

Stirling Council

Agenda Item No. 11

Planning and Regulation  
Panel

Date of  
Meeting: 1 May 2018

Not Exempt

## **Proposed Erection of 2No. Detached Dwelling Houses at Land and Buildings at Former Mink Farm, Sommers' Lane, Ochertyre, Blairdrummond - Mrs L Henderson & Ms K Carnegie - 18/00105/FUL**

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### **Purpose & Summary**

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Full planning permission is being sought on land at a former Mink Farm, Sommers Lane, Ochertyre, Blairdrummond for the erection of two substantial sized dwelling houses on part of the grounds of the former farm.

The application is before the Planning and Regulation Panel at the request of Councillor Martin Earl, who has cited the work the applicants have carried out, to address the previous reasons for refusal and the fact there appears to be merit in the redevelopment of this brownfield site in terms of general beneficial appropriate re-use of brownfield land and improvement to the environment, as the planning reasons for this request. Also for the Panel to consider the Council's rural design guidance that, as currently interpreted, is considered to have limited the scope to create distinctively designed houses that the applicants consider to be appropriate to the site and its setting. Councillor Martin Earl has also requested that the application is determined by means of a site visit and a Hearing to allow the applicant to present the case for the development.

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

### **Recommendations**

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Panel is asked to:

1. defer consideration of the application to allow a site visit & Hearing to take place at a future meeting of the Panel; or
2. refuse the application for the following reasons:
  - 2.1 In the opinion of the Planning Authority, the proposed development is contrary to Policy 2.10 (groupings part) of the Adopted Stirling Council Local Development Plan and the associated Approved Supplementary Guidance 10: Housing in the Countryside, including the design guide as the proposed substantial houses are two buildings which bear little

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resemblance to the traditional residential buildings found in the area surroundings, in terms of the appearance, position, height, and scale and massing, which ensures the proposals do not visually relate well to the building group and as a result they are not capable of being viewed as an obvious part of the group in the landscape setting.

- 2.2 In the opinion of the Planning Authority, the proposed development is contrary to Policy 2.10 (brownfield land) of the Adopted Stirling Council Local Development Plan and the associated Approved Supplementary Guidance 10: Housing in the countryside, including the design guide, as it is not accepted that the development of two dwellings, approximately ninety five percent outside of the existing building on site footprint and creating a cumulative footprint of approximately six hundred and fifty square metres, creates "significantly wider environmental and visual benefits", which is a key test for allowing development on brownfield land.

## Resource Implications

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Not applicable.

## Legal & Risk Implications and Mitigation

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Not applicable.

## 1. Background

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- 1.1. N/A.

## 2. Considerations

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### **The Site**

- 2.1. The application site comprises part of the southern portion of the former mink farm situated on the Ochertyre Road, some 0.2 miles north of the A84 Stirling to Callander Road. The application site extends to some 1.5 hectares and is bounded to the north by the current development of six houses previously granted, to the east by the Ochertyre Road and by tree shelter belts as well as a watercourse providing natural stops to the south and west. The site is generally overgrown with long grass occupying the majority of the site with a tree belt on the western and southern boundaries. Access to the site is via a track to the east and central to the site is a dilapidated, linear, concrete building.
- 2.2. The site lies within the countryside to the west of Stirling. The application site area extends to just over fifteen thousand squared metres.

### **The Proposal**

- 2.3. The proposals would create two detached, two storey dwellings, partly in areas affected by previous development.

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- 2.4. The dwelling within Plot One, as detailed on the drawings will create a ground floor area measuring approximately three hundred and twenty-eight square metres, with an overall floor area of approximately five hundred and eighty-one square metres.
  - 2.5. The dwelling proposed for Plot Two, as detailed on the drawings will create a ground floor area of approximately three hundred and nine square metres and a total floor area of approximately five hundred and forty-seven square metres. The proposed dwellings form "L-Shaped" in a layout and finished using a mixture of materials, such as natural stone, natural slate and render.

### **Previous History**

- 2.6. 17/00414/FUL refused for the erection of two dwellings, similar in size and scale.
- 2.7. 10/00037/FUL Approval given for a contemporary style single dwelling.

### **Consultations**

#### **Roads and Transportation Department:**

- 2.8. Transport Development has no objection to the proposed development subject to conditions upgrading the access onto the public road.

#### **Environmental Health:**

- 2.9. No objection subject to the imposition of conditions: Restricting the hours of construction, removal of asbestos and the standard contamination conditions.

#### **Transport Scotland, as the Trunk Roads Authority:**

- 2.10. No objection subject to a condition to upgrade the access onto the Trunk Road.

### **Representations**

- 2.11. Four representations were received setting out the following:

- 2.11.1. Offering no objections to the proposed development of two houses and welcoming the removal of the existing unsightly redundant building. However, raising the fact there has been a noticeable increase in the watercourse levels at the west and southern boundaries of this site. With the proposed development of two new sizeable properties, their combined surface and waste water outflows into the southern boundary watercourse may increase the volume of water that needs to be sustainably drained from both the proposed and Kames developments combined. This should require a detailed Hydrology study which, as a minimum would determine the extent of the areas contributing to runoff and the flows in the watercourses and drainage systems. This in turn could be used for flood risk and drainage impact assessments.

Response: The application is being recommended for refusal on siting and design grounds. Should the site gain permission for housing through this application at appeal then it will be strongly recommended that the approval includes drainage conditions where additional information will need to be provided setting out how the houses can be properly drained.

- 2.11.2. The size and design of both houses are not in keeping with the neighbouring development. The revised designs show minor alterations which mainly refer to Broadford cottage and Ochertyre House. The house styles/designs should reference more to the Kames new development. As the proposed houses face these new houses concern was raised regarding overlooking and car headlights shining into the living areas. Concerns were also raised regarding the impact the proposals could have on the

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abundance of wildlife in the area. Deer bed within the said plot, pine martins and stoats can be seen frequently. The plot is habitat to many birds, woodpecker, pheasants and swallows. Bats and owls can also be seen on site.

Response: The application is being recommended for refusal on siting and design grounds.

2.11.3. Concerns raised that no environmental assessment was requested for this application.

Response: The application is being recommended for refusal on siting and design grounds.

### **Local Development Plan Policy**

2.12. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application.

2.13. 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.

2.14. Policy 2.10: Housing in the Countryside, of the Stirling Local Development Plan, September 2014 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):

- i) When they are within or closely and cohesively visually related to existing Building Groups and Clusters.
- iv) When the proposals will result in the beneficial re-use of a brownfield site.

2.15. Approved Supplementary Guidance 10: 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:

2.15.1. 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 three 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

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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.

2.15.2. Out with designated Green Belt areas, proposals located on Brownfield land. Brownfield sites are broadly defined as sites that have been previously developed. In line with the definition within Planning Advice Note 73: Rural Diversification, in rural areas this means sites that are occupied by redundant or underused buildings or where the land has been significantly degraded by a former activity. In this respect it is expected that Brownfield land will have evidence of sustained former use and be in a condition such that it cannot either easily or readily be returned to a more natural state. A key test of whether a site falls within the Brownfield definition will be that applicants will be able to demonstrate that there will be significant wider environmental and visual benefits to be had by redevelopment for residential development, as opposed to retaining it in its current (or tidied up) state. The proposed houses should be of a number, scale and design appropriate to the landscape setting, and to the services and infrastructure available at the location.

### **Other Planning Policy**

2.16. None.

### **Assessment**

2.17. The determination of this full planning application for two houses, as described above, shall be based upon whether they are considered to comply with Policy 2.10 of the Adopted Stirling Council Local Development Plan (Sept 2014) and its associated Approved Supplementary Guidance 10 Housing in the Countryside, namely whether the proposed house designs can be considered to be appropriate for the context of this rural area. The dwelling houses are not wholly on "Brownfield" land and constitute a significant wider environmental and visual benefit, as opposed to retaining it in its current (or tidied up) state.

2.18. Such an assessment is made based upon the size, scale and massing of the proposals and whether these can be considered to be in harmony, in terms of residential buildings predominant within the area, ensuring the proposals visually relate well to the building group and as a result are capable of being viewed as an obvious part of the group in the landscape setting.

2.19. In order to establish this, it is first of all important to appreciate the existing character of the area and the design and scale of recently approved housing in this area. The following paragraphs set out the established character of this area, the nature of the site, the applicant's arguments for the proposals being in character and then concludes by setting out the reasons why the proposals are not considered to comply with Policy 2.10 of the Adopted Stirling Council Local Development Plan and associated Approved Supplementary Guidance 10.

2.20. The development site lies between Broadford House to the south and the new housing developments to the north. It is a rural location, set on the Ochertyre Road with a surrounding context of buildings, which are of a traditional countryside scale, set in modest plots and situated alongside and parallel to the roadway. The local builds are predominantly of traditional design, with traditional roof to wall proportions and of a scale that do not visually dominate the sites or area.

2.21. The applicants, as part of this application, have submitted supporting information, which sets out that the proposals have considered this context of the area and the relevant Development Plan policies, concluding that the proposals will positively

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redevelop a brownfield, contaminated site in the countryside, to the betterment of the local environment. The agent is clear that the proposals do not seek to repeat the building pattern of the development to the north. It is stated that seeking to extend it in a similar pattern would be an unsatisfactory architectural solution and one that would be somewhat alien to the surroundings.

- 2.22. The design statements also state that the whole site should be viewed as “Brownfield” land as planning permission was granted in 2010 for development of the site for one house.
- 2.23. For the reasons set out below, the application statements are not agreed with and it is considered that the proposals represent development contrary to Policy 2.10 of the Adopted Stirling Council Local Plan September 2014 and Adopted Supplementary Guidance 10, including the design guide, as the proposed house designs are not considered to be appropriate for the context of this rural area.
- 2.24. The proposed buildings are of a size, scale and massing, which are considered to be incongruous in terms of residential buildings predominant within the area and will overly dominate the site and area. This is then exacerbated by the non-traditional design elements, which combine to result in two buildings which bear no resemblance to traditional residential buildings found in the area surroundings in terms of appearance, position, height, and scale and massing.
- 2.25. The proposals do not present a contemporary design of a scale that would be appropriate given the site, the landscape and the buildings in the surrounding area. The buildings in the vicinity have a simple vernacular form. Instead, the proposals introduce a number of disparate elements that do not relate to each other, some of which are of a suburban nature, and which are not to be found locally in traditional rural buildings, especially in combination with each other. Whilst the proposals utilise elements, such as circular features that can be found in some rural buildings, the proposals introduce these features onto buildings of significantly different scale and type from the rural vernacular and do not provide for the disparate mix of features presented in these proposals.
- 2.26. The proposals do not visually relate well to the building group and as a result, they do not form an obvious part of the group in the landscape setting. The flat open landscape setting only serves to make it decidedly difficult to achieve this, when substantial houses are proposed.
- 2.27. Furthermore, the proposals are considered to be contrary to Policy 2.10 of the Adopted Stirling Council Local Plan September 2014 and Adopted Supplementary Guidance 10, including design guide, as the isolated nature of the site and the proposed position of the houses within the flat Carse is contrary to the siting guidance contained within the Housing in the Countryside Design Guide. It is not considered that this proposal fits within the surrounding context of buildings, which are relatively modest plots and dwellings, situated alongside and parallel to the roadway. As a result, it is still considered these proposals do not visually relate to the building group and as a result they are not capable of being viewed as an obvious part of the group in the landscape setting. The existing grouping of dwellings situated to the north are a self-contained group, mimicking a traditional steading layout, accessed by an independent access.
- 2.28. Whilst it accepted that the proposed site includes “Brownfield”, it is concluded that the “Brownfield Site” identified by the applicant exceeds of the “Brownfield Land”. The majority of the development is to take place on land, grassed, wooded or regenerated to a natural state. Given this, it is considered that there is no justification for stating that the proposals will result in significantly wider environmental and visual benefit.

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- 2.29. A key criteria of whether the proposals are able to be justified is whether the applicants will be able to demonstrate that there will be significant wider environmental and visual benefits to be had by redevelopment for residential development, as opposed to retaining it in its current (or tidied up) state. It is accepted that the site has a non-tarmacked track into the site and that there is a small area which has been recently cleared, which is non-permanent in appearance. It is also accepted that there is currently a redundant building within the site which measures approximately one hundred and sixty-six square metres in area. However, the "Brownfield Site" identified by the applicant's measures over fifteen thousand square metres, the vast majority of which is either, grassed, wooded or has regenerated itself into a natural state over the ten plus years that the business has ceased operation. Given the site is within a countryside locale, it is not accepted that creating two dwellings, approximately ninety five percent outside of the existing building on site footprint and creating a cumulative footprint of approximately six hundred and fifty square metres, creates "significantly wider environmental and visual benefits".
- 2.30. To conclude, the above paragraphs clearly set out the established rural character of this part of the Ochertyre Road, the nature of the site, the applicant's arguments for the proposals being in character and then concludes by setting out the reasons why the proposals are not considered to comply with Stirling Council's adopted development plan policies and supplementary guidance.

### 3. Implications

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#### **Equalities Impact**

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

#### **Sustainability and Environmental**

- 3.2. An Environmental Impact Assessment is not required.

#### **Other Policy Implications**

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

#### **Consultations**

- 3.4. As set out in section 2.

## 4. Background Papers

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4.1. Planning Application file 18/00105/FUL. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4HVRNPIFJP00>

4.2. List of Determining Plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	
02	Site Plan	1281/PL/01A
03	General	1281/PL/02B
04	General	1281/PL/04C
05	Elevations	1281/PL/04-2

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## 5. Appendices

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5.1. None.

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Approved by: Brian Roberts  
Senior Manager Infrastructure

Date:  
20 April 2018

Signature:



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

N/A

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Wards affected:

Ward 1 Trossachs & Teith

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Key Priorities: N/A

N/A

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Key Priority Considerations:

N/A

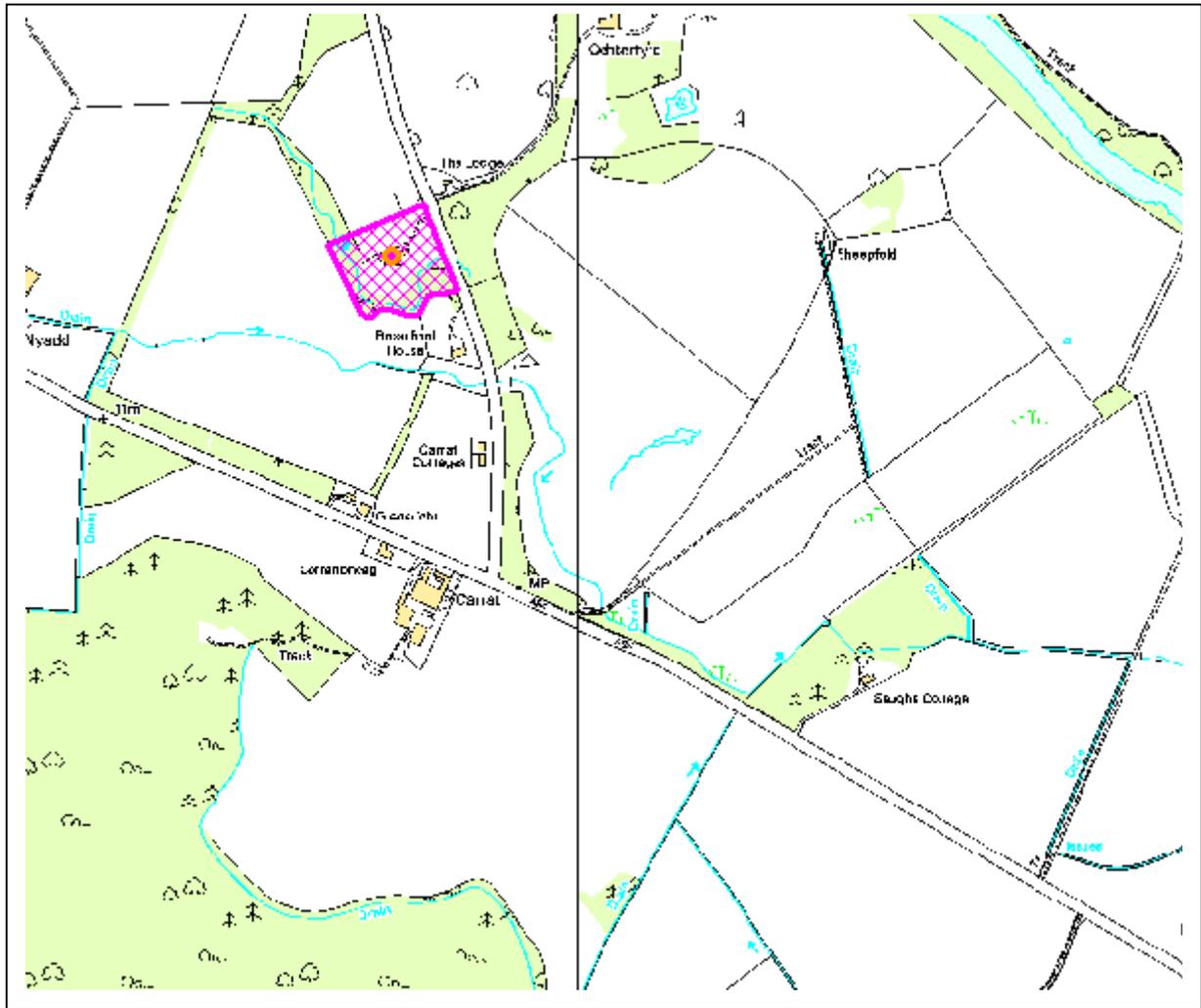
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Stirling Plan Priority Outcomes:  
(Local Outcomes Improvement Plan)

N/A

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# Location of Development



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