

Stirling Council

Agenda Item No. 6

Planning & Regulation Panel

Date of Meeting: 2 March 2021

Not Exempt

Erection Of One And A Half Storey Dwelling House With Garage At Land To East Of 85 Balfour Street, Milton, Whins Of Milton, - Mrs Sheonagh Harris - 20/00727/FUL

Purpose & Summary

The proposal is being considered by Planning and Regulation Panel as the local ward Member, Councillor Kane, has referred the application to Panel to discuss the merits of Policy 1.5: Green Belts and whether the green belt designation is appropriate for the site.

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

Planning & Regulation Panel is asked to refuse the application for the following reasons:

1. in the opinion of the Planning Authority, this proposal fails to comply with Policy 1.5 of the Local Development Plan, since the proposal does not constitute an acceptable circumstance of housing in the Green Belt. The proposal would therefore undermine the core role and function of the Green Belt; and
2. in the opinion of the Planning Authority, this proposal fails to comply with Policy 2.10 of the Local Development Plan or Supplementary Guidance: Housing in the Countryside and its Design Guide, since the proposal does not constitute as an acceptable development of housing in the countryside, and it is suburban in nature as a result of its inappropriate hardstanding, boundaries and cumulative massing

Resource Implications

Not applicable.

Legal & Risk Implications

Not applicable

1. Background

- 1.1. Not applicable.

2. Considerations

The Site

- 2.1 The site is located to the east of 85 Balfour Street at Whins of Milton. The site is bound by housing on the west, semi-ancient woodland and open space to the north and east and access track to the south. The site has the path of the Bannockburn heritage trail along its western edge, and a core path around the south, east and northern boundary. The site is located within the defined Countryside, being outwith the Settlement Boundary, and is located within the designated Green Belt. The site is also located within the designated Battle of Bannockburn and Sauchiefield Battlefield sites.

The Proposal

- 2.2 The proposal seeks planning permission for the erection of a dwellinghouse and detached double garage.
- 2.3 The dwellinghouse will be one and a half stories high, be finished in natural stone and render, glazing, a balcony and a slated pitched roof.
- 2.4 The garage will be finished in materials to match the proposed dwellinghouse.

Previous History

- 2.5 None.

Consultations

Roads Development Control:

- 2.6 Stirling Council's Transportation Development Management Team has been consulted on the proposed development. They are satisfied that the road as existing would be able to accommodate the slight increase in traffic that will be seen as a result of this development. Conditions have been proposed if the application is approved, relating to the Core Path that runs around the site, as well as the submission of a Construction Traffic Management Plan.

Historic Environment Scotland:

- 2.7 No comment.

Representations

- 2.8 Four representations have been made in relation to this planning application. The points raised have been summarised below, along with the response from the Council:
- 2.8.1 Size of the dwellinghouse.
- 2.8.2 **Response:** The assessment of the size of the dwellinghouse has been assessed within the body of the report below.
- 2.8.3 Capacity of the road to support traffic.
- 2.8.4 **Response:** Please refer to the body of the report below.
- 2.8.5 Timber fencing as a boundary treatment.
- 2.8.6 **Response:** The acceptability of timber fencing has been addressed within the body of the report below.
- 2.8.7 Drop in water pressure to neighbouring dwellinghouses.
- 2.8.8 **Response:** It would be expected that the developer consult and work with Scottish Water to meet their requirements.

- 2.8.9 Impact on Trees outwith redline boundary.
- 2.8.10 **Response:** The trees are located outwith the red line boundary, and are located sufficient distance away from the proposed development as to not impact their Root Protection Zones.
- 2.8.11 Impact on existing path.
- 2.8.12 **Response:** The impact on the path has been discussed within the body of the report below.
- 2.8.13 Road Maintenance.
- 2.8.14 **Response:** Please see the body of the report below.
- 2.8.15 Flood Risk.
- 2.8.16 **Response:** The site is not located within a SEPA designated flood risk zone.
- 2.8.17 No consultation on this proposal prior to submission.
- 2.8.18 **Response:** Given the size of the development, pre-application consultation is not required.
- 2.8.19 Access to neighbouring property.
- 2.8.20 **Response:** This is not a material planning consideration.
- 2.8.21 Site safety concerns regarding the embankment.
- 2.8.22 **Response:** It would be expected that any developer ensures that the site is stable prior to the commencement of works.

Local Development Plan

- 2.9 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.
- 2.10 Policy 1.1, Policy 1.5, Policy 2.10 & Policy 7.8.

Other Planning Policy

- 2.11 Supplementary Guidance: Housing in the Countryside and Design Guide.

Assessment

- 2.12 In connection with this application, the following documents have been submitted by the applicant, and their content is summarised in the following sections.
- 2.13 A Planning Statement has been submitted which lists the relevant policies and how they apply to this proposal. It states that the principle is supported, as a result of being an infill circumstance. It is noted that the Planning Statement fails to identify this site as a Green Belt location, therefore infill development is not supported.
- 2.14 A Mining Risk Assessment has been submitted which demonstrates that the site is stable from a mining view point.

- 2.15 Due to current government restrictions associated with the Coronavirus outbreak, it has not been possible to carry out a site visit to this site. The following assessment is therefore based on information submitted by the agent and that available online.

Principle of the Development

- 2.16 In order for the principle of this proposal to be viewed as acceptable, the proposal must demonstrate compliance with Policy 2.10 and Policy 1.5, Housing in the Countryside and Green Belt respectively, as well as the associated Supplementary Guidance: Housing in the Countryside.
- 2.17 Policy 2.10 states that proposals for dwellinghouses that have a specific purpose can be supported in the Green Belt. The Supplementary Guidance states that proposals for houses in the Green Belt can be supported if it is a single dwellinghouse for a specific purpose, a replacement or renovation of a single dwellinghouse, the conversion or redevelopment of a farm steading or the beneficial reuse of a brownfield site. Policy 2.10, Policy 1.5 and the Supplementary Guidance make clear that infill development is not an acceptable development circumstance in the Green Belt.
- 2.18 From the content of this planning submission, there has been no evidence provided that demonstrates that a dwellinghouse is required at this location for a specific need. The criteria for a specific need encompasses needs such as for agricultural workers, walled garden developments of a demonstrative need. There is no dwellinghouse on site that is being redeveloped, likewise, there is no farm buildings seeking to be redeveloped. The site cannot be defined as a Brownfield Site, as the site does not meet the test laid out in Supplementary Guidance and PAN 73.
- 2.19 It is acknowledged that the site is located on the edge of the settlement boundary, and the applicant has stated that this results in an acceptable infill circumstance. As per the above, infill circumstances are not acceptable within the Green Belt. Furthermore, Supplementary Guidance states that proposals that lead to coalescence with existing settlements are only supported in exceptional circumstances. No evidence has been provided as part of this submission which indicates why this proposal would be viewed as an exceptional circumstance.
- 2.20 Therefore, based on the above, it is deemed that the principle of a dwellinghouse at this site is not supported, and would undermine the core role and function of the Green Belt, if approved.

Design of Dwellinghouse

- 2.21 Notwithstanding the principle of a dwellinghouse at this location being contrary to the Development Plan, there are also concerns regarding the proposed design.
- 2.22 The design of the proposed dwellinghouse is large, and the footprint dominates the plot, giving an impression of overdevelopment of the site. The size of the dwellinghouse is not consistent with the surrounding properties to the west which are located within the Settlement Boundary. The size of the dwellinghouse would be viewed as acceptable if it were located in a countryside location where the landscape was able to absorb the scale of development.
- 2.23 The garden ground to the rear is occupied by a separate detached garage, and is dominated by permeable paving, not reflective of a rural vernacular. The proposal as it stands is viewed as predominantly suburban in nature.

- 2.24 The garage is significant in height, reaching the same ridge height as the main dwellinghouse, and given that the garage is to be viewed as subordinate to the main dwellinghouse, it is not deemed to meet this requirement. As such, it cannot be read as a subordinate structure to the main dwelling, and would not be considered appropriate, as the total built mass of the overall proposal would be viewed as overbearing, particularly given its countryside and Greenbelt location. The inclusion of a 1.8 metre high timber fence as a boundary treatment is not an acceptable boundary treatment within the countryside

Residential Amenity

- 2.25 Due to the location of the proposed dwellinghouse in relation to surrounding neighbouring houses, there will be no impact in relation to daylight, sunlight or privacy provision.

Battlefield Impact

- 2.26 The site is located within two designated battlefields: Battle of Bannockburn and Sauchieburn. Stirling Council's Archaeologist notes that whilst it was concluded that the likelihood of significant archaeological remains on a relatively small site is low, a condition has been suggested if an approval was issued to ensure a programme of archaeological works are undertaken.
- 2.27 Historic Environment Scotland has been consulted on this application, and provided no comment.

Roads

- 2.28 Stirling Council's Transportation Development Management team have been consulted on the proposed development. They are satisfied that the road as existing would be able to accommodate the slight increase in traffic that will be seen as a result of this development. Conditions have been proposed if the application is approved, relating to the Core Path that runs around the site, as well as the submission of a Construction Traffic Management Plan.

3. Implications

Equalities Impact

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

Fairer Scotland Duty

- 3.2 This section is not applicable.

Climate Change, Sustainability and Environmental Impact

- 3.3 An Environmental Impact Assessment is not required.

Other Policy Implications

- 3.4 All relevant policies have been set out within the Considerations section of this report.

Consultations

- 3.5 As set out within the Considerations section of this report.

4. Background Papers

4.1 Planning Application file 20/00727/FUL. File can be viewed online at: [View Application](#)

4.2 List of determining plans:

| Stirling Council Plan No. | Name | Ref on Plan |
|----------------------------------|---------------|--------------------|
| 01A | Location Plan | 200-A |
| 02A | Site Plan | 202-A |
| 03A | Site Plan | 203-A |
| 04 | Floor Plans | 302 |
| 05A | Floor Plans | 350-A |
| 06 | Elevations | 501 |
| 07 | Elevations | 500 |
| 08 | Sections | 400 |
| 09 | Elevations | 504 |
| 10 | General | 505 |

5. Appendices

5.1 Appendix 1 – Location of Development Plan.

Author(s)

| Name | Designation | Telephone Number/E-mail |
|-----------------|------------------|--|
| Ritchie Gillies | Planning Officer | 01786 233675 gilliesr@stirling.gov.uk |

Report of Handing approved by Chief Planning Officer

| Name | Designation | Date |
|---------------|---------------------------------------|-----------------|
| Christina Cox | Planning & Building Standards Manager | 3 February 2021 |

Approved by

| Name | Designation | Date |
|-------------|---------------------------------|------------------|
| Drew Leslie | Senior Manager – Infrastructure | 17 February 2021 |

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| Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holders (as appropriate) consulted on this report: | Councillor Alasdair MacPherson Councillor Danny Gibson |
|--|---|

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|---|----------------------|
| Wards affected: | Ward 6 Stirling East |
| 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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