

Hillfoot Homes

Hillfoot Farm
DOLLAR
Clackmannanshire
FK14 7PL

Tel. 01259 740000
Fax. 01259 742090

Recd 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 our Notice of Review, I can be contacted on the above number, on mobile [REDACTED] or by email at [REDACTED]

Yours faithfully,

[REDACTED]
P. C. Edhey,
MANAGING DIRECTOR

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country 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	<input type="text"/>	Ref No.	<input type="text"/>
Forename	<input type="text"/>	Forename	<input type="text"/>
Surname	<input type="text"/>	Surname	<input type="text"/>
Company Name	Hillfoot Homes Group	Company Name	<input type="text"/>
Building No./Name	Hillfoot Farm	Building No./Name	<input type="text"/>
Address Line 1	DOLLAR	Address Line 1	<input type="text"/>
Address Line 2	Clackmannanshire	Address Line 2	<input type="text"/>
Town/City	<input type="text"/>	Town/City	<input type="text"/>
Postcode	FK14 7PL	Postcode	<input type="text"/>
Telephone	01259 740000	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
3. Application Details			
Planning authority	<input type="text" value="Clackmannanshire"/>		
Planning authority's application reference number	<input type="text" value="19/00052/PPP"/>		
Site address	<input type="text" value="Upper Hillfoot Road, Dollar FK14 7PL
(Land between Rising Hill & Klloran)"/>		
Description of proposed development	<input type="text" value="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:



Name:

P. C. Edney

Date:

19th June 2019

Any personal data that you have been asked to provide on this form 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 ALL of 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.

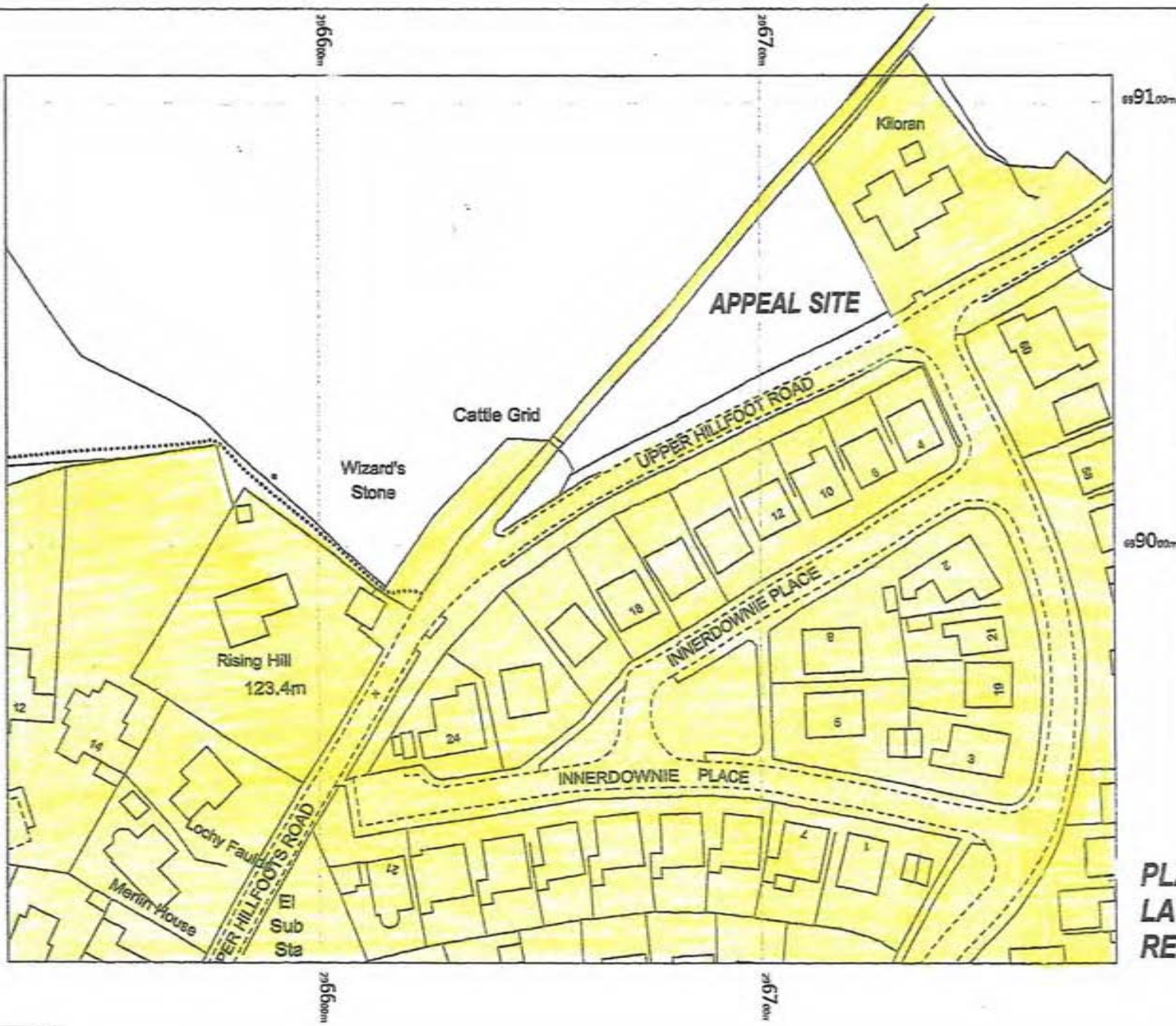
COMMENT

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.

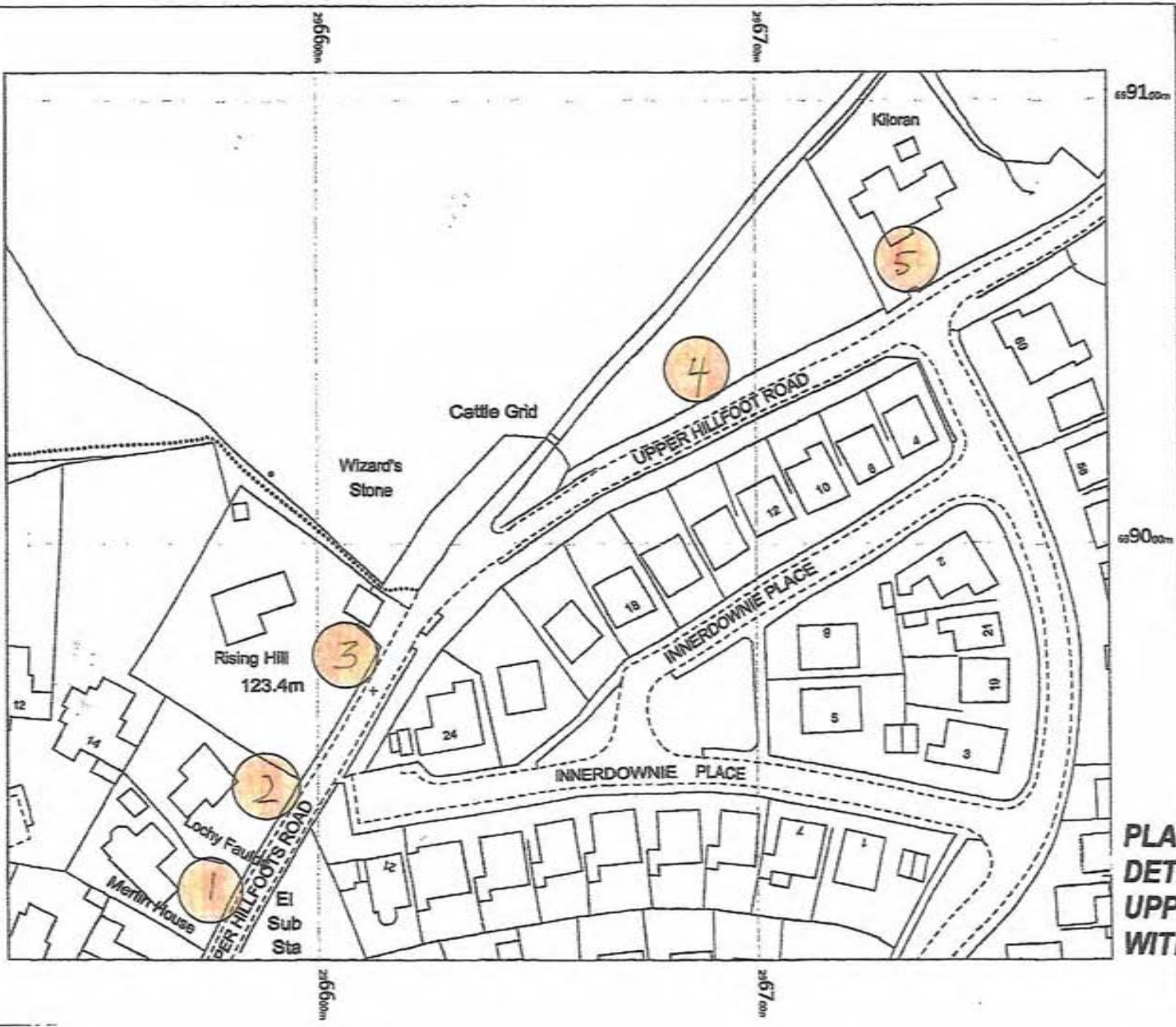
CONCLUSIONS

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

Agent

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

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

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 be 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.

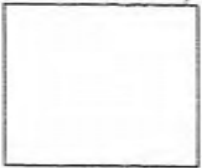
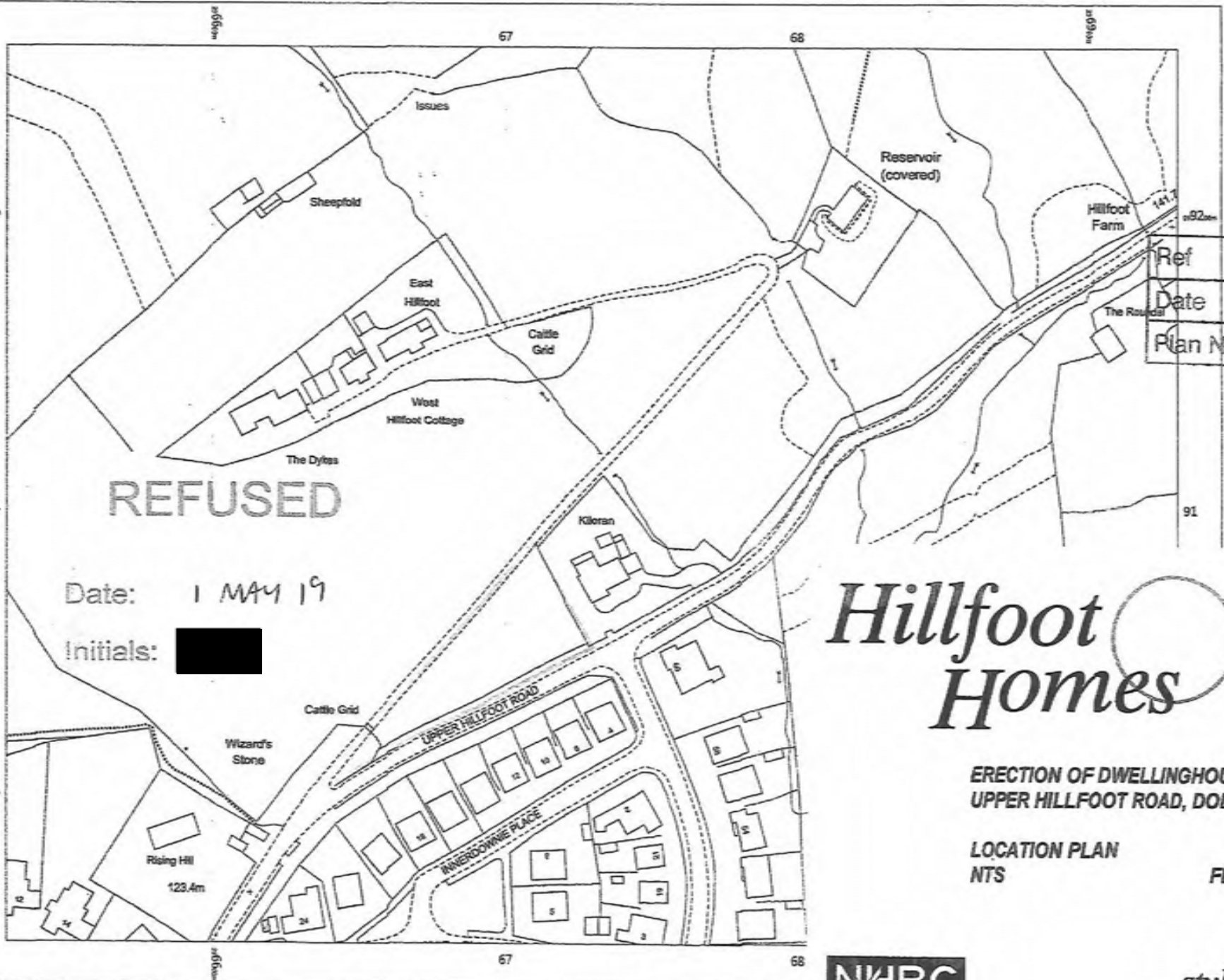
- (iii) The full name and address of the landowner if they are a different person.
- (iv) The full name and contact address/details of the site agent or other person appointed to oversee the development.
- (v) The reference number and date of issue of the planning permission.

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.**



N

Ref	19100021 PP
Date	28/2/19
Plan No	1 of 2



REFUSED

Date: 1 MAY 19

Initials: [REDACTED]

Hillfoot Homes

Hillfoot Farm
DOLLAR
Clackmannanshire
FK14 7PL
Tel: 01259 740000

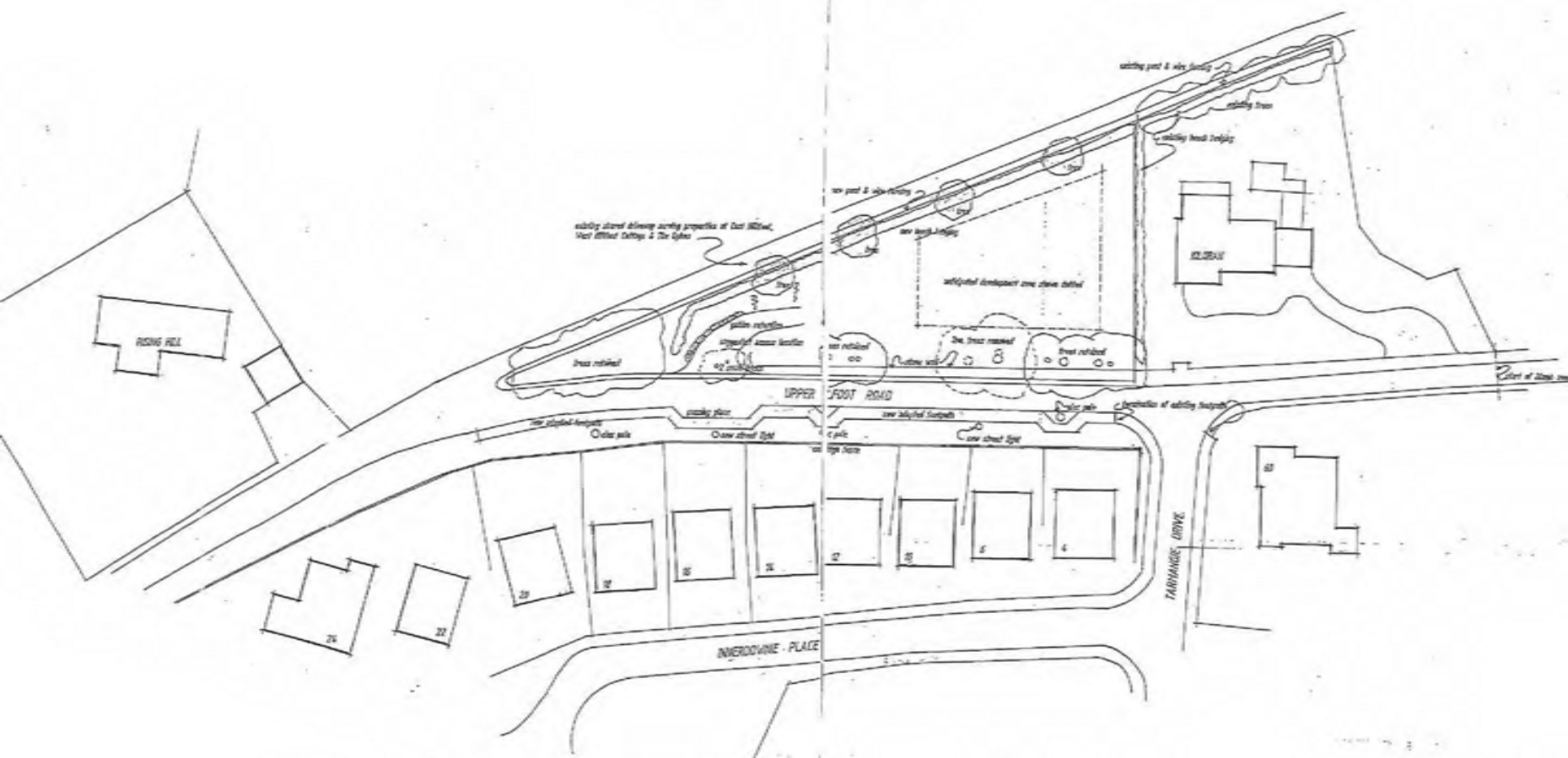
**ERECTION OF DWELLINGHOUSE AT
UPPER HILLFOOT ROAD, DOLLAR**

**LOCATION PLAN
NTS**

FEB 2019



style by design



1/11/14

Ref	FILED 2014
Date	2014
Plan No	2012

**Hillfoot
Homes**

Hillfoot Homes
DOLLAR
Clarkston, Georgia
30125-7000
Tel: 678-259-7000

ERECTOR OF DWELLINGHOUSE AT
UPPER HILLFOOT ROAD, DOLLAR

PRELIMINARY SITE PLAN
1:500 FEB 2013

***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 side 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 sloping 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 Clackmannanshire 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.



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ERECTOR OF DWELLINGHOUSE AT
 UPPER HILLFOOT ROAD, DOLLAR
 PRELIMINARY SITE PLAN
 1:500 FEB 2015



DATE: 2/15/15

