

**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 flood 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 Number of Objections
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 least 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	<input type="checkbox"/>	Approve with Conditions (see below)	<input type="checkbox"/>
Refusal (see below)	<input checked="" type="checkbox"/>	Referral to Historic Scotland	<input type="checkbox"/>

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

<u>Plan No</u>	<u>Title</u>
1.	Location Plan
2.	Site Plan

10. Checklist

The application does not involve development of land in which the Council has an interest

The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct

The charge for advertising this application has been paid or is not

required

Any publicity period has expired

The recommendation requires authorisation by the following Appointed Officers:

Development Quality Team Leader

Development Services Manager

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

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 _____ (Case Officer) Date 26/4/19

Signed _____ (Team Leader) Date 1/5/19