policy 2.10.]

[SG35 supports this policy by providing detailed guidance on the location, siting, and design of chalet developments].

3.6 Policy 9.1: Protecting Special Landscapes

Decisions on development proposals within designated landscapes will take into account the level of importance and qualities of the designated area and the nature and scale of development (see SG27). In all cases the siting and design of development within designated landscapes should be of very high quality and respect the special nature of the area. (a) National Scenic Area (NSA): Development proposals in the NSA will not be supported unless it can be demonstrated that:

- (i) it will not adversely affect the integrity of the area or the qualities for which it has been designated, or
 - (ii) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.
- (b) Local Landscape Areas (LLAs) Development proposals will only be supported where it can be demonstrated that:
- (i) The landscape character, scenic interest and qualities for which the area has been designated will not be adversely affected; or

- (ii) There is a specific nationally recognised need for the development at that location which could not be satisfied in a less sensitive area, and any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

[SG27 supports this policy by providing locations and citations for designated landscapes which identify the special qualities, sensitivities to change, development guidance and landscape enhancement potential for these areas].

3.7 Supplementary Guidance on Chalet Development (SG35).

The relevant paragraphs are:

- 1.2 For the purposes of Policy 15.1 and this SG, a 'chalet development' is defined as: 'A building/buildings, constructed of timber or more traditional construction materials, which is used for the purposes of providing holiday letting accommodation, which is or forms part of a managed site with communal grounds, and shared facilities and access.'
- 1.3 Chalet developments, as defined above, can include proposals for a single or small number of chalets, as well as those proposed in association with existing houses or farms, the extension of existing chalet sites, and the replacement of chalet accommodation or other types of accommodation, e.g. static caravans, with chalets.
- 2.1 The careful siting of new chalet developments is crucial to ensure appropriate integration within the surrounding environment. It is likely that most proposals will come forward in rural locations (although some may be associated with existing buildings), therefore this guidance is intended to ensure that, by respecting local landform, patterns of vegetation, and where appropriate, groupings of existing buildings, developments appear to be in harmony with their immediate and wider surroundings.
- 2.2 As stated in Policy 15.1 'Tourism and recreational development, including facilities and accommodation', part b (ii), "Proposals for chalet developments will only be supported where the landscape can accommodate such development without it being visually prominent." Therefore, this guidance applies where this key policy principle can be met.
- 2.3 In all instances, chalet developments should appear to be integrated into the surrounding landscape, and should not be detrimental to the visual amenity and quality of either the landscape or the built environment. The scenic qualities of the Local Development Plan area and the rich diversity of its natural and cultural heritage are important assets, particularly in relation to tourism, which any new development must respect. Proposals will be considered not only in terms of their individual landscape impact, but also with regard to any cumulative impacts that may arise with any other existing or proposed features in the landscape. Proposals should comply with Local Development Plan policies related to landscape, and where located in

designated landscapes such as the National Scenic Area, or Local Landscape Areas, also with policies related to these designations. In particular, 'Primary Policy 9 Managing landscape change', 'Policy 9.1 Protecting special landscapes' and Supplementary Guidance 27 and 28 will be relevant to the assessment of applications.

- 2.4 Developments should be sited in unobtrusive locations, avoiding skylines, prominent hillsides or exposed sites. Only sites that are well screened from major viewpoints by existing landform and/or existing planting or landscape features, are likely to be suitable for development. Views towards lochs are a significant tourism asset, and it is understandable that developers of chalet sites may wish to capitalise on such views by siting chalets loch-side, however, such sites can be visually obtrusive and should be avoided; loch views can be achieved sensitively from other locations.
- 2.5 Siting chalet buildings against a backdrop of trees or within woodland settings can assist in achieving integration with the landscape. However, there is a need to ensure that the trees and vegetation that create the setting are adequately protected. Proposals must comply with 'Policy 9.3 Development impacts on trees and hedgerows', and further information can be found in Supplementary Guidance 31 and 32. Wherever possible, existing trees, hedgerows, and other attractive landscape features should be retained and integrated into the development, and protected during construction. Sites requiring extensive screening with new.

3.8 Policy 7.1: Archaeology & Historic Building Recording

- b) Where there is the possibility that archaeological remains may exist within a development site, but their extent and significance is unclear, the prospective developer should arrange for an evaluation prior to the determination of any planning application in order to establish the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording surviving archaeological features.
- c) Approval of any proposal directly affecting historic environment features will be conditional upon satisfactory provision being made by the developer for the appropriate level of archaeological and/or standing building investigation and recording, assessment, analysis, publication and archiving.

Assessment

- 3.9 The site is located within a Local Landscape Area and in an area of countryside as defined in the adopted Stirling Local Development Plan 2014. The above policies and supplementary guidance relating to tourism development, chalets and local landscape areas are relevant.
- 3.10 The use of the proposed chalets is for holiday letting and not residential and therefore Development Plan policy and supplementary guidance relating to housing in the countryside is not a relevant consideration in this case.

- 3.11 The application site is within an area which previously comprised tree planting. This has largely been cleared. The tree cover was a combination of mature trees on a higher level and young trees on a lower level. At a site meeting with the agent, it was confirmed that all of the remaining mature trees on the site are to be retained in the proposed chalet development. Following the tree clearance, there have been engineering operations in terms of import of earthworks which have caused harm to the visual amenity of the site. The tree loss has resulted in some loss of visual amenity of the site. However, the impact of the tree clearance on the wider setting of the Sauchieburn Estate is very limited. In determining the planning application, the Planning Authority requires to consider the impact of the proposed building on the existing site conditions and not on the previous tree removal. A determining issue is whether the proposals would enhance the site appearance and what the impact on the wider area would be from the proposed new build.
- 3.12 Although there has been considerable tree clearance at the site, the proposed development, with minor remodelling of the existing ground works and new tree planting, would assimilate the chalets and new road and parking into the surrounding landscape. The layout drawing indicates the relatively open area would be replaced by built development. The transformation of the site to a chalet development would have a significant visual impact that would only be local to the site and the private road along the site frontage.
- 3.13 The area surrounding the site is attractive and has a high amenity value. The visibility of the site from public roads to the east (Chartershall Road and New Line Road) is restricted due to the topography of the fields between the site and these public roads, and the screening from tree plantations. The site is visible from Chartershall Road, at a single point adjacent to the house – ‘Rogerhead’. From this viewpoint, the site is not easy to discern due to the large backdrop of the substantial Middlethird Wood that forms part of the Sauchieburn House estate grounds. The proposed chalets would be situated against a backdrop of trees and within a woodland setting. The site is in a location where the established landscape setting could visually absorb the proposed 12 chalets, road and parking without it being visually prominent within the natural environment.
- 3.14 The engineering operations that are required to form the internal access road, a level area for the construction for the lodges, and the parking at the chalets, would not be harmful to the wider landscape setting. The parking is in the main located at the rear of the chalets and the presence of cars parked within the site will visually jar against the natural woodland setting.
- 3.15 The application proposes private drainage for the 12 chalets from a Klargester sewerage treatment plant with discharge to a soakaway - this would be regulated in its location and design by building standards and the Scottish Environment Protection Agency (SEPA). A private water supply is proposed that would be provided by way of an extension to the existing water supply which serves the various properties within the estate. Heating of the cottages is proposed from an air source heat pump and a wood burning stove. The water, drainage and heating proposals are acceptable from a planning viewpoint although further assessment of the detailed specification for water and drainage will require approval from these other Authorities. Condition 14 requires the developer to demonstrate, before works begins on site that adequate drainage capacity is available for the approved development and this will include authorisation from SEPA.

- 3.16 A Sustainable Urban Drainage System must be put in place to capture roof and hard standing drainage. There is sufficient ground within the site to design and implement a drainage scheme to deal with all surface water from the development – a condition has been applied which requires the developer to demonstrate, before works starts, that a scheme for the discharge of surface water is adequate. The condition requires details of measures to ensure any runoff from adjacent land does not flood to the proposed chalets, details of any drainage to be installed to ensure water is diverted away from the chalets, finished floor levels relative to ground levels and measures to ensure there is no increased flood risk downstream. The consultation reply from the Flood Officer has been taken into account.
- 3.17 The consultation reply from Roads Development Control supports the application subject to a condition to ensure access along the core path is protected – this is included in Condition 15 of the recommendation. The consultation reply from Roads states that the private access road is, for the main part, suitably surfaced with passing places and several traffic calming features in the form of raised humps. On parts of the private road leading to the site, there are pot holes. In the event of the grant of planning permission, a condition requires to be applied which states that no development be carried out on the chalet building within the site until the private road to the site, from the connection with the public road to the north east, is repaired in accordance with proposals submitted to the Planning Authority for written approval. The recommendation includes a condition (number 16) which requires the upgrade of the private road that is within the control of the applicant to repair, following completion of the works.
- 3.18 The chalet design in relation to vertical scale (height 7 metres), footprint (8.7 metres wide and 10.24 metres long) , ridged roof form, vertical windows, low veranda, and finishing materials (cedar wall cladding and natural slate roof) all complies with the Council's design guidance (SG35) on chalets.
- 3.19 Policy 15.1 of the Local Development Plan supports proposals for chalet developments where the landscape can accommodate such development without it being visually prominent. Given the topographical setting of the site and its relationship to adjacent landform, the proposal achieves this objective. Moreover, it also shows a reasonable set back of all of the chalets from the adjacent Middlethird Wood area and achieves a balance of having regard for the ancient woodland and wildlife, and the development of accommodation to facilitate tourism relatively close to Stirling.
- 3.20 There is an oil pipeline to the west of the site. INEOS have advised that the proposal will have no impact on their pipeline.
- 3.21 The proposed chalets are well set back from housing in the local area – the chalets are approximately 170 metres from the nearest house to the south-east at Old Sauchie and as such the proposal for a wood burning stove and flue for the chalets is very unlikely to result in a smoke and smell nuisance at surrounding properties.
- 3.22 The recommendation includes a condition requiring an archaeological programme of works as advised by the Council's archaeologist.

- 3.23 In conclusion, the proposed location, siting and design of the chalets would 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 chalets.

Objections

- 3.24 Six objections/comments have been received that are summarised as follows:

- (a) The layout and design does not take into account disabled users.

Response: There is no scope under planning law for the Planning Authority to take into account any disability and equality related legislation – disability issues are covered at the Building Warrant stage.

- (b) Inappropriate location and adverse impact on natural environmental.

Response: The impact on the wider environmental and on the designated local landscape area would be limited due to existing substantial tree plantations and the topography of fields to the east of the site that would by and large screen the site from long range views.

- (c) Traffic pollution from car emissions.

Response: The consultation reply from Environmental Health did not object on the grounds of air pollution – the traffic generated from 12 chalets in a rural area would not result in a level of air pollution that would count against the planning application.

- (d) Emergency Services: The site is a long way from the public road for an ambulance and fire engine.

Response: The site is accessible for emergency motor vehicles.

- (e) Public access requires to be maintained on core path.

Response: Condition 15 requires that the access rights on the core path be maintained along both the core path during and after the construction.

- (f) Scottish Wildlife Trust – the site is a classed as an Ancient Woodland, Semi-ancient woodland or Plantation on Ancient Woodland Site (PAWS). The woods are likely to be of high value in relation to nature and landscape. There is a presumption against development in this area. The woodland should be restored as soon as possible.

Response: There is not a presumption against the development in principle. In any case, the siting of the proposed chalets does not require any tree removal. The planning permission must assess the site in its current condition and could not consider tree removal that was carried out approximately 5 years ago. The proposal will enhance the site through high quality chalet design and new tree planting. Condition 7 of the recommendation requires new planting.

- (g) Woodland Trust Scotland – Loss of ancient woodland of a site which is Long Established of Plantation Origin (LEPO) – due to the length of time it has existed there are vital links between plants, animals and soil and the woodland is of great ecological value. Where woodland is removed in association with development then developers will generally be expected to provide compensatory planting. Loss of habitat through chalet construction. Waste dumping in adjacent woodland.

Response: The application does not propose any tree removal. The recommendation takes into account the objections as follows - Condition 7 of the recommendation requires new planting. Condition 11 would require the developer to obtain written authorisation for any further tree removal. Condition 17 requires proposals for waste removal.

- (h) Pollution from surface water run-off:

Response: Condition 14 in the recommendation requires a detailed scheme for the discharge of all surface water within the site be submitted to the Planning Authority and approved in writing.

- (i) Light Pollution: Near to an ancient woodland and so the proposed development is likely to substantially effect the behaviour of species active during dawn and dusk twilight or nocturnal species such as moths, bats and certain bird species and result in decline of some species.

Response: Condition 9 of the recommendation requires proposals for new lighting. Outwith the chalets, the lighting is to be limited to bollard style lighting only. Proposals for switch off times for the lighting, that takes into account dawn and dusk twilight and nocturnal species in the adjacent ancient woodland is also included.

- (j) Noise Pollution from use of chalets will reduce bird diversity, however may have a benefit of reducing deer pressure.

Response: The Council's planning policy is to site chalets where there are trees for visual assimilation – the proposal shows a reasonable set back of all of the chalets from the adjacent ancient woodland at the Middlethird Wood area which is considered to be acceptable.

- (k) Contrary to the Local development Plan (LDP) - the current proposal would be contrary to the Local Development Plan Policy 15.1 and Supplementary Guidance (SG35) relating to tourism accommodation and chalets development.

Response: The application complies with these policies for the reasons set out in the Assessment section above.

- (l) Approval could set a precedent for further chalet development.

Response: The application covers the whole site and so any planning application to either increase the number of chalets on the site would be assessed on their own merits – any approval of the current apply does not imply support or otherwise for an increased chalet development.

- (m) The landscape character, scenic interest and qualities of the area will undoubtedly be adversely affected by the presence of 12 chalets (each with 1.5 storeys) and up to 24 cars. The proposed development will not be adequately screened by woodland because many of the pre-existing trees have already been felled by the applicant. There will be a negative visual impact from various directions, including from the top driveway leading from Old Sauchie to Sauchieburn House. The overall effect would be unacceptable on aesthetic grounds to many people who enjoy that part of the countryside.

Response: The proposed development is largely screened by existing tree planting and field topography. The backdrop of the woodland and new planting that is required by a planning condition will assimilate the proposed development into the Local Landscape Area.

- (n) It would also appear that, during the site clearance, damage has been done to limekilns in the area, which are of archaeological interest and worthy of protection.

Response: As advised in the consultation reply from the Council's archaeologist, the recommendation requires an archaeological programme of works - see consultation reply below.

- (o) Vehicular access to the development would be along the main driveway from the north entrance to Sauchieburn Estate. The breadth and surface of that driveway is already inadequate for the existing volume of traffic including heavy construction vehicles and lorries transporting timber for the applicant's logging and sawmilling business. There are still numerous pot holes which have never been properly repaired and these could cause a hazard for drivers. The planning statement refers to the repair of pot holes and maintenance of the driveway to an appropriate standard but the applicant has repeatedly failed to bring the driveway up to an acceptable standard.

Response: See Condition 16 in the recommendation that requires a survey of the road and repair after construction of the chalets is complete.

- (p) Waste collection: The applicant no longer allows the Council refuse vehicles to enter the Estate. It would be completely unacceptable for possibly over 30 refuse bins to be deposited outside the main gate of the estate for weekly collection in close proximity to other dwelling houses.

Response: Condition 17 requires proposals for the location and design of the bin collection.

4. POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

Policy Implications	
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Single Outcome Agreement	No
Diversity (age, disability, gender, race, religion, sexual orientation)	No
Sustainability (community, economic, environmental)	No
Effect on Council's green house gas emissions	No Effect
Strategic/Service Plan	No
Existing Policy or Strategy	No
Risk	No
Resource Implications	
Financial	No
People	No
Land and Property or IT Systems	No
Consultations	
Internal or External Consultations	Yes

Equality Impact Assessment

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

Strategic Environmental Assessment

- 4.2 Due to limited scale of the proposal for 12 chalets, the proposal does not require an Environmental impact Assessment.

Serving Stirling

- 4.3 Not applicable.

Single Outcome Agreement

- 4.4 The applications has no implications for the single outcome agreement.

Other Policy Implications

- 4.5 There are no other policy implications.

Risk

- 4.6 None.

Resource Implications

- 4.7 None.

Consultations

- 4.8 **Transport Development (Roads):** The application site is located within Sauchie Estate. Access to the site is proposed via Chartershall Road/Pirnhall Road and thereafter via a private access road leading to the estate and several dwellings. The private access road is, for the main part, suitably surfaced with passing places and several traffic calming features in the form of raised humps.

There is a core path B9078Bb/63 that runs along the eastern side of the proposed development site, from Chartershall Road to Old Sauchie, and the path and the driveway that runs on the south western side of the development towards Sauchieburn House. In accordance with sections 149 and 150 of Scottish Planning Policy, it is recommended that the core path and driveway be protected for the operation of access rights both during the construction process and beyond. The following conditions are advised for inclusion in the grant of any planning permission:

1. During construction, access rights shall be maintained along both the core path and driveway.
2. The siting of the holiday cottages or its associated grounds shall not interfere with the exercise of access along the core path and driveway.
3. The siting of the holiday cottages or its associated grounds shall not be used to exclude access rights along the core path or driveway under Section 6 of the Land Reform (Scotland) Act 2003, or otherwise used to deny the exercise of access rights.

It is recommended that the above conditions be secured through a Section 75 Legal Agreement with the land owner/developer, to ensure that the core path and the driveways integrity are preserved and that the development does not restrict access to the Estate in the future.

In addition to the above it is recommended that the applicant liaise with all owners of the private access road to ensure measures are put in place to ensure the integrity of the access road is preserved throughout the construction process and beyond. It is further recommended that carriageway improvement works be carried out to the initial section of private road from its junction with the C55 Chartershall Road (It is noted from the submitted Access Statement that improvements are proposed to the access road which are welcomed).

- 4.9 **Service Manager (Environmental Health):** The proposed site is located on top of a former quarry and therefore the addition of the full contaminated land conditions are recommended. Construction hours require to be restricted. The installation of the Air Source Heat Pumps could produce a potential noise nuisance to chalet guests and neighbouring premises. As such it is recommended that consideration be taken when determining the position of the pumps to limit possible cause of complaint. It should be noted that this department would be obliged to investigate complaints of nuisance and possibly require remedial action. Any water provided from a private water supply for human consumption purposes should be suitably treated to ensure that it is wholesome and meets the standards for both microbiological and chemical parameters as set out in the Private Water Supplies (Scotland)

Regulations 2006. Details of the water supply source, distribution system and intended treatment should be submitted to this department for approval prior to any work commencing. There is potential for smoke and smell nuisance at surrounding properties due to installation of the wood burning stove and associated flue. Once operational, Environmental Health would be obliged to investigate any complaints of nuisance and possibly require remedial action. At this stage, the applicant has not provided details of the make and model of the stove or details of the flue. Environmental Health is therefore unable to assess the potential for emissions and the adequacy of the flue. Installing and operating in accordance with manufacturer's instructions (and in particular using the correct fuel at all times) should help reduce the likelihood of complaints.

- 4.10 **Bridge & Flood Maintenance: No objection.** A Sustainable Urban Drainage System must be put in place to capture roof and hardstanding drainage. In the event of planning permission being granted, a condition requiring details of measures to ensure any runoff from adjacent land does not cause a risk of flooding to the proposed properties. This should include details of any drainage put in place to ensure water is diverted away from properties, finished floor levels relative to ground levels and any other measures implemented. This will ensure there is no increased flood risk downstream. These details should be submitted prior to construction commences.
- 4.11 **Scottish Water:** No reply
- 4.12 **Archaeologist (Stirling Council):** The proposed development potentially impacts on the site of late 18th/early 19th century lime kilns which were destroyed by 2008. However, it is not clear if any of the underlying foundations survive. Such structures were a key element of the agricultural improvements of the early 19th century and helped create the current rich farming landscape. As such these remains are potentially of Regional Significance. The proposed development would destroy whatever survives of the kilns.

While the proposed development has the potential to impact on Regionally Significant remains, their precise nature and extent is unclear and therefore, there is no objection to the development, however, if it does proceed, it is recommended that in advance of construction an experienced and suitably qualified archaeological contractor undertake the following programme of archaeological works by way of mitigation regarding the potential loss of the site:

- 1) A photographic record of the current site conditions;
- 2) The excavation of two 5m by 5m linear trenches in the immediate locale of the lime kilns to determine their presence or absence.

If this exercise identifies archaeological features and finds of merit it is recommended that these be subject to some or all of the following: excavation, post-excavation assessment, post-excavation analysis, archiving and publication in an appropriate academic journal.

In the event of planning permission being approved, a condition is advised that requires an archaeological programme of works.

- 4.13 **Health & Safety Executive:** Assessment is required on effect of proposal in relation to the pipeline.
- 4.14 **National Grid Gas Transmission:** No reply
- 4.15 **INEOS Manufacturing Scotland Ltd:** The proposal will have no impact on their pipeline.
- 4.16 **Carron Valley and District Community Council:** Object on the following grounds:

Access/traffic. Access roads around the area of the proposed development are barely suited to cope with present levels of traffic, with limited passing places, poor drainage, surface breakup and no means of speed control, the latter in particular a cause of concern to local residents. To add short-term construction traffic and long term tourist traffic would be both inappropriate and foolhardy. The developer has already blocked a core path along the main access route. These electric gates have already caused problems for delivery drivers stuck on the wrong side during a recent planned electricity outage. Any unplanned outage would cause concerns for access especially the emergency services.

Access/rights of way. There are serious and valid concerns that access to the proposed site and the wider area will be compromised and that Stirling Council may not have sufficient resources to enforce any agreement made with the applicant, if planning permission were granted. Within the past few months the core path along the main access route has been blocked contrary to the Land Reform Act (Scotland) 2005.

Landscape/Archaeology. A set of limekilns, listed archaeological number NS78NE 21, has been destroyed by and much of the surrounding mature native woodland cut down over the past few years in an attempt, no doubt, to render it 'a brownfield site'. Following this, a considerable amount of work has been done, inconsistent with routine maintenance: the building of a gateway and a retaining wall, and the dumping of soil and rubble conveniently close to the siting of the proposed chalets.

Woodland: The importance of the woodland site requires to be taken into account.

Out with the Local Development Plan: The proposed housing application constitutes a departure from the existing and draft local plan. It constitutes over development in this rural area. Existing Stirling Council strategy for housing in the countryside specifically precludes creating new hamlets or villages. One can apply to infill small groups of existing housing, up to a maximum end number of 6 adjacent houses. This application would create a completely new hamlet setting whether for letting or not, and in a gated community. What is there to stop the applicant from moving from a "holiday" let situation to one of longer term/temporary or permanent letting or even selling for residential use? If this is allowed, then the Council's own Housing in the Country Policy is at serious risk of being implemented.

Water Supply. The developer states that potable water will be supplied from the existing private water supply, which currently supplies residential properties owned by the developer. This application is for a commercial

business. Surely any private water supply for commercial purposes would be to be tested and regulated by SEPA. There is no indication that this is the case. Should SEPA not be asked to provide comment?

Refuse Collection: This is a commercial development and if granted planning permission, then refuse has to be collected from the actual site and not as at present site for residential collection. The location and space for the current residential collection site is too small and is in an inappropriate site to be enlarged.

Precedent: What is there to stop this being the first of many applications for additional properties being built on this particular area to create an extensive new "village" of residential properties for holiday let or for more permanent let or sale? This is not an existing community, there are no holiday homes in the area, and the style of the proposed chalets is not in keeping with other local architecture. As suggested above, we are concerned about the thin end of the wedge. The encouragement of tourism should not be a mitigating factor.

5. BACKGROUND PAPERS

- 5.1 Planning Application file 17/00357/FUL. File can be viewed online at:
<http://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OPMYO8P10CE00>.

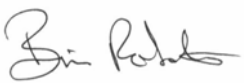
6. APPENDICES

- 6.1 Appendix 1 – Conditions and Reasons.

Author(s)

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Approved by

Name	Designation	Signature
Brian Roberts	Senior Manager - Infrastructure	

Date 15 September 2017

Service Reference 17/00357/FUL

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

Approve, subject to the following conditions:

- 1 **Programme of Archaeological Works:** No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority. Such a programme of works could include some or all of the following archaeological excavation, public engagement and open days, preservation in situ, post-excavation assessment and analysis, publication in an appropriate academic journal and archiving.
- 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 **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.
- 8 **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.
- 9 **Landscape - Lighting:** Outwith the chalet buildings, the lighting shall be limited to bollard style lighting only. The proposals required by this Condition shall also include switch off times for the lighting that takes into account dawn and dusk twilight and nocturnal species in the adjacent ancient woodland.
- 10 **Landscape - Maintenance:** No development shall take place until a detailed statement illustrating the proposed provisions for the establishment and maintenance of all areas of landscaping including identification of persons responsible for maintenance, and any proposed phasing of works has been submitted to and approved in writing by the Planning Authority.
- 11 **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.
- 12 **Restriction on Construction Hours:** No machinery shall be operated, no activity carried out and no deliveries received at or despatched from the site outwith the hours of 8.00am to 6.00pm Monday to Friday, and 9.00am to 1.00pm on Saturdays, nor at any time on Sundays; unless otherwise agreed in writing by the Planning Authority.
- 13 **Potable Water Supply:** A potable water supply shall be provided for the approved chalets before any are used for tourist accommodation. Prior to the start of any work on site, details of the proposed water supply source, distribution system and intended treatment shall be submitted to the Planning Authority for written approval.
- 14 **Foul Water Drainage:** No development shall commence on site until the developer has demonstrated to the satisfaction of the Planning Authority, that adequate foul water drainage capacity is available for the approved development.
- 15 **Surface Water Management:** No development shall commence on site until the developer has demonstrated to the satisfaction of the Planning Authority a Sustainable Urban Drainage System for the approved development is adequate and a detailed scheme for the capture of all roof and surface water within the site is submitted to the Planning Authority and approved in writing. The scheme shall include details of measures to ensure any runoff from adjacent land does not flood the proposed chalets, details of any drainage to be installed to ensure water is diverted away from the chalets, and finished floor levels. The approved drainage scheme shall be implemented before any of the chalets are occupied.
- 16 **Core Path:** At all times during and after construction of the approved development, access rights shall be maintained along both the core path and driveway and the siting of the holiday cottages and its associated grounds shall not exclude access rights along the core path or driveway.

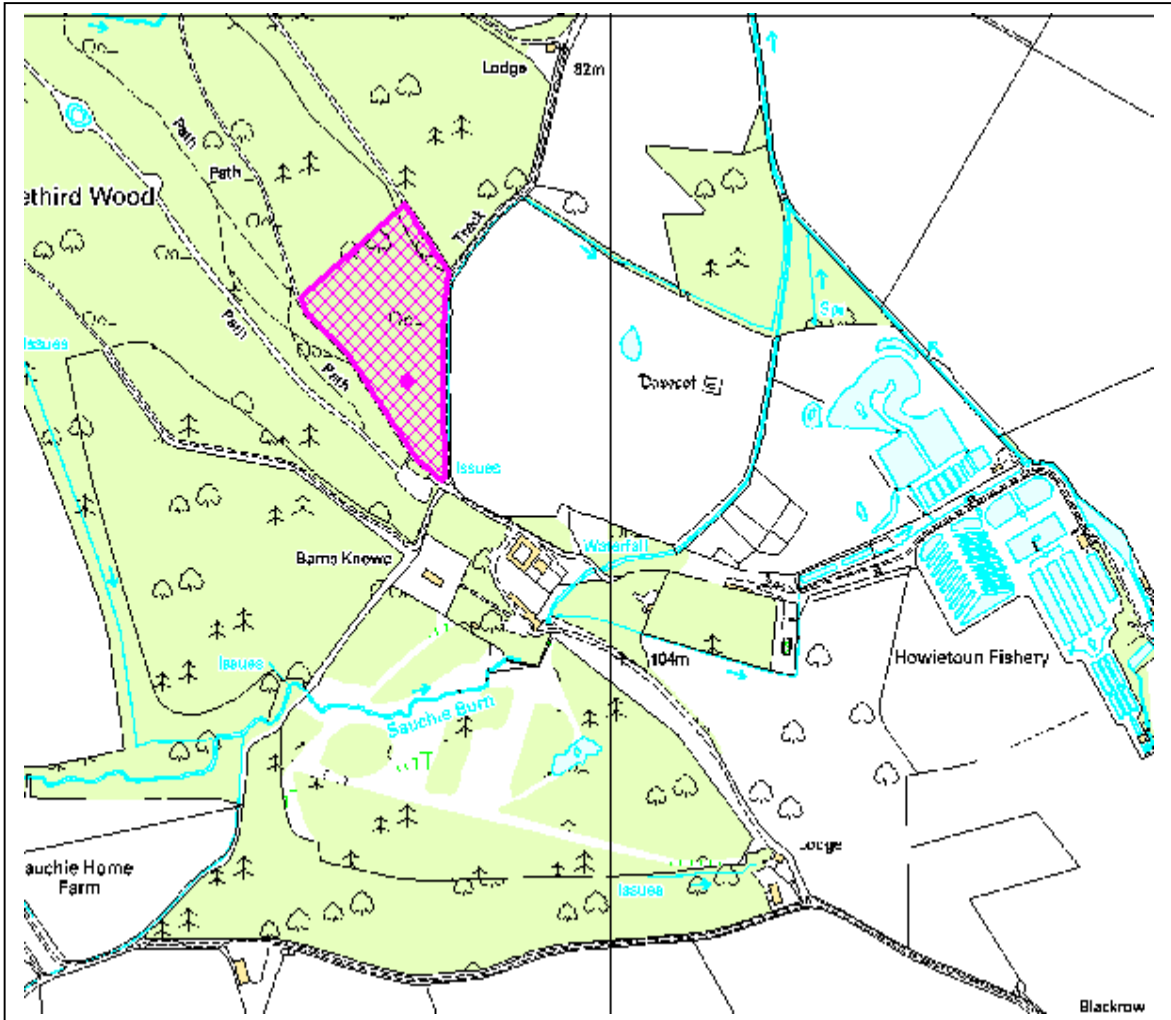
- 17 **Private Road:** Prior to the start of any development on site, a road condition survey shall be carried out of the private road providing access to the site that is under the control of the applicant and submitted for written approval. Following completion of the approved development, a further road condition survey shall be carried out along with proposals for road repairs; and submitted to the Planning Authority for written approval. The approved road repairs shall be carried out before the chalets are used for holiday letting.
- 18 **Waste Management Facilities:** Prior to the start of work on site, proposals for the location of the bin collection point and design of the bin collection store shall be submitted to the Planning Authority and approved in writing. The approved bin collection store shall be implemented prior to the use of the approved chalet units. The developer will be required to provide the new chalets with the necessary recycling and waste management facilities to serve the development in accordance with the Council's Waste Service requirements and as specified in the Supplementary Guidance on Waste Management Requirements for Development Sites.
- 19 **Existing and Proposed Ground Levels:** Prior to the start of any work on site, a site plan drawing showing existing and proposed ground levels and finished floor levels shall be submitted to the Planning Authority and approved in writing.
- 20 **Occupancy of Chalets:** The approved chalets shall be used for holiday letting only and for no other purpose.

Reasons:

- 1 To safeguard and record the archaeological potential of the area.
- 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 To ensure all contamination within the site is dealt with.
- 7 The proposed development and its location is such that landscaping is necessary to enable it to fit in with its surroundings, enhance the locality and the quality of the development itself for those using it and those affected by it.
- 8 The proposed development and its location is such that landscaping is necessary to enable it to fit in with its surroundings, enhance the locality and the quality of the development itself for those using it and those affected by it.
- 9 The proposed development and its location is such that landscaping is necessary to enable it to fit in with its surroundings, enhance the locality and the quality of the development itself for those using it and those affected by it.
- 10 The proposed development and its location is such that landscaping is necessary to enable it to fit in with its surroundings, enhance the locality and the quality of the development itself for those using it and those affected by it.

- 11 The proposed development and its location is such that landscaping is necessary to enable it to fit in with its surroundings, enhance the locality and the quality of the development itself for those using it and those affected by it.
- 12 To protect the occupants of nearby housing from excessive noise/disturbance associated with the implementation of this permission.
- 13 In order to ensure that adequate water supply arrangements are made for the development hereby approved.
- 14 In order to ensure that adequate and timeous drainage arrangements are made.
- 15 To ensure there is no increased flood risk downstream and that adequate and timeous drainage arrangements are made for surface water within the site.
- 16 In the interest of preserving public access and recreation.
- 17 To ensure the private access to the site is suitable for the vehicular and pedestrian use associated with the approved development.
- 18 To ensure that adequate waste management facilities are provided in accordance with the Council's standards.
- 19 To ensure that adequate details are submitted covering these matters in the interests of ensuring that the development, when implemented, is of the highest quality.
- 20 To ensure compliance with the Stirling Local Development Plan Policy 15.1 (b) **(ii)** in relation to tourism accommodation and chalet developments.

Location of Development



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STIRLING COUNCIL**THIS REPORT RELATES
TO ITEM 6
ON THE AGENDA**

PLANNING & REGULATION PANEL**LOCALITIES &
INFRASTRUCTURE**

26 SEPTEMBER 2017**NOT EXEMPT**

**ERECTION OF 1 NO. SINGLE STOREY DETACHED DWELLING AT LAND ADJACENT AND
NORTH OF 23 SAUCHENFORD HOLDING, SNABHEAD ROAD EAST, PLEAN, - RUSTIC
ECO PROPERTIES - 16/00645/FUL**

1 SUMMARY

- 1.1 The application had been referred to Planning and Regulation Panel at the request of Councillor Maureen Bennison on the basis of allowing the Panel to fully assess the Housing in the Countryside Policy and its related supplementary guidance, as it may relate to this application.
- 1.2 At its meeting on 5 September 2017, the Panel agreed to defer consideration of the application pending a Site Visit and Hearing to take place at a future meeting of the Panel. The Site Visit is scheduled for Thursday 21 September 2017.

2 OFFICER RECOMMENDATION(S)

The Panel agrees to refuse Planning Permission for the following reasons:

- 2.1 in the opinion of the Planning Authority, the proposal is contrary to Local Development Plan Supplementary Guidance SG10, Housing in the Countryside. The proposal is not considered to visually relate to the existing building group as it is proposed to front a northbound road leading to the junction of the A9 which is free of development. The proposal does not conform to the established pattern of linear development at Sauchenford which is characterised by an east-west formation and therefore is not in accordance with paragraph 2.7 of the Guidance which requires proposals to respect the character, layout and building pattern of the existing group;
- 2.2 in the opinion of the Planning Authority, the proposals do not comply with Section 2.9 of SG10. This section states that if a group outwith a Green Belt consists simply of frontage houses along a road, infill or additions will be permitted where gaps exist. This has been exhausted by previous developments. This section also states that extension by no more than 2 plots in either direction may be permitted if there is an appropriate topographical stop. The area has already been developed by 2 or more dwellings in an easterly direction. Visually, albeit not topographically, the

road is a physical stop and the proposed change of development pattern does not relate to the area; and

- 2.3 in the opinion of the Planning Authority, following consultation with the Roads and Transportation Service, any further increased turning manoeuvres at the Sauchenford Cottages junction will be detrimental to road safety and set a dangerous precedent for further similar applications in the future.

3 CONSIDERATIONS

The Site

- 3.1 The site lies to the north of three recently erected dwellings which are on the northern side of the Snabhead Road East, the spine road through the settlement of Sauchenford. The site is currently greenfield land, having previously never been developed. The site is bound by a dwelling to the south, an access road to the A9 to the east, open grazing pasture to the north and pasture/stabling area to the west.

The Proposal

- 3.2 The proposal seeks full planning permission for the erection of a dwelling comprising a single storey 3 bedroom dwelling.

Previous History

- 3.3 The development site has no history of previous applications. However, over the past 8 years there have been numerous applications for the erection of dwellings in the area. Applications 10/00100/PPP, 10/00101/PPP 10/00102/PPP were refused at Planning Panel, later approved at appeal to the Scottish Ministers and created dwellings 15 metres, 140 metres and 170 metres east of 19 Snabhead Road East. More recently, application 16/00013/FUL for the erection of 1 single storey dwelling on land 155 metres east of 19 Snabhead Road East, was approved.

Development Plan Policy

- 3.4 The relevant policies within the Stirling Local Development Plan, September 2014, are set out as follows:
- 3.4.1 The Overarching Policy supports good quality development, in the right place, that meets the community's needs, in order to contribute positively to the creation of vibrant, mixed and healthy communities. All developments will require to demonstrate the following:
- (a) Compatibility with the Spatial Strategy and conformity with the relevant Sustainable Development Criteria.
 - (b) A design-led approach, including high standards of design, reinforcement of sense of place, integration with neighbouring areas and the wider community.
 - (c) Appropriate measures for mitigation of and adaption of climate change.

- (d) Appropriate measures for safeguarding, conservation and enhancement of the historic and natural environment.

3.5 Policy 1.1: Site Planning, of the Stirling Local Development Plan, September 2014, states that all new development are required to contribute, in a positive manner, to the quality of the surrounding built and natural environment. It is therefore expected that: -

- (a) the siting, layout and density of new development should contribute towards or create a coherent structure of streets, spaces and buildings; respect, complement and connect with its surroundings; be safely accessed; and create a sense of identity within the development.
- (b) all new development should consider and respect site topography, and any surrounding important landmarks (built or natural), views or skylines.
- (c) the design should be appropriate to both any building to which it relates, and the wider surroundings in terms of appearance, position, height, scale, massing, and should use materials, finishes and colours which complement those prevalent.

3.6 Policy 2.10: Housing in the Countryside, states that new houses (including those for holiday let), of a scale, design and layout suitable for their intended use will be supported in the countryside in the following circumstances (as relevant):

- (a) When they are within or closely and cohesively visually related to existing Building Groups and Clusters.

3.7 SG10: Housing in the Countryside, supports Policy 2.10 by setting out the criteria that supports new housing development in the circumstances listed above; as detailed below:

Proposals within or adjacent to a Building Group not within a designated Green Belt. A building group/cluster is defined as 4 or more buildings (not including small ancillary structures such as domestic garages and outbuildings or any open-sided structures), of which at least 3 are houses, and no building is more than 100 metres from the next; the buildings capable of being viewed as an obvious group in their landscape setting. A building which consists of, or has been converted into, more than one dwelling only counts as one residential building. Although it is expected that most additions will consist of single houses, in appropriate cases, well designed small multiple-house developments may be permitted.

Applications must be accompanied by plans and illustrations demonstrating that the proposed new house(s) respect the character, layout and building pattern of the group. New buildings extending a group must have a definable topographic relation to the group. When any building Group reaches 10 dwellings in size (or a mix of existing dwellings and planning permissions amounting to 10), the Council will consider whether an appropriate limit to growth is being approached. If so the Group will be defined as a 'Small Settlement' and a boundary defined.

Assessment

- 3.8 Planning permission is sought for the erection of a dwelling house on land adjacent and north of 23 Sauchenford Holding, Snabhead Road East, Plean. The site forms part of a large open pasture field situated to the north of the existing dwellings and north and west of the private access track which serves the dwellings in the vicinity. The site is bound by open pasture to the north and west, which also has stabling, a dwelling to the south and the road to the east.
- 3.9 The main determining issue related to the application is contained within Local Development Plan Policy 2.10 Housing in the Countryside and Supplementary Planning Guidance SG10 Housing in the Countryside. The most relevant section of this policy relating to the site is section (i) which provides for new houses within or closely and cohesively visually related to an existing building group. The definition of a building group/cluster is set out in SG10 as “4 or more buildings (not including small ancillary structures such as domestic garages and outbuildings or any-open sided structure), of which at least 3 are houses, and no building is more than 100 metres from the next; the buildings capable of being viewed as an obvious group in their landscape setting.
- 3.10 The houses and associated buildings in the area which make up the Sauchenford Holdings are considered to meet with the Council’s definition of a “building group”. However the proposed development is not deemed to achieve an appropriate landscape fit within the identified building group and therefore not in compliance with section 2.7 of the Supplementary Planning Guidance SG10 Housing in the Countryside. Moreover the proposals are not deemed to meet section 2.7 of SG10 as the development does not “respect the character, layout or building pattern of the group. The area has a strong pattern of linear development which the proposals are not deemed to respect. In the opinion of the Planning Authority the 90 degree bend in the road acts as a visual physical stop for development. The change in direction northwards of the existing building group is not supported.
- 3.11 Section 2.9 of SG10 states that if a group outwith a Green Belt consists simply of frontage houses along a road, infill or additions will be permitted where gaps exist. This approach has been exhausted by the applicants. This section also states that extension by no more than 2 plots in either direction may be permitted if there is an appropriate topographical stop. The area has already been developed by 2 or more dwellings in an easterly direction. Visually, albeit not topographically, the road is a physical stop and the proposed change of development pattern does not relate to the area.
- 3.12 Stirling Council Roads and Transportation Department was consulted on this application. They acknowledge that the Sauchenford cottage junction with the A9 has recently been upgraded as conditioned on applications previously approved by Scottish Ministers. However, it still remains Stirling Council’s Roads Services view that the overtaking issue and potential conflict with regular vehicular turning movements has not been resolved and remains a real road safety issue. The combination of high vehicular speed and regular turning traffic is likely to result in accidents with serious consequences.

- 3.14 Given the above and irrespective of the junction improvements that have been carried out in accordance with the consented developments, it remains the Roads Service's view that any further increased turning manoeuvres at the Sauchenford Cottages junction will be detrimental to road safety and set a dangerous precedent for further similar applications in the future. The Roads and Transportation Department therefore recommend that the application be refused on road safety grounds. This has been the Roads Authority's approach for all new housing development in this area which utilises this junction.
- 3.15 In a new build situation on a greenfield site, which this is, Primary Policy 1 and Policy 1.1 of the LDP establish the importance of sense of place by ensuring that the siting and design respects the character of the built and natural environment and that the development sits comfortably, physically and visually within the landscape setting. Although the proposed dwelling is of a type and size which relates to the style of development in the area, the positioning of the dwelling in relation to the other dwellings and the group generally is not considered to respect the character of the built environment and does not relate physically or visually within its environs. Traditionally the holdings were on linear plots running northward or southward. This pattern of development has changed recently with the creation of new dwelling with much smaller house to plot ratios. The proposed development is considered to exacerbate this situation by further degrading this pattern and would depart from the established pattern of development, which is linear in form and generally creates dwelling frontages along the section of Snabhead Road East.

Objections

- 3.16 9 letters of objection have been received regarding this application. The comments raised are detailed below:
- (a) Both Sauchenford junctions are dangerous and this matter must be rectified urgently before a fatality occurs.
 - (b) Flooding is an issue in the area. Flooding does not just consist of rainwater, but consists also of the overflow of septic tanks. It doesn't need to be spelt out just how unpleasant and unhealthy it is for the residents when their houses are surrounded by this foul detritus for weeks at a time.
 - (c) It should be considered that there are fundamental issues with this application relating to residential amenity, the impact on the character of the area and road safety – it is agreed with the conclusions of the Council's Roads Service in this regard. These are all matters which will not change.
 - (d) The flooding and flood management Inquiry by the Rural Affairs and Environment Committee identified that the dwellings in Sauchenford were subject to flooding between 12-14 December 2006. The problem has only got worse due to the displacement of water created as a result of the recent developments.

- (e) It has been asserted that the homes are suited to the keeping of horses and livestock. However it is contended that what has occurred is that an existing smallholding has been carved up into as many units as possible and squeezed as many houses as possible onto tiny plots. Originally it was intended to sell each single house with land of between 1 to 2 acres, but these plots have been reduced in size to many times less in the case of two out of the three new houses. In fact, none of the purchasers to date keep horses or any livestock, nor grow produce on any significant scale.
- (f) It is expected that RusticEco will continue to submit applications after this one until they have utilised all available space up to the Sauchenford Cottage junction, so quite possibly another 4-6 homes.
- (g) The addition of an extra house will just compound the bad aesthetics of the previous developments and add to road safety problems.
- (h) The Sauchenford Cottage junction leads on to a very busy road. The applicants have failed to make safe the left-hand visibility splay. It remains a dangerous junction which could make a serious accident highly likely.
- (i) This proposed new house is on a privately-owned single track road which is in a very poor condition. It is in a worse condition now because the applicants have failed to maintain it during previous developments. The problems at the junction will only be exacerbated by the increased use of this narrow road which has already led to increased incidents of traffic travelling in the opposite direction being unable to pass each other safely. The infrastructure in Sauchenford is at breaking point now. Another house is just too much. Sauchenford has reached full capacity. It has seen a 30% increase in housing and a similar, if not larger, increase in traffic.
- (j) If the applicants want more houses, then they should pay for the road to be turned into a full two - lane road and should give up some of their land to enable this. It is not acceptable for them to provide passing places, then sell them and leave no room for passing.
- (k) It is common knowledge that Sauchenford is highly at risk from flooding. This occurs annually between November and April. Drainage is poor to non - existent. Contaminated floodwater can lie at a depth of up to 2 feet in areas and can remain at that level for up to a month, often longer. As increasing rainfall tops it up. Last winter, there were 3 heavy duty pumps going round the clock for weeks, just across the road from RusticEco's development. Since before the first application here, the Planning Department has been informed that this area is highly unsuitable for further housing.

- (l) This application does not follow the historic layout of the Smallholdings. In fact, the whole development undermines the whole ethos of Smallholding and turning the location into an overcrowded scheme. This corner site is saturated with virtually identical homes, juxtaposed in such a way as to give the illusion of individuality. No thought or planning has gone into their design. To allow even this one home to encroach up the Sauchenford Cottage road would be to set a bad precedent. It would inevitably lead to attempts to provide more homes along the road.
- (m) The proposals do not comply with the first section of Local Development Plan Policy 2.10 as the proposals do not fit the pattern of existing development as it extends development northward into agricultural fields associated with the smallholding character of the area. The proposals will have a greater impact on the erosion of the character of the area than the applicant's previous developments in Sauchenford which were related to infill.
- (n) The level of development proposed by the applicant is going beyond "closely and cohesively visually related" to existing buildings as it extends development into agricultural fields, creating a different pattern to the field pattern that is established. Further, the extension of existing building group along the road from Sauchenford Cottages to the existing building group would amount to ribbon development.
- (o) The proposals would introduce a residential use too close to the existing nearby riding activity. It is apparent that further riding facilities are being introduced here to enhance the activity. There is a busy livery yard, riding school and also holiday cottage business. This represents another part of the character of the smallholdings, the smallholding use being appropriate for the area, whereas the proposed housing development is not.
- (p) The design of the proposed development is poor, uniform design, particularly the frontage of the proposed development on to the road to the east which is bland design that fails to provide the architectural detail or quality anticipated in Stirling Council's "Housing in the Countryside Design Guidance".
- (q) In relation to the current road access to and from Sauchenford via the Sauchenford Cottage Junction on to the A9, residents have expressed deep concern over the safety of the Junction. However, the junction remains extremely challenging, as has been recently demonstrated by numerous accidents which necessitated lengthy road closure occurring in November and December 2016. Additional traffic at this junction should not be encouraged.
- (r) The Council's Roads Service has acknowledged this issue and it is noted that it has recommended refusal of the proposed development on the basis that any further increased turning manoeuvres at the Sauchenford Cottage junction will be detrimental to road safety. The proposed development does not propose any further improvements at the junction and will create further construction and subsequent use traffic once it is built.

- (s) The recent appeal decisions in respect of Plots 1, 3 and 4 (PPA-390-2004; PPA-390-2005; and PPA390-2006), the Reporter specifically states “While the appeal proposals would result in significant road safety benefit, any future proposals might not have a similar benefit”. There has been a series of recent accidents in the area such that it would be inappropriate to grant any further planning permissions thereby increasing traffic flow at the junction.

4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

Policy Implications	
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Single Outcome Agreement	No
Diversity (age, disability, gender, race, religion, sexual orientation)	No
Sustainability (community, economic, environmental)	No
Effect on Council's green house gas emissions	No Effect
Strategic/Service Plan	No
Existing Policy or Strategy	No
Risk	No
Resource Implications	
Financial	No
People	No
Land and Property or IT Systems	No
Consultations	
Internal or External Consultations	Yes

Equality Impact Assessment

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

Strategic Environmental Assessment

- 4.2 Not Applicable.

Serving Stirling

- 4.3 Not Applicable.

Single Outcome Agreement

- 4.4 Not Applicable.

Other Policy Implications

- 4.5 None.

Risk

4.6 None.

Resource Implications

4.7 Not Applicable.

Consultations

4.8 **Roads Development Control:** The application site is located on the south side of the A9 Stirling - Falkirk Road and is directly served via a private road, which joins the public road network (A9) at Sauchenford Cottages. Planning permission was granted on appeal to the Scottish Government for the erection of three new dwellings (10/00100/PPP, 10/101/PPP & 10/00102/PPP, and subsequently 14/00128/MSC, 14/00129/MSC & 14/00130/MSC) on land adjacent to 20 Sauchenford Holdings. Approval of these individual applications was conditional to the developer upgrading the Sauchenford Cottages junction with the A9. The junction improvement works have been fully implemented.

A further planning application for a single dwelling was granted approval earlier this year under planning reference: 16/00013/FUL.

The Sauchenford Cottages junction is located within a long straight section of the A9. The junction sits within a section of the A9 that affords the first overtaking opportunity for vehicles travelling between Stirling and Falkirk. Given this, drivers are regularly tempted to take advantage of the straight road and regularly overtake here despite the presence of the Sauchenford Cottages junction, and the Snabhead Road junction to the northwest.

Whilst the junction upgrades conditioned with the approved consents granted by the Scottish Government improve the situation, it remains Stirling Council's Roads Services view that the overtaking issue and potential conflict with regular vehicular turning movements has not been resolved and remains a real road safety issue. The combination of high vehicular speed and regular turning traffic is likely to result in accidents with serious consequences.

Given the above and irrespective of the junction improvements that have been carried out in accordance with the consented developments, it remains the Roads Service's view that any further increased turning manoeuvres at the Sauchenford Cottages junction will be detrimental to road safety and set a dangerous precedent for further similar applications in the future. It is therefore recommend that the application be refused on road safety grounds.

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

Contaminated Land

Due to mounds of made ground and evidence of burning on site, recommendations for the contaminated land conditions are:

- (a) 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 10175:20011)'. The report must include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish Executive Planning Advice Note 33.

Note: It is recommended that the applicant (or their advisors) read the consultation response from Environmental Health (available on the planning website) to check for any further advice and if any specific contamination issues are raised as being of particular concern.

- (b) Where the risk assessment identifies any unacceptable risk, as defined in relevant planning guidance, 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.
- (c) 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.
- (d) 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.
- (e) 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.

Noise

Where residential occupiers are likely to be affected by noise, construction works which are audible outwith the site boundary shall be undertaken during normal working hours, viz:- 08.00 to 18.00 hours Monday to Friday, and 09.00 to 13.00 hours on Saturdays. No noisy works audible outwith the site boundary are permitted on Sundays or Bank Holidays.

- 4.10 **Bridge & Flood Maintenance:** Object to the development due to a lack of information. They have records of the holdings flooding in 2005, 2008 and earlier this year. Although this is a consequence the septic tank used by the Sauchenford residents, there is an existing problem in the area that should not be exacerbated.

The applicant will be required to submit the percolation test, and any other relevant supporting information done to determine the suitability of the ground conditions for the use of a soakaway.

This information is based on the accuracy and completeness of information supplied by the applicant or those working on their behalf. SEPA have a role to play as statutory consultee.

4.11 **Planning & Policy:**

Background

The proposed development impacts on an element of the Sauchieburn (1488) Designated Battlefield. This particular element of the designated area lies over the north-western edge of the battlefield and while it is possible that the area contains remains associated with the fighting it is considered a remote possibility. In addition, the proposed development lies within the immediate environs of a Scheduled Monument (SM 6479): a ring ditch enclosure only visible from the air, the upstanding element having been ploughed flat. The feature in question is likely to represent settlement from c 2-3000 years ago and could well be associated with other prehistoric settlement in the wider area.

The proposed development will also have an impact on the setting of both the Battlefield and the Scheduled Monument, however, it is clear that surrounding existing settlement has made the area less sensitive to further change.

Policy

There are a number of existing policies relevant to this application with regard to Archaeology:

Policy 7.1: Archaeology & Historic Building Recording (designated & undesignated buildings/sites) of the Stirling Local Development Plan (adopted September 2014) is relevant to archaeological remains:

- (a) There will be a presumption against development that impacts physically upon either a Scheduled Monument, a nationally important monument or significantly detracts from the setting of such monuments.
- (b) Where there is the possibility that archaeological remains may exist within a development site, but their extent and significance is unclear, the prospective developer should arrange for an evaluation prior to the determination of any planning application in order to establish the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording surviving archaeological features.
- (c) Approval of any proposal directly affecting historic environment features will be conditional upon satisfactory provision being made by the developer for the appropriate level of archaeological and/or standing building investigation and recording, assessment, analysis, publication and archiving.

Stirling Local Development Plan September 2014

Policy 7.8: Development affecting Battlefields, Gardens and Designed Landscapes

- (a) Development which would have a significant adverse effect upon the archaeology, landscape features, character and setting of sites listed in the Inventory of Historic Battlefields will not be supported unless it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised. Where approved, proposals and developments affecting Inventory sites will require an appropriate level of mitigation, and measures (to be agreed with the Planning Authority) must be taken to conserve and enhance the essential characteristics, aesthetics, archaeological, historical value and setting of the battlefield.

Recommendation

The proposed development has a series of actual and potential impacts on archaeological remains: it is likely that the physical impact on objects associated with the designated battlefield will be minimal, as the development lies towards the edge of the designated area. In addition, there will be impacts on the wider setting of the battlefield and a Scheduled Monument, however, in both cases existing development has made the area less sensitive to further change. Finally, the development has the potential to impact on previously unrecorded archaeological remains associated with the Scheduled Monument. These represent insufficient reasons to oppose the application.

On balance therefore we have no objection to the development, however, if it does proceed, we would recommend that in advance of construction an experienced and suitably qualified archaeological contractor undertake the following programme of archaeological works by way of mitigation regarding the potential loss of the site:

- 1) A photographic record of the current site conditions.
- 2) 5% ground breaking evaluation on the footprint of the proposed development (building footprint and access drive) with trenches no more than 10m long, with associated metal detection scanning of spoil heaps to recover for archaeological objects.

If this exercise identifies archaeological features and finds of merit I would recommend that these be subject to some or all of the following: excavation, post-excavation assessment, post-excavation analysis, archiving and publication in an appropriate academic journal.

We would recommend the following condition:

Negative Suspensive Condition - Programme of Archaeological Works (PAN 2/2011, SPP, SHEP)

No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Stirling Council Planning Officer (Archaeology), and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning

Authority in agreement with the Stirling Council Planning Officer (Archaeology). Such a programme of works could include some or all of the following excavation, post-excavation assessment and analysis, publication in an appropriate academic journal and archiving.

Reason: To safeguard and record the archaeological potential of the area.

- 4.12 **Scottish Environment Protection Agency (East):** This consultation is below the threshold where we would provide bespoke advice. Please therefore refer to SEPA standing advice for planning authorities and developers on development management consultations.

5 BACKGROUND PAPERS

- 5.1 Planning Application file 16/00645/FUL. File can be viewed online at:
<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OEBEN2PIL100>

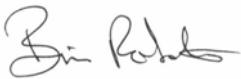
6 APPENDICES

- 6.1 None.

Author(s)

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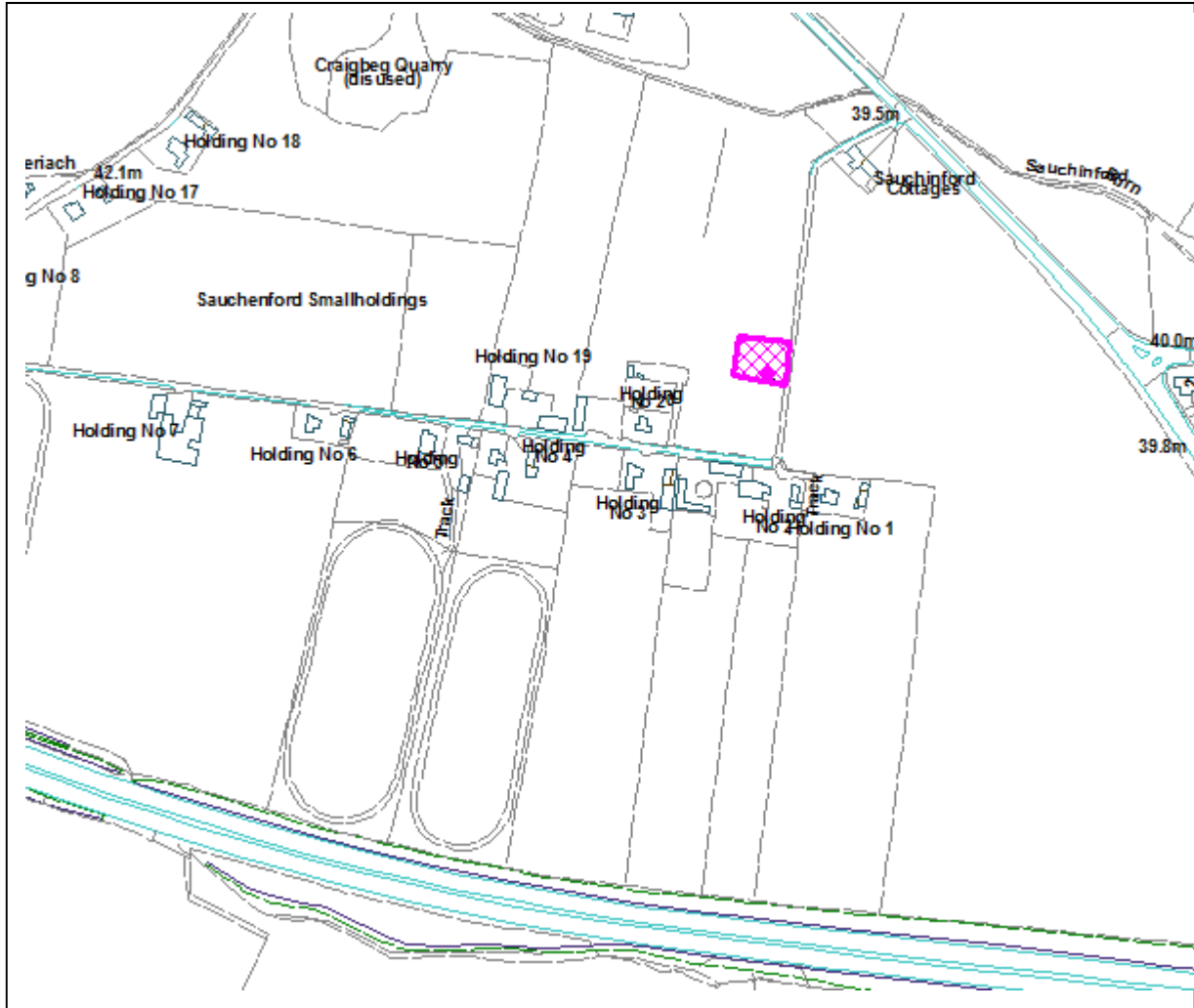
Approved by

Name	Designation	Signature
Brian Roberts	Senior Manager - Infrastructure	

Date 15 September 2017

Service Reference 16/00645/FUL

Location of Development



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STIRLING COUNCIL**THIS REPORT RELATES
TO ITEM 7
ON THE AGENDA**

PLANNING & REGULATION PANEL**LOCALITIES &
INFRASTRUCTURE**

26 SEPTEMBER 2017**NOT EXEMPT**

**CONVERSION AND EXTENSION OF EXISTING GARAGE INTO A SELF CONTAINED
ANCILLARY ANNEX AND TWO STOREY EXTENSION TO THE MAIN DWELLING AT 9 ST
THOMAS WELL, STIRLING, FK7 9PR - MISS AMANDA TERVIT - 17/00387/FUL**

1 SUMMARY

- 1.1 The application had been referred to Planning and Regulation Panel at the request of Councillor Scott Farmer on the following grounds:
- 1.1.1 The development is out of character with the setting of the area;
 - 1.1.2 The development is detrimental to the amenity of the area and amounts to potential over-development given the enclosed nature of the street;
 - 1.1.3 The development will result in potentially an unacceptable increase of traffic in the enclosed setting.
- 1.2 At its meeting on 5 September 2017, the Panel agreed to defer consideration of the application pending a Site Visit and Hearing to take place at a future meeting of the Panel. The Site Visit is scheduled for Thursday 21 September 2017.

2 OFFICER RECOMMENDATION(S)

The Panel agrees:

- 2.1 to grant the approval of the planning application subject to conditions set out in Appendix 1 of the report.

3 CONSIDERATIONS**The Site**

- 3.1 The application site relates to a residential plot measuring approximately 900 square metres which comprises of a single-storey, detached dwelling house with accommodation in the roof served by rooflights. The external materials

include facing brick to the external walls and red concrete profiled roof tiles. The house has a symmetrical fenestration with a centrally positioned entrance door on the street facing elevation which is flanked by modern casement windows.

- 3.2 The house forms part of a residential close containing a prevalence of similar house types in terms of architectural style, detailing and material finishes. The front gardens are a pre-dominant feature of the close, particular at its entrance, due to the dwellings being setback from the street within their respective plots.

The Proposal

- 3.3 Planning permission is sought for the conversion and extension of existing garage to form self-contained ancillary accommodation and to extend the existing dwelling house by way of a two storey extension to the side, east elevation and dormer windows to the rear, north elevation.

Previous History

- 3.4 Planning permission was granted, subject to conditions, for a single storey extension and music room on 10 September 1998 (planning application number 98/00680/HAE).

Development Plan Policy

- 3.5 Primary Policy 1: Placemaking, of the Stirling Local Development Plan, September 2014, states that development of all scales must be designed and sited, not only with reference to their own specifications and requirements, but also in relation to the character and amenity of the place, urban or rural, where they are located.
- 3.6 Policy 1.1: Site Planning, of the Stirling Local Development Plan, September 2014, all new development are required to contribute, in a positive manner, to quality of the surrounding built and natural environment, and therefore expected to meet the following criteria (as relevant): -
- i) The siting, layout and density of new development should, contribute towards or create a coherent structure of streets, spaces and buildings; respect, complement and connect with its surroundings; be safely accessed; and create a sense of identity within the development.
 - ii) All new development should consider and respect site topography, and any surrounding important landmarks, views or skylines.
 - iii) The design should be appropriate to both any building to which it relates, and the wider surroundings in terms of appearance, position, height, scale, massing and should use materials, finishes and colours which complement those prevalent.
- 3.7 Policy 2.12: Residential Alterations and Extensions, of the Stirling Local Development Plan, September 2014, the extension of residential properties will be supported provided that all the relevant criteria are satisfied:

- i) The proposal is of a scale, size, massing and design that is subordinate and sympathetic to the building to be extended and the wider townscape, and uses materials appropriate to its context.
 - ii) The proposal does not result in an over-development of the plot, with sufficient space remaining for garden ground, parking, bin storage, which is comparable to the amenity afforded to surrounding residential properties in this regard.
 - iii) The proposal does not result in a material detrimental impact on the amenity of surrounding residential properties in terms of privacy, noise or loss of daylight.
- 3.8 Stirling Council's Statutory Supplementary Guidance, SG12: Residential Alterations and Extensions, states that an extension to a house should be sympathetic in terms of scale, positioning and detail to the original building. Normally an extension will be considerably smaller than the original house, and should be designed to look like it is an integral part. The Guidance also identified measures for safeguarding residential amenity which includes a minimum 18 metres distance be established between windows of habitable rooms that are parallel to each other for safeguarding privacy.
- 3.9 Policy 2.11: Houses in Garden Ground/Curtilages. In settlements residential development within the curtilage of an existing house will be supported provided that all the following criteria are satisfied: -
- i) The position, orientation, and assess to the proposed house(s) and the relationship with surrounding properties, maintains and respects the established development pattern.
 - ii) The proposed curtilage and that remaining attached to the existing house will be comparable with those surrounding in terms of size, shape, amenity and privacy.
 - iii) The proposed house is afforded a degree of privacy comparable with surrounding houses and does not materially affect the privacy and/or daylight of surrounding residential properties.
 - iv) All existing features such as trees, hedges, landforms, walls, fences and buildings which contribute to the character of the plot and/or wider area, shall be retained and not adversely affected by development.
- 3.10 Primary Policy 7: Historic Environment, of the Stirling Local Development Plan, September 2014, the historic environment and, where appropriate, the settings of its component features will be safeguarded, preserved and enhanced.
- 3.11 Policy 7.2: Development within and outwith Conservation Areas, of the Stirling Local Development Plan, September 2014, all new development should respect the architectural and visual qualities of the area, having regard to the character of the area.

Assessment

- 3.12 The application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Having regard to the provisions of the Development Plan, the main issues raised by this application are the requirement to satisfy the Placemaking objectives, Primary Policy 1 (PP1), and the provisions relating to house extensions as set out in policies , Pol. 1.1 and 2.12. There is also a requirement to have regard to the desirability of preserving the setting of the adjacent designated Park Place/Randolphfield Conservation Area, Policy 2.12.

Design, layout and visual impact

- 3.13 PP1 requires the quality of new development to relate to the character and amenity of the neighbourhood and its surroundings. Policy 1.1 and Policy 2.12 set out general criterion dealing with design and siting having regard to the positioning of new development on the site; height, scale and form, materials and detailing relative to the building to which it relates and impacts on the wider landscape setting. The policy is supportive of house alterations and extensions where it meets this particular criteria.
- 3.14 The proposed development will not significantly alter the frontage of the dwelling when viewed from within the St. Thomas Well close. This is because the proposed extensions to the house and detached garage will be set back behind the forward building line where they will be largely screened by the existing buildings and boundary features, including the neighbouring garage (No.10).
- 3.15 The neighbouring properties that make up the residential close of St. Thomas Well are orientated and positioned such that the development proposals will not be conspicuous in the main outlook from within these buildings. It is also considered that from within the close itself the proposals will not interrupt important vistas beyond the development. Whilst it is accepted that the extension will be visible when viewed from front on, it is considered that in such views the proposal will appear subservient to and in keeping with the form, design and height of the original dwelling house and surrounding buildings.
- 3.16 The proposed additions will be constructed within the rear curtilage and as such, it is from the back of the property (north elevation) where the most significant alterations to the property will occur. The extent of new development to the rear of the property includes a two-storey extension and formation of 2 No. traditionally designed dormer windows to the existing house, and a single storey extension to the garage.
- 3.17 The proposed two-storey extension is designed with a pitched roof form. The ridgeline will tie in with and run perpendicular to the ridgeline of the original house. The result, in terms of design, will be the introduction of a double-storey gable end that will front onto the Homesteads housing development which forms part of the Conservation Area.
- 3.18 From within the Homesteads development, the proposed development will be viewed in association with various other built features that include surrounding buildings, garaging, outbuildings, garden sheds and greenhouses. The gable end of the neighbouring building (No. 10) also

features prominently from within this setting, which will ensure that the visual impact of the gable end of the proposed extension will not appear incongruous provided that careful consideration is given to the tone and colour of the render finish. In this context, the development proposal will not have an adverse impact on the local townscape character or the setting of the adjacent Conservation Area, in accordance with Primary Policy 7 and Policy 7.2.

- 3.19 Concerns have been expressed that the development proposal represents an over-development of the plot. The Council's guidance (SG12), which supports Policy 2.12, sets out that the ground area of the house (including garage and outhouses) plus any new development should not be greater than 30% of the total plot area.
- 3.20 The house plot extends to approximately 930 square metres area and the ground area covered by the existing dwelling and garage measures 150 square metres; the existing buildings represent 16% of the total plot area. The development proposal represents an increase in the overall built footprint to 205 square metres (55 square metres increase) which represents 22% of the total plot area. As a result, the development proposal comfortably complies with the Council's guidance and is not therefore, regarded as an over-development of the site.

Impact on residential amenity

- 3.21 Property Nos 4, 5, and 6 Homesteads are single storey dwellings situated to the north of the proposed site. The main aspect of these properties is to the northwest (front elevation) and southeast (rear elevation), that provide views beyond and away from the application site. In view of this, it is considered that the development proposal will not block or dominate the main outlook of the surrounding properties or have an overbearing impact on their respective curtilages.
- 3.22 Concerns have been expressed by the occupants of surrounding properties about loss of privacy as a result of increased overlooking. To maintain adequate levels of privacy, the guidance contained with SG12 advises 18 metres as the minimum recommended distance between windows serving habitable rooms that are parallel to one another.
- 3.23 In this case, the distance between the proposed dormer windows, serving first floor bedrooms, and the southwest facing windows of the neighbouring property (6 Homesteads) would exceed 22 metres, which comfortably exceeds the well-established safeguarding distance within which overlooking might have a significant impact on residential amenity. It is also noted that the upper storey windows of the proposed extension will be opaque bathroom windows which would completely remove the potential to overlook adjacent properties. Furthermore, the screening provided by the intervening common boundary wall and the outbuilding sited within the neighbouring curtilage also removes the potential for being overlooked from the proposed ground floor windows.
- 3.24 Similar concerns have also been expressed by the occupants of 8 St Thomas Well, situated adjacent to and west of the application site. The concerns relate to the potential overlooking from the window on the west elevation of the extended garage, as proposed, to the private garden area of the

neighbouring property. It is noted that the window in question will be an opaque bathroom window which would completely remove the potential to overlook. Furthermore, the development proposal will not block or dominate the immediate outlook of the neighbouring property; the same can also be said about the impacts of the development proposal on the neighbouring property to the east, 10 St. Thomas Well, given the screening provided by the existing garage and the orientation of the property that offers an outlook that will be unaffected by the proposals.

- 3.25 Therefore with regard to privacy, daylight, sunlight and immediate outlook, it is considered that the development proposal will not harm the amenity of neighbours, in accordance with Policy 1.1 and Policy 2.12.

Parking

- 3.26 The existing dwelling comprises 3 bedrooms which requires 2 in-curtilage car parking spaces as set out in the Council's guidance (SG14). The development proposal will introduce 3 additional bedrooms (6 in total) which requires 3 in-curtilage parking spaces in accordance with the guidance. It was observed during the site inspections that the site, and those surrounding, benefit from an uncommonly large driveway by modern housing development standards. The driveway measures approximately 30 metres length and can comfortably accommodate the level of parking required to serve a development of this scale.
- 3.27 Concerns have been expressed about the parking of commercial vehicles within the plot. The assessment must consider the submitted proposals which are for domestic purposes only. Issues arising from any commercial related activities as alleged should be dealt with under a separate planning process, as appropriate, without prejudice to the current proposals.

Ancillary accommodation

- 3.28 The ancillary accommodation will be formed by extending and converting the existing detached garage. It is submitted, and accepted in good faith, that the residential annex will allow the occupants of the main house to manage the care needs and requirements of an elderly parent whilst allowing for semi-independent living in the interests of general well-being. Therefore, in view of the family connection and the dependency of the prospective occupants on those residing in the main house, it is considered that the use of the annex will be ancillary to the existing residential unit that will not result in a material change of use.
- 3.29 The relationship of the annex to the main house is also strengthened by the spatial relationship between the buildings, and in terms of access arrangements and shared garden ground, will ensure that it functions as additional accommodation in association with the main dwelling.

Objections

- 3.30 21 contributions have been received from 12 households. The comments of objection are summarised below:
- (a) Impact on St Thomas Well: The proposal will have a negative impact on the character of St Thomas Well

- (b) Change of Use: The proposal will introduce a new dwelling house within the existing plot.
- (c) Title Deeds: The burdens imposed on the title deeds do not allow for the type of development proposed.
- (d) Over-Development: The development is disproportionate to the site.
- (e) Increased Activity: The development proposal will result in increased activities to and from the site.
- (f) Flue: The flue serving wood burning stove will have a detrimental impact on the bedroom of 8 St Thomas Well.
- (g) Privacy: The development will overlook neighbouring properties to the detriment of residential amenity.
- (h) Materials: The materials use are out of keeping with the house and surrounding buildings.
- (i) Maintenance: The proximity of the extension to the garage of 10 St Thomas Well will restrict maintenance.
- (j) Commercial Activity: The applicant is running a business from the property which is restricting parking.

4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

Policy Implications	
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Serving Stirling	No
Single Outcome Agreement	No
Diversity (age, disability, gender, race, religion, sexual orientation)	No
Sustainability (community, economic, environmental)	No
Effect on Council's green house gas emissions	No Effect
Strategic/Service Plan	No
Existing Policy or Strategy	No
Risk	No
Resource Implications	
Financial	No
People	No
Land and Property or IT Systems	No
Consultations	
Internal or External Consultations	No

Equality Impact Assessment

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

Strategic Environmental Assessment

- 4.2 The application does not require a strategic environmental assessment.

Serving Stirling

- 4.3 The recommendation does not apply to the Serving Stirling priorities for Stirling Council.

Single Outcome Agreement

- 4.4 The recommendation does not apply to any of the 7 objectives of the single outcome agreement.

Other Policy Implications

- 4.5 None.

Risk

- 4.6 None.

Resource Implications

- 4.7 None.

Consultations

- 4.8 No consultations requested or received.

5 BACKGROUND PAPERS

- 5.1 Planning Application file 17/00387/FUL. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OQ37LFPIKGP00>

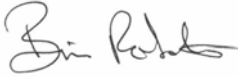
6 APPENDICES

- 6.1 Appendix 1 – Conditions and Reasons

Author(s)

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Approved by

Name	Designation	Signature
Brian Roberts	Senior Manager - Infrastructure	

Date 15 September 2017

Service Reference 17/00387/FUL

CONVERSION AND EXTENSION OF EXISTING GARAGE INTO A SELF CONTAINED ANCILLARY ANNEX AND TWO STOREY EXTENSION TO THE MAIN DWELLING AT 9 ST THOMAS WELL, STIRLING, FK7 9PR - MISS AMANDA TERVIT - 17/00387/FUL

Approve subject to the following conditions:

- 1 **Residential Annex - Restriction of Upper Floor Accommodation:** That no habitable accommodation should be provided within the roof space of the residential annex hereby approved without an express grant of planning permission from the Planning Authority.
- 2 **Removal of PD Rights - Obscure Glazing:** That notwithstanding the provisions of Class 2(b) of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 [as amended] the ancillary accommodation and the extension to the main dwelling house hereby approved shall not be brought into use unless the windows on the west elevation of the ancillary accommodation, serving bathroom, and the windows on the north facing elevation of the two-storey extension, serving 'master en-suite' bathroom as shown on the approved plans, have been fitted with obscure glazing. Once installed, the obscure glazing shall be permanently retained thereafter and the windows shall not be altered in any way without the prior express planning permission of the Planning Authority.
- 3 **Materials Details:** Prior to the commencement of development, a detail/specification and colour of the following elements of the proposed external finish of the development shall be submitted to and approved in writing by the Planning Authority.
 - a) Rendered wall finish.
 - b) Roof finish.

For the avoidance of doubt, the kalzip roof finish as shown on the submitted drawings is not approved.

For the avoidance of doubt, the roof of the two storey extension shall be tiled to match the roof tiles on the existing dwelling house and the render finish to the external walls shall match the colour and tone of the facing brick on the external walls of the existing dwelling house.

The development shall be carried out in complete accordance with the approved details.

- 4 **Flue Type:** For the avoidance of any doubt, the stove shall be a Defra exempt alliance which shall burn smokeless fuel only.

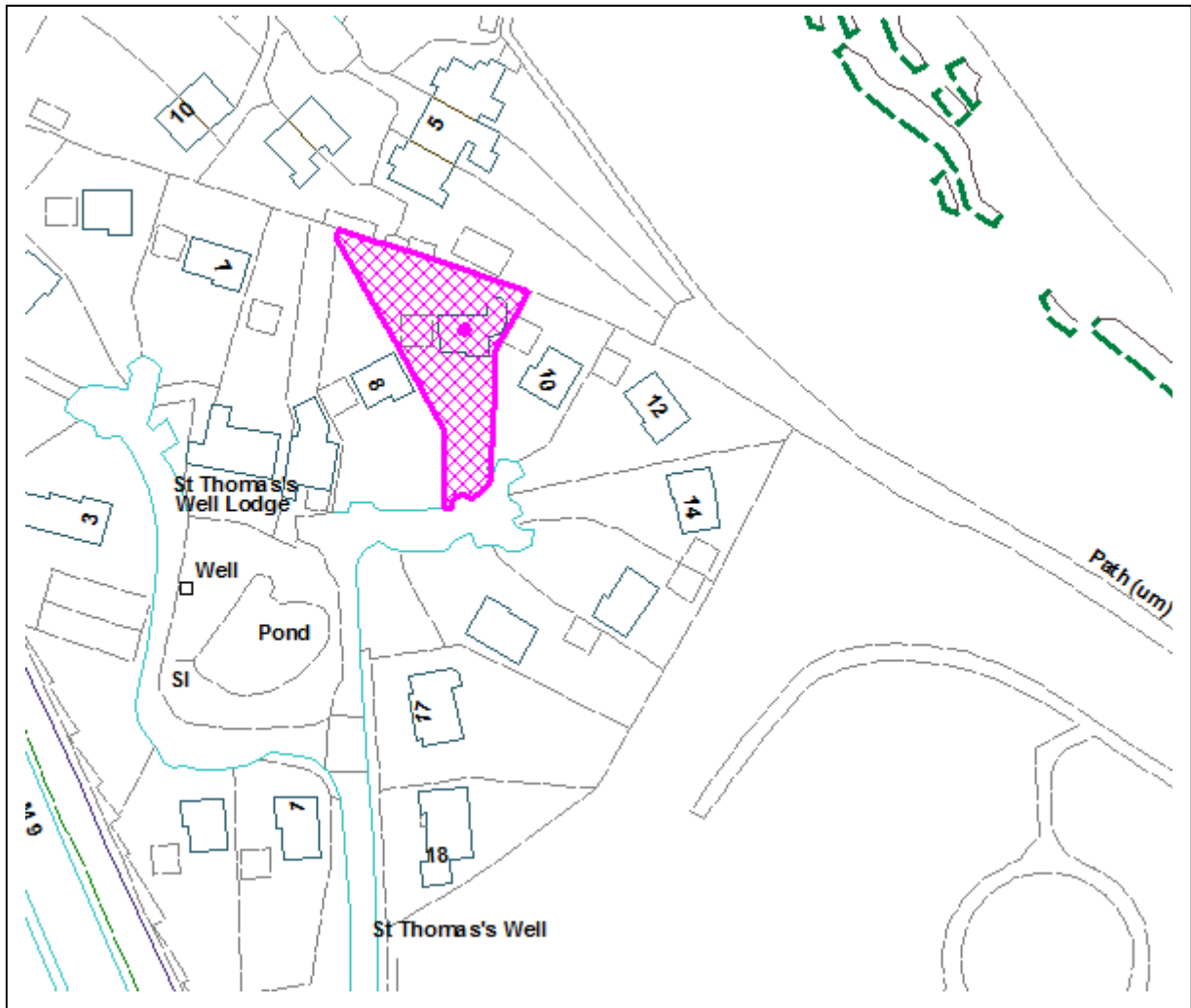
- 5 **Boundary Treatments - Details:** Prior to the commencement of any such works on site, full details of the proposed means of boundary treatments relating to the 'separating wall' and 'outside storage' area enclosure, as identified on the approved plans, shall be submitted for the written approval of the Planning Authority prior to the commencement of works on site. Thereafter, such details as agreed shall be incorporated into the development hereby approved.

For the avoidance of doubt, no part of the proposed 'separating wall' shall exceed 1 metre in height.

Reasons:

- 1 In order to ensure that the level of internal accommodation within the annex is commensurate in scale with the accommodation of main dwelling house to ensure that it functions as an ancillary part of that dwelling house and to protect the site and the wider area against overdevelopment resulting from the provision of additional habitable accommodation.
- 2 In the interest of the residential amenity of the adjacent properties, 5 & 6 Homesteads.
- 3 In the interests of the appearance of the development and the visual amenities of the area, to ensure that the external finishing materials are appropriate to the character of the streetscape and the adjoining Conservation Area.
- 4 In order to protect the residents of surrounding neighbouring properties from smoke and odour nuisance.
- 5 In the interests of the appearance of the development and the visual amenities of the area, and to restrict the formal separation of the curtilage.

Location of Development



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STIRLING COUNCIL**THIS REPORT RELATES
TO ITEM 8
ON THE AGENDA**

PLANNING & REGULATION PANEL**LOCALITIES &
INFRASTRUCTURE**

26 SEPTEMBER 2017**NOT EXEMPT**

**APPLICATION UNDER SECTION 42 OF THE TOWN & COUNTRY PLANNING (SCOTLAND)
ACT 1997 TO NOT COMPLY WITH CONDITION 5 OF PLANNING PERMISSION
14/00498/FUL IN REGARDS TO DISABLED PARKING PROVISION AT THE ENGINE SHED,
FORTH SIDE WAY, STIRLING, FK8 1QZ - HISTORIC ENVIRONMENT SCOTLAND -
17/00531/FUL**

1 SUMMARY

- 1.1 This application had been referred to Planning and Regulation Panel due to Stirling Council having an interest in the site as land owner of the immediately adjacent surrounding land which is part of a Masterplan for the Forthside regeneration area within which the 'Engine Shed' site is located.
- 1.2 At its meeting on 5 September 2017, the Panel agreed to defer consideration of the application pending a Hearing to take place at a future meeting of the Panel.

2 OFFICER RECOMMENDATION(S)

- 2.1 The Panel agrees to remove Condition 5 of 14/00498/FUL for the following reasons:
- 2.1.1 Condition 5 of 14/00498/FUL relates to a defined a redline site. There is physically no capacity within the redline site to provide car parking. The imposition of condition (5) therefore does not satisfy legal requirements related to planning conditions as the applicant is not apply to satisfy the condition.
- 2.1.2 The Condition serves no useful purpose as the applicant cannot comply with it. If this application were to be refused the Planning Authority could not enforce the Condition.

3 CONSIDERATIONS

The Site

- 3.1 The site of the Engine Shed is situated to the north of the Vue Cinema and former barracks buildings now currently utilised as office buildings. The currently grassed area between the Engine Shed and the barracks buildings was identified in the Forthside masterplan as potentially being developed as a hotel conference centre.
- 3.2 The building site is east of Forthside Bridge and Stirling train station. The site lies west of Forthside Way, the River Forth beyond that and south of residential developments Old Harbour Square and Chandlers Court. Between Old Harbour Square and the Engine Shed is an area of open space which was previously identified as a development site within the Forthside Masterplan for the development of numerous office buildings. No work has been undertaken to date on the identified masterplan sites to the north and south, in terms of new build. The original building was a single storey building constructed in 1899, with sandstone walls and a slate pitched roof occupying a central position within the masterplan site. Originally it was one open space which provided approximately 580 square metres. The building has undergone recent extension and refurbishment.

The Proposal

- 3.3 The proposal seeks the removal, Under Section 42 of the town and Country Planning (Scotland) Act 1997 of Condition 5 of Planning Permission 14/00498/FUL, in regards to disabled parking provision. Condition 5 of this application states; "Before the development hereby permitted commences, details of the proposed access plan and parking arrangements shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include a plan for the provision of disabled parking on site." The reasons for the original imposition of the condition was to try to facilitate disabled parking where appropriate.

Previous History

- 3.4 Application 14/00498/FUL was submitted in August 2014 by Historic Scotland for the change of use and extension to an existing redundant transportation shed to establish a training and learning centre in traditional skills with conference, seminar, office, laboratory, workshop and exhibition facilities on land and buildings at Former Engine Shed, Forthside Way, Stirling.

Development Plan Policy

- 3.5 The relevant policies within the Stirling Local Development Plan, September 2014, are set out as follows:
- 3.5.1 The Overarching Policy supports good quality development, in the right place, that meets the community's needs, in order to contribute positively to the creation of vibrant, mixed and healthy communities. All developments will require to demonstrate the following:
- a) Compatibility with the Spatial Strategy and conformity with the relevant Sustainable Development Criteria.

- b) A design-led approach, including high standards of design, reinforcement of sense of place, integration with neighbouring areas and the wider community.
 - c) Appropriate measures for mitigation of and adaption of climate change.
 - d) Appropriate measures for safeguarding, conservation and enhancement of the historic and natural environment.
- 3.6 Policy 1.1: Site Planning, of the Stirling Local Development Plan, September 2014, states that all new development are required to contribute, in a positive manner, to the quality of the surrounding built and natural environment. It is therefore expected that: -
- a) The siting, layout and density of new development should; contribute towards or create a coherent structure of streets, spaces and buildings; respect, complement and connect with its surroundings; be safely accessed; and create a sense of identity within the development.
 - b) All new development should consider and respect site topography, and any surrounding important landmarks (built or natural), views or skylines.
 - c) The design should be appropriate to both any building to which it relates, and the wider surroundings in terms of appearance, position, height, scale, massing, and should use materials, finishes and colours which complement those prevalent.
- 3.7 Placemaking 1.2 Design Process: In order to ensure that the aims of Placemaking and quality site planning are met: -
- a) Preparation of Development Frameworks and/or Masterplans will be required for areas or sites requiring a comprehensive approach to the provision, design, and location of uses, open space and infrastructure. Thereafter, detailed proposals coming forward for all or part of the site will be expected to demonstrate cognisance and compliance with the relevant Development Framework/Masterplan.
- 3.8 Design Statements and Design and Access Statements will be required in support of Planning Applications in all instances as set out in SG01.
- 3.9 The site and its surroundings are key elements in Non-statutory supplementary Guidance SG08-Forthside Masterplan part 1&2. The Report to the Environment Committee was in November 2004. The aim of the masterplan was to create a contemporary and sustainable new quarter for Stirling which takes advantage of the riverfront setting providing a development that will add socially, culturally and economically to the City.
- 3.10 The Engine Shed site was originally a single storey building constructed in 1899 which occupies a central site within the overall Masterplan area. The development of both the engine shed and Forthside Square were originally integrated into Phase 3 of the Development. The sites immediately to the north and south are identified for development with the land to the west to

remain open space and to create a Civic Square (Forthside Square). This area is at the heart of the development between the proposed offices to the north and the hotel /conference centre.

- 3.11 The proposed Forthside Square site is detailed within the Masterplan Report as being possibly the most important public space in the overall development and is the arrival point of visitors using station footbridge. Its main purpose is to provide a useable outdoor space either for events or everyday usage, eating and drinking etc. and to provide the main central focus to the overall development. The area also serves as one of the main pedestrian links through the site. The area is proposed to be predominantly hard landscaped with formal tree planting to define the boundaries, break up the solid interface of the buildings and to frame the area.

Assessment

- 3.12 Planning permission is sought for the non-compliance, under Section 42 of the Town and Country Planning (Scotland) Act 1997, of Condition 5 of Planning Permission 14/00498/FUL, which was in regards to disabled parking provision.
- 3.13 Application 14/00498/FUL proposed the change of use and extension to existing redundant transportation shed to establish a training and learning centre in traditional building materials skills with conference, seminar, office, laboratory, workshop and exhibition facilities. As part of the approval a condition was imposed which stated "Before the development hereby permitted commences, details of the proposed access plan and parking arrangements shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include a plan for the provision of disabled parking on site."
- 3.14 The determining issues related to this application are confined:
- 1) Whether the previously imposed condition was/is achievable and reasonable;**
- 3.15 The existing site includes just the building footprint, with no further land within it. Within that footprint there is an area on the south east corner which includes an area which is used by the applicant as a loading bay and is unsuitable for use as public parking spaces. The loading bay satisfies Condition 6 of the permission related to 'Loading and Unloading'. As such it is considered that there is insufficient space to accommodate parking within the site.
- 3.16 Supplementary Guidance for Forthside recognises the high level of public transport accessibility within the immediate locale and seeks to ensure that the area immediately adjacent to the 'Engine Shed' development, referred to as Forthside Square, remains car free.
- 3.17 The Forthside masterplan plan details the area immediately adjacent to the Engine Shed as Forthside Square and details its importance as a key public space. The space currently provides a pedestrian link and is envisaged to be a key area in terms of providing an outdoor venue as well as an informal outdoor space, which will remain car free.

- 3.18 Although the Council, as Roads Authority, has confirmed this position with the applicant, this does not discharge the planning condition. Formal removal of a planning condition can only be obtained through approval of an application made by application under Section 42 of the Town & Country Planning (Scotland) Act 1997 to not comply with condition.
- 3.19 It is pertinent to note that it is not legally possible to discharge Condition 5 outwith of the defined redline site. Notwithstanding the above mentioned physical and legal constraints involved with sustaining Condition 5 within the redline site to which the condition relates, the Council, outwith its remit as Planning Authority, has been working with the Access Panel to provide disabled spaces to serve the Engine Shed facility specifically as well as spaces within the wider masterplan area. A disabled parking bay and drop off point was promoted by Stirling Council prior to the opening of the Engine Shed in early July 2017. The existing parking site is situated approximately 55 metres to the south east of the Engine Shed and Civic Square. Access is via a level tarmac surface. This provision is outwith of the Building Standards' guidance of 45 metres for disabled parking provision, but it is pertinent that this involves an area of ground with even topography on a direct and straight route.
- 3.20 The Council (Traffic and Infrastructure service) has also been working to provide for longer term alternatives for disabled parking. The Council has been working with the applicant and the Stirling Area Access Group to explore opportunities to provide longer term alternatives. Discussions are ongoing with these parties with regards to the 3/4 options identified as part of this application, which will provide parking closer to the Engine Shed entrance as part of the ongoing development of Forthside.

2) Whether Condition 5 serves any useful purpose

- 3.21 In light of considerations under 1) a key consideration turns to whether Condition 5 has any useful purpose. As noted above, the applicant is not able to satisfy Condition 5. As noted above, Condition 5 cannot be satisfied or 'transferred' to land outwith of the defined red line site. This raises the issue as to whether sustaining the Condition is legally competent. It is also relevant to note that the Council would not be able to enforce Condition 5. As such, it is considered that Condition 5 serves no useful purpose.

Objections

- 3.22 Two letters of objection have been received regarding this application. The issues raised and the planning responses thereon have been detailed below.
- a) The Riverside Community Council raised lack of disabled parking with the original application in 2014 and it was made a condition of the build. It was up to the applicant to submit this in writing to the Council before the build began and they failed to do so. They built on every part of their footprint of their land in the knowledge they were ignoring this condition 5 to provide disabled parking.

Response: The site only included the footprint of the building and its extensions, all other land surrounding the property is within the ownership of Stirling Council. The Condition referred to on-site parking as it was understood that parking could be accommodated within the site. This was

based on a misunderstanding with one of the plans. The proposals were built in accordance with the approved plans, which do not provide any space for onsite parking.

- b) Public money was used for this build. Over £11 million with no provision for disabled parking in the knowledge this would not comply with current Equality legislation namely the Equality 2010 Act. As an employer they have a duty to provide a disabled parking space for an employee should it be required and also disabled parking for the public. This is clearly ignored and the idea that they should not comply with current legislation and Stirling Council should support this is beyond belief. It is sad to see a beautiful building like this with over £11 million of public funds spent on it being an island in the middle of an ocean due to access issues which was brought to the attention of the developer by both Riverside Community Council and Stirling Council Planning Department in 2014.

Response: The Equality 2010 Act operates alongside other legislation such Planning and Building Standards legislation. The Equalities 2010 Act places obligations on the Planning Authority to consider the impact of proposals on protected groups and also requirements to undertake full equality impact assessments in developing planning policy. However, it cannot be inferred that the Equality 2010 Act enables the Planning Authority to consider non-planning matters when considering a planning application.

- c) The Condition quite clearly states that disabled parking should be "on site". The Council has put in disabled parking on the road opposite but this does not comply with BSI Recommendations and neither is it on site.

Response: The focus of considering this planning application is confined to whether it is possible to accommodate parking on site and if not then the condition cannot be sustained.

- d) In the original application the applicant states on page 20 of the supporting statement "Mobility impaired visitors will be accommodated with a designated drop off point." The project manager has clearly decided just to ignore this statement, as there is no designated drop off point.

Response: The planning application relates to the removal of an imposed Condition relating to parking. The supporting statement did not form part of the approved drawing and no condition relating to providing a drop off point was detailed in plans nor was a condition imposed relating to a drop of point.

- e) Stirling Council's approval of the Engine Shed project was and still is conditional on HES to provide 2 disabled parking spaces and SAAP consider it reprehensible that HES is now, after the facility is operational, applying to remove this essential condition.

Response: Irrespective of the original Condition, it is now clear that the Condition is not robust. This raises the issue of whether continuing to impose the Condition is deemed to be acting unreasonably under planning regulations.

- f) Disabled parking provision with a setting-down point will allow disabled and elderly people, and very young families to easily access and enjoy an outstanding facility based in a location which is busy from passing traffic with no opportunity to stop.

Response: There was no Condition imposed relating to a setting down point, nor is one detailed on the approved plans.

- g) We note that the temporary on-street disabled parking lay-by which is located adjacent to the New Forthside Bridge on the road parallel to the railway line, exceeds the distance of 45m from the entrance to the Engine Shed and is disassociated with any feature near it and cannot be identified as a parking provision for the Engine Shed.

Response: The primary considerations on this planning application are confined to whether the redline site is able to provide parking space and it is robust to continue to impose planning condition on this matter.

- h) It is considered that as public money is being used for this project, all public sector parties involved in this project have a legal duty to promote disability equality by complying with Section 42 of the Town and Country (Scotland) Act and the Equality Act 2010. Stirling Council Planning has a duty to reject this application. Should Stirling Council not reject this application, SAAP will have no alternative but to continue to voice the valid objection, and continue campaigning for the legal rights of the disabled. Disabled parking provision with a setting-down point will allow disabled and elderly people, and very young families to easily access and enjoy an outstanding facility based in a location which is busy from passing traffic with no opportunity to stop.

Response: The legal position regarding the determination of this planning application is set out within the report. Campaigning for legal rights advocated by the objector is a matter for legislators to consider and this campaigning position does not form part of considering this planning application.

4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

Policy Implications	
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Serving Stirling	No
Single Outcome Agreement	No
Diversity (age, disability, gender, race, religion, sexual orientation)	No
Sustainability (community, economic, environmental)	No
Effect on Council's green house gas emissions	No Effect
Strategic/Service Plan	No
Existing Policy or Strategy	No
Risk	No
Resource Implications	
Financial	No
People	No
Land and Property or IT Systems	No
Consultations	
Internal or External Consultations	Yes

Equality Impact Assessment

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

Strategic Environmental Assessment

- 4.2 Not Applicable.

Single Outcome Agreement

- 4.3 Not Applicable.

Other Policy Implications

- 4.4 Not Applicable.

Risk

- 4.5 Not Applicable.

Resource Implications

- 4.6 Not Applicable.

Consultations

- 4.7 **Roads Development Control:** The Roads and Transportation Department confirmed post decision, to Historic Environment Scotland that that the

original application 14/00498/FUL for the change of use and extension of the redundant Engine Shed building, did not require on-site parking.

However, in relation to this application, for the non-compliance of Condition 5 of application 14/00498/FUL, the Roads and Transportation Department are of the view if they were in the position to reassess the site, considering its use, it would be that there is a requirement to provide 2 disabled car parking spaces, on site. This determination has been arrived at whilst considering Supplementary Planning Guidance SG14: Ensuring a choice of Access for new developments and also taking cognisance of the Forthside Masterplan.

As there is no possibility of accommodating spaces within the red line boundary of the development, Stirling Council Planning Department have been in dialogue with Stirling Area Access Group, the Roads and Transportation Department and Historic Environment Scotland, to arrive at a solution which provides, what in the circumstances would be, the minimum requirement for parking in terms of numbers, situated in a position in close proximity to the building.

Outwith consideration of the Planning Application, numerous alternative parking schemes have been submitted which are currently undergoing assessment.

Currently there is a drop off/ parking area temporarily being provided approximately 55 metres south west of the Engine Shed.

5 BACKGROUND PAPERS

5.1 Planning Application file 17/00531/FUL. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSK6NGP10CE00>

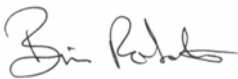
6 APPENDICES

6.1 None.

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Approved by

Name	Designation	Signature
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Date 15 September 2017

Service Reference 17/00531/FUL

