Clackmannanshire Council | Comhairle Siorrachd Chlach Mhanann
www.clacks.gov.uk

Kilncraigs, Greenside Street, Alloa, FK10 1EB (Tel.01259-450000)

Local Review Body

Tuesday 13 August 2019 at 9.30 am

**Venue: Council Chamber, Kilncraigs,
Greenside Street, Alloa, FK10 1EB**

Local Review Body

Considering and determining applications for review of decisions made by officers under delegated powers in respect of planning applications for local development, in accordance with the Town and Country Planning (Scotland) Act 1997, as amended.

2 August 2019

MEETING of the LOCAL REVIEW BODY will be held within the Council Chamber, Kilncraigs, Alloa, FK10 1EB, on TUESDAY 13 AUGUST 2019 at 9.30 AM.

LEE ROBERTSON
Solicitor, Legal Services

B U S I N E S S

Page No.

1. Apologies - -

2. Declarations of Interest - -
Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.

3. Notice of Review:

Hillfoot Homes Group:

Erection of Dwelling House with New Access and Associated Works at Upper Hillfoot Road, Dollar, FK14 7PL

(Planning Application Reference 19/00052/PPP)

a. Application for Notice of Review (with attachments) 05

b. Application for Planning Permission 31

c. Refusal of Planning Permission in Principle 39

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e. Response to Planning Consultation from Clackmannanshire Council – Roads and Transportation (including additional response following application for review) 51

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Members of the Local Review Body:

Councillor Donald Balsillie (Chair)

Councillor Jane McTaggart (Vice Chair)

Councillor Helen Lewis

Plans and papers relating to the applications and reviews can be viewed online at www.clacks.gov.uk

Hillfoot Homes

Hillfoot Farm
DOLLAR
Clackmannanshire
FK14 7PL

Tel. 01259 740000
Fax. 01259 742090

Rcvd 19/06/19

THIS PAPER RELATES TO ITEM 3a

ON THE AGENDA

18th June 2019

Clerk to Local Review Body,
Legal Services,
Clackmannanshire Council,
Kilncraigs,
Greenside Street,
ALLOA.
FK10 1EB

Dear Sirs,

NOTICE OF REVIEW
REFUSAL OF PLANNING APPLICATION REF 19/00052/PPP

Please find enclosed our Notice of Review in relation to a refusal of planning permission by Clackmannanshire Council's Planning Service.

I trust the enclosures prove in order and allow this matter to be progressed.

Should you require any additional information at this time, or wish to discuss or Notice of Review, I can be contacted on the above number, on mobile [redacted] by email at [redacted]

Yours faithfully,

[redacted]

P. C. Edney,
MANAGING DIRECTOR

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA https://www.eplanning.scot

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	
Surname		Surname	
Company Name	Hillfoot Homes Group	Company Name	
Building No./Name	Hillfoot Farm	Building No./Name	
Address Line 1	DOLLAR	Address Line 1	
Address Line 2	Clackmannanshire	Address Line 2	
Town/City		Town/City	
Postcode	FK14 7PL	Postcode	
Telephone	01259 740000	Telephone	
Mobile	[redacted]	Mobile	
Fax		Fax	
Email	[redacted]	Email	

3. Application Details

Planning authority: Clackmannanshire

Planning authority's application reference number: 19/00052/PPP

Site address:

Upper Hillfoot Road, Dollar FK14 7PL
(Land between Rising Hill & Kiloran)

Description of proposed development:

Erection of Dwellinghouse
(Planning in Principle)

Date of application: 15th February 2019 | Date of decision (if any): 1st May 2019

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)	☐
Application for planning permission in principle	☒
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)	☐
Application for approval of matters specified in conditions	☐

5. Reasons for seeking review

Refusal of application by appointed officer	☒
Failure by appointed officer to determine the application within the period allowed for determination of the application	☐
Conditions imposed on consent by appointed officer	☐

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions	☑
One or more hearing sessions	☑
Site inspection	☑
Assessment of review documents only, with no further procedure	☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

To answer any questions LRB may have

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?	☐
Is it possible for the site to be accessed safely, and without barriers to entry?	☒

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Land is currently in third party ownership. Permission can be obtained for site visit.

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See appendix A attached herewith.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Copy of refusal document
Copy of all planning submission including plans and supporting statement
Appendix A detailing reasons for appeal to LRB
Plan showing surrounding land currently in residential use
Plan showing relationship of this site to existing properties fronting onto Upper Hillfoot Road.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☑

Statement of your reasons for requesting a review ☑

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☑

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: [redacted] Name: P. C. Edney Date: 19th June 2019

Any personal data that you have been asked to provide on this from will be held and processed in accordance with Data Protection Legislation.

HILLFOOT HOMES GROUP

APPEAL TO LRB IN RESPECT OF REFUSAL TO GRANT PLANING PERMISSION IN PRINCIPLE PLANNING APPLICATION REF 19/00052/PPP
ERECTION OF DWELLINGHOUSE AT UPPER HILLFOOT ROAD, DOLLAR FK14 7PL (LAND BETWEEN RISING HILL & KILORAN)

APPENDIX A

BACKGROUND

This appeal to the LRB follows refusal by Clackmannanshire Council Planning Service to approve an application for planning permission in principle for the erection of a single dwellinghouse on a site at Upper Hillfoot Road, Dollar.

As clearly outlined in the supporting statement submitted with the planning application (copy enclosed as part of this LRB submission) this site is located only just outwith the current settlement boundary, but fronts directly onto a public road, which is actually within the settlement boundary. The site forms a clear gap between two existing houses, Rising Hill, which is within the settlement boundary and Kiloran, which is not. In terms of the streetscape facing onto Upper Hillfoot Road, this site forms a clear gap in the line of detached homes comprising Merlin House, Lochy Faulds, Rising Hill and then Kiloran. In short, the application site forms no.4, in what would effectively be a line of 5 houses.

The public road in front of the site is a 20mph zone, which Clackmannanshire Council's Roads & Transportation Service report would normally be found "at schools, in towns or within residential areas" This section of road is significantly below suburban standards, being single track and comprising a bottleneck situation with pedestrians and cyclists forced to share a narrow carriageway with vehicles. This planning application also advanced a proposal to upgrade this roadway at no public cost, enhancing pedestrian safety and providing improved passing facilities. During consultation, Roads & Transportation indicated support for these proposals, raising only a single technical concern which can be easily addressed.

This site is completely unique and no similar situation exists anywhere else in Clackmannanshire. Whilst technically located in "countryside", it is surrounded on ALL sides by residential use. There are houses on both sides, the road in front is within the settlement boundary and the rear of the site is bounded by a shared driveway serving three houses known as East Hillfoot House, West Hillfoot Cottage and The Dykes. It should be noted that these three houses, along with the immediately adjacent house called Kiloran, are all also technically within "countryside" and therefore share identical status to the application site.

REASONS FOR REFUSAL

This application for planning permission in principal was refused on 1st May 2019 on five grounds, all of which are questionable.

REASON 1:

"The proposed development, by virtue of its location on an undeveloped paddock on the rural edge of Dollar would fail to contribute positively to its setting and the character of the surrounding landscape, and as such is contrary to Policies SC5 and EA4 of the Clackmannanshire Local Development Plan, adopted 2015".

COMMENTS

The paddock is not "undeveloped". The immediately adjacent property called Kiloran already exists and has clearly been a part of the same field which surrounds it on three sides. Indeed, the location and presence of Kiloran creates this gap site.

Policy SC5 states that "The Council will expect proposed developments to contribute positively to their setting, surrounding landscape/townscape, character, appearance and ecology" *This is also the expectation of the applicant in relation to this site.*
This application is in principle only and the future determination of reserved matters clearly allows for control of detailed design issues, ensuring compatibility in full with intentions of Policy SC5. By continuing with a rear boundary and enclosure identical to that of Kiloran, the site becomes contained and will clearly read as being part of the settlement of Dollar. This approach allows for a neat, stepped design suiting the topography, fitting well into the landscape whilst enhancing and complementing the existing built environment. Significant additional tree and hedge planting also ensures enhanced opportunity for ecology.

Policy SC5 also advances further principles which are neither mentioned nor relied upon in the formal reasons for refusal. This application can clearly be seen to support ALLof these principles including integration with existing streets and neighbourhoods, green networks, as well as active travel and public transport networks and in doing so, reduce the need for journeys to be made by car. *The site is located within walking distance of the village/town centre, schools and also the bus stops on The Ness and Bridge Street. The proposed road/footpath upgrading also meets with this principal. SC5 also advances a desire to* employ sustainable design and construction techniques to conserve energy and water, including through siting and orientation; water recycling and re-use of materials. *This site is south facing allowing solar gain to be harnessed. It is the design and construction of larger one-off homes that offer opportunity to embrace renewable technologies. It is necessary however, for planning authorities to be flexible in their policies and determinations to allow such opportunities to prevail. SC5 also promotes* design that minimises waste in new development *and again one-off properties are best suited to achieve this goal. Finally SC5 also advocates the* protection and enhancement of green

networks. *The road upgrading measures proposed as a part of this application will aid pedestrians and cyclists accessing the back road towards Muckhart which is signposted as being a "walking and cycling friendly route," a route which also leads to the public walkways leading to and around Lawhill.*

Policy EA4 – Landscape Quality, requires that "All development proposals should be informed by, and be sympathetic to, the distinctive landscape character of Clackmannanshire" *and* " Development should be designed and located in such a way that the landscape quality and visual characteristics of the surrounding area and the overall integrity of the local landscape character is maintained and, where possible, enhanced.

By continuing identical rear boundary treatment to Kiloran and by advancing a stepped design suited to the topography, this site easily offers an opportunity for successful and appropriate integration into the surrounding landscape in a manner which adopts the principles of EA4. The properties on either side have already demonstrated this.

REASON 2:

"The proposed development, involving a new house on part of a larger rural paddock, enclosed by woodland, would adversely affect the character and visual amenity of this part of the Special Landscape Area. And as such is contrary to Policy EA4 of the Clackmannanshire Local Development Plan, adopted 2015.

COMMENT

This site is already physically separated from any larger paddock by the shared driveway serving the properties known as East Hillfoot, West Hillfoot Cottage and The Dykes. It is also simply infilling a gap created by existing properties on either side. By endorsing and continuing the rear boundary treatment already prevailing at Kiloran, this site can very easily be encompassed into the settlement without adversely affecting the character of the Special Landscape Area

REASON 3;

"The proposed development involves a new house in a countryside location and the requirement for a countryside location has not been demonstrated, the proposal would not relate well to the surrounding rural paddock and would fail to respect the distinctive rural character of the site and surrounding area on the edge of Dollar. The site does not form part of a cluster or group of building, and development would fail to integrate with any nearby developments. As such, the proposal is contrary to Policy SC23 of the Clackmannanshire Local Development Plan"

COMMENT

Policy SC23 prescribes six criteria, five of which offer sensible grounds for consideration in relation to this, or any other countryside proposal. This application, together with a subsequent reserved matters application showing detailed proposals, will easily be able to demonstrate compatibility with criteria 2-6. The first criteria however, requires that "it can demonstrate the requirement for a countryside location" Historically in Scotland, the construction of a new house within the "countryside" would only ever be considered where "locational justification" could be demonstrated. This required demonstration of housing need in conjunction with an established rural business, usually farming, and occupation of any consented house would be limited by legal agreement to persons involved in the operation of the business.

In 2005 this changed, following publication of SPP 15: Housing in the Countryside by The Scottish Government. This documentation, and its successors, advance the principle that suitable housing opportunities in a countryside location should be embraced.

Flowing from this, all other Councils, with the exception of Clackmannanshire, have introduced policies prescribing situations where new housing in the countryside can be considered without need for locational justification. This includes all neighbouring Councils, with Fife being the last to do so in 2012. The failure of Clackmannanshire to update policy in this respect is disappointing. The situation is further confused by the Council simply choosing to dispense with this requirement in situations where they see fit to do so.

The applicant, along with other members of the business community, raised this issue with Julie Hamilton at a meeting on 22nd July 2016. We were assured that this issue would be addressed and were given an indicative timeframe of 6 months. Three years later, this anomaly still exists and places Clackmannanshire out of step with the rest of the country.

Lack of clarity in this respect, is likely to see more such applications being referred to the LRP for sensible decision-making, which aligns with the aspirations of The Scottish Government and with national practise.

Contrary to this stated reason for refusal, and as noted previously, this site is already separated from any remaining paddock or field. Again, the continuance of the rear boundary treatment existing at Kiloran ensures that the site can be very successfully integrated into the community without in any way adversely affecting the rural character of the surrounding area. This site is a gap site between existing properties and clearly constitutes part of an existing cluster or group. The proposed house would integrate and align with the existing adjacent properties, in particular, Kiloran, which is already located in a similar "countryside" situation.

REASON 4:

The proposed house is not required in relation to any existing or proposed countryside business and does not involve replacement of an existing house, as such it is contrary to Policy SC24 of the Clackmannanshire Local Development Plan

This application did not suggest that this house was required in relation to a business, not that it was a replacement for an existing house. Policy SC24 is not relevant to the application.

REASON 5:

"The proposed development would set an unwelcome precedent for further development on the surrounding paddock which the site forms part of to the overall detriment of the countryside and landscape character on the northern edge of Dollar.

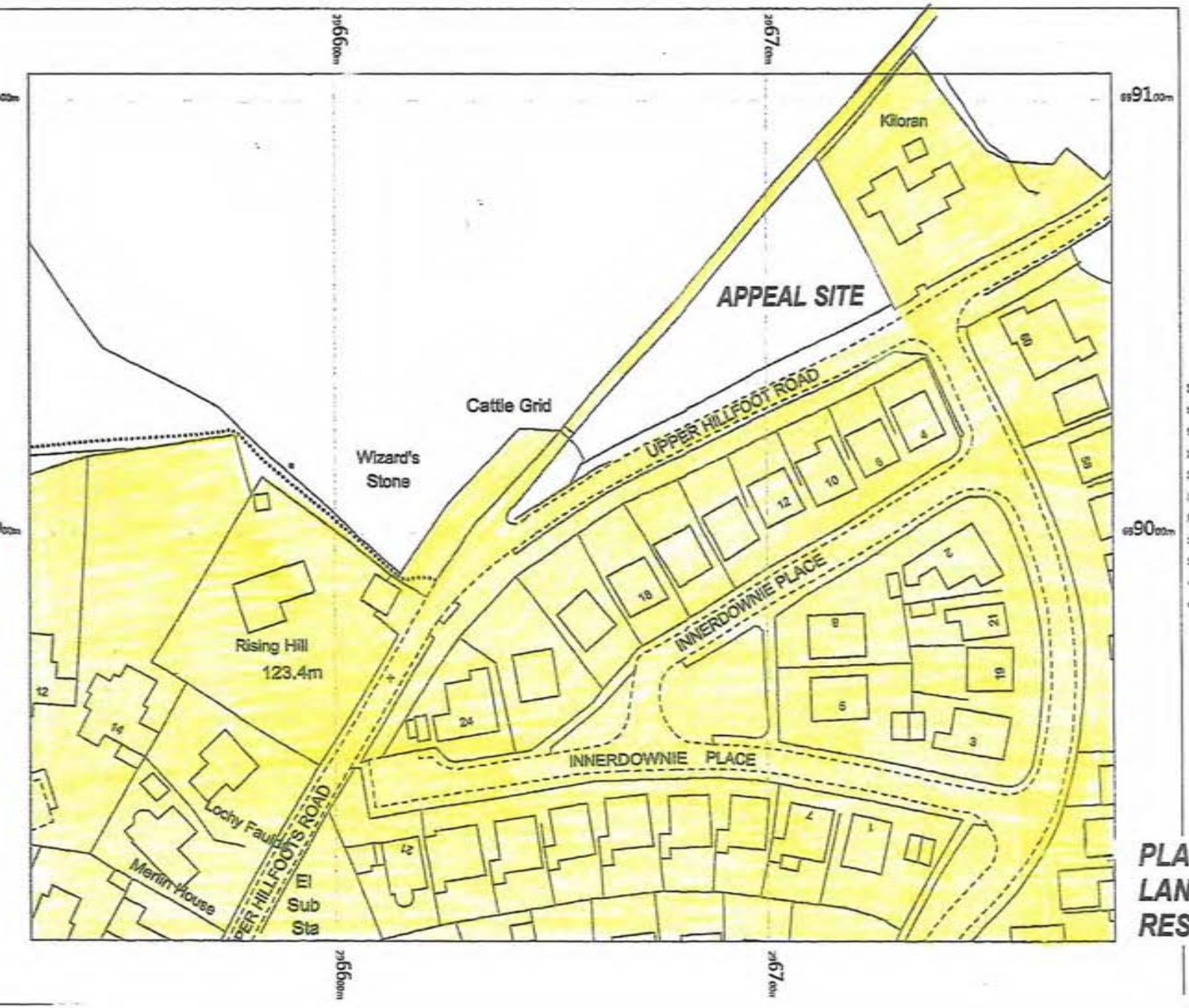
COMMENT

As noted previously, this site is unique in being the only "countryside" location in Clackmannanshire which is actually surrounded on ALL sides by residential use and has a frontage onto an adopted public roadway. This does not occur anywhere else and these specific circumstances can allow approval without setting a precedent. This was acknowledged by planning staff during early discussions regarding this site.

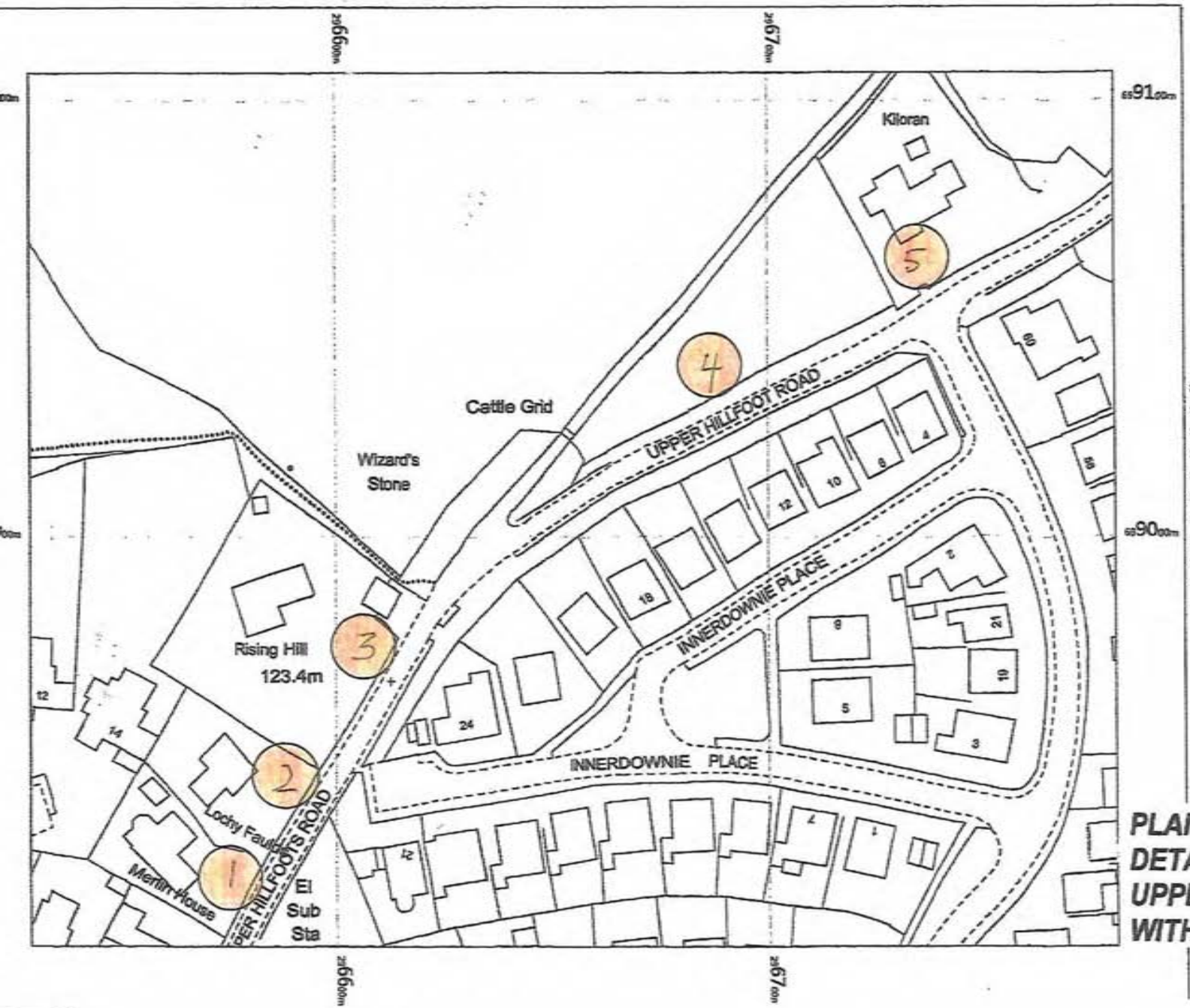
CONCLUSIONS

We would urge upholding of this appeal on the following grounds:-

1. *This site is located only just outside the existing settlement boundary, fronts onto an existing public road and comprises a clear gap between existing houses.*
2. *Uniquely, this site is surrounded by residential use on all sides.*
3. *The status of this site is no different to the adjacent property at Kiloran*
4. *The site is already separated from the remaining field or paddock by the shared driveway serving the three houses to the north of the site.*
5. *The application also offers upgrading to the substandard roadway benefitting pedestrians, cyclists and drivers alike.*
6. *The site would receive clearly prescribed policy support in all other Council areas, including all neighbouring Councils.*
7. *Clackmannanshire Council LPD Policy SC23: Development in the Countryside is outdated in still requiring "locational justification".*
8. *It is the responsibility of all Councils to ensure a varied land supply for new housing including opportunities for self-build or one-off bespoke homes. Clackmannanshire Council seem to rely completely on creating large settlement expansions only.*



PLAN SHOWING SURROUNDING LAND CURRENTLY IN RESIDENTIAL USE



PLAN SHOWING EXISTING DETACHED HOMES FACING ONTO UPPER HILLFOOT ROAD ALONG WITH APPEAL SITE

COPY OF REFUSAL NOTICE &
STAMPED PLANS

CLACKMANNANSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

Applicant

Hillfoot Homes Group
Hillfoots Farm
Hillfoot Road
Dollar
Clackmannanshire
FK14 7PL

Agent

The Council hereby **REFUSE PLANNING PERMISSION IN PRINCIPLE** for the:-

Erection of 1 No House With New Access and Associated Works

Land West Of Kiloran, Upper Hillfoot Road, Dollar, Clackmannanshire,

in accordance with your application and plans Ref. No:- 19/00052/PPP dated 1st March 2019

For the following reasons:-

1. The proposed development, by virtue of its location on an undeveloped paddock on the rural edge of Dollar would fail to contribute positively to its setting and the character of the surrounding landscape , and as such is contrary to Policies SC5 and EA4 of the Clackmannanshire Local Development Plan, adopted 2015.

2. The proposed development, involving a new house on part of a larger rural paddock, enclosed by woodland, would adversely affect the character and visual amenity of this part of the Special Landscape Area and such is contrary to Policy EA4 of the Clackmannanshire Local Development Plan, adopted 2015.

3. The proposed development involves a new house in a countryside location and the requirement for a countryside location has not been demonstrated, the proposal would not relate well to the surrounding rural paddock and would fail to respect the distinctive rural character of the site and surrounding area on the edge of Dollar. The site does not form part of a cluster or group of buildings, and development would fail to integrate with any nearby developments. As such, the proposal is contrary to Policy SC23 of the Clackmannanshire Local Development Plan, adopted 2015.

4. The proposed house is not required in relation to any existing or proposed countryside business and does not involve replacement of an existing house, as such it is contrary to Policy SC24 of the Clackmannanshire Local Development Plan, adopted 2015.

5. The proposed development would set an unwelcome precedent for further development on the surrounding paddock which the site forms part of to the overall detriment of the countryside and landscape character on the northern edge of Dollar.

Dated: 1 May 2019

[redacted]

DEVELOPMENT AND ENVIRONMENT SERVICES

Plans Relating to the Application

Plan No	Title
1.	Location Plan
2.	Site Plan

NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.

2. Please also read the following guidance. It contains important information regarding

   * the duration of the permission
   * rights of review
   * requirements for further notification to the Council; and
   * the publicising of the development.

3. Section 59 Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-

   (a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.

   (b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified whichever is the later. Otherwise, the planning permission lapses on the latter date.

4. Section 58 Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.

5. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition, in respect of the proposed development, or to grant permission for approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The Notice of Review form is available to download on the Council's website or can be obtained from the Council's Local Review Body at LRB@clacks.gov.uk . Once completed the form should returned to the same mailbox or, alternatively, you can post your appeal form to:

   Clerk to the Local Review Body
   Resource & Governance – Legal Services
   Clackmannanshire Council
   Kilncraigs
   Alloa FK10 1EB

Notification of Initiation of Development

6. Once it has been decided on the date to start work on the development to which this permission relates, **the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Intention of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** The notification must include:-

   (i) The date on which the development is likely to commence.

   (ii) The full name and address of the person intending to carry out the development.

(iii) The full name and address of the landowner if they are a different person.

(iv) The full name and contact address/details of the site agent or other person appointed to oversee the development.

(v) The reference number and date of issue of the planning permission.

Notification of Completion of Development

7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase.

Display of Notice while Development is carried out

8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-

(i) The location of the development.

(ii) Any conditions attached to the planning permission.

(iii) The name and address of the developer.

(iv) The date on which planning permission was granted.

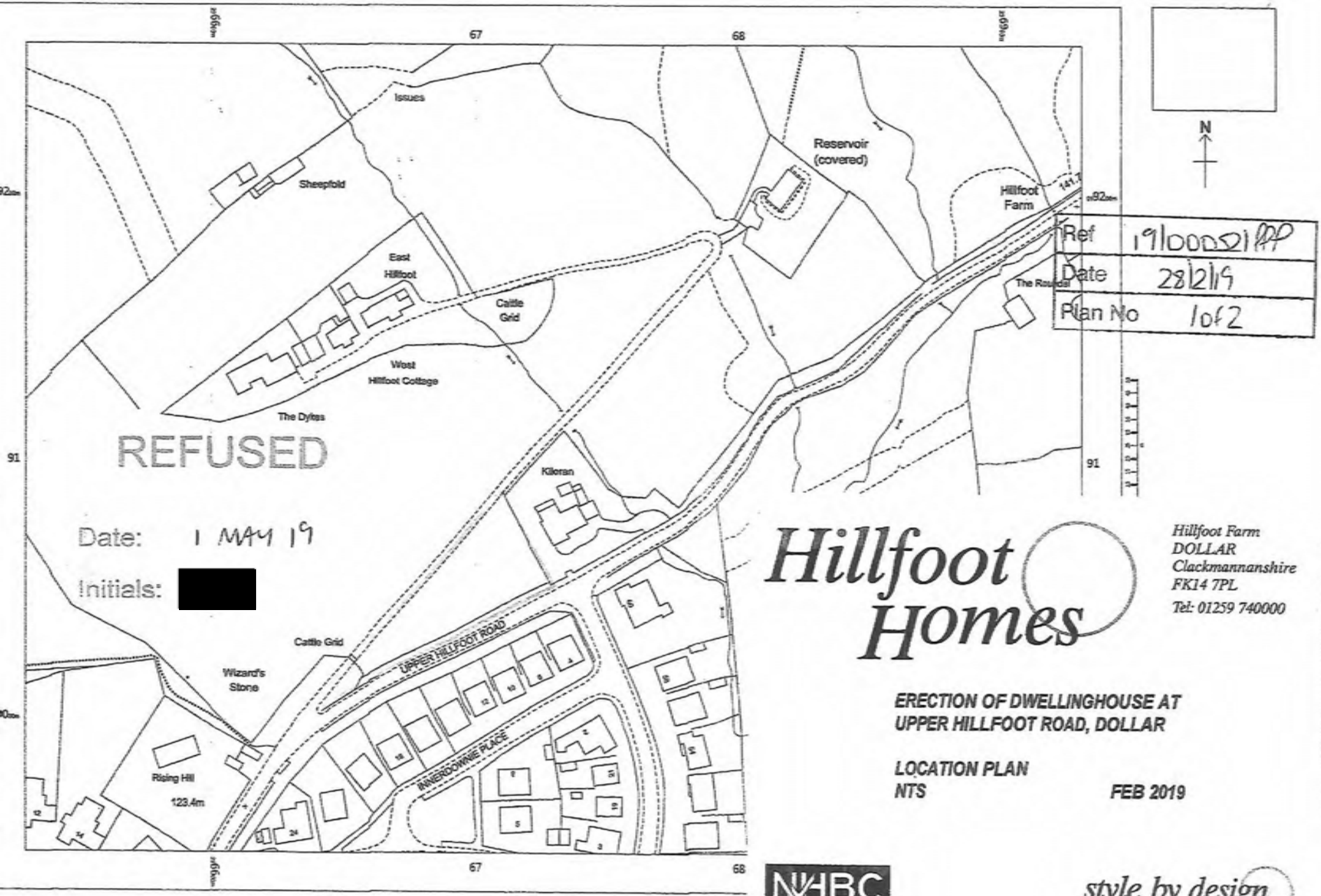
(v) The planning authority reference number.

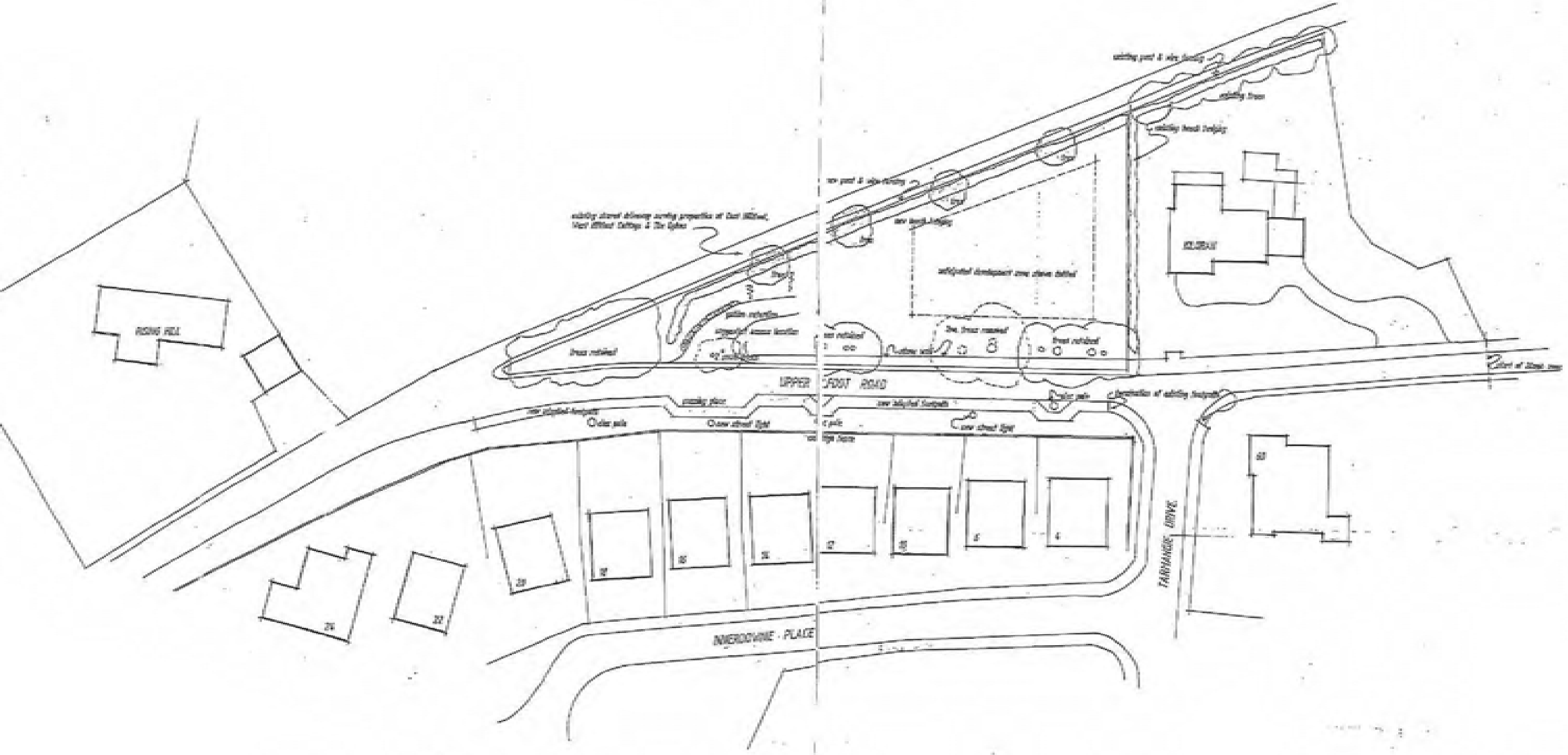
(vi) A description of the development.

(vii) A note of the Council's contact details for enquiries relating to the development, which is development_services@clacks.gov.uk or Development Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.

9. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**


67
68
Issues
Sheepfold
Reservoir
(covered)
Hillfoot
Farm
141.7
92m
East
Hillfoot
Cattle
Grid
West
Hillfoot Cottage
The Dykes
The Roundel
91
Kiloran
Cattle Grid
Wizard's
Stone
UPPER HILLFOOT ROAD
INNERDOWNIE PLACE
Rising Hill
123.4m
90m
N
Ref 19/00052/APP
Date 28/2/19
Plan No 1of2
REFUSED
Date: 1 MAY 19
Initials:
Hillfoot Homes
Hillfoot Farm
DOLLAR
Clackmannanshire
FK14 7PL
Tel: 01259 740000
ERECTION OF DWELLINGHOUSE AT
UPPER HILLFOOT ROAD, DOLLAR
LOCATION PLAN
NTS
FEB 2019
NHBC
style by design



1 MAY 14

[redacted]

Ref	P/10/00052/FP
Date	5/12/11
Plan No	2 of 2

Hillfoot Homes

Hillfoot Farm
DOLLAR
Clackmannanshire
FK14 7PL
Tel: 01259 749000

ERECTION OF DWELLINGHOUSE AT
UPPER HILLFOOT ROAD, DOLLAR

PRELIMINARY SITE PLAN
1:500 FEB 2010

NHBC

style by design

COPY OF PLAN & SUPPORTING STATEMENT SUBMITTED WITH PLANNING APPLICATION

HILLFOOT HOMES GROUP

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A SINGLE DWELLINGHOUSE AT UPPER HILLFOOT ROAD, DOLLAR.

SUPPORTING STATEMENT

LOCATION

The application site is located on the north side of Upper Hillfoot Road, Dollar and sits between two existing properties known as Rising Hill and Kiloran. It is bounded on the north by a shared driveway serving three houses known as East Hillfoot, West Hillfoot Cottage and The Dykes. To the south, on the opposite site of the public road are the rear elevations of nos. 4-20 Innerdownie Place.

The site is triangular in shape and extends to around 4000m2.

The site is located just outside the Dollar settlement boundary. The adjacent property to the west, Rising Hill, is contained within the settlement boundary, whilst that to the east, Kiloran, is just outwith. The public road along the front of the site is within the settlement boundary. The application site (and any property built thereon) would share similar status to Kiloran, unless the settlement boundary was to be realigned in the future to sensibly encompass both.

Although technically located within the countryside, this site is rather unique. It is surrounded on all sides by existing residential use and fronts onto a 20mph section of public road. A house constructed on this site will fit well into the existing built environment, simply infilling a gap in the line of detached properties currently comprising Merlin House, Lochy Faulds, Rising Hill and then Kiloran.

The slopping topography of the site potentially allows for an elevated setting, similar to adjacent houses, which will be high enough to look over the properties in Innerdownie Place, which are single storey to the rear. It is anticipated that a new house could easily be accommodated with minimal tree removal. Additional tree planting, along with beech hedging to the rear boundary would serve to enhance the site and to reinforce the boundaries in a similar manner to those around Kiloran.

Being immediately adjacent to the settlement boundary and essentially being a gap site located within existing residential use, the site displays characteristics which would normally be attributed to an urban, rather than a countryside setting. The public road in front of the site is within the settlement boundary and is a designated 20mph zone. Clackmannanshire Roads & Transportation advise that these can be found "at schools, in towns or within residential areas." All public services including water, gas, electricity and sewerage are immediately available, again facilities associated with an urban, rather than a countryside location.

Upper Hillfoot Road is a very popular walking and cycling area and is also the link between Tarmangie Drive and High Street. It is however very narrow (particularly directly in front of the application site) precluding two vehicles passing and has no footpath or street lighting. This application also advances proposals to upgrade the road and footpath to introduce a sensibly located passing place and also to provide a new adopted footpath along the south side of the roadway. Additionally, street lighting will be added providing an illuminated link between the existing street lights and footpath at the top of Tarmangie Drive and those at the end of Innerdownie Place.

POLICY CONTEXT

This application requires to be considered within the context of both national and local planning policy. SPP 2014 sets out national policy context, whilst the Clackmannanshire Local Development Plan (LDP) outlines land use policies against which the application needs to be assessed.

SPP 2014, together with its predecessors, advocates a pragmatic and flexible approach towards development in the countryside. This is particularly so in the context of infill development within existing groups or clusters of properties. Likewise Clackmannanshire LDP Policy SC23, Development in the Countryside" advises that proposals will normally be supported "on suitable sites adjacent to existing groups of buildings where new build could be sympathetically integrated within a cluster of existing buildings" In these respects, this application demonstrates strong policy fit.

Policy SC23 of the Clackmannnashire LDP, also advances six criteria where development within the countryside can be supported. With the possible exception of locational justification, this site can clearly been seen to easily meet all others. It has been established previously that lack of locational justification alone does not necessarily undermine the aims and visions of the LDP. It should also be noted that all other Scottish councils, including all neighbouring councils, have prescribed specific situations where development in the countryside can be supported without locational justification. This universally includes new build housing within existing groups or clusters. Although not specifically prescribed, it is assumed that Clackmannanshire Council's visions reflect national practice in this respect.

Various other policies within the Clackmannanshire LDP are pertinent to this application. These include SC5 and SC7, which would be considered in more detail during determination of a subsequent application for reserved matters. Policy SC12, Access & Transport Requirements, should embrace the proposed road and footpath upgrades advanced by this application. Likewise Policy EA1, Clackmannanshire Green Network, should similarly welcome improvements in safe public accessibility to green spaces, including the very popular public walkway leading to Lawhill.

CONCLUSIONS

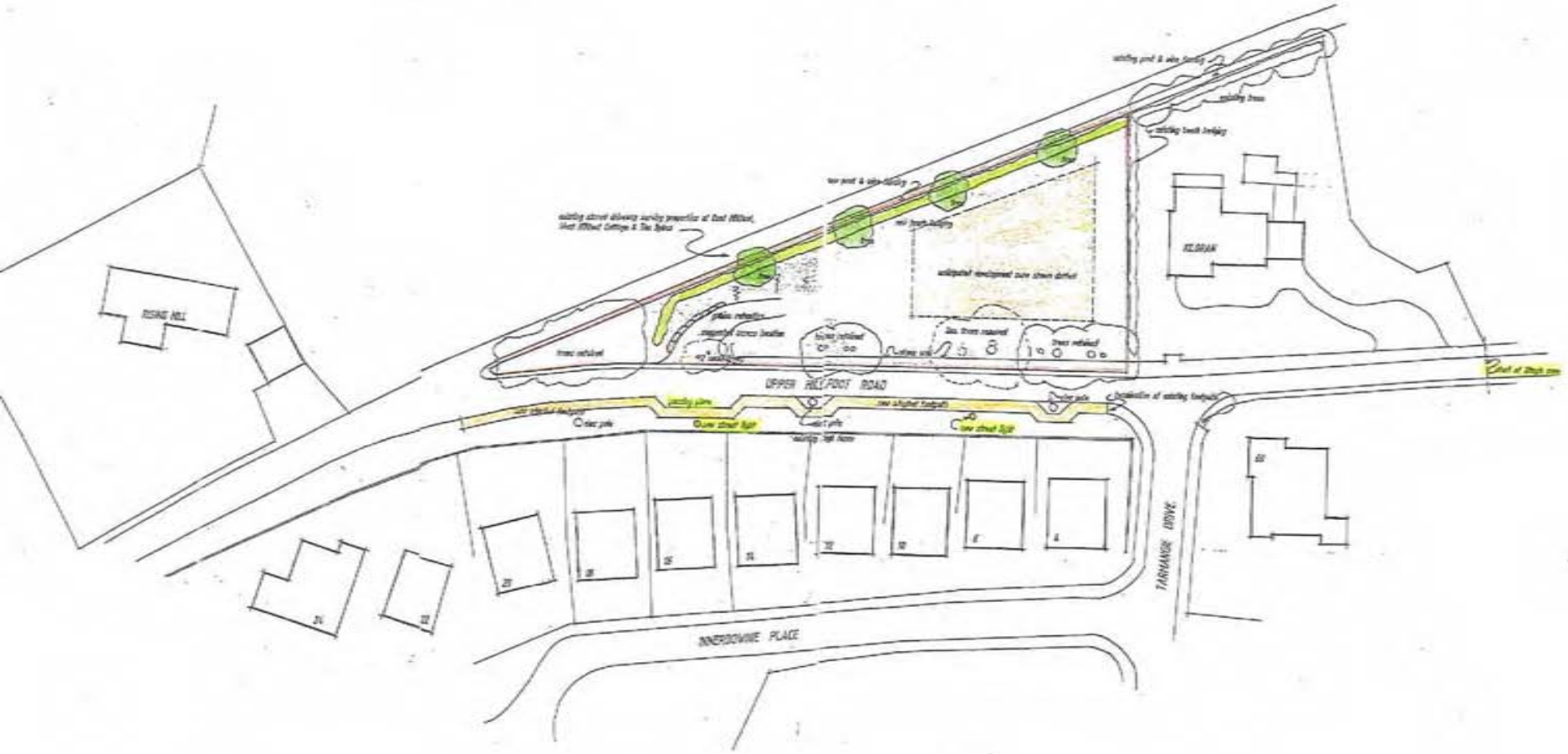
This site is shown on the LDP East Ochils Map as being just outwith the Dollar settlement boundary. Consequently it can be considered as "countryside". That said, it is unique in being surrounded on all sides by existing residential status, some within and some outwith the settlement boundary. The road in front of the site is within the settlement boundary and has a 20mph status. The site shares all of the benefits associated with being within a settlement including accessibility to schools, shops and all other urban facilities. The site allows immediate connection to all public infrastructure including water, sewerage, gas and electric, again a situation generally only available to sites within a settlement.

The construction of a house on this site constitutes infill development and will fit very well into the existing built environment.

These proposals fulfil the general criteria considered acceptable for development in the countryside, constituting infill within existing groups/clusters.

The proposals also advance upgrades to the existing road and footpath network bringing infrastructure benefit at no public cost.

This is an underused site with no agricultural value, being effectively split from the adjacent fields by the shared driveway. These proposals offer a better use of the land.



Hillfoot Homes

Hillfoot Farm
DOLLAR
Clackmannanshire
FK14 7PL
Tel: 01259 742000

ERECTION OF DWELLINGHOUSE AT
UPPER HILLFOOT ROAD, DOLLAR

PRELIMINARY SITE PLAN
1:500
FEB 2019

THIS PAPER RELATES TO ITEM 3b

ON THE AGENDA

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application

PLEASE NOTE IT IS NOW MANDATORY TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA https://www.eplanning.scot

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	
Surname		Surname	
Company Name	Hillfoot Homes Group	Company Name	
Building No./Name	Hillfoot Farm	Building No./Name	
Address Line 1	DOLLAR	Address Line 1	
Address Line 2	Clackmannanshire.	Address Line 2	
Town/City		Town/City	
Postcode	FK14 7PL	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Postal Address or Location of Proposed Development (*please include postcode*)

Upper Hillfoot Road, Dollar FK14 7PL
(Land between Rising Hill & Kiloran)

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application

What is the application for? Please select one of the following:

Planning Permission	☐
Planning Permission in Principle	☒
Further Application*	☐
Application for Approval of Matters Specified in Conditions*	☐
Application for Mineral Works**	☐

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: | Date: January 2019

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of dwellinghouse and associated works

Is this a temporary permission? Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed? Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started: Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given? Meeting ☑ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name: Grant Baxter Date: January 2019 Ref No.:

General conversation on policy, site specifics and location in relation to Coals Authority High Risk Area.

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha): Square Metre (sq.m.) 4000m2

8. Existing Use

Please describe the current or most recent use:

Small part of a field separated from remainder by a shared driveway

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☒ No ☐

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes ☒ No ☐

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? 0

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces) 6

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes ☒ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network ☒
No, proposing to make private drainage arrangements ☐
Not applicable – only arrangement for water supply required ☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway ☐
Discharge to watercourse(s) (including partial soakaway) ☐
Discharge to coastal waters ☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed) ☐
Other private drainage arrangement (such as a chemical toilets or composting toilets) ☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes ☒ No ☐

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network? Yes ☒ No ☐

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding? Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site? Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling) Yes ☒ No ☐

If yes, please provide details and illustrate on plans.
If no, please provide details as to why no provision for refuse/recycling storage is being made:

To meet building regulation requirements

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? Yes ☒ No ☐

If yes how many units do you propose in total? 1

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does you proposal alter or create non-residential floorspace? Yes ☐ No ☒

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☒ No ☐ N/A ☐

Signature: [redacted] Name: P. C. Edney Date: 25th February 2019

Data Protection Legislation

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E
MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I **hereby certify that** -

(1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☐

(2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed.

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

(1) The applicant has ☑ served notice on every person other than the applicant ☑ who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☒

Name	Address	Date of Service of Notice
J M Cullens	Devonbank Farm, Dollar FK14 7PR	25th February 2019

(2) None of the land to which the application relates constitutes or forms part of agricultural land ☐

or

(3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and the applicant has ☑ served notice on every person other than the applicant ☑ who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

Signed: [redacted]

On behalf of: Hillfoot Homes Group

Date: 25th February 2019

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have been unable to serve notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

(2) I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

Clackmannanshire Council | Comhairle Siorrachd Chlach Mhanann
www.clacks.gov.uk

CLACKMANNANSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

Applicant

Hillfoot Homes Group
Hillfoots Farm
Hillfoot Road
Dollar
Clackmannanshire
FK14 7PL

Agent

FILE COPY

THIS PAPER RELATES TO ITEM 3c

ON THE AGENDA

The Council hereby **REFUSE PLANNING PERMISSION IN PRINCIPLE** for the:-

Erection of 1 No House With New Access and Associated Works

Land West Of Kiloran, Upper Hillfoot Road, Dollar, Clackmannanshire,

in accordance with your application and plans Ref. No:- 19/00052/PPP dated 1st March 2019

For the following reasons:-

1. The proposed development, by virtue of its location on an undeveloped paddock on the rural edge of Dollar would fail to contribute positively to its setting and the character of the surrounding landscape , and as such is contrary to Policies SC5 and EA4 of the Clackmannanshire Local Development Plan, adopted 2015.

2. The proposed development, involving a new house on part of a larger rural paddock, enclosed by woodland, would adversely affect the character and visual amenity of this part of the Special Landscape Area and such is contrary to Policy EA4 of the Clackmannanshire Local Development Plan, adopted 2015.

3. The proposed development involves a new house in a countryside location and the requirement for a countryside location has not been demonstrated, the proposal would not relate well to the surrounding rural paddock and would fail to respect the distinctive rural character of the site and surrounding area on the edge of Dollar. The site does not form part of a cluster or group of buildings, and development would fail to integrate with any nearby developments. As such, the proposal is contrary to Policy SC23 of the Clackmannanshire Local Development Plan, adopted 2015.

4. The proposed house is not required in relation to any existing or proposed countryside business and does not involve replacement of an existing house, as such it is contrary to Policy SC24 of the Clackmannanshire Local Development Plan, adopted 2015.

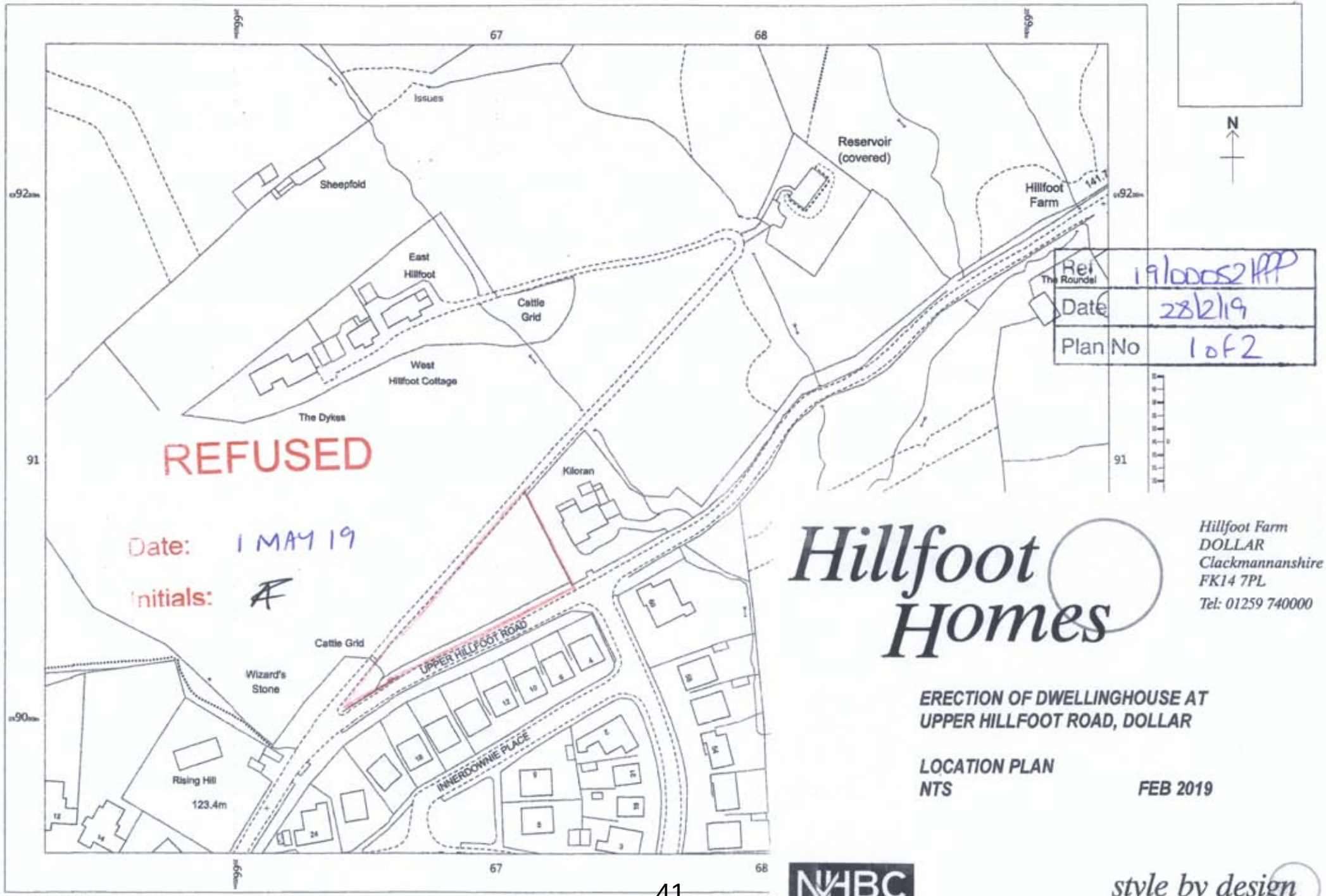
5. The proposed development would set an unwelcome precedent for further development on the surrounding paddock which the site forms part of to the overall detriment of the countryside and landscape character on the northern edge of Dollar.

Dated: 1 May 2019

.....
DEVELOPMENT AND ENVIRONMENT SERVICES

Plans Relating to the Application

Plan No	Title
1.	Location Plan
2.	Site Plan


67
68
Issues
Reservoir
(covered)
Sheepfold
Hillfoot
Farm
141.7
East
Hillfoot
Cattle
Grid
West
Hillfoot Cottage
The Dykes
The Roundel
REFUSED
Date: 1 MAY 19
Initials:
Kiloran
91
Cattle Grid
UPPER HILLFOOT ROAD
Wizard's
Stone
INNERDOWNIE PLACE
Rising Hill
123.4m
N
Ref 19/00052/APP
Date 28/2/19
Plan No 1 of 2
Hillfoot Homes
Hillfoot Farm
DOLLAR
Clackmannanshire
FK14 7PL
Tel: 01259 740000
ERECTION OF DWELLINGHOUSE AT
UPPER HILLFOOT ROAD, DOLLAR
LOCATION PLAN
NTS
FEB 2019
NHBC
style by design

REFUSED

Date: 1 MAY 19

Initials: AF

Ref	19/00052/APP
Date	28/2/19
Plan No	2 of 2

Hillfoot Homes

Hillfoot Farm
DOLLAR
Clackmannanshire
FK14 7PL
Tel: 01259 740000

ERECTION OF DWELLINGHOUSE AT
UPPER HILLFOOT ROAD, DOLLAR

PRELIMINARY SITE PLAN
1:500 FEB 2019

NHBC

style by design

THIS PAPER RELATES TO ITEM 3d

ON THE AGENDA

DEVELOPMENT & ENVIRONMENT SERVICES
CLACKMANNANSHIRE COUNCIL

REPORT OF HANDLING
PLANNING APPLICATION DELEGATED REPORT

Application Ref. No. **19/00052/PPP** Date of Site Visit: 14/03/19

Description of Proposal **Erection of 1 No House With New Access and Associated Works**

Location: **Land West Of Kiloran, Upper Hillfoot Road, Dollar, Clackmannanshire**

1. The Proposed Development

This is an application for planning permission in principle for 1No. house with a new access and associated works on land on the north side of Upper Hillfoot Road (UHR), Dollar.

The site is a triangular area of sloping agricultural paddock land of around 4000m² and adjoins the northern edge of Dollar settlement boundary as identified by the Clackmannanshire Local Development Plan (LDP), adopted 2015. The site's southern boundary has a frontage of approximately 100m to the road, opposite which lies a grass verge and the rear of houses on Innerdownie Place. To the east, the site adjoins a house known as Kiloran and the northern boundary is formed by a track that leads to a small row of houses that lie approximately 100m to the north of the site. The track joins UHR adjacent to the site's western end. Other surrounding land is part of the wider paddock area that incorporates the site, and is generally steeply sloping.

The south west corner of the site contains a small group of trees and hedging and several mature trees are located along the site's southern boundary.

The indicative proposal shows a house located in the wider eastern part of the site, with vehicle access taken from a new driveway onto UHR towards the site's western end. This would entail removal of at least 2 trees, however new planting is proposed along the northern boundary. The applicant also proposes a new footway and passing places on UHR, opposite the site.

2. Summary of Consultation Responses

Roads: No objections as the road serving the site is within the built up area, but only one house would be acceptable, given the road's rural character. No objections to proposed new footway and passing place but smaller nib areas around telegraph

poles are not appropriate. The site is not within the SEPA fluvial or pluvial food map, but the steeply sloping ground to the rear, may present a flood risk to a house on the site. *Comment: It is unlikely that the passing place and footway works proposed opposite the plot are necessary in association with the proposed development, and may detrimentally affect the character of the area. If approved, a planning condition can ensure surface water run-off is retained to existing greenfield rates.*

Scottish Water: No objections.

3. Neighbour Notification and Publicity

Number Of Neighbours Notified | 16 | Number of Objections | 9 |

| 2 |

Number of Other Representations

A Neighbour Notification advert was placed in the Alloa Advertiser on 13 March 2019

4. Summary of Representation(s)

- Dollar Community Council, c/o Mr M Rice, 11 Kellyburn Park, Dollar
- Mr A Preston, West Hillfoot Cottage, Dollar
- Mr RHunter, The Dykes, Dollar
- Mr M Roberts, Tanglewood, 6 Innerdownie Place, Dollar
- Mr & Mrs May, 12 Innerdownie Place, Dollar
- Ms C Hogg, 10 Innerdownie Place, Dollar
- F Olbrich, 16 Innerdownie Place, Dollar
- C Ross & S Greig, 14 Innerdownie Place, Dollar
- Dr R Adlington, 18 Innerdownie Place, Dollar
- Dr & Mrs Fisher, Kiloran, Upper Hillfoot Road, Dollar
- Mr E Davidson, 60 Tarmangie Drive, Dollar

On the following grounds:

- Question over neighbour notification and site ownership on part of the site. *Comment: The planning application is accompanied by a Site Ownership Certificate to verify land ownership. The Council has no evidence before it that ownership information certified in the application is incorrect.*
- Request for a TPO on the trees as they provide privacy to houses opposite. *Comment: The trees on the site are not currently subject of any statutory protection, and the proposals would entail tree removal to form the access. However, it is considered that the site could be developed for one house in a manner that would minimise impact on trees. It is also noted that new planting proposals are shown on the site plan.*

- No need for road widening or passing place as cars can pass easily already, and this may increase speeds on a walking/cycling friendly road. The proposed pavement would not link to any existing pavement to the west. *Comment: The Council's Roads Service have no objections to the proposed road and footway works shown, however on this section of road, that has a semi-rural character, it is questionable if the works are necessary, and it would also appear that their rather urban appearance would be at odds with the general character of the road and its surroundings in this location.*
- Previous reasons for refusal should still apply, and approval could set a precedent for development of the surrounding land. *Comment: The site's application history is noted, however the application must be assessed against the current development plan.*
- The site is outwith the settlement boundary and development is contrary to the Local Development Plan. *Comment: The site lies outwith but adjoining the settlement boundary of Dollar as shown in the LDP. Policies SC23 and SC24, relating to developments in the countryside, would therefore apply, and the proposal would not meet key criteria of these policies.*
- Development would detrimentally impact on the Ochils Special Landscape Area. *Comment: The site is part of the SLA designation that covers the Ochils Hills in Clackmannanshire. It adjoins the settlement boundary of Dollar, and forms part of a wider paddock that contributes to the semi rural character of this part of Dollar. The development would be likely to detrimentally affect the character of this area.*
- The site has biodiversity and habitat value for red squirrels and other species, which would be lost if developed. *Comment: The site is not part of any statutory wildlife designation. A Biodiversity in Planning check of the site was carried out, and which concluded that it is unlikely that the development requires input from a consultant ecologist. Furthermore, the Council's Ranger Service informally commented that the site is not of great value for wildlife. There is a small likelihood of bats in the trees proposed for felling, and which should be section felled to check for bats if development goes ahead. The stone walls may be home to lizards.*
- The land has local recreational value for local children. *Comment: The site is not designated for any recreational use, and this would not be a reason to refuse planning permission.*
- Development will exacerbate local drainage issues. *Comment: Development would require to ensure that greenfield run-off rates were met.*
- Development will result in overlooking and a loss of privacy to houses adjacent and opposite. *Comment: There are no details of the proposed house in this PPP application, however it would appear to be sited at lest 25m from the rear of houses opposite, and alongside the adjoining house plot, Kiloran. As such, it is likely that it could be positioned and designed such that it would not detrimentally affect privacy of houses adjacent or opposite.*
- A proposed streetlight position would affect privacy of houses on Innerdownie Place. *Comment: Streetlight positions shown on the plan are indicative only and are normally designed to avoid light spillage to houses.*

5. Summary of Supplementary Statements

The application is accompanied by a supporting statement, and its key points are as summarised below:

- Whilst in the countryside, the site naturally fits with the built up area of Dollar, with Kiloran to its East and Rising Hill/Merlin Park to its west. It would simply infill a gap in houses on the northern side of the road, and lies within the 20mph limit.
- The house could be built so as to protect amenity of neighbours and retain most trees on the site.
- All utilities are readily available, and a package of localised road/pedestrian improvements could be delivered by the proposal.
- The proposal fits with the SPP and Policy SC23 of the LDP as it would be within a dwelling cluster.

6. Summary of Section 75 Planning Obligations.

None

7. Site History/Background

- 04/00190/OUT – Residential Development – Land North, East and Southwest of Ranfield, (including the application site), Upper Hillfoot Road, Dollar – Refused 08/07/2004 - Contrary to policies on protected landscapes and development in the countryside.
- The site, as part of a wider area, was promoted for housing development as part of the previous Local Plan and rejected by the Council. It was again promoted at the LDP Main Issues stage in 2011. It was considered and identified as a non-favoured site due impact on the AGLV (now SLA), setting of Castle Campbell and settlement character. The site was also not considered suitable for future housing, beyond the current policy framework.

8. Planning Assessment

(a) Development Plan Position

Clackmannanshire Local Development Plan, 2015

(i) Policies

Policy SC5 - Layout and Design
Policy SC23 – Development in the Countryside
Policy SC24 – Housing Development in the Countryside
Policy EA4 – Landscape Quality
Policy EA7 – Hedgerows, Trees and Tree Preservation Orders

Policy SC 5 sets out criteria for the consideration of proposals for new houses, and seeks to ensure these contribute positively to their surroundings including townscape and landscape, protect amenity and are of a density that reflects the surrounding area. It is supported by Supplementary Guidance SC3- Placemaking.

Policies SC23 and SC25 make a presumption against developments in the countryside, unless specific criteria can be met.

Policy EA4 seeks to ensure landscapes are protected and enhanced in new developments. In SLAs, the policy advises that developments will only be supported where specific criteria can be met, including that the development could not be located in a less sensitive location, and that adverse impacts are outweighed by social, environmental or economic benefits of local importance.

Policy EA7 seeks to retain trees and hedgerows that make a positive contribution to local amenity.

In considering these policies, the following conclusions are drawn:

- In respect of Policy SC5, it is considered that the proposed house would be unlikely to contribute positively to its setting and surrounding landscape. Whilst the site is closely related to the edge of the built up area of Dollar, it has a distinct rural character a part of a wider area of paddock mainly enclosed by woodland. Whilst Kiloran, to the east sits in somewhat isolation from other houses, on this north side of UHR, it sits within a mature landscape setting and does not significantly detract from this rural character. Additional development, either side of it would alter the character of the area to its detriment, and make a negative contribution to the townscape/landscape. The proposal does not therefore comply with Policy SC5 of the LDP.
- The site is part of the SLA designation that covers the Ochils Hills in Clackmannanshire. It adjoins the settlement boundary of Dollar, and forms part of a wider paddock that contributes to the semi rural character of this part of Dollar. There is no evidence to suggest that a house such as this requires to be located in this area, and could not be built on a less sensitive site. The development would be likely to detrimentally affect the character of this area, and there appear to be no overwhelming social, environmental or economic benefited that would be delivered by it The proposed road/footway improvements shown on the plan do not appear to be necessary and would in fact alter the rural character of this section of road to the detriment of the area's character and appearance. The application does not therefore comply with Policy EA4 of the LDP.
- There is no demonstrable requirement for this house to be located in the countryside. The development would not relate well the rural character of the surrounding land, in particular the paddock area the site forms part of. As

such, the proposals would not respect the visual amenity and distinctive landscape character of the surrounding area. Whilst the site can be argued, to some extent, to be in gap between existing buildings, this gap extends to around 130m from east to west, and a similar distance on a north to south axis, and therefore it would not form part of a cluster or group of buildings, but appear as a new building in a rural field that could set an unwelcome precedent for the development of the adjoining land, which is of a similar character. The proposed development does not therefore comply with the criteria of Policy SC23, in respect of an exception to the presumption against new developments in the countryside and none of the criteria of Policy SC24 on houses in the countryside are applicable to this proposal, as the house is neither required to serve a rural enterprise nor involves replacement of an existing house.

- The proposals indicatively show that hedgerow and trees on the south west corner of the site would be retained, and that two trees on the southern edge would be removed to facilitate access, with new planting proposed. Whilst the development does therefore entail some tree loss, it appears likely that the site could be developed, with new planting, in a manner that does not detrimentally affect local amenity in respect of tree loss.

In summary, the proposals fail to comply with key policy tests set out in the adopted LDP in respect of impact on the character of the area, including surrounding landscape and townscape and the principle of development in the countryside.

(ii) Proposals

None

(iii) Supplementary Guidance

SG3 – Placemaking

(b) Other Material Considerations

- Applicant's supporting statement
- Consultation responses
- Representations

9. Recommendation

Approve		Approve with Conditions (see below)	
Refusal (see below)	X	Referral to Historic Scotland	

Reasons for Refusal

1. The proposed development, by virtue of its location on an undeveloped paddock on the rural edge of Dollar would fail to contribute positively to its setting and the character of the surrounding landscape , and as such is contrary to Policies SC5 and EA4 of the Clackmannanshire Local Development Plan, adopted 2015.
2. The proposed development, involving a new house on part of a larger rural paddock, enclosed by woodland, would adversely affect the character and visual amenity of this part of the Special Landscape Area and such is contrary to Policy EA4 of the Clackmannanshire Local Development Plan, adopted 2015.
3. The proposed development involves a new house in a countryside location and the requirement for a countryside location has not been demonstrated, the proposal would not relate well to the surrounding rural paddock and would fail to respect the distinctive rural character of the site and surrounding area on the edge of Dollar. The site does not form part of a cluster or group of buildings, and development would fail to integrate with any nearby developments. As such, the proposal is contrary to Policy SC23 of the Clackmannanshire Local Development Plan, adopted 2015.
4. The proposed house is not required in relation to any existing or proposed countryside business and does not involve replacement of an existing house, as such it is contrary to Policy SC24 of the Clackmannanshire Local Development Plan, adopted 2015.
5. The proposed development would set an unwelcome precedent for further development on the surrounding paddock which the site forms part of to the overall detriment of the countryside and landscape character on the northern edge of Dollar.

Plan Numbers Relating to the Decision

Plan No	Title
1.	Location Plan
2.	Site Plan

10. Checklist

The application does not involve development of land in which the Council has an interest	X
The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct	X
The charge for advertising this application has been paid or is not	X

required	
Any publicity period has expired	X
The recommendation requires authorisation by the following Appointed Officers:	
Development Quality Team Leader	X
Development Services Manager	X
The recommendation/decision has secured added value which is recorded in Uniform	
Two complete sets of plans to be approved are attached, or identified from the electronic file	X
The electronic file requires annotated plans which are attached	
There are instructions to Business Support attached to this report/file	
Site Notice - Note to Applicant required for National, Major or Bad Neighbour development	
Coal Authority Householder Referral Area Note to go with Decision	
Coal Authority Standing Advice Note to go out with Decision	

Signed [redacted] (Case Officer) Date 26/4/19

Signed [redacted] (Team Leader) Date 1/5/19

Development & Environment Services

Clackmannanshire Council | Comhairle Siorrachd Chlach Mhanann

www.

THIS PAPER RELATES TO ITEM 3e

ON THE AGENDA

Memo

To: Development Quality

From: Roads and Transportation
Extension: 2593
E-Mail: roads@clacks.gov.uk
Our Ref:
Your Ref: 19/00052/PPP
Date: 2 April 2019

Subject: **PLANNING APPLICATION NUMBER - 19/00052/PPP**
APPLICANT: Hillfoot Homes Group
DEVELOPMENT: Erection of 1 No House With New Access and Associated Works
LOCATION: Land West Of Kiloran, Upper Hillfoot Road, Dollar

I refer to the above mentioned planning consultation and would respond as follows:

ROADS AND TRANSPORTATION
Responding Officer: Stuart Cullen

Roads Comments

I note the proposal is for a new house accessed on to Upper Hillfoot Road (UHR) where this particular section, as it fronts the application site, affords no footways, is narrowed virtually to single width and as a result has the character of a rural road, albeit it lies within the urban limits in this area of Dollar. The applicant indicates proposals to introduce a new footway on the south (opposite) side of UHR, a carriageway passing place, two new street lighting columns and other small “non car” lay-by type areas to accommodate existing utility apparatus locations. These elements are presumably indicated to ameliorate a perceived increased road safety risk as a result of a new house here.

Given the intended house plot lies within the existing urban area as defined by the limits to the east of the site my Section can have no road safety objections to this proposal in principle. However, we consider that given the rural character of this portion of the UHR and that this section of road has limited ability to safely accommodate even a modest increase in traffic activity, any consideration given to an approval should be restricted to a single house unit only.

In terms of the proposed road improvements whilst my Section would not object to the proposed new footway, which should be 2m wide and connected to the existing footway system to the south east (Tarmangie Drive), and would not object to a new carriageway passing place and street lighting, we would object to the small lay-by type carriageway

areas indicated. These areas are not required for the safe use of the road and would represent a maintenance concern for the Council as roads authority.

My Section will offer further more detailed comments on access arrangements etc for this proposal should any permission in principle be granted.

Flood Comments

My Section have recorded a recent history of flood risk in the vicinity of the application site. The site is shown not to be within SEPA's currently mapped fluvial or pluvial flood risk extents but this is likely to the case as this mapping does not account for watercourses affording catchments of less than 3km2 which is the case in this area. The specific flood mechanism we have recorded in this area involves, as can be imagined, the steeply sloping land to the north and the ditch system serving the private road above and bounding the site on it's north side. Flows have been recorded to surcharge from this ditch system to threaten the application and other downstream areas. The Council has carried out some improvement works in the area such that this ditch system and related catchment are better captured into local drainage systems but I still consider this site still to be at flood risk under design storm conditions.

I trust this information is of use to you.

On behalf of

ROADS & TRANSPORTATION

Fw: Planning Application : 19/00052/PPP Upper Hillfoot Road , Dollar - Application for Review

Stuart Cullen to: Local Review Body, Gillian White 04/07/2019 10:46

Fao the Clerk to the LRB

I refer to the attached notification of the applicant's request for the LRB to review the decision made in respect of the above planning application and would wish to add comment from my Section in connection with this request.

Following my Section's consultation response dated 2nd April 2019, which contained comment on Road Safety and Flood Risk matters, this area of Dollar experienced a significant pluvial flood event on 10th June 2019. It was evident from my Section's subsequent investigations that the ditches and high ground to the north and above the application site were quickly inundated and surcharging occurred during a short period of very intense heavy rainfall. This surcharging led to flood flows passing around and through the application site to affect the urban areas below and to the south of the site. I mention this flood event as further evidence that the application site is at risk of flooding as noted in our consultation response.

Regards

Stuart

Stuart R. Cullen
Principal Roads and Flooding Officer
Community and Regulatory Services

THIS PAPER RELATES TO ITEM 3f

ON THE AGENDA

5th March 2019

Clackmannanshire Council
Kilncraigs Alloa
Clackmannanshire
FK10 1EB

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

FK14 Dollar Upper Hillfoot Road West Of Kiloran
PLANNING APPLICATION NUMBER: 19/00052/PPP
OUR REFERENCE: 773922
PROPOSAL: Erection of 1 No House With New Access and Associated Works

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the Turret Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- There is currently sufficient capacity in the Dollar Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

  Site Investigation Services (UK) Ltd
  Tel: 0333 123 1223
  Email: sw@sisplan.co.uk
  www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- **Please find all of our application forms on our website at the following link https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms**

Next Steps:

- **Single Property/Less than 10 dwellings**

  For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

  For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

  Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**
  Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**
  Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

  If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Angela Allison
[redacted]

Kiloran, Upper Hillfoot Road, Dollar, Clackmannanshire FK14 7PL
[redacted]

THIS PAPER RELATES TO ITEM 3g

ON THE AGENDA

The Clerk to the Local Review Body,

Clackmannanshire Council,

Kilncraigs,

Greenside Street,

Alloa,

FK10 1EB

Friday, 12 July 2019

Dear Mr Robertson,

19/00052/PPP

We are writing to confirm that we maintain our objections made in our letter submitted 10/03/2019 in relation to the application 19/00052/PPP.

Our principal points remain the same:

- The application is contrary to the LDP policy to afford special protection to the Ochils Special Landscape Area
- The application is contrary to the Local Development Plan, LDP (Policies 23 and 24, EA Statement of the East Ochils Area, SAN 2 in Infill Development) to permit development in the countryside

We are content with the reasons given for refusal by Clackmannanshire Planning Authority. The applicant's appeal of that decision, if upheld, would potentially be contrary to Clackmannanshire Council's planning policy and guidance and the Local Development Plan (LDP).

We take the opportunity to address the points made in Appendix A by the applicant in questioning the reasons for refusal as follows and where those comments are erroneous we refute them:

Reason 1 (that the development would fail to contribute positively to the setting and character of the surrrounding landscape etc)(SC5 anf EA4)

Contrary to the applicant's arguments:

The site is un-developed, there are no buildings or other structures on it and there is no record of any. (Kiloran was built on the site of a previously isolated 19th century cottage in the countryside, but there is no record of any previous building on this site.)

While site mitigation is proposed, it is not the design and detail of the proposal that is at issue but the principle of developing and urbanising an area of designated countryside outside the settlement boundary and the consequent loss of amenity and habitat.

The development proposals would not enhance traffic and access, nor enhance ecology and would in general not be welcomed by residents (as evidenced by the number of objections) or by Transportation. There is no street lighting or underground utilities along this narrow section of tarmac road at present, only limited surface water drainage.

Reason 2 (that the proposed development would adversely affect the character and visual amenity of the Special Landscape Area)(Contrary to policy EA4)

Contrary to the applicant's arguments:

The argument provided suggesting that infill development would be justified because the site is a separate entity is inaccurate. It is part of a large field mainly grazed by sheep and occasionally cattle across which there have never been any barriers since we moved her over twenty years ago. The site is sub-divded from the field to the north only by an un-made farm track across which animals and people can freely move.

Thus the site connects seamlessly with the Special Ochils Landscape Area of which it is part, but is clearly separated from the roads and properties. The site is separated from existing settlement by agricultural fencing to the south, west and east. It is also separated to the south by a line of trees with a natural stone dyke (which follow a historic route), to the west by vegetation and an old stone gateway with iron railings (part of the former West access to Hillfoot house) and to the east by garden hedging.

For information, the rear and north boundary of our property is an overgrown beech hedge (planted by the previous owners) that has limited biodiversity value. By comparison, the trees to the south of the site form a historic feature and a green corridor rich in habitat value, including oak trees. Planting of the former in mitigation (as proposed by the applicant) and the partial loss of the latter (as proposed) would detrimentally affect the distinctive character of the area and its biodiversity value.

Reason 3 The justification for countryside development has not been provided and would fail to respect the distinctive rural character etc (contrary to SC23)

Contrary to the applicant's arguments:

The assertions that this is a separate area and a gap site are patently mis-representing the facts. The site is outside the settlement boundary and lies in the countryside as defined by Clackmannanshire Council. Our house (Kiloran) dates from around 1961 but replaces an older cottage (Burngrange Cottage) which is shown on the 1861 six inch OS map with a bench mark indicating height above sea level, a feature generally carved into stone and so suggesting it was a stone building that may have stood even longer, possibly a toll house. Kiloran is therefore clearly not a development nor an exception to policy restricting development in the countryside that would justify yet more.

As previously mentioned, the access road to the north is merely a rough track. There is no fence or other barrier as perhaps inferred by the applicant. The properties to the north are far away and

outwith the neighbour notification requirements. The tree belt to the south and vegetation to the West form a valuable green corridor connecting to the SSSI in the quarry, the Ochils and woodland in the Kelly Burn (Grange Wood on the 1861 map) and at Hillfoot House. The grass verge to the South of the road is an informal public space used for access.

The application submission refers to the area as being "an underused site with no agricultural value". We would like to point out that at the time of writing the grass is long and untidy and for the first time since we have lived here (over twenty years) has not been either cut for hay or silage or grazed. We have also observed that management of thistles, nettles and rank grass has not been carried out in recent times. The Land Utilisation Map Sheet 67 - Stirling & Dunfermline (Printed) Surveyed: 1931-1933 Published: 1948 shows the entire site to be classed as meadowland and permanent grass. No building since then would suggest the capability is still the same.

Reason 4 The proposed house is not required in relation to any existing or proposed countryside business or replacement of an existing house (contrary to SC24)

We have no further comment to make except that Clackmannansire Counci's LDP policies (2015) should be upheld.

Reason 5 The proposed development would set an unwelcome precedent for development in the countryside.

Contrary to the applicant's arguments:

The applicant's assertions that the site is "surrounded on all sides by residential use" are wholly inaccurate. It is part of a field and in the countryside and there are clear physical and historic boundaries separating it from settlement while there are none with the countryside to the North. Our house (Kiloran) is surrounded on three sides by scenic countryside, which was part a former Area of Great Landscape Value and now part of the Ochils Special Landscape Area and is home to abundant wildlife, including increasing numbers of red squirrels (a protected species).

We trust that the Local Review Body will consider all relevant concerns and objections made to the application and the review which include comments from Transportation, from neighbours and from Dollar Community Council. We hope that the Local Review Body will dismiss the appeal made by the applicant and that it will support and uphold the decision made by the experienced Chartered Planner on behalf of Clackmannashire Planning Authority.

Yours sincerely,

[redacted]

pp Fiona and William Fisher

THIS PAPER RELATES TO ITEM 3h

ON THE AGENDA

Reference: 19/00052/PPP
John May to: lrb
Please respond to john

14/07/2019 20:57

1 attachment

Planning objection3.pdf

Dear Mr Robinson

Please find attached my letter regarding this application.

Yours sincerely

John May

John May
12 Innerdownie Place
DOLLAR
Clackmannanshire
FK14 7BY

12 Innerdownie Place
Dollar
Clackmannanshire
FK14 7BY

14th July 2019

Development & Environmental Services
Clackmannanshire Council
Kilncraigs
Greenside Street
ALLOA
FK10 1EB

Attn: Lee Robertson

Dear Mr Robertson

Reference 19/00052/PPP
Erection of 1 house on land West of Kiloran, Dollar

In addition to my letter of objection to Grant Baxter dated 14th March, I refer to your letter dated 3rd July and the enclosed Notice of Review.

I would make the following comments:

- The proposed development **is** "outside the existing settlement boundary". It is immaterial that it is "only just" outside the existing settlement boundary.

- The animals using the paddock seem unaware of the demarcation imposed by the shared driveway . . . they appear to think it is one large paddock!

- The justification that the site comprises "a clear gap between existing houses" will no doubt be used for a subsequent planning application to infill the "clear gap" formed between this development and the adjacent property: *Rising Hill.*

  I'm sure this will be followed by other applications to infill the "clear gap" between these new developments and the existing properties: *East Hillfoot; West Hillfoot Cottage* and *The Dykes.*

- The road upgrading measures proposed will certainly increase the speed of traffic on the road deemed "walking and cycling friendly" which I don't consider to be an improvement.

Yours sincerely,

Mr & Mrs John D. May

THIS PAPER RELATES TO ITEM 3i

ON THE AGENDA

Notice of Review: Refusal of Planning Permission (Application Ref 19/00052/PPP)

Ron Adlington to: LRB@clacks.gov.uk 12/07/2019 17:09

Dear Mr Robertson

Thank you for your letter dated 4 July 2019 giving me the opportunity to make further representation to the Local Review Body on the above application.

Despite the comments made by the applicant, all five Reasons for Refusal still stand. The proposal still does not meet justification criteria for development in a Special Landscape Area. Residential development in the countryside has still not been justified.

In conclusion, there is no case for overturning the Council's refusal decision in respect of this Review.

Yours sincerely

Ron Adlington

Dr R K Adlington
18 Innerdownie Place
Dollar
Clackmannanshire
FK14 7BY
[redacted]

Sent from my iPad

THIS PAPER RELATES TO ITEM 3j

ON THE AGENDA

Reference 19/00052/PPP Erection of 1 Dwelling House with New Access and Associated Works

Chris Ross to: LRB 17/07/2019 08:45

1 attachment

Objection letter[111265] (2).docx

Dear Lee

Reference 19/00052/PPP
Erection of 1 Dwelling House with New Access and Associated Works

Please find attached a copy of our original objection letter. Our position has not changed and we still object for the same reasons.

Additionally, as acknowledged in the Notice of Review, the proposed location is outside the settlement boundary. A new house, even one built in a similar style including the associated works will change the character of the area inside and outside the settlement boundary.

Please let us know if you need any further information.

Yours sincerely

Chris Ross and Sheilah Greig

Chris Ross & Sheilah Greig

14 Innerdownie Place

Dollar

Clackmannanshire

FK14 7BY

25/03/2019

Dear Mr Baxter

Reference 19/00052/PPP

Erection of 1 house with new access and associated works

We wish to object to the plans for the proposed house and associated works for the following reasons:

Environmental impact

We regularly see a diverse range of wildlife including, but not exclusively – insects (bees, butterflies etc), frogs, toads, fox, deer, birds of prey (buzzards and at least two species of owl) and less common species of wild birds (woodpeckers, tree creepers) in and around the proposed site hunting and foraging. We also regularly see in the area of the proposed site, as well as our garden, protected species such as bats and red squirrels. (Photo of red squirrel and owl visiting our garden taken 2018).

Removal of mature trees and foliage will reduce habitat for many of these species and is also likely to impact negatively on drainage, which is already poor in the proposed site and rear gardens of Innerdownie Place. The proposed street lighting may also have an impact on nocturnal species which inhabit this area.

Building on Green-Field site

We believe that this land is classed as a green-field site, therefore contradicts the Local Development Plan which discourages construction in this area.

The area sits within the Ochil Special Landscape Area, and as such, changes to the natural landscape are undesirable.

Lack of privacy

Loss of trees and construction of a new house will mean that our garden and the rear of our house will be overlooked.

Loss of a local amenity

This land is used daily and year-round by dog walkers and ramblers. When covered in snow, whole families use the land/hill for sledging. We have had our own family travel from outside Dollar specifically to use the hill for this purpose.

We understand that proposals to build on this site have been rejected in the past, and we would expect that the reasons for these rejections would still stand.

For the reasons outlined above, we would like to formally object.

Yours sincerely,

Chris Ross & Sheilah Greig

10 Innerdownie Place,
Dollar,
FK14 7BY
8thJuly,2019

THIS PAPER RELATES TO ITEM 3k

ON THE AGENDA

Lee Robertson ,
Solicitor,
Resources and Governance,
Kilncraigs,
Greenside Street,
Alloa
FK10 1EB

Dear Sir,Madam,

Hillfoots Homes Group
Proposed erection of dwellinghouse, Upper Hillfoots Road,Dollar
Planning Application 19/00052/PPP

I refer to the above and am disappointed to note that the Refusal of Planning Permission in Principle is being reviewed.

I would simply state that my objections to this proposed development of building this property remains the same as before. I enclose copies of my reply thereto,

The development as indicated on the plan requires the removal of 2 trees, unfortunately those trees are 2 mature oaks, the only oaks in the vicinity. (refer to letter of 5.7.2004. The removal of these would create a vast open space and loss of privacy to adjacent houses in Innerdownie Place.

I would further point out that until previous applications were proposed the pasture on both sides of the path leading to the houses, East HillfootCottage, West Hillfoot Cottage and The Dykes was fully utilised by the farmer, both sheep and cattle were regularly grazed there, even lambing took place.

Since the last application we think that nothing has changed and our objections remain as previously stated.
Yours faithfully,

[redacted]

Development and Environmental Services

Garry Dallas, Director
Lime Tree House, Alloa. FK10 1EX.
Telephone: Fax:

CLACKMANNANSHIRE COUNCIL

Contact: James Garry
Direct Tel: 01259 452640
Email: jgarry@clacks.gov.uk
Our Ref:
Your Ref:
Date: 5 July 2004

Mr Robert Hogg
10 Innerdownie Place
Dollar
FK14 7BY

Dear Mr Hogg

Request for Tree Preservation Order
Upper Hillfoot Road, Dollar

I refer to my previous letter to you dated 21 June 2004.

I visited the above site last week with colleagues and we took the opportunity to thoroughly inspect the trees, and associated habitats, along Upper Hillfoot Road.

We have reached the conclusion that any development near the trees along Upper Hillfoot Road, or in their general vicinity, could potentially adversely affect the health and viability of these trees which are of local landscape and habitat value. I have reported to this to colleagues in Development Control.

If in the future we become aware of any threat to these trees it is likely that we would seek to protect both them and other wooded features in the wider local vicinity by means of TPO, or other means, but we do not intend to progress in the short term.

Please do not hesitate to contact me if you would like further information or clarification.

Yours sincerely

James Garry
principal Planner

Development & Environmental Services

CLACKMANNANSHIRE COUNCIL

Lime Tree House, Alloa. FK10 1EX.
Telephone: 01259 452571 Fax: 01259 452547

Our Ref: 04/00190/OUT
Contact: Ian Duguid

8th July 2004

Robert Hogg
10 Innerdownie Place
DOLLAR
FK14 7BY

Dear Sir/Madam,

Town and Country Planning (Scotland) Act 1997
Residential Development at Land North East And South West Of Ranfield, Upper Hillfoot Road,, Dollar, Clackmannanshire,

I refer to your letter regarding the above. The Enterprise and Environment Committee resolved to **REFUSE** the application for the following reason(s):-

1. **The proposed development is contrary or potentially contrary to policies ENV2: Protected Landscapes, ENV3: Development in the Countryside, and ENV5: Environmental Enhancement of the Clackmannanshire and Stirling Structure Plan. The application provides no information or other material considerations to justify the grant of planning permission contrary to these policies.**

2. **The proposed development is contrary or potentially contrary to policies EN2: Landscape and Ecology, EN7: Archaeological or Historic Sites, EN11: Enhancing Environmental Quality, EN17: Development in the Countryside, INF4: Development Standards of the Finalised Clackmannanshire Local Plan, which has been approved for adoption. These policies are relevant, particularly having regard to: the designation of the site within an Area of Great Landscape Value; the absence of a specific need for the development; the identification of sufficient land within settlement boundaries in the Local Plan to meet housing land supply requirements; the relationship of the site and the proposal to the site of the Wizard's Stone; the potential prospect of adverse impact on the landscape, woodland planting and watercourse; the**

De

[redacted]

designation of the site as countryside entirely outwith the settlement boundary; the asserted inadequacy of the private water supply; the uncertainty surrounding the ability to connect the existing public foul drainage infrastructure; and the road safety implications to arise from t intensified use of the substandard private access on Upper Hillfoots Roa

Yours faithfully

[redacted]

Development and Environmental Services

10 Innerdownie Place,
Dollar,
Clacks.
FK14 7BY
10th March, 2019

Grant Baxter Esq.,
Development & Environmental Services,
Kilncraigs,
Greenside Street,
Allola
FK10 1EB

Dear Sir,

Neighbour Notification of Application for Planning Permission
Type of Application PPP Application Ref. No 19/00052/PPP

We note with alarm that two mature oak trees at the road side north of Upper Hillfoot Road are programmed to be removed.

We refer to your letter of 5th July, 2004 re request for Tree Preservation Order with reference to a previous planning permission request for housing in this same area (copy letter attached).. The trees presently offer a degree of seclusion for our rear windows,(bathroom and bedroom) from cottages further up the hill, and their removal for construction of a house far nearer would completely remove any degree of privacy much to our detriment.

We also enclose a copy dated 8th July 2004 advising of a previous refusal to allow development on this same piece of ground. The position remains the same now as it did then.

We look forward to hearing from you in due course.

Yours faithfully

THIS PAPER RELATES TO ITEM 3I

ON THE AGENDA

Re: Local Review Application - 19/00052/PPP

Paul Edney to: Local Review Body 28/07/2019 21:15

Cc: eilidh

History: This message has been forwarded.

Hi Lee.

Thank you for the opportunity to comment on responses from interested parties.

I would do so as follows:-

ROADS & TRANSPORTATION

The development of this site presents an ideal opportunity to address any localised flooding. Installation of a suitably designed field drain along the north boundary of the site will intercept surface water allowing it to be conveyed to the public drainage system. A suitably worded planning condition could require provision of an engineers report.
Moreover, the proposed road upgrading will require formal consent from Roads & Transportation and this will include arrangements for surface water drainage.

LETTER FROM MAY

No other site in the vicinity is set between two existing houses AND is surrounded on all sides by existing residential use. Concerns of precedent are not relevant.

LETTER FROM ADDLINGTON

No further comment.

LETTER FROM HOGG

The proposals involve the removal of only two mature trees, both of which are multi-stemmed. The proposals also involve significant replacement planting. The submitted letter from ClacksCouncil dated 5/7/2004 relates to a much larger area and not directly to the appeal site.

LETTER FROM GREIG

No further comment.

LETTER FROM FISHER

The further points made are varied and cover many conceived issues. They all stem entirely however from a base standpoint of “not on my doorstep”. All issues raised apply equally to their house as they would to the appeal site. Both are immediately adjacent to each other and located within the same paddock.

Finally, and perhaps most importantly, subsequent to submitting this appeal the appellant has become aware that Clackmannanshire Council’s Planning Service have completed their Major Issues Report in relation to the ongoing review of the current LDP. It is understood this includes proposed changes to policy relating to development in the countryside and will certainly see removal of the generic and outdated requirement to demonstrate locational justification. Consequently, it seems quite ridiculous to refuse a planning application on grounds which will very soon be superseded. It is established planning practise to give consideration to emerging policy. This last paragraph is of the highest relevance to this planning appeal.

Can I ask you to please acknowledge receipt of this email and to confirm that it can be considered as a formal submission in relation to this planning appeal.

Thank you.

Paul Edney,

Managing Director,
Hillfoot Homes Group.

Sent from my iPhone