

Stirling Council

Agenda Item No.6

Planning & Regulation Panel

Date of Meeting: 1 October 2019

Not Exempt

Erection Of Dwelling House At Land To Rear And East Of No 3, Kellie Wynd, Dunblane - Crammond Select Homes - 19/00188/PPP - Hearing

Purpose & Summary

The application has been referred to the Planning and Regulation Panel by Councillor Alastair Majury who has requested a hearing, in relation to Green Belt policy at Rylands Lodge and Kellie Wynd, closely associated with Kippendavie Mains, could be developed and considering precedent.

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

The applicant has requested a Hearing.

Recommendations

Panel is asked to refuse the application for the following reasons:

1. In the opinion of the Planning Authority, the application is contrary to the Adopted Local Development Plan Policy 1.5: - Green Belts in that the change from an area of a garden with an attractive open setting to a residential build development would have a detrimental impact on the openness and character of the Green Belt. Furthermore, any new dwelling house on the periphery of the Dunblane boundary would not maintain the nucleated and secluded character of the settlement, and as such the proposal does not fulfil paragraph 3.7 and 3.8 of the Supplementary Guidance on Green Belts - SG03 - Green Belts:
2. In the opinion of the Planning Authority, the location of the site, outwith the village envelope in Dunblane, and does not comply with any of the criteria for acceptable housing locations, as listed in Local Development Plan policy for Housing in the Countryside (Policy 2.10) and related Draft Supplementary Guidance 10 July 2019; and

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3. the location of the site forms part of an attractive open garden ground setting relating to the listed building (category C grade) and the adjacent Kippendavie Mains. It is considered that the proposed single house development would appear visually incongruous and would detract from the setting of Rylands Lodge and Kippendavie Mains, contrary to Local Development Plan Policy 7.4, which sets out a general presumption against new development in gardens/curtilages around listed buildings and only supports small scale ancillary buildings e.g. domestic garages.

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

- 1.1. Not applicable.

2. Considerations

The Site

- 2.1. The site is located in the countryside to the east of Dunblane and is in the green belt and countryside as designated in the Adopted Stirling Local Development Plan 2018.

The Proposal

- 2.2. The proposal is for planning permission in principle for a single dwelling house.

Previous History

- 2.3. 13/00045/FUL – Planning Application withdrawn for Erection of a detached dwelling house and garage Land Some 60 Metres North Of Ryland Lodge Kellie Wynd Dunblane - application withdrawn.
- 2.4. 11/00352/FUL - Erection of no. 6 detached properties with associated roads and landscaping Land Some 65m South Of Ryland Lodge Kellie Wynd Dunblane application withdrawn.

Consultations

Bridge & Flood Maintenance:

- 2.5. The proposed site, including access, lies partially within an area at low - high risk from surface water flooding. No objection to the application, on the conditions that a detailed sustainable urban drainage system design plan be submitted and construction should be at least 500 millimetres above the road level as quoted in the Flood Risk Assessment.

Roads Development Control:

2.6. No objection and no conditions required.

Representations

2.7. Twelve representations have been received, (11 objections and one comment). The issues are summarised as follows:

- 2.7.1. The history of flooding at the site requires to be taken into account.
- 2.7.2. **Response:** The Flood Risk Assessment was revised to take into account the history of flooding. The consultation reply from the Council's Flood Officer advises no objection subject to conditions.
- 2.7.3. Loss of residential privacy and sunlight/daylight to neighbours.
- 2.7.4. **Response:** The application is for planning permission in principle and there are no detailed drawings therefore impact on privacy, sunlight and daylight could not be assessed – in the event of permission being granted, a condition could be applied which required compliance with the Council's design guidance relating to privacy, sunlight and daylight in Supplementary Guidance 12.
- 2.7.5. Impact on diverse range wildlife.
- 2.7.6. **Response:** In relation to the potential for bats, protected birds, and protected species within the site, in the event of the application being approved, an Advisory Note would be added to the Decision Notice for the applicant regarding the procedures to be undertaken should bats, protected birds, and protected species be found during the construction phase.
- 2.7.7. Loss of integrity to green belt and no benefit associated with built development.
- 2.7.8. **Response:** See Assessment section (Para 2.14).
- 2.7.9. History of appeals for housing being refused through planning appeal.
- 2.7.10. **Response:** Noted.
- 2.7.11. Substandard access to the site from Kellie Wynd along a single track, which is not in the interest of public and road safety. The responsibility for maintenance of the single track requires to be taken into account.
- 2.7.12. **Response:** The consultation advice from Roads Development Control advises no objection on the grounds of public and road safety. Private road maintenance of the track is a civil matter that is not within the scope of the application to consider.
- 2.7.13. The Ryland Lodge (category B grade listed building) and Kippendavie Mains are substantial individual buildings which are separated by open space of which the application site is part. The open space is a key element of the historical visual setting of both buildings and the proposal would detract from this open aspect that has existed for 200 years.
- 2.7.14. **Response:** See assessment section (Para 2.14).
- 2.7.15. Provision of sustainable drainage system for the roof and surface water requires to be taken into account.
- 2.7.16. **Response:** As the application is for planning permission in principle, the details of drainage are not required. In the event of the grant of planning permission in principle, this could then be required by a planning condition.

2.7.17. Approval would set a precedent for housing in local area.

2.7.18. **Response:** Each planning application is considered on its own merits.

2.7.19. Loss of trees.

2.7.20. **Response:** The application is supported with a tree survey which identified trees for removal which are poor quality, and trees for high, moderate and low quality. As the application is for planning permission in principle, there are no proposals for the siting of the proposed house footprint and so the extent of tree loss could not be determined at this stage. The tree survey is to be used to determine the proposed house siting in the event of the grant of planning permission.

2.7.21. Public safety during the construction phase.

2.7.22. **Response:** Although not directly a planning matter, the developer would require to work in a manner which ensures public safety throughout.

The following points are not considered to be material planning considerations:

2.7.23. The structural stability of the small bridge over the culvert for construction vehicles requires to be taken into account.

2.7.24. The application does not contain any proof of right of private access to the site from Kellie Wynd.

2.7.25. Damage to the private access from Kellie Wynd to the site during the construction phase requires to be taken into account.

2.7.26. Loss of property value.

Local Development Plan

2.8. 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.

2.9. Adopted Stirling Local Development Plan 2019 - Primary Policy 1 Placemaking Policy 1.1 Site Planning, Policy 1.5: Green Belts Policy 10.1 Development Impact on Trees and Hedgerows, Primary Policy 5: Flood Risk Management, Policy 7.8 Development affecting Battlefields, Gardens and Designated Landscapes, Policy 7.4 Development in gardens/curtilages within conservation areas and around listed buildings.

Other Planning Policy

2.10. Draft Supplementary Guidance 10 Housing in the Countryside July 2019 supports green belt development only where it is a brownfield site, is required to manage a rural business and on the site of an abandoned or ruinous house.

2.11. Supplementary Guidance SG03: Green Belts - The relevant parts are Green Belt – Dunblane - the relevant paragraphs of this Supplementary Guidance are detailed in paragraphs 3.7 and 3.8 of the guidance, as follows:

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- 2.11.1. Paragraph 3.7: The location of Dunblane within the valley of the Allan Water means it is largely hidden and has little or no visual relationship with surrounding settlements. This is an important quality and the Green Belt to the north and south of the settlement plays an important role in maintaining the distinct identity of Dunblane from Ashfield and Bridge of Allan. The Green Belt surrounding Dunblane is also important in maintaining the nucleated and secluded character of the settlement.
- 2.11.2. Paragraph 3.8: The Green Belt to the east of Dunblane is important to maintain the historic settlement form within the valley landscape. This is reinforced by the significance of the Battle of Sheriffmuir in this area and the proposal for the North Stirling Woodland Park as part of the Green Network.
- 2.12. Supplementary Guidance SG: An Introduction to Battle fields and Planning in Stirling. The relevant part is the Battle of Sheriffmuir, section 5.
- 2.13. Supplementary Guidance: Green Networks -The relevant part is North Stirling Woodland Park. (Page 16).

Assessment

- 2.14. Local Development Plan Policy 1.5 relates to development in the Green Belt and requires that development should preserve the openness of the Green Belt and should not undermine its core role and function by individual or cumulative impacts. The Green Belt and landscape to the east of Dunblane is characterised by open fields, spacious garden grounds, and bold tree planting belts. It is considered that the change from an area of a garden with an attractive open setting to a residential build development would have a detrimental impact on the openness and character of the Green Belt.
- 2.15. Any new dwelling house located to the east of the village boundary would not maintain the nucleated and secluded character of the settlement, and as such the proposal does not fulfil paragraph 3.7 and 3.8 of the Supplementary Guidance on Green Belts - SG03 - Green Belts.
- 2.16. The Local Development Plan policy for Housing in the Countryside (Policy 2.10) and related Draft Supplementary Guidance 10 July 2019 supports housing in the Green Belt only where it is a brownfield site, is required to manage a rural business and on the site of an abandoned or ruinous house. As the site is within garden ground and outwith the village envelope of Dunblane, it does not comply with any of the locational criteria for acceptable housing in the Green Belt, and so the application is contrary to this policy and associated draft Supplementary Guidance.
- 2.17. Under Local Development Plan Policy 7.4, there is a general presumption against new development in gardens/curtilages around Listed Buildings. This policy supports small scale ancillary buildings e.g. a garden shed or a modest sized domestic garage but not a detached house. The location of the site forms part of an attractive open garden ground setting relating to the listed building (category C grade) and the adjacent Kippendavie Mains. It is considered that the proposed single house development would appear visually incongruous and would detract from the setting of Rylands Lodge and Kippendavie Mains, contrary to Local Development Plan Policy 7.4.
- 2.18. Every planning application is determined on its own merits and 'precedent' is not a material consideration. However, planning applications should be determined consistently when the same circumstances apply. Were this application to be approved and similar circumstances arose in either in this vicinity or elsewhere in the Greenbelt that also led to an approval then this would have cumulative impacts that would harm the Green Belt.

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- 2.19. In the Supplementary Guidance SG: An Introduction to Battlefields and Planning in Stirling, the site falls within the boundary of the Inventory of the Battle of Sheriffmuir and is in an area referred to as the 'Government Camp'. Following internal liaison with the Council's Archaeologist, it is advised that the proposal involves a new development within the Sheriffmuir Designated Battlefield, which in theory will have both a physical and setting impact on the battlefield. However, it is clear that previous development will most likely have both destroyed any potential objects associated with the fighting and made the area less sensitive to further change. Consequently no objection is offered to the development or mitigation recommended by the Council's Archaeologist.
- 2.20. The proposal for the North Stirling Woodland Park as part of the SG02 Green Network is not defined. The Supplementary Guidance on Green Networks sets out that it is for 'enhanced management of woodlands for access and recreation, woodland planting and increased connectivity'. The development of a house within garden ground will not impact on this proposed woodland park, which would relate primarily to areas of existing woodland.
- 2.21. There are no flooding constraints on the development of the site. In the event of the grant of planning permission, a condition could be applied which requires that a detailed sustainable urban drainage system design plan be submitted and construction is at least 500mm above the road level as quoted in the Flood Risk Assessment.
- 2.22. In view of the above, it is considered that application does not warrant support on the grounds that the proposed dwelling house, does not comply with the Local Development Plan Policy 1.5 development in the Green Belt and related Supplementary Guidance SG03, Policy 2.10 Housing in the Countryside and the related draft Supplementary Guidance 10 and Policy 7.4 Housing in Garden Grounds/Curtilages.

2 Implications

Equalities Impact

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

Sustainability and Environmental

- 3.2 An Environmental Impact Assessment is not required.

Fairer Scotland Duty

- 3.3 This section is not applicable.

Other Policy Implications

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

Consultations

- 3.5 As set out in section 2.

4. Background Papers

4.1 Planning Application file 19/00188/PPP. File can be viewed online at:

[View Application](#)

4.2 List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	
03	Site Plan	

5. Appendices

5.1 None.

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Approved By:

Brian Roberts
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Date: 5 September 2019

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

Councillor Alasdair MacPherson

Wards affected:

Ward 3 Dunblane & Bridge Of Allan

Key Priorities:

N/A

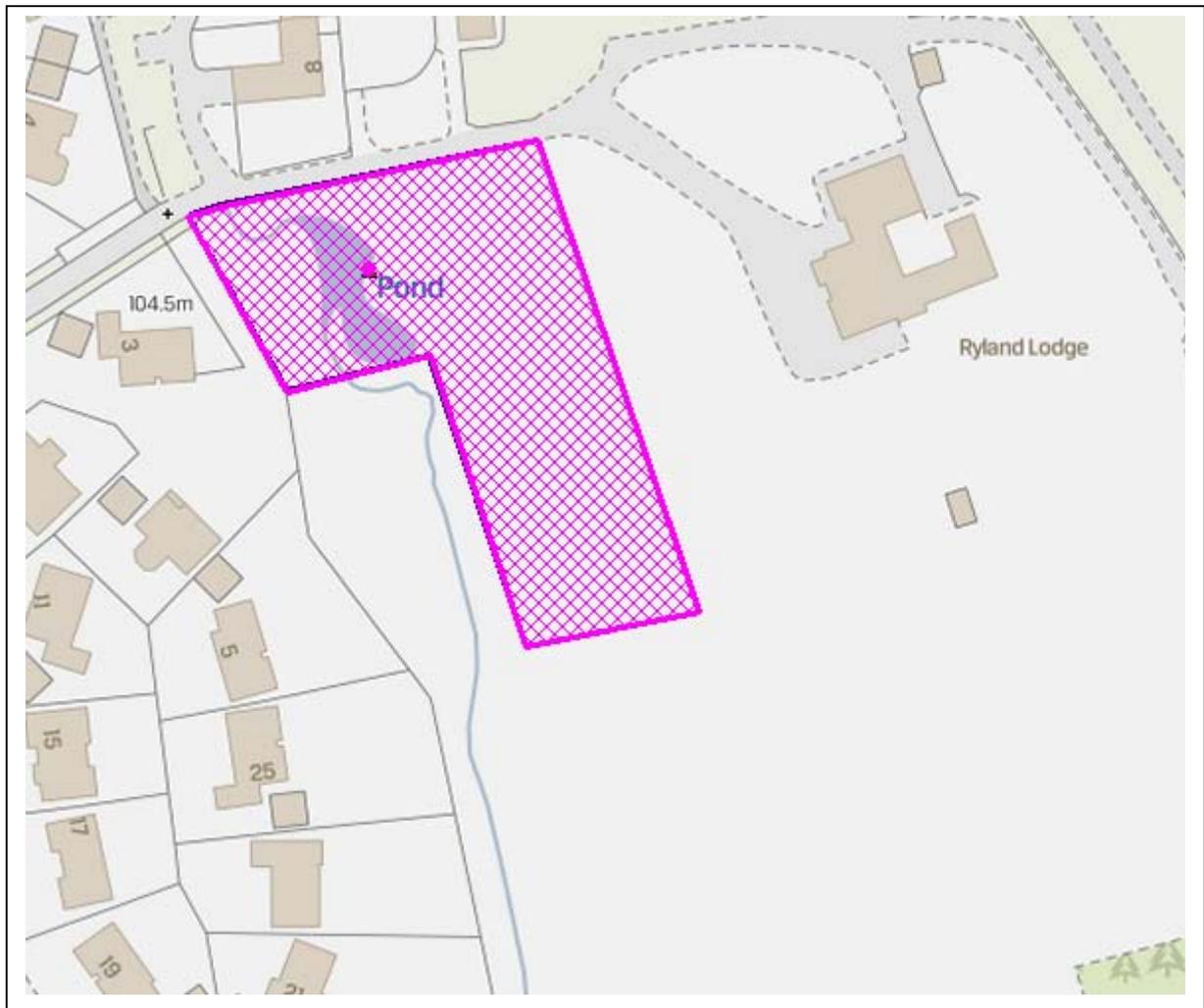
Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement
Plan:

N/A

Location of Development



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