

## **Stirling Council**

Agenda Item No. 7

Planning & Regulation Panel

Date of Meeting: 27 April 2021

Not Exempt

### **Erection Of Dwelling House And Detached Garage At Land Southeast And Rear Of 20 Upper Glen Road, Pendreich Road, Bridge Of Allan - Mr Iain Mccusker - 20/00653/FUL**

---

#### **Purpose & Summary**

This application is being referred to Planning Panel as there have been more than 5 objections.

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 approve the planning application subject to:

1. the conditions and reasons as set out in Appendix 1 attached to this report.

#### **Resource Implications**

Not applicable.

#### **Legal & Risk Implications**

Not applicable

1. **Background**

- 1.1. Not applicable.

## 2. Considerations

### **The Site**

- 2.1 The site is a field located on the northern periphery of Bridge of Allan and within the village envelope as defined in the Local Development Plan (LDP). The field slopes down from Pendreich Road to the rear of 20 Upper Glen Road. To the north of the site a field, telecommunications mast, and residential steading conversion at Sunnyslaw. To the west is Upper Glen Road where there are detached housing located within the Conservation Area. To the east is golf course. The entrance to the golf course and club is located 100 metres approx. to south of the site. To the south is a field allocated for the 3 other plots in LDP, and beyond this are detached houses that front onto Pendreich Road. The site adjoins but is not within the Conservation Area.

### **The Proposal**

- 2.2 The proposal is for the erection of single storey dwellinghouse with garage attached. A bunkhouse for ancillary use to the main house in the roof space above the garage is also proposed.

### **Previous History**

- 2.3 There is no history of relevance to this current planning application.

### **Consultations**

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

- 2.4 Objection on the grounds of detriment to amenity and public access. The public access link from Upper Glen Road to Pendreich Road will not be applied as a planning condition. As such, there is a risk that this long established connection will be permanently lost as a result of this development. As no enforceable mitigation measures are being applied, there is no obligation on the applicant to ensure that public access is maintained, and as such, Roads Development Control object to this aspect of the application on the grounds that this would have a detrimental impact to amenity and public access.
- 2.5 Roads Development Control have also advised on conditions relating to a Traffic Management Order, visibility splays, driveway construction, waste collection, and access gates.

#### **Environmental Health:**

- 2.6 No objection subject to a condition which requires that any contamination found during construction is reported to the Council.

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

- 2.7 No objection subject to conditions to retain discharge at greenfield run-off rates and submission of proposals to maintain SuDs.

## Representations

- 2.8 Forty representations have been received – thirty eight objections and two comments, which are summarised as follows:
- 2.8.1 Right of Way: Through the field at Pendreich Road from existing path between 18 and 20 Upper Glen Road – site plan requires to be amended to provide path adjacent site boundary fence and facilitate access to Pendreich Road.
  - 2.8.2 **Response:** A revised site plan drawing was submitted showing a 2 metres wide path which will provide a link between the existing path between 18 and 20 Upper Glen Road and Pendeich Road.
  - 2.8.3 Design: Design is attractive – but garage with bunkhouse above is higher than main part of house and is an imposition on road frontage and at 25 metres wide house on 30 metres wide plot, will detract from beautiful view.
  - 2.8.4 **Response:** The proposed design fits sympathetically into the site topography. The scale and height of the proposed garage/granny accommodation will not be overbearing on the site front frontage and will relate well to the roof height on the main house. The width of the proposed house is not excessive in relation to the plot width.
  - 2.8.5 Road Safety: Concerns regarding sightlines from proposed access point. The road is narrow, has a poor surface, allows for speed of 60mph, and there is a lack of passing places.
  - 2.8.6 **Response:** The consultation reply from Roads has no objection to the planning application subject to conditions relating to visibility sightlines. Road surface concerns are for roads maintenance/repair to consider and this is not a valid point of objection.
  - 2.8.7 Parking: Council's parking standards should be taken into account.
  - 2.8.8 **Response:** Six off-road parking spaces are proposed which complies with the Council's parking standards which requires 3 spaces for a five bedroom house.
  - 2.8.9 Construction Management Plan: Could the need for a construction management plan be taken into account?
  - 2.8.10 **Response:** The management of construction vehicles is not enforceable under planning legislation and so could not be regulated by a planning condition.
  - 2.8.11 Flooding: Surface water runs down Pendreich Road, through the site and into drain at side of 20 Upper Glen Road - could the impact on the existing surface water protection measures and site topography be taken into account, and an adequate surface water drainage system be provided?
  - 2.8.12 **Response:** A revised surface water assessment was submitted which the Council's Flood Officer has accepted subject to conditions which have been applied to recommended decision in Appendix 1 attached to the report.
  - 2.8.13 Precedent: Approval could set a precedent.

- 2.8.14 **Response:** The site is identified within the Local Development Plan for residential development so the principle of a house at the site has been established. Precedent is not a material planning consideration.
- 2.8.15 Telecommunications Mast: Proposed house will not have detrimental effect on mast reception so no objection subject to removal of all permitted development rights for futures extensions and outbuildings and an informative note is added to the decision in relation to the location of any cranes, cherry-pickers or similar plant/vehicles in the construction of the proposed dwelling, ensure that their location does not result in a significant reduction or temporary loss of TV signal to nearby residents.
- 2.8.16 **Response:** It is not considered that this is a sufficient reason to restrict the permitted development rights of a house in this location. An informative has however been recommended to advise the applicant to liaise with the owners of the transmitter tower with regard to use and placement of machinery during the construction phase of the development. The use of any particular type of machinery is not a planning matter and is for the applicant to consider.

### **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 Adopted Stirling Local Development Plan (LDP) 2018 - the relevant policies are: Policy 1.1 Site Planning, Policy 7.2 Development within and adjacent to Conservation Areas, Primary Policy 5: Flood Risk Management.
- 2.11 The planning application site for one dwellinghouse is within a wider field that is allocated for four dwellinghouse within the LDP under proposal H135. The key site requirements are: Detailed Flood Risk Assessment to ensure development will not be at risk of flooding and nearby properties and infrastructure will not be at an increased risk of flooding. Development should continue settlement pattern of low density detached plots fronting Pendreich Road and, where possible, retain and improve the stone dyke along road frontage. Development must preserve and enhance the character of the Conservation Area. Appropriate mitigation measures are implemented to reduce risk of surface water flooding. Not all of the area will be developable and no development should occur in the function flood plain or other areas known to flood.

### **Other Planning Policy**

- 2.12 None.

### **Assessment**

- 2.13 The planning application site is located at the top/northern end of a field which is allocated for four residential house plots within the Local Development Plan (LDP) and as such the principle of housing at the site was established through the adoption of the LDP in October 2018.

- 2.14 The siting and design of the proposed single storey house will integrate visually into the sloping topography on the site, the wide rural landscape and preserve the character and setting of the adjacent Conservation Area to the west on Upper Glen Road. The siting would continue the settlement pattern of low density detached plots fronting Pendreich Road and would retain the existing stone dyke along road frontage. A condition has been applied in the recommendation, which requires samples of external finishing wall and roof materials before work starts on site.
- 2.15 The site is not within a functional flood plain and so a statutory consultation with Scottish Environment Protection Agency (SEPA) was not required. The consultation reply from the Council's flood Officer is satisfied with the applicant's assessment report on the impact on surface water and advises on condition which require green field run-off rates to be retained and proposals for maintenance of the surface water drainage system – these conditions have been applied in the recommendation. Also, a condition has been applied which requires details of the ground works required to achieve the flood mitigation.
- 2.16 The applicant is proposing to replace the existing path with a 2 metre wide path at the adjacent field. The path would run parallel to the proposed house plot but not within the plot. The applicant is negotiating control, with an undertaking in place with the current landowner, over the ground to be able to form this path, which will provide a link between the existing path between 18 and 20 Upper Glen Road and Pendeich Road. The path would retain the existing grass surface which has been a very long standing path surface through the field, and so there would be no change to the surface. The applicant is proposing to open up a new entrance at the top of the proposed path onto Pendreich Road, construct a new fence line and to put a gate at the top of the path at Pendreich Road. As the existing path is long established but does not form part of the core path network and the new path would be constructed on land outwith of the applicant's control the path instatement has been requested as an Advisory Note rather than a planning condition. As the access path is not required by a planning condition, Roads Development Control object to the planning application – see paragraph 1.4 above.
- 2.17 The conditions advised in the consultation from Roads Development Control relating to visibility splays, driveway construction, waste collection, and access gates have been applied to the recommendation. Roads Development Control has also stated in their response that the applicant should meet the cost of the promotion of a Road Traffic Regulation Order for the promotion and implementation of a Road Traffic Regulation Order for the limiting of the speed of traffic on Pendreich Road to no more than 30mph and also related signage. This is not something that can be secured by the planning process and is subject to separate legislation.
- 2.18 The proposed dwellinghouse is set well back from all adjacent houses adjoining the site such that it would not result in any significant loss of daylight, sunlight and privacy to neighbouring properties.
- 2.19 The planning application complies with the Local Development Plan proposal H135 allocation for residential development at the site and the related the key site requirements, and Local Development Plan Policies 1.1 Site Planning, 7.2 Development adjacent to a Conservation Area, Primary Policy 5 Flood Risk Management.

### 3. Implications

#### **Equalities Impact**

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

#### **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 in Section 2.

#### **Consultations**

3.5 As set out in Section 2.

### 4. Background Papers

4.1 Planning Application file 20/00653/FUL. File can be viewed online at: [View Application](#)

4.2 List of determining plans:

<b>Stirling Council Plan No.</b>	<b>Name</b>	<b>Ref on Plan</b>
01	Location Plan	
02	Site Plan	(PL) 01 revA
03	Floor Plans	(PL) 02 revA
04	Elevations	(PL) 05 revA
05A	Elevations	(PL)06 revB
06A	General	(PL)03 revB
07A	Sections	(PL)04 revB
09	Landscaping	(PL)07
10	Details	(PL)07

### 5. Appendices

5.1 Appendix 1 – Conditions and Reasons.

Author(s)

Name	Designation	Telephone Number/E-mail
Iain Jeffrey	Senior Planning Officer	01786 233676 jeffreyi@stirling.gov.uk

Approved by

Name	Designation	Date
Drew Leslie	Senior Manager – Senior Manager Infrastructure	29 March 2021

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

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

**Erection of dwelling house and detached garage at Land Southeast And Rear Of 20 Upper Glen Road, Pendreich Road, Bridge Of Allan - Mr Iain McCusker - 20/00653/FUL**

**Approve**, subject to the following conditions

1. **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.
2. **External Finishing Materials:** Prior to the start of building operations, a specification for the external wall and roof finish shall be submitted to the Planning Authority and approved in writing.
3. **Visibility:** Prior to the start of any ground works and building operations, visibility splays of 2.4m x 31m to the left hand side of the junction and 2.4m x 43m to the right hand side of the junction, measured from the centre of the proposed access, within which there should be no obstruction to visibility more than 1.05m above carriageway level, in accordance with Drawing Ref; *'(PL)07B\_Site Levels Overlay'*.
4. **Driveway Construction:** Prior to the occupation of the approved dwellinghouse, the driveway shall be formed to gradient not exceeding 1:10 and shall be suitably surfaced and drained to ensure no loose material or surface water is discharged from it onto the road, in accordance with Drawing Ref; *'(PL)01B\_Site Plan (2)'*.
5. **Vehicular Access Gates:** Any vehicular access gates should be set back a minimum of 6 metres from the edge of the public road and open inwards only.
6. **Waste Management:** Prior to the occupation of the approved dwellinghouse, provision shall be made for a properly designed bin collection point at the roadside for bins awaiting collection. This collection point should be outwith the required visibility splay sightlines. The developer will be required to provide the new household 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.
7. **Garage with Annex Accommodation:** The accommodation above the approved garage shall only be used as an ancillary annex to the main house and not let or sold separately.
8. **Greenfield Run-Off Rates:** The rate of discharge from the surface water management system shall be greenfield run-of rates.
9. **Surface Water Drainage:** Prior to the start of building operations, a maintenance regime for surface water features within the application site shall be submitted to the Planning Authority and approved in writing.

- 10 **Flood Mitigation Works:** Prior to the start of building operations, proposals for the following flood mitigation works to achieve maximum flood water flow of 0.5 cubic metres per second, shall be submitted to and approved in writing by the Planning Authority:
- a) The ground works proposed along the eastern boundary to direct surface water to a designated flow path along the northern site boundary.
  - b) Details of the swale or culvert diameter along the northern boundary.
  - c) Alterations to the ground levels at the entrance to the building away from the site entrance and to the pond.
  - d) A scaled site plan showing all of the surface water mitigation proposals.
  - e) A cross section showing the pond depth.
- 11 **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.

**Reasons:**

- 1. In the interests of public health.
- 2. To achieve an acceptable form of external treatment.
- 3. To ensure that the access is designed to facilitate road safety.
- 4. To ensure that the access is designed to facilitate road safety.
- 5. To ensure that the access is designed to facilitate road safety
- 6. To ensure there is provision for waste collection accordance with the Council's waste standards.
- 7. For the avoidance of doubt and as the use of the approved annex as a separate dwelling house without sufficient garden ground would be an over-development, contrary to Local Development Plan Policy 1.1 Site Planning.
- 8. To mitigate against surface water flooding.
- 9. To mitigate against surface water flooding.
- 10. To mitigate against surface water flooding.
- 11. In the interests of the visual amenity of the site and its setting in the locality.

## **ADVISORY NOTE:**

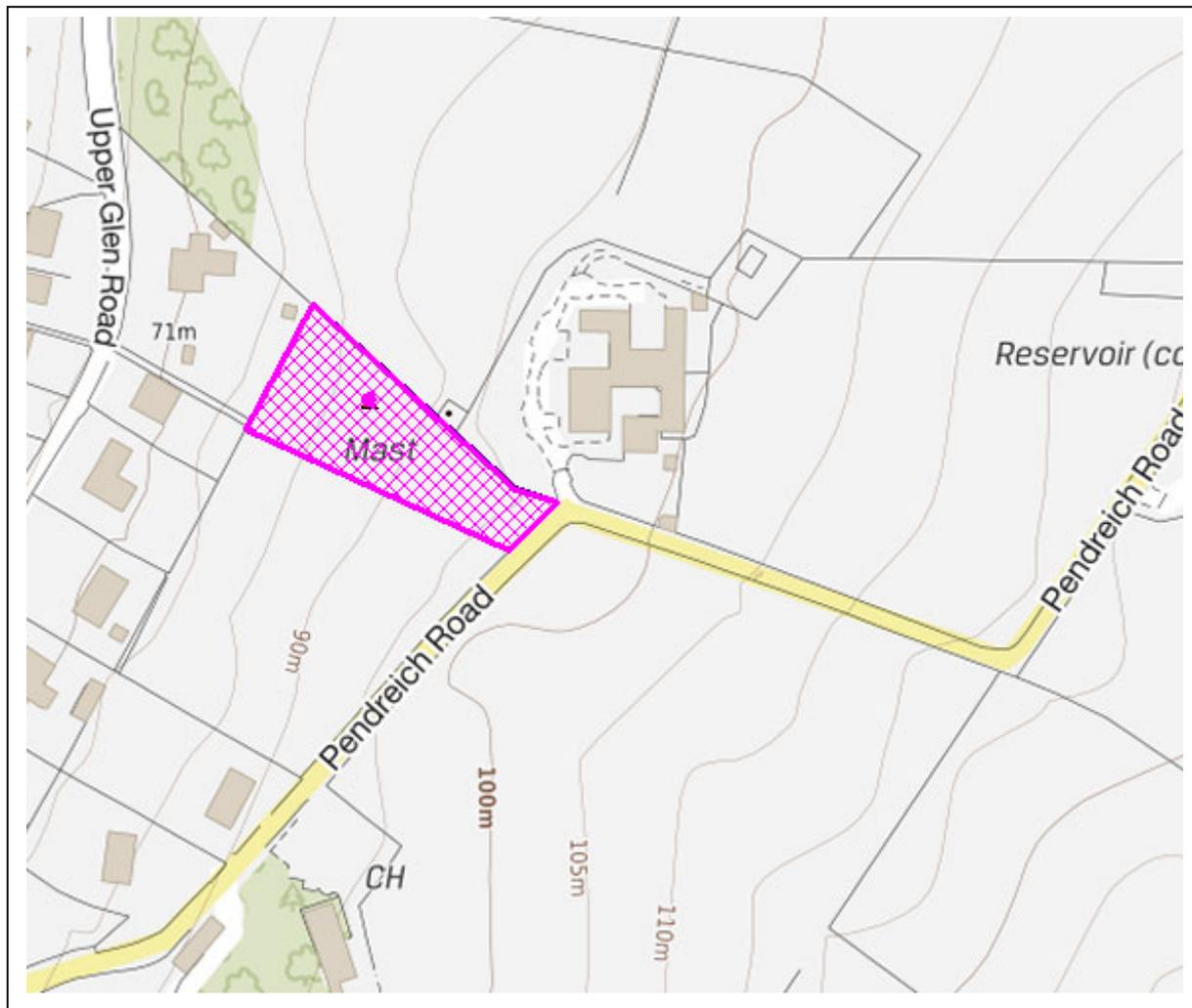
Although not within the scope of the Planning Authority to regulate, the applicant is strongly advised to address the following matters:

**Public Access:** In accordance with Drawing Ref; '(PL)01B\_Site Plan (2)', prior to any building operations being undertaken on site, the applicant is advised to make arrangements for the relocation of this route, at a 2 metres width along its length, finished to a minimum surface of grass as existing. The route to remain open to all and be kept free from obstruction during the whole period of construction works related to the development.

**Public Access Gates:** A pedestrian access gate to be installed at the Pendreich Road access point to the new public route. The gate shall be a minimum width of 1500mm and be constructed in accordance with the guidance set out in the Paths For All document *Outdoor Access Design Guide*, prior to the start of any building operations on site.

**Construction Machinery:** In relation to the use and location of any cranes, cherry-pickers or similar plant/vehicles in the construction of the proposed dwelling, the applicant is advised to discuss with the operator of the adjacent Arqiva Transmitting Station to ensure that the location does not result in a significant reduction or temporary loss of TV signal to nearby residents.

## Location of Development



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2020. All rights reserved. Ordnance Survey Licence number 100020780

