

NOTICE OF MEETING

A MEETING of the **PLANNING & REGULATION PANEL** will be held in the **COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING** on **TUESDAY 27 MARCH 2018** at **10.00 a.m.**

IAIN STRACHAN
Chief Officer - Governance
Clerk to the Council

21 March 2018

A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**
2. **DECLARATIONS OF INTEREST**
3. **URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR**
4. **MINUTES – PLANNING & REGULATION PANEL - 27 FEBRUARY 2018**
(Pages 1 - 8)

PLANNING

5. **SHELTERED HOUSING (CLASS 9), 3 NO. UNITS: TWO OF WHICH ARE TO BE FOOD AND DRINK (CLASS 3) AND HOT FOOD TAKEAWAY (SUI GENERIS), THE THIRD UNIT WILL BE ONE OR MORE OF THE FOLLOWING USES:- FOOD AND DRINK (CLASS 3); HOT FOOD TAKEAWAY (SUI GENERIS); SHOPS (CLASS 1), FINANCIAL SERVICES (CLASS 2); CRECHE (CLASS 10) OR GYMNASIUM (CLASS 11) AT LAND AND BUILDINGS AT ORCHARD HOUSE SITE, BACK O HILL ROAD, RAPLOCH, STIRLING – CALEDON/TDL – 17/00694/FUL**
Report by Senior Manager – Infrastructure (Pages 9 - 30)
6. **RESIDENTIAL DEVELOPMENT AT LAND ADJACENT AND SOUTH OF NOS 1 AND 3, LAMPSON LOAN, KILLEARN – W S GORDON I V TRUST – 17/00977/PPP**
Report by Senior Manager – Infrastructure (Pages 31 - 38)
7. **RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO NOS 1 AND 2, LAMPSON ROAD, KILLEARN – W S GORDON I V TRUST – 17/00978/PPP**
Report by Senior Manager – Infrastructure (Pages 39 - 48)

REGULATION

Exempt Items

It is anticipated (although this is not certain) that the meeting will resolve to exclude the press and public during consideration of the following items marked with the prefix E (not for publication in terms of Schedule 7A of the Local Government (Scotland) Act 1973).

Item No	Report Title	Schedule 7A Para(s)	Reason for Report being Exempt
E8	TAXI VEHICLE LICENCE	6, 12 & 13	<p>The information should remain exempt indefinitely as in terms of paragraphs 6, 12 and 13 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 it would, respectively, (i) impact on the business affairs of the Licence Holder, (ii) disclose legal advice given to the Council and potentially prejudice the Council's legal position and (iii) disclose that the authority proposes to make an order under the Civic Government (Scotland) Act 1982.</p> <p>If the information became public the risk to the Council is that there would be damage to the Licence Holder's business or personal reputation, and the Council's legal position.</p>
E9	TAXI DRIVER	6 & 13	<p>The information should remain exempt indefinitely as in terms of paragraph 6 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 it would impact on the business affairs of the Licence Holder and in terms of paragraph 13 it would disclose that the authority to make an order under the Civic Government (Scotland) Act 1982.</p> <p>If the information became public the risk to the Council is that there would be damage to the Licence Holder's business or personal reputation.</p>

E8. TAXI VEHICLE LICENCE

(Para 6, 12 & 13) Report by Chief Officer – Governance (Pages 49 - 54)

E9. TAXI DRIVER

(Para 6&13) Report by Chief Officer – Governance (Pages 55 - 60)

**THIS REPORT RELATES
TO ITEM 4
ON THE AGENDA**

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on TUESDAY 27 FEBRUARY 2018 at 10.00 am

Present

Councillor Alasdair MacPHERSON (in the Chair)

Councillor Maureen BENNISON
Councillor Neil BENNY
Councillor Alistair BERRILL
Councillor Douglas DODDS

Councillor Jeremy McDONALD
Councillor Susan MCGILL
Councillor Evelyn TWEED

In Attendance

Shona Campbell, Licensing Paralegal (Localities & Infrastructure)
Lindsay Fyfe, Licensing Standards Officer (Localities & Infrastructure)
Iain Strachan, Governance Officer (Localities & Infrastructure) (Clerk)
Mary Love, Committee Officer (Localities & Infrastructure)

Also Present

PS Claire MacKenzie, Police Scotland (Item PL92)

AGENDA

The Chair intimated his intention to alter the order of the Agenda. The items were taken in the order minuted below.

PL86 APOLOGIES AND SUBSTITUTIONS

Apologies were received from Councillor Graham Lambie and Councillor Chris Kane. Councillor Susan McGill was in attendance as substitute for Councillor Lambie.

PL87 DECLARATIONS OF INTEREST

There were no declarations of interest.

PL88 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

The Panel agreed to take an item of urgent business and to consider it in open session, detailed below, under Para PL91.

PL89 MINUTES – PLANNING & REGULATION PANEL

The following Minutes were submitted for approval.

- (a) Special Planning & Regulation Panel Meeting – 18 January 2018

Decision

The Minutes of the Special Planning & Regulation Panel Meeting held on 18 January 2018 were approved as a correct record of proceedings.

- (b) Planning & Regulation Panel Meeting – 30 January 2018

Decision

The Minutes of the Planning & Regulation Panel Meeting held on 30 January 2018 were approved as a correct record of proceedings

- (c) Special Planning & Regulation Panel Meeting – 12 February 2018

Decision

The Minutes of the Special Planning & Regulation Panel Meeting held on 12 February 2018 were approved as a correct record of proceedings.

PL90 EXTENSION OF TRADING HOURS TO LATE HOURS CATERING FOR RUNRIG CONCERT

It had been announced that the band Runrig were to host a farewell concert in Stirling's City Park on Friday 17 August 2018 and Saturday 18 August 2018, to mark their retirement after 45 years in the music business. It was proposed that the Planning & Regulation Panel may wish to consider granting a policy which allowed late hours catering establishments within Stirling Council area to be granted additional trading hours.

The Licensing Officer introduced the report and responded to questions from the Panel. An application for an extended hour's policy was presented at the Licensing Board Meeting on 6 February 2018 and approved by the Members. It was noted that extending the catering licence by one hour would assist with crowd dispersion after the event and showcase Stirling as a major events city.

In response to a question from the Panel as to whether the opportunity to extend a catering licence was also applicable outwith the town centre, the Licence Officer confirmed that proposals for all catering companies in Stirling would need to come to the Civic Licensing Department for consideration of approval. All applications had to be made by 4 May 2018, although consideration would be given for late applications which may be due to special circumstances. This was also applicable to public houses outwith the town centre.

In response to a question from the Panel regarding additional enforcement officers for the event, the Licencing Officer replied that there was currently nothing in place, however, she could contact Safer Communities to arrange this, if required. Steps were also in place to create a temporary taxi rank at the venue, which would be included within the management plan.

Discussion took place regarding responsibility of cleansing maintenance of the area, following the event. The Chief Governance Officer advised that this issue was not a matter for consideration within the remit of the Panel, however, he agreed to seek clarification.

Councillor Evelyn Tweed proposed that the Panel should proceed to approve the recommendations in principle at today's meeting and other areas could be consulted later with regard to the clean-up process.

Motion

"That the Panel agrees:-

1. that for Friday 17 August 2018 and Saturday 18 August 2018, the dates when Runrig are to hold concerts at Stirling City Park, Late Hours Catering Premises under Section 42 of the Civic Government (Scotland) Act 1982 could seek to extend their hours on those dates;
2. that variation applications would be for no more than one additional hour beyond normal permitted hours;
3. that the Chief Governance Officer would be given delegated authority to determine any such applications, but where any objections or representations are received the Chief Governance Officer would consult with the Chair and Vice Chair of the Planning & Regulation Panel prior to determining any such application; and
4. that all variation applications must be made by 4 May 2018 subject to the Chief Governance Officer being entitled to accept applications after that date where he considers there are justifiable reasons for the same being late.

Moved by Councillor Evelyn Tweed, seconded by Councillor Susan McGill.

Amendment

"That the Panel agrees:-

to defer consideration of the application until further discussion and proper consideration is given at a future Committee or Council meeting."

Moved by Councillor Neil Benny, seconded by Councillor Alistair Berrill.

On the roll being called, the Members present voted as follows:-

For the Amendment (4)	Councillor Neil Benny Councillor Alistair Berrill Councillor Douglas Dodds Councillor Jeremy McDonald
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Against the Amendment (4)	Councillor Maureen Bennison Councillor Alasdair MacPherson Councillor Susan McGill Councillor Evelyn Tweed
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There being an equality of votes, the Chair cast his casting vote against the Amendment, and the Amendment fell by 5 votes to 4.

For the Motion (4) Councillor Maureen Bennison
 Councillor Alasdair MacPherson
 Councillor Susan McGill
 Councillor Evelyn Tweed

Against the Motion (4) Councillor Neil Benny
 Councillor Alistair Berrill
 Councillor Douglas Dodds
 Councillor Jeremy McDonald

Decision

There being an equality of votes, the Chair cast his casting vote in favour of the Motion. The Motion was carried by 5 votes to 4 and accordingly, the Panel agreed:-

1. that for Friday 17 August 2018 and Saturday 18 August 2018, the dates when Runrig are to hold concerts at Stirling City Park, Late Hours Catering Premises under Section 42 of the Civic Government (Scotland) Act 1982 could seek to extend their hours on those dates;
2. that variation applications would be for no more than one additional hour beyond normal permitted hours;
3. that the Chief Governance Officer would be given delegated authority to determine any such applications, but where any objections or representations are received the Chief Governance Officer would consult with the Chair and Vice Chair of the Planning & Regulation Panel prior to determining any such application; and
4. that all variation applications must be made by 4 May 2018 subject to the Chief Governance Officer being entitled to accept applications after that date where he considers there are justifiable reasons for the same being late.

(Reference: Report by Chief Governance Officer, dated 12 February 2018, submitted).

PL91 APPLICATION FOR THE GRANT OF A TEMPORARY PUBLIC ENTERTAINMENT LICENCE

A report by the Chief Governance Officer advised of an application, which had been submitted to the Planning & Regulation Panel by Geoff Crow, on behalf of 21cc Group Ltd, for the grant of a Temporary Public Entertainment Licence. Stirling North Ward Councillors Danny Gibson and Jim Thomson had lodged objections in respect of the application.

The Chair advised the Panel that this application would be taken in a similar format as a Hearing and outlined the procedure. The Chair also advised the Panel that a copy of the report would be circulated and they would be given time to read the contents prior to any discussion.

The Licensing Officer introduced the report and advised the Panel that no comments had been received from the Fire Service, Roads, Police Scotland and Environmental Health.

It was noted that in Para 3.5 of the report, 'funfair' should be replaced by 'fireworks'.

Following a question from the Panel, The Chief Governance Officer highlighted that the grant to actually use the Gowan Hill (by the Council as owner) for the fireworks was not a matter of consideration within the remit of the Panel and that consideration should only be given with regard to the Temporary Public Entertainment Licence.

Applicant

Mr Jeff Crow, 21cc Group Ltd addressed the Panel and provided a background to the reasons for the application. He advised that his Company had worked with Stirling Council and Stirling Castle to provide many events over the years, using high level security stewards, which would ensure the public would not be able to access the firework area with regard to this particular application. This request was from a client, who was over 21 years of age and was in relation to a private event to be held in the castle. Mr Crow explained that it was not permitted to set the fireworks off from inside the castle while it was occupied. He advised that the firework display would last around ten minutes and there was the legal requirement to finish this event at 11 pm. Mr Crow added that if the Panel agreed to the application, members of the public in the city centre would be notified about the event in advance.

Mr Crow advised that he was still awaiting a response with regard to the granting of permission to actually use the Gowan Hill for the fireworks. In response to a question from the Panel around the effects this event may have on animals, Mr Crow replied that the show would not commence on a high impact but would commence gradually, to allow the animals to acclimatise.

Decision

The Panel agreed to grant the Temporary Public Entertainment Licence.

(Reference: Report by Chief Governance Officer, dated 22 February 2018, submitted).

In terms of Standing Order 39, the Panel adjourned at 10.45 am for a comfort break.

The meeting reconvened at 10.50 am, with the same Members present.

The Committee resolved under Section 50A (4) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting for the following items of business on the grounds they involved the disclosure of exempt information as defined in Paragraphs 6 and 13, of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

PL92 TAXI DRIVER'S LICENCE

The purpose of the report provided by the Chief Governance Officer was to provide context to the Planning & Regulation Panel of the circumstances leading to the immediate suspension of the licence holder's taxi driver's licence.

On 6 February 2018 Police Scotland lodged a complaint under Section 12(1) Schedule 1 of the Civic Government (Scotland) Act 1982 and requested the immediate suspension of the licence holder's taxi driver's licence following an incident reported to Police Scotland, which took place on 4 February 2018. The immediate suspension was implemented under delegated authority.

The Chief Governance Officer explained the process on how the meeting would be conducted. The licence holder, accompanied by his solicitor, the owner of the taxi Company and Police Scotland representative would be given an opportunity to address the Panel but no cross examination would take place.

All parties confirmed they understood the process, and had no questions relating to it. The Chief Governance Officer also advised that a letter, written by the licence holder's solicitor, would also be issued to the Panel with time permitted to read the content, prior to any discussion taking place.

The representative from Police Scotland provided an update on the matters and advised the Panel that criminal proceedings were still ongoing, therefore, they were limited with regard to the amount of case details they could provide. The case was with the procurator fiscal but no court date had been set as yet. It was confirmed that Police Scotland were still requesting that the licence holder's taxi driver's licence was suspended until he attended court, on the grounds that he was likely to cause a threat to the public, especially children. It was confirmed that the licence holder had not been convicted of any offences.

The Panel were then issued with a copy of the letter provided by the licence holder's solicitor and took a few minutes to read it. The licence holder's solicitor then responded to questions from the Panel.

The Chair asked the licence holder and his solicitor if they felt they had received a fair hearing, to which they agreed. The Chair thanked the licence holder's solicitor for his input.

It was noted that while there were concerns around child safety, the Panel were of the opinion that there was insufficient evidence provided by Police Scotland to support their request.

Motion

"That the Panel agrees:-

to terminate the suspension and reinstate the licence holder's taxi driver's licence with immediate effect."

Moved by Councillor Alasdair MacPherson, seconded by Councillor Maureen Bennison.

Amendment

Councillor Evelyn Tweed, having moved that the Panel agrees to suspend the licence holder's taxi driver's licence for the unexpired portion of its duration or such shorter period as it may determine, but having failed to find a seconder, requested that her dissent be recorded.

Decision

The Panel agreed to terminate the suspension and reinstate the licence holder's taxi driver's licence with immediate effect. The Panel took this decision because, even though Police Scotland had raised concerns following an incident the licence holder had been involved in on 4 February 2018, which were a material consideration for the Panel, the Panel felt that there were mitigating circumstances in respect of this incident which, on balance, meant that the licence holder has not demonstrated to be a serious

threat to public safety in his role as a taxi driver, and as a consequence was a fit and proper person to hold a taxi driver's licence.
(Reference: Report by Chief Governance Officer, dated 7 February 2018, submitted).

The Chair declared the Meeting closed at 11.25 am

Stirling Council

Agenda Item No. 5

Planning and Regulation
Panel

Date of
Meeting: 27 March 2018

Not Exempt

Sheltered Housing (Class 9), 3No. Units: two of which are to be Food & Drink (Class 3) and Hot Food Takeaway (Sui Generis), the third unit will be one or more of the following uses:- Food & Drink (Class 3); Hot Food Takeaway (Sui Generis); Shops (Class 1), Financial Services (Class 2); Creche (Class 10) or Gymnasium (Class 11) at Land and Buildings at Orchard House Site, Back O'Hill Road, Raploch, Stirling - Caledon/TDL - 17/00694/FUL

Purpose & Summary

Full planning permission is sought by Caledon/TDL, McCarthy & Stone, Raploch Regeneration Company and Scottish Ministers: NHS Forth Valley to develop land at Raploch for sheltered housing on the west of the site and for a mix of commercial uses to the east.

This application is a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Recommendations

Panel is asked to:

1. approve the application subject to a legal obligation to achieve the relevant transport contributions and the conditions set out in Appendix 1.

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

1.1. N/A.

2. Considerations

The Site

- 2.1. The site is a triangular area of land between Lower Bridge Street/Back O'Hill Road to the west and north, Union Street (B8052) to the south and Drip Road (A84) and Customs Roundabout to the east. The site area is 1.34 hectares. The site lies on the north side of Union Street, east and south of Lower Bridge Street and west of Customs Roundabout. The existing Health Centre is situated within the centre of this land but is outwith the application site. The land comprising the west of the site is open space and appears not to have been developed in the past whereas the land towards the east was previously developed as part of the healthcare use. There are currently two access points off Back O'Hill Road/Lower Bridge Street which form a loop road. Access to the health centre is taken from this loop, as is the proposed access to the site (east: commercial and west: residential).
- 2.2. The existing health centre is surrounded by a high, natural stone wall. This wall forms the south west boundary of the health centre and continues to encompass most of the application site to the east (towards Drip Road/Customs roundabout). The high wall is set back from Customs roundabout by a landscape strip upon which is planted mature trees. This land beyond the wall (at Customs roundabout) lies outwith the site boundary.
- 2.3. The open space on the west of the site is bounded by a metal railing fence and is predominantly a maintained grass area with a pedestrian path bisecting the site from Union Street to Lower Bridge Street. The pedestrian link is lined with trees (predominantly limes).

The Proposal

- 2.4. The proposal seeks full planning permission to develop land either side of the health centre at Lower Bridge Street/Union Street. The land to the west is to be developed for sheltered housing. An access is to be formed directly onto Lower Bridge Street/Back O'Hill Road to serve the sheltered housing. Car parking will be provided to the north of a 4-storey residential block. Pedestrian accesses (three) are to be created to the south from the housing block to Union Street and to the north via the new access.
- 2.5. The land to the east of the health centre is to be developed to form three detached commercial units. Two of the units will be Class 3/hot food takeaways as there is interest from end users for these units. The third unit is a speculative build where the end users are not yet identified. In order to allow for flexibility a number of possible uses have been sought for Unit 3 including Classes 1, 2 & 3, crèche or gym. The proposal also includes alterations to the existing access arrangements so that this site and the health centre will each have a discrete access road which

shares an access point onto Lower Bridge Street in the location of the current access.

Previous History

2.6. There are no applications within recent years of relevance to this proposal.

Consultations

Roads Development Control:

- 2.7. **Parking:** For the commercial uses, it is proposed to provide 80% of the maximum standards (i.e. 84 spaces). Having reviewed the Trip Rate Information Computer System (TRICS) based parking accumulation calculations, it is likely that 80% of the maximum standards may still be an over provision given the maximum predicted accumulation of parked vehicles being 66, however in this instance this is accepted.
- 2.8. **Pedestrian, Cycle and Vehicular Access:** The two vehicular access points are proposed to connect with Back O'Hill Road via priority junctions. Following an updated masterplan, minimum visibility splays can be achieved and are acceptable. An independent Stage 1 Road Safety Audit was commissioned specifically to examine the access junctions and connectivity proposals overall. The applicant has agreed to implement the recommendations of the Stage 1 Road Safety Audit and this is acceptable. It is recommended that the pedestrian connection through the site is designated and signed as a shared use route along the entirety of its length through the site towards the underpass on Drip Road.
- 2.9. **Pass-by and Trip Diversion:** The revised Transport Assessment based the traffic generation associated with the development on a rate of 50% pass-by which was considered a robust assessment.
- 2.10. **Travel Plan Framework:** A Travel Plan framework was submitted by the applicant and, while it lacked some details, it was agreed that this basic commitment was sufficient for Stirling Council to be of the view that a planning condition would be appropriate to ensure a Travel Plan was forthcoming.
- 2.11. **Swept Path Assessment:** A revised swept path analysis was undertaken by the applicant and, while it was based on an out of date masterplan and it did not include a demonstration that a vehicle could rest stationary unimpeded at the site road yield lane, an informed judgement was made that the swept path assessment was acceptable.
- 2.12. **Junction Modelling:** The applicant undertook a revised assessment of the core study area for the purposes of traffic modelling. It was concluded that the Sainsbury's signalised access and the Cornton Road/Causewayhead Road signal controlled junctions can accommodate the traffic associated with the proposed development. Lower Bridge Street/Union Street mini roundabout was subject to detailed assessment and this demonstrated that the junction could accommodate the traffic associated with the proposed development. The Back O'Hill Road/Drip Road Roundabout and the Customs Roundabout were subject to a revised submission by the applicant. Stirling Council Roads undertook a review of the geometric parameters/lane allocation and a sensitivity test to conclude that the Back O'Hill Road/Drip Road Roundabout junction was able to accommodate traffic associated with the proposed development. Despite the Customs Roundabout operating marginally over capacity on the Causewayhead Road approach (resulting in queue lengths of 9 vehicles), the remaining arms operate within capacity (with marginal queue lengths but these can be accommodated on the road network) and this is considered acceptable.

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- 2.13. Developer Contributions: Developer Contributions required in accordance with Stirling Council's City Transport Strategy.
- 2.14. Recommendations: Recommend conditions to address vehicular accesses, submission of an agreed Travel Plan and pedestrian and cycle access. Furthermore, a financial contribution towards transport measures.

Service Manager (Environmental Health):

- 2.15. The application was supported by Site Investigation reports, a Noise Impact Assessment and an Air Quality Assessment. The proposed conditions were reviewed by Environmental Health who considered that the Environmental Health issues had been addressed.

Community Council:

- 2.16. Mercat Cross & City Centre community Council were consulted on 13 September 2017 and did not respond. A query was then raised as to whether or not this was the correct Community Council for this area. On review, it was identified that the site lies within Raploch Community Council's area and an urgent consultation was sent on 13 March 2018.

Planning & Policy:

- 2.17. Condition recommended regarding Programme of Archaeological Works.

Representations

- 2.18. Four letters of comment have been received raising the following matters:
- 2.18.1. Public transport and walking/cycling should be the preferred modes of transport.
Response: The site benefits from a location which is well served by buses. Furthermore, cycle parking facilities will be provided within the development.
- 2.18.2. A museum would be preferable to fast food outlets.
Response: The application must be assessed on the acceptability or otherwise of the uses proposed.
- 2.18.3. Building is too high.
Response: The height of the proposed buildings are no higher than the adjacent buildings.
- 2.18.4. Loss of trees to the open space.
Response: The avenue of lime trees, which cross the area of open space (west of the site), will require to be felled in order for the flatted block to be erected. However, the proposal also includes tree planting to the site edges.
- 2.18.5. Commercial units will increase demand for parking in the area.
Response: Parking provision has been made within the site to serve the needs of the development. Existing parking issues cannot be addressed by this developer.
- 2.18.6. Increase in traffic from this development would be detrimental to the overall traffic system.

Response: A Transport Assessment has been submitted to demonstrate that the existing transport network can accommodate the level of traffic that will be generated as a result of this development.

2.18.7. Loss of light and overlooking (windows of new block facing surgery) of the surgery building.

Response: The proposed block will lie to the south west of the surgery building therefore there will be a level of overshadowing. However, the only guidance the Council has with regard to overshadowing (SG12: Residential Alterations and Extensions) relates to overshadowing of habitable rooms. There are no requirements to ensure daylight standards are maintained within business premises. At its nearest point, the proposed residential block will be at least 8 metres from the nearest part of the surgery building (gable end of surgery with one window). However, the greatest number of windows within the surgery that will be affected will be at least 12 metres from the residential block. At present the windows have closed vertical blinds, since pedestrians on the footpath at Union Street could look into these windows. It is noted that there will be a loss of light to the surgery and to some extent a loss of privacy however the loss of privacy already exists and the loss of light is not so significant to warrant the relocation of the residential block.

2.18.8. Possibility of cars blocking the access to the surgery.

Response: The irresponsible and unauthorised parking of private vehicles is not a material planning consideration. The development has incorporated a level of parking that meets the needs of the development.

Local Development Plan Policy

2.19. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application.

2.20. Development Plan policies of relevance include: Primary Policy 1: Placemaking; Policy 1.1: Site Planning; Policy 1.2: Design Process; Policy 1.3: Green Network and Open Space; Primary Policy 2: Supporting the Vision and Spatial Strategy; Policy 2.1: Housing Land Requirement; Policy 2.2: Planning for Mixed Communities and Affordable Housing; Policy 2.3: Particular Needs Housing and Accommodation; Policy 2.7: Retail and Commercial Leisure Development; Policy 2.8: Sites Suitable for a Mix of Uses; Primary Policy 3: Provision of Infrastructure; Policy 3.1: Addressing the Travel Demands of New Development; Policy 3.2: Site Drainage; Policy 3.3: Developer Contributions; Primary Policy 4: Greenhouse Gas Reduction; Policy 4.1: Low and Zero Carbon Buildings; Primary Policy 5: Flood Risk Management; Primary Policy 6: Resource Use and Waste Management; Primary Policy 7: Historic Environment; Policy 7.1: Archaeology & Historic Building Recording; Policy 7.2: Development within and outwith Conservation Areas; Policy 7.8: Development affecting Battlefields, Gardens and Designed Landscapes; Primary Policy 8: Conservation and Enhancement of Biodiversity; Policy 8.1: Biodiversity Duty; Policy 9.2: Landscaping and Planting in association with Development; Primary Policy 10: Forests, Woodlands and Trees; Policy 10.1: Development Impact on Trees and Hedgerows; Primary Policy 13: The Water Environment; Primary Policy 15; Tourism and Recreational Development. These policies are also supported by a number of Supplementary Guidance documents.

Of these Supplementary Guidance documents SG08 Raploch Design Guide is particularly relevant.

- 2.21. Local Development Plan Review - Stirling Council commenced an early review of the adopted Local Development Plan focused on the housing land requirement for the Stirling Core Area. This was in response to an acknowledged shortfall in the housing land requirement arising from the Reporters' recommendation and the fact that Scottish Planning Policy states the housing supply target should be increased by a margin of 10 - 20% to establish the housing land requirement to ensure a generous supply of land for housing is provided.
- 2.22. Stirling Local Development Plan: Proposed Plan, June 2016 - The Proposed Plan represents the settled view of the Council on the sites which should – and should not – be developed during the Local Development Plan period of 2015-2027 to provide a generous supply of land for housing.
- 2.23. The relevant policies of the Plan remain substantively unchanged, with the exception of Primary Policy 2 and Policy 2.1. Primary Policy 2 no longer states that should allocated sites prove ineffective, this will be addressed in the first instance through consideration of advancing identified alternatives from Phase 2 (2019-24) or Period 2 (2024-34). Instead, circumstances where a shortfall in the housing land supply are addressed by Policy 2.1 of the Proposed Plan.
- 2.24. The Council has not yet progressed a Modified Local Development Plan to Council for approval.

Assessment

- 2.25. Principle of Development: The Raploch Design Guide (Supplementary Guidance SG08) envisaged the development of this site as an expanded healthcare facility with flatted/residential accommodation alongside. It was considered, at that time, to be appropriate for the development to form a strong urban edge to the street. It was also envisaged that new housing at Orchard House would be three, and in places four, storey flatted accommodation. This type of development would have resulted in the loss of the high, stone boundary wall and established, mature trees. It is considered that this Supplementary Guidance established the principle of residential development on this site and it is therefore considered that the principle of residential development is acceptable.
- 2.26. Loss of Open Space: The Stirling Local Development Plan, 2014, identifies the amenity land on the west of the site as Open Space and a Green Corridor runs along the southern site boundary. Policy 1.3 (Green Network and Open Space) of the Local Development Plan states that proposals which encroach upon existing open spaces and green corridors should maintain or enhance functionality and connectivity. Proposals resulting in a net reduction of open space, including loss of connectivity or accessibility, should ensure that the remaining elements of the Green Network are enhanced and that alternative routes are provided or enabled. It is acknowledged that this proposal will result in a flatted development on what is currently designated in the Local Development Plan as open space. It has, however, been demonstrated in the details of the planning application that the Green Network will be enhanced and connectivity maintained and enhanced. This is identified and discussed further in the proceeding four paragraphs.
- 2.27. Connectivity: A new pedestrian access (pedestrian and cycle route) is proposed from Union Street (near the bus stop) through the commercial part of the site and will link into the existing footpath that leads from the existing pedestrian underpass round to Raploch (to the north of the site). This pedestrian/cycle route is to run along the front of Units 2 & 3 and be delineated through the site by tree planting to

the north east. It is considered that this provides a suitable connection to offset the one that is lost.

- 2.28. The boundary between the proposed housing site and Union Street is currently, partly, a continuation of an existing natural stone wall of about one metre in height after which there is a large gap, before a metal railing forms the boundary and wraps around the site to Lower Bridge Street. The proposal is to remove part of the existing stone boundary wall to provide a suitable transition between the existing wall and a new wall. The existing wall will continue to a pedestrian access gate, into the flatted block, then the boundary is to be formed by a new low brick wall with railings above. This will, thereby, retain a boundary of a similar overall height to the existing.
- 2.29. Most of the existing boundary wall to the commercial development is to be retained with the exception of some areas of wall removal at the Back O'Hill Road side. The areas of wall removal are required to form the vehicle access/egress points (two in number) and a pedestrian access point. The areas of wall in between, and either side of these access points are to be reduced to approximately one metre in height, which was the original height of the wall historically.
- 2.30. A landscaped area is proposed where a road is currently located and planting is proposed in an avenue along the pedestrian/cycle route through the commercial development. Tree planting is proposed around the boundary of the residential development with shrub and tree planting to the rear of the building.
- 2.31. It is considered that the careful handling of the boundary treatment and planting along all the boundaries of the site ensures that, as far as practical, the area is enhanced and a pleasant and attractive connection through the site is created to off-set the one that is lost.
- 2.32. Placemaking: Height of buildings, design etc.: The residential block is to be 4 storeys in height. The applicant has submitted sections to demonstrate that the overall height of the block will be similar to the block of student flats opposite (Union Street) and the large tenement block on Lower Bridge Street. It is therefore accepted that the height of the proposed building is appropriate in this location and the roof type (pitched roof) is acceptable. The applicant has also revised the elevations to ensure that the roof and external wall materials step down in line with the changes in level across the site. The overall mass of the residential block is reduced by the inclusion of projecting gable features, the distribution of materials throughout the elevations and varying the window sizes from standard windows to Juliette balconies. It is considered that the design of the proposed residential block is appropriate for this highly visible, urban location.
- 2.33. Within the commercial element of the proposal, Units 1 & 2 are to be single storey, flat roof structures. The external wall treatment to Unit 1 is to be predominantly a light coloured render panel and a standing seam dark grey roof. The external wall treatment of Unit 2 is to be predominantly a dark facing brick with some elements of a powder coated aluminium wall cladding panels. The applicant made significant alterations to the size, scale and design of Unit 3 to take account of design issues that were raised during the processing of the application. The building form now incorporates a dual pitched roof reflecting the forms of surrounding buildings and reducing the building's visual impact, in particular when viewed from the east and Stirling Bridge. The ridge and eaves height were reduced, thereby resulting in a building which will be lower than the neighbouring 3-storey tenements. The proposed materials were re-considered to ensure that there was visual continuity between the commercial and residential elements of the proposal. A re-constituted stone is to be used on the elevation (Unit 3) which faces Union Street. The colour of the stone will be agreed by condition but will need to be of a colour which

compliments the neighbouring sandstone of the residential buildings on Union Street. The roof is to be a standing seam roof (dark grey). The proposed single storey buildings will be screened from the east by the existing high stone boundary wall though will be more visible from Lower Bridge Street. Unit 3 will be more visible as it shall relate partly to Union Street. The design has been altered to ensure that recessed entrances and a set back to the building creates a coherent structure to Union Street and, by providing a welcoming pedestrian entrance to the development, connects with its surroundings. Overall, it is considered that the design of the commercial units (Units 1, 2 and 3) would contribute in a positive manner to the quality of the surrounding built environment.

- 2.34. Access & Parking: Two vehicle access points are proposed (one for the residential block and one for the 3 commercial units and health centre) to connect the site with Back O'Hill Road via priority junctions. Upon revision of the visibility splays (a minimum visibility splay of 2.4 metres by 43 metres can now be achieved), the junctions are considered acceptable. An independent Stage 1 Road Safety Audit was undertaken to ensure appropriate pedestrian linkages through the site and to address the possibility of indiscriminate parking by Health Centre staff on Lower Bridge Street.
- 2.35. The application was supported by a Transport Assessment which, *inter alia*, assessed the traffic impact of the commercial development on the local road network. The results of the assessment indicated that the predicted traffic from the proposed mixed-use development can be accommodated on the surrounding road network with minimal impact on the surrounding junctions. The proposal includes forming a new vehicle access from Back O'Hill Road into the sheltered housing part of the development (west of the site) and retaining an existing access point to the north but reconfiguring the road slightly to provide an access to the existing Health Centre and two access points into the commercial part of the site (east of the site). The two access points therefore provide for a circular vehicle route through the commercial part of the site with traffic able to move clockwise and anticlockwise through the site. The proposal includes the stopping up of an existing access at Lower Bridge Street/Back O'Hill Road and landscaping to this area (grass and tree planting). Parking was proposed for the commercial units at 80% of the permitted maximum (84 spaces from a maximum of 105). The Roads consultation noted that 80% of the maximum parking standard may be an over provision, however, considered the level acceptable. From a Placemaking perspective, it was considered that the extent of car parking provision undermined the character of the commercial site and resulted in car parking outwith the existing stone boundary wall. The applicant revised the proposal to remove the car parking beyond the wall thereby reducing parking provision to 78 spaces (75% of the permitted maximum). Parking is provided in the sheltered housing part of the proposal at 75% provision (36 spaces including 2 disabled for 48 units). The applicant undertook traffic surveys to assess the level of parking required within their developments and considered, given the sustainable location of the site, that 75% provision was appropriate. Cycle parking has also been provided across the site in accordance with Stirling Council's guidelines.
- 2.36. Legal Obligation to City Transport Plan: Stirling Council's City Transport Strategy states that a developer contribution will be sought from all developments with the defined Developer Contribution Area to fund transport projects identified in the City Transport Plan. The sum obtained through developer contributions is dependent on the anticipated number of trips associated with the potential development during peak period. The requirements of the City Transport Strategy are also set out within the Council's Supplementary Planning Guidance (SG14: Ensuring a Choice of Access for New Developments). It requires a financial contribution from

development of this nature towards transport measures identified in the City Transport Plan to address the cumulative impact of new development across Stirling City. Having reviewed the trip generation and considered new trips, the contribution has been calculated as £118,010 (Residential = £13,908 and Commercial = £104,102). It is recommended that the developer contribution is secured under a legal obligation in accordance with the approved policy.

- 2.37. Almost every corner of the site has a roundabout (Customs roundabout to the east, Cowane Street/Lower Bridge Street roundabout to the west and, just beyond the site boundary, to the north is Back O'Hill/Drip Road roundabout) and, as a result, the amount of traffic circulating in this area and the open views across the roundabouts result in this being a visually prominent site. Furthermore, the site is highly visible from Stirling Bridge (Category A Listed Structure and Scheduled Monument) and the adjacent Causewayhead Road New Bridge (Category B Listed Structure) and will be seen in association with views of Stirling Castle (Category A Listed Buildings and Scheduled Monuments). Stirling Town & Royal Park Conservation Area lies to the west of the site, Bruce Street Conservation Area to the south and Bridgehaugh Conservation Area to the north east thereby resulting in three Conservation Areas abutting, albeit excluding the roads, almost all of the site boundaries. The site also falls within a Historic Scotland Battlefield (Battle of Stirling Bridge). It is therefore important that this development preserves and enhances the character, appearance and setting of the existing buildings, the Conservation Areas and the battlefield area. It is considered that with the benefit of the existing established mature trees and the retention of the existing high stone wall to the east of the site, views of the proposed buildings from the east (Stirling Bridge, New Bridge) will be limited. Unit 3, being 2-storey, will be more prominent however, it is considered that the alterations made to the design of this building lessen the visual impact and ensure that the building assimilates better in the surrounding urban landscape. It is therefore considered that the proposal preserves the character, appearance and setting of the Conservation Areas and the setting of Listed Structures.
- 2.38. Proposed Uses: Proposed Class 1 Use - The site lies outwith any Network Centre, as defined in the Local Development Plan, and as such an open Class 1 use would not be appropriate since it would run contrary to the 'Town Centre First' policy as established by Scottish Planning Policy and Policy 2.7 (Retail and Commercial Leisure Development) of the Local Development Plan. Policy 2.7 provides support for small-scale (maximum 500 square metres gross floorspace) convenience retail development to serve the needs of existing or new residential/employment/mixed use sites which are within a walk-in catchment of the proposed development, and are in a highly accessible location for walking and cycling. It is therefore appropriate to restrict the proposed retail use on the site to convenience retailing only, with a maximum of 500sqm (approx. 5,300sqft) gross floorspace. Convenience retailing is defined in the Local Development Plan as "the sale of food, drink, newspapers, magazines and confectionary and other everyday items that are purchased on a regular basis". In order to ensure that the site does not ultimately result in an open Class 1 use, it is recommended that a condition restricting permitted development rights, to ensure that a Class 2 use does not change to a Class 1 use without a formal planning application, is included in any planning permission.
- 2.39. Proposed Gym Use - As per Policy 2.7 outlined above, any proposal must include details to demonstrate that there will be no unacceptable individual or cumulative impact on the vitality and viability of any Centre within the Network of this commercial leisure use and that the development will help meet a proven qualitative and quantitative deficiency in existing provision. The floor area of the

proposed gym is limited to approximately 6,620sqft (615sqm) NIA (upper floor of Unit 3). The submission included a Planning Statement which set out the requirements of small format gyms – operate on a single level, open plan, usually a modern building with ample glazing, ability to trade 24 hours and convenient, free parking and relatively low rents. The Planning Statement reviewed alternative sites available and the existing provision of health and fitness operators. It is considered that there are no suitable alternative sites for a gym facility within the town centre. Furthermore, the provision of a gym in this location will provide a modern facility which will benefit the health of residents. It is considered that this proposal will provide for a small scale gym which will not have a detrimental impact on the vitality and viability of any nearby Network Centre.

- 2.40. Specified Need Housing – McCarthy & Stone propose to develop the western portion of the site for sheltered housing. This will provide 48 flatted residential units (one or two bedroom apartments) for people aged 60 and over and will have support available for independent living (secure, maintenance free environment with access to a range of communal managed facilities). As per Policy 2.3, the site is located within a residential area where residents have a realistic choice of access to local services and facilities. Whilst this scheme will not provide a mix of housing types and sizes nor will it provide for different tenures or affordability, it is considered an appropriate development to provide a type of accommodation for a growing elderly population (Stirling Council's Housing Need & Demand Assessment identified that the largest percentage increase in population will be in those over 65 and a significant increase in one-person households). A condition limiting the occupancy of the residential units to persons over 60 has been recommended. This development will therefore provide accommodation for an identified growth in Stirling's elderly population and an accommodation type (one person unit) for which there is demand.
- 2.41. This housing site was part of the wider Raploch regeneration project that has been development taking place within Raploch over numerous years (since 2006). Raploch Urban Regeneration Company has delivered in excess of 25% affordable housing from the sites in its ownership therefore this site should be considered in that context rather than as an isolated site. The projects that have been taken forward with Raploch Urban Regeneration Company have resulted in the provision of 39% affordable units and the ongoing developments between Raploch Urban Regeneration Company, the Council and Robertson Homes will again result in the provision of more than 25% affordable units across the sites, even when considering 100% private development on this site. It was therefore presented that this site contributed to a wider programme of development that significantly exceeded the Council's requirement for the delivery of 25% affordable housing. Furthermore, the original Raploch Regeneration masterplan, which projected the building of 900 residential units (650 private sale and 250 affordable: 72/28% split), identified this site as being exclusively for private housing as part of a wider planned regeneration delivering in excess of the required 25% affordable requirement. It was therefore considered that, since this site represented a development which was part of the wider Raploch redevelopment scheme, an affordable housing contribution was not required.
- 2.42. Environmental Health – The application was supported by a Noise Assessment, an Air Quality Assessment and Site Investigation reports. These were all assessed by Environmental Health and further clarification was sought and received. Environmental Health is content that the conditions recommended address any outstanding issues that partly arise as a result of the end-users of the commercial units not being identified at this stage.

-
- 2.43. It is considered that on balance, and with the inclusion of conditions and the imposition of a planning obligation, the application complies with the Development Plan.

3. Implications

Equalities Impact

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

Sustainability and Environmental

- 3.2. An Environmental Impact Assessment is not required.

Other Policy Implications

- 3.3. All relevant policies have been set out in section 2.

Consultations

- 3.4. As set out in section 2.

4. Background Papers

- 4.1. Planning Application file 17/00694/FUL. File can be viewed online at:
<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OVLBVIPILJR00>

4.2. List of Determining Plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	ADP-00-XX-DRA0900
03B	Site Plan	ADP-00-XX-DRA0903 S2P6
04	Site Plan	SC-2273-03-AC-004
05	Site Plan	SC-2273-03-AC-005
06	Floor Plans	SC-2273-03-AC-006
07A	Elevations	SC-2273-03-AC-081 RevE
08B	Elevations	SC-2273-03-AC-082 RevE
09	Sections	SC-2273-03-AC-090
10A	General	ADP-00-ZZ-DR-A1010 S2P2
11B	General	ADP-03-ZZ-DR-A1030 S2P3
12B	Sections	ADP-00-ZZ-DR-A1300 S2P3
13B	Elevations	ADP-03-ZZ-DR-A1200 S2P3
14B	Elevations	ADP-03-ZZ-DR-A1201 S2P3
15A	Landscaping	ADP-XX-00-DR-L-1900 S2P1
16A	Landscaping	SC-2263-03-LA-001 RevD
17	Landscaping	
19	Details	SC-2273-03-AC-101
20	Details	SC-2273-03-AC-085
21	Details	500
22	Site Plan	SC-2273-03-AC-007
23A	Site Plan	ADP-00-XX-DR-A0904 S2P1
24A	Elevations	ADP-00-XX-DR-A0905 S2P2
25	Details	SK600
26	Landscaping	ADP-XX-00-DR-L-1901 S2P3

5. Appendices

5.1. Appendix 1 – Conditions and Reasons.

Author of Report:

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Approved by:

Brian Roberts
Senior Manager Infrastructure

Signature



Date:

16 March 2018

Details of Convener(s), Vice Convener(s),
Portfolio Holder and Depute Portfolio Holder
consulted on this report

Wards affected:

Ward 4 Stirling North

Key Priorities:

N/A

Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement Plan)

N/A

SHELTERED HOUSING (CLASS 9), 3NO. UNITS: TWO OF WHICH ARE TO BE FOOD & DRINK (CLASS 3) AND HOT FOOD TAKEAWAY (SUI GENERIS), THE THIRD UNIT WILL BE ONE OR MORE OF THE FOLLOWING USES:- FOOD & DRINK (CLASS 3); HOT FOOD TAKEAWAY (SUI GENERIS); SHOPS (CLASS 1), FINANCIAL SERVICES (CLASS 2); CRECHE (CLASS 10) OR GYMNASIUM (CLASS 11) AT LAND AND BUILDINGS AT ORCHARD HOUSE SITE, BACK O'HILL ROAD, RAPLOCH, STIRLING - CALEDON/TDL - 17/00694/FUL

Approve, subject to the following conditions:

1. **Restriction on Retail Use:** All retailing on the site shall be restricted to "convenience retailing" only (as defined in the Stirling Council: Local Development Plan, 2014: Glossary of Terms) and shall be limited to a maximum of 500 square metres (approx. 5,300sqft) gross floorspace.
2. **Restriction on Permitted Development:** Notwithstanding the provisions of the Town and Country (Use Classes) (Scotland) Order 1997, there shall be no permitted change of use from Class 2 (Financial, professional and other services) to Class 1 (Shops) without the express grant of planning permission.
3. **Materials to Proposed Wall (Residential):** Prior to the commencement of work on the residential block, details of the purple/grey brick to be utilised in the proposed boundary wall shall be submitted to, and agreed in writing with, the Planning Authority.
4. **Materials (Residential):** Notwithstanding the materials specified in the application details, the render utilised on the residential block shall be K-Rend Arran colour type, unless otherwise agreed in writing with the Planning Authority.
5. **Materials (Commercial):** Prior to the commencement of work on each commercial unit hereby approved, full details of the external materials to be utilised within each unit shall be agreed in writing with the Planning Authority based on those specified within Drawing Number ADP-00-ZZ-DR-A1010 and Drawing Number ADP-03-ZZ-DR-A1030. The materials to the gable of Unit 3 (Union Street) shall reflect and compliment the neighbouring sandstone of the residential buildings on Union Street.
6. **Stone Wall Wayfinder and Signage Block:** The Stone Wall Wayfinder indicated to the north of the main internal access road (within the existing landscaped area) and the signage block indicated to the east of Unit 3 adjacent to Union Street, all indicated on the Proposed Site Plan (Drawing Number ADP-00-XX-DR-A0903), are not approved.
7. **Timing of Landscaping Where Access Stopped Up (Commercial):** Prior to the occupation of the first commercial unit hereby approved, the area of former road to the north of the existing Health Centre shall be grubbed up and landscaped in accordance with the 'Landscape Soft Plan' (Drawing number: ADP-XX-00-DR-L-1901).
8. **Restrictive Occupation (Residential):** The residential units hereby approved shall only be occupied by persons where the principal occupant is aged 60 or over.

9. **Site Remediation Plan(s):** The Site Remediation Plan(s) shall be agreed in writing by the Planning Authority prior to commencement of development. Remediation of the site shall be carried out in accordance with the approved remediation plan(s). Any amendments to the approved remediation plans shall not be implemented unless approved in writing by the Planning Authority.
10. **Confirmation Work Carried Out:** On completion of the remediation works and prior to the site being occupied, the developer shall submit a report to the Planning Authority confirming the works have been carried out in accordance with the remediation plan.
11. **Unsuspected or Unencountered Contamination:** The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.
12. **Noise (Flatted Residential Accommodation):**
- The specification of the glazing within the flatted residential accommodation shall be provided in accordance with Appendix C of the RMP Noise Impact Assessment dated 15 February 2018.
 - A Whole House Mechanical Ventilation Heat Recovery system shall be installed within the flatted residential units unless otherwise agreed in writing with the Planning Authority.
 - Noise levels in the garden area shall not exceed an hourly Leq of 55dB(A).
13. **Noise (Commercial Unit 3):** Prior to occupation and operation of commercial unit 3, the applicant/developer shall submit an updated noise impact assessment which determines the impact of the new source(s) on existing properties. The assessment shall be undertaken using appropriate methodology and in accordance with the principles described within the Scottish Government's Technical Advice Note: Assessment of Noise. Maximum Target Noise Levels are tabulated below. The averaging time period, T, should accurately assess the duration and/or intermittency of any new source noise.

Maximum Target Noise Levels	
Trigger Criterion (Free Field)	Compliance Criterion
Scottish Government's Technical Advice Note: Assessment of Noise, Table 3.5, Significance of Effects greater than Neutral	Scottish Government's Technical Advice Note: Assessment of Noise, Table 3.5, Significance of Effects to be not greater than Neutral

If the Trigger Criterion is exceeded, a scheme shall be submitted which demonstrates that the Compliance Criterion will be met. If a noise mitigation scheme is required, works which form part of the scheme require to be completed before commencement of operation (unless otherwise agreed by the Planning Authority).

14. **Ventilation For All Commercial Units:** The ventilation systems and the details of any external plant for the 3No. commercial units must be approved in writing by the Planning Authority prior to installation.

15. **Biomass Boilers:** Any biomass boilers installed at the site shall be DEFRA approved for use in smokeless zones and must be installed, operated and maintained in accordance with manufacturer's instructions.
16. **Dust Mitigation Measures:** The relevant dust mitigation measures outlined in Table 19 of the REC Air Quality Assessment Report, dated February 2018, must be implemented at the site.
17. **Hours of Operation:** Unless otherwise agreed in writing with the Planning Authority, the commercial units hereby approved shall only operate between the hours of 0700 and 2200. This restriction on the hours of operation may be revised upon the submission of a Noise Assessment demonstrating that there is no resultant detriment to the amenity of residential neighbours as a result of an operation outwith these defined hours.
18. **Lighting:** The lighting associated with the development shall be designed and installed such that it will not cause light intrusion at surrounding residential properties.
19. **Wall and Planting Details (Commercial):** Full details of the wall to be erected (across the edging of the public realm footpath) and planting parallel with Union Street shall be submitted to, and agreed in writing by, the Planning Authority. The wall will then be erected and the planting in place all in accordance with the approved details before occupation of any commercial unit unless otherwise agreed in writing by the Planning Authority.
20. **Vehicular Accesses (Residential and Commercial Areas):** No construction works shall commence on the residential block or any of the approved commercial units until the vehicular access onto the site from Back O'Hill Road to serve that part of the development has been laid out and constructed in accordance with Drawing No. 700 Revision C (as set out within Appendix 1 of the Transport Assessment Addendum dated February 2018).
21. **Travel Plan (Residential):** Prior to the occupation of any of the residential units hereby approved, a comprehensive Travel Plan relative to the residential development shall be submitted to and approved in writing by the Planning Authority. The approved Travel Plan shall be implemented within the timescales to be set out within the proposed Travel Plan. The Travel Plan shall set out proposals for reducing dependency on the private car against approved targets and identify measures to be implemented, the system of management, enforcement, monitoring, review and funding arrangement to sustain commitments for the duration of the Plan.
22. **Travel Plan (Commercial):** Prior to the occupation of any of the commercial units hereby approved, a comprehensive Travel Plan relative to each commercial unit to be occupied shall be submitted to and approved in writing by the Planning Authority. The approved Travel Plan shall be implemented within the timescales to be set out within the proposed Travel Plan. The Travel Plan shall set out proposals for reducing dependency on the private car against approved targets and identify measures to be implemented, the system of management, enforcement, monitoring, review and funding arrangement to sustain commitments for the duration of the Plan.

- 23. Pedestrian & Cycle Access (Commercial):** No commercial building shall be occupied or commercial use commenced until the means of access for pedestrians and cycle users has been constructed to the satisfaction of Stirling Council Transport Development. The route labelled as 'existing pedestrian route' on the plan (ADP-00-XX-DR-A0903) between the main access junction onto Back O'Hill Road and Drip Road underpass, and the route labelled as 'pedestrian route' on the approved plan (ADP-00-XX-DR-A0901) between the main access road and Union Street shall be designed and constructed to accommodate both pedestrian and cycle users.
- 24. Programme of Archaeological Works:** No works shall take place within the commercial or residential development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Stirling Council Planning Officer (Archaeology), and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Stirling Council Planning Officer (Archaeology). Such a programme of works could include some or all of the following historical research, excavation, post-excavation assessment and analysis, publication in an appropriate academic journal and archiving.

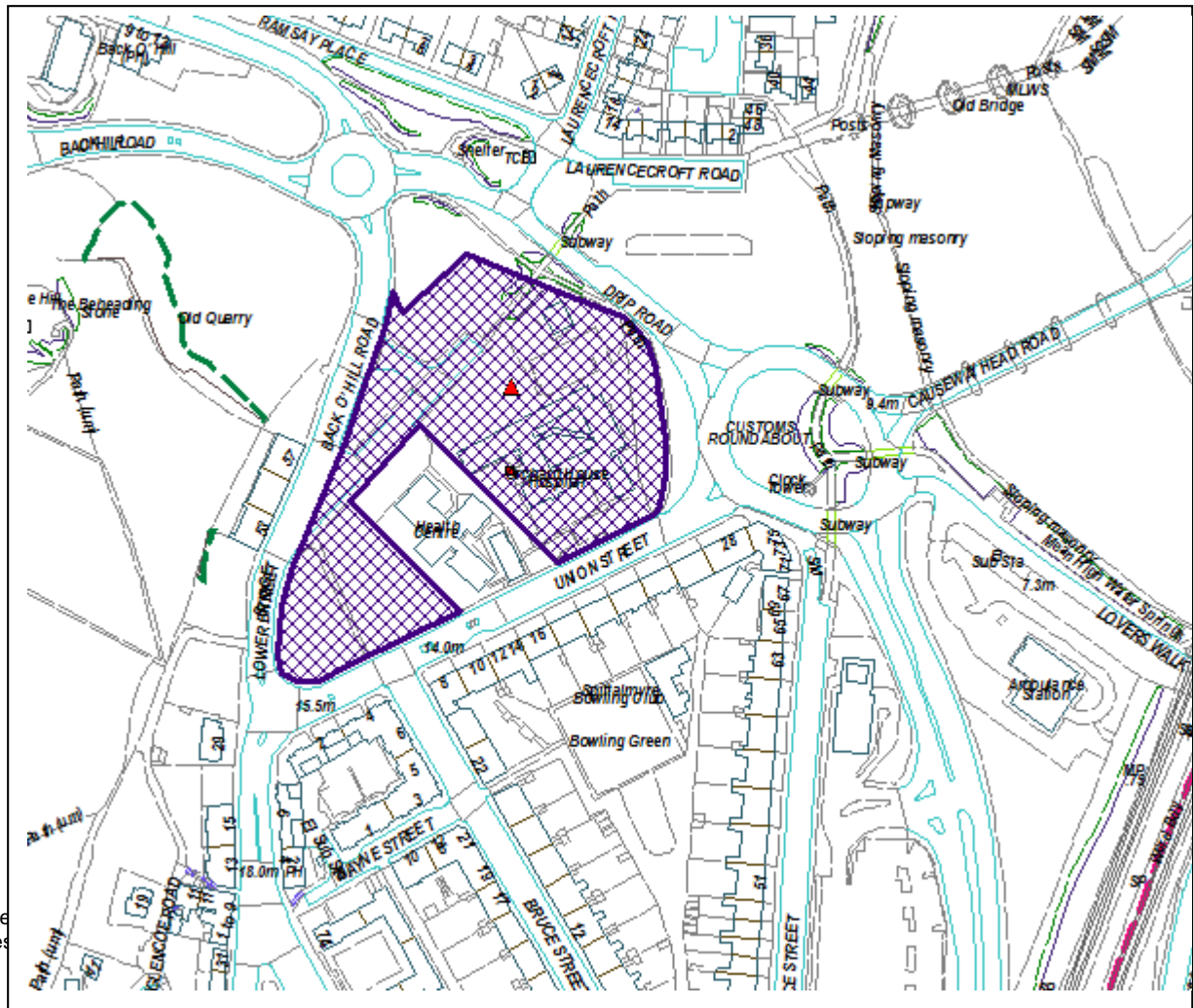
Reasons

1. In order to ensure compliance with Policy 2.7 of the Stirling Council: Local Development Plan, 2014 and to ensure that any retailing on the site does not undermine the vitality and viability of nearby Network Centres.
2. In order to ensure that the site does not ultimately result in an open Class 1 use without the impact of this on the vitality and viability of nearby Network Centres being assessed.
3. To ensure that the materials complement those of the existing wall and surrounding buildings.
4. To ensure that the materials utilised within this development reflect those of the surrounding Conservation Area townscape.
5. The materials to be utilised within the commercial units have not been specified within the application details therefore no assessment has been undertaken with regard to their acceptability taking into account the adjacent Conservation Areas. Furthermore, to ensure that the materials utilised within this development reflect the palette of surrounding materials to ensure that the development integrates appropriately with the surrounding area.
6. Insufficient information has been submitted with this application to assess the visual impact and acceptability of these proposed structures. Furthermore, if these structures are required solely for the purposes of advertisement, any assessment must take place under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
7. To ensure that the loss of an area of open space is compensated for within the development in accordance with Policy 1.3 (Green Network and Open Space) and that the landscaping/planting is undertaken at an appropriate time.

8. Since the provision of parking has been based on a lower car usage due to the age of the proposed occupants and no contributions have been sought towards education, play and affordable housing as a result of the age of the proposed occupants.
9. To ensure potential risks arising from previous site uses have been fully assessed and to ensure that the proposed remediation is suitable.
10. To provide verification that the remediation has been carried out to the Authority's satisfaction.
11. To ensure all contamination within the site is dealt with.
12. In order to protect the residents of the flats hereby approved from sources of external noise.
13. To ensure that the residents of the residential properties in Union Street are not adversely affected by noise since the end-user of Commercial Unit 3 is unknown.
14. To ensure that nearby residents are not adversely affected by plant noise emanating from the commercial units since these details are not available for assessment at the application stage.
15. In order to minimise adverse effects on air quality as a result of the proposed development.
16. In order to minimise adverse effects on air quality as a result of the proposed development.
17. To ensure the amenity of nearby residential neighbours is not adversely affected as a result of this development since the Noise Assessment submitted in support of the application did not assess the impact of a 24-hour operation.
18. To ensure the amenity of nearby residential neighbours are not adversely affected as a result of this development.
19. To ensure that the amenity of residential occupants on Union Street is not adversely affected by car headlights as a result of this development.
20. In the interests of road safety and the effective management of the transport network.
21. In order to comply with the requirements of Scottish Planning Policy (June 2014) and Stirling Council's City Transport Plan (March 2013) or relevant updates to these policies, encouraging more sustainable forms of travel and ensure the level of private car trips generated by the development does not exceed that identified in the supporting Transport Assessment.
22. In order to comply with the requirements of Scottish Planning Policy (June 2014) and Stirling Council's City Transport Plan (March 2013) or relevant updates to these policies, encouraging more sustainable forms of travel and ensure the level of private car trips generated by the development does not exceed that identified in the supporting Transport Assessment.
23. To comply with SG14 (Ensuring a Choice of Access for New Developments) as a means of preserving pedestrian and cycle permeability through the site.

24. To safeguard and record the archaeological potential of the area.

Location of Development



Re
res

Stirling Council

Agenda Item No. 6

Planning and Regulation
Panel

Date of
Meeting: 27 March 2018

Not Exempt

Residential development at Land Adjacent and South of Nos 1 and 3, Lampson Loan, Killearn - W S Gordon I V Trust - 17/00977/PPP

Purpose & Summary

This is an application for planning permission in principle for a residential development on land adjacent to 1 and 3 Lampson Loan, Killearn.

The application is brought to Planning and Regulation Panel at the request of Councillor Robert Davies who considers there to be a severe shortage of affordable housing in Killearn.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Recommendations

Panel is asked to:

1. refuse the application for the following reasons:-
 - a) The proposal is contrary to Primary Policy 2 of the Stirling Local Development Plan 2014, and Stirling Local Development Plan: Proposed Plan 2016 since it is not consistent with the Local Development Plan Vision and Spatial Strategy and it will not provide significant economic and social support to the rural area.
 - b) The proposal is contrary to Policy 2.10 (Housing in the Countryside) of the Stirling Council Local Plan 2014, the Stirling Local Development Plan: Proposed Plan 2016 and SG10 (Housing in the Countryside), since this development is beyond that supported by this policy.

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

1.1. N/A.

2. Considerations

The Site

2.1. The site is located to the west of the settlement of Killearn where it is bounded by Lampson Loan to the north and east, and open pasture land to the south. The site extends to approximately 5800 square metres, is broadly rectangular in shape and is regarded as undeveloped greenfield land.

The Proposal

2.2. The proposal seeks planning permission in principle for up to 6 residential units.

Previous History

2.3. There are no applications within recent years of relevance to this proposal.

2.4. The site was submitted at the 'call for sites' stage of the Stirling Local Development Plan (LDP 2). The site was subject to a detailed assessment and it was concluded that it was not appropriate to identify the site as an 'option' for consideration in the Main Issues Report (MIR), reference KIL03.

Consultations

Roads Development Control:

2.5. No objection subject to conditions relating to access, driveway dimension, footway construction, footway provision, visibility splays, parking, street lighting, and waste collection.

Killearn Community Council:

2.6. Object on the following grounds (as summarised):

2.6.1. It is submitted that the application is contrary to both the existing and proposed Local Development spatial strategy.

2.6.2. It is submitted that the development proposal would have an adverse environmental impact due to the design and relationship to the surrounding area, the impact on residential amenity and views from the street.

Service Manager (Environmental Health):

2.7. No objections subject to conditions relating to unsuspected contaminated land and construction noise.

Housing Strategy & Development:

2.8. Consider the site suitable for affordable housing provision.

Schools, Learning and Education Services:

- 2.9. It is submitted that there are no capacity issues at Killearn Primary School and Balfron High School. No contributions towards education provision are required.

Representations

- 2.10. 37No. representations have been received, consisting of 37 objections.
- 2.11. Comments of objection (summarised):
- 2.11.1. Concerns raised that the site is contrary to the Local Development Plan.
 - 2.11.2. It is submitted that the site was originally designated as a route for a road between Station Road and Beech Drive and not for development.
 - 2.11.3. It is submitted that the Local Development Plan Main Issues Report Site Assessment concluded that development on the site would be inappropriate.
 - 2.11.4. Concerns raised about the potential impact of the development on landscape character and visual amenity.
 - 2.11.5. Concerns raised about the potential impact of development on residential amenity.
 - 2.11.6. Concerns raised about the impact of the development on local services, school capacity and infrastructure.
 - 2.11.7. It is submitted that the site is a habitat for wildlife species.
 - 2.11.8. Concerns raised about the impact of increased traffic on road safety, particularly for children travelling to school on foot or by bicycle.
 - 2.11.9. Concerns raised that the development is a potential overdevelopment of the site and the settlement of Killearn.
 - 2.11.10. The development would impact upon the open aspect to the south.

Local Development Plan Policy

- 2.12. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application.
- 2.13. The adopted Local Development Plan is the Stirling Council Local Development Plan 2014. Policies of relevance to this application are as follows:
- 2.13.1. Development Plan policies of relevance include: Primary Policy 1: Placemaking; Policy 1.1: Site Planning; Policy 1.2: Design Process; Primary Policy 2: Supporting the Vision and Spatial Strategy; Policy 2.1: Housing Land Requirement; Policy 2.2: Planning for Mixed Communities and Affordable Housing; Policy 2.3: Particular Needs Housing and Accommodation; Policy 2.10: Housing in the Countryside; Primary Policy 3: Provision of Infrastructure; Policy 3.1: Addressing the Travel Demands of New Development; Policy 3.2: Site Drainage; Policy 3.3: Developer Contributions; Primary Policy 4: Greenhouse Gas Reduction; Primary Policy 6: Resource Use and Waste Management; Policy 9.2: Landscaping and Planting in association with Development; Primary Policy 10: Forests,

Woodlands and Trees; Policy 10.1: Development Impact on Trees and Hedgerows.

- 2.14. Stirling Local Development Plan: Proposed Plan, June 2016 - The relevant policies of the plan remain substantively unchanged, with the exception of Primary Policy 2 and Policy 2.1. Primary Policy 2 no longer states that should allocated sites prove ineffective, this will be addressed in the first instance through consideration of advancing identified alternatives from Phase 2 (2019-24) or Period 2 (2024-34). Instead, circumstances where there is a shortfall in the housing land supply are addressed by Policy 2.1 of the Proposed Plan.

Other Planning Policy

- 2.15. The Local Development Plan is supported by the following Supplementary Guidance which is of relevance: SG01; SG04; SG10; SG14; SG16; SG19; SG29; SG31; SG32.

Assessment

- 2.16. The application is for planning permission in principle to establish the principle of residential development. The application was lodged alongside planning application reference 17/00978/PPP by the same applicant and landowner, W.S. Gordon I.V. Trust, and it is clear from the reading of the submitted supporting statement, Houghton Planning Ltd (22 December 2017), that they are seen as one proposal, for nineteen houses comprising twelve affordable houses and seven market houses. The submitted planning applications constitute a 'development scheme', as defined in section 9: Glossary of Terms, of the adopted Local Development Plan. As a consequence, the two applications may be treated as one development scheme for the purposes of determining developer contributions in accordance with Policy 3.3 of the Development Plan. In this particular case, developer contributions are required for the provision of affordable housing only.
- 2.17. In terms of dealing with the application to which this report relates, i.e. planning application 19/00977/PPP, the development proposal must be determined on its individual merits in accordance with Section 37 of the Town and Country Planning (Scotland) Act 1997. The Planning Act requires that planning applications must be assessed against the Development Plan, so far as material to the application, and to any other material considerations (please refer to paragraphs 2.13-2.15 of the report).
- 2.18. This particular application relates to "Site 2", as referred to in the supporting statement, and is supported by a conceptual site plan illustrating how the application site could accommodate up to six new homes. The indicative site plan identifies six 4-bed detached houses accessed off Lampson Loan. The submitted supporting statement confirms that the proposed housing will be market housing.
- 2.19. The proposed application site is located on the edge of, but outwith, the settlement boundary of Killlearn, and falls within the Countryside Policy Boundary as identified in the development plan (Policy 2.10). The adopted and emerging Local Development Plan position in respect of the principle of development at this site for housing is clear: the proposal is contrary to the Development Plan as the site is not allocated for residential development and the proposal is not wholly compliant with Policy 2.10 (Housing in the Countryside).
- 2.20. The submitted supporting statement acknowledges that the development proposal does not conform to the current Development Plan, specifically Policy 2.10. The proposal is being brought forward for consideration through the planning application process as a 'windfall' development. Windfall sites are defined in the LDP as "*non-allocated sites that come forward for development and contribute to*

the land supply". The applicant contends that the development proposal should be considered favourably on the grounds that the Council does not have an effective 5-year housing land supply under the provisions of Policy 2.1 of the emerging Local Development Plan (June 2016).

- 2.21. In response, the annual housing land audit is the tool by which Stirling Council measures its effective land supply. The 2017 audit shows a 5.3 year effective land supply and this will remain the position until the 2018 land supply is carried out and published (anticipated to be October 2018). It is noted that the Local Development Plan report of examination and a subsequent errata has been issued by the Planning and Environmental Appeals Division, which the Council has not yet taken a decision on. However, the Council is of the view that this does not impact upon the effective land supply as published in the 2017 audit at this time. Full account will be taken of the report of examination and any Council decision made on it in preparing the 2018 audit.
- 2.22. Therefore, for the purposes of this assessment, the Council has an effective 5-year housing land supply as no shortfall is identified in the housing land audit. Thus, Policy 2.1 of the emerging Local Development Plan, which is the Council's most up-to-date and preferred approach to addressing any shortfall in the housing land supply, is not considered relevant in this particular case. Notwithstanding, the development scheme is not wholly compliant with Policy 2.1, criterion (a), (b) and (d), of the emerging Development Plan since it would not be consistent with the spatial strategy, the overarching policy and sustainable development criteria, and it would not provide more than 30 units in order to make a reasonable contribution to any shortfall if considered to be the case.
- 2.23. Turning to the relevant policy provisions contained within the adopted and emerging Development Plans, Policy 2.10 provides for new housing development in the countryside. In summary, new housing is supported in the following circumstances:
- 2.23.1. Within or closely related to building groups and clusters;
 - 2.23.2. On infill sites;
 - 2.23.3. Single houses for a specific purpose;
 - 2.23.4. Replacement of single houses; and
 - 2.23.5. Conversion of a farm steading and non-domestic buildings;
- 2.24. With regard to the above, not one of these circumstances matches the development proposal and as such, the application is found to be contrary to Policy 2.10.
- 2.25. Supplementary guidance SG10 (Housing in the Countryside), which supports Policy 2.10, identifies potential development opportunities close to identified town and village boundaries in 'exceptional circumstances' (para 2.13). It is important to note the Council's housing in the countryside policy does not specifically provide for edge of settlement rural development that would result in coalescence. It expresses strong presumptions against such development that must be surmounted.
- 2.26. With regard to this particular application, the development proposal would provide for 6 market houses. This type of housing development (i.e. for private sale) would not provide significant economic and/or social support to the rural area that should count as "exceptional" in order to overcome the presumption against development within the countryside policy boundary that would lead to coalescence. For the same reasons, it is also concluded that the development proposal is contrary to

Primary Policy 2 (Supporting the Vision and Spatial Strategy) of both the adopted and emerging Local Development Plans.

- 2.27. Having regard to landscape and visual impact, Primary Policy 1 (Placemaking) says development of all scales must be designed and sited in relation to the character and amenity of the place, and Policy 1.1 (Site Planning) establishes a requirement for new development to contribute positively to the surrounding built and natural environment. Having assessed the indicative site layout, it is considered that the level of development and housing density is at the upper limit of what would be appropriate in this particular context. However, it is reasonably accepted that the submission has adequately demonstrated that the proposed development could be capable of successful assimilation into the landscape, and accordingly it is reasonably considered that the proposals are compatible with the requirement provisions contained within Primary Policy 1 and Policy 1.1.
- 2.28. Taking into account the proposals submitted under application 17/00798/PPP, which represents a development scheme of nineteen houses (12 potentially affordable houses and 7 private houses), it is considered that the social benefits on offer are not sufficient to outweigh the matters that count against the development scheme; such matters relate to potential housing typology; adverse landscape visual impacts; substandard accessibility, and uncertainty over housing need and demand.
- 2.29. In concluding the above matters, the application is not consistent with the Development Plan (adopted and emerging), and there are no material considerations that would support any other conclusion.
- 2.30. However, should the Planning Panel be minded to grant permission it is important to note that a development scheme requiring the provision of affordable housing must be secured by a planning obligation (normally a Section 75 Agreement). The planning obligation would be used to regulate the provision of land for on-site provision, or for the payment of financial contributions for off-site provision. The Agreement will require to be concluded prior to the issuing of planning permission.

3. Implications

Equalities Impact

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

Sustainability and Environmental

- 3.2. An Environmental Impact Assessment is not required.

Other Policy Implications

- 3.3. All relevant policies have been set out in section 2.

Consultations

- 3.4. As set out in section 2.

4. Background Papers

4.1. Planning Application file 17/00977/PPP. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P1CX5LPIMPK00>

4.2. List of Determining Plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	A101
02	Site Plan	A105

5. Appendices

5.1. None.

Author of Report:

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Approved by:

Brian Roberts
Senior Manager Infrastructure

Signature:



Date:

16 March 2018

Details of Convener(s), Vice Convener(s),
Portfolio Holder and Depute Portfolio Holder
consulted on this report:

Wards affected:

Ward 2 Forth & Endrick

Key Priorities:

N/A

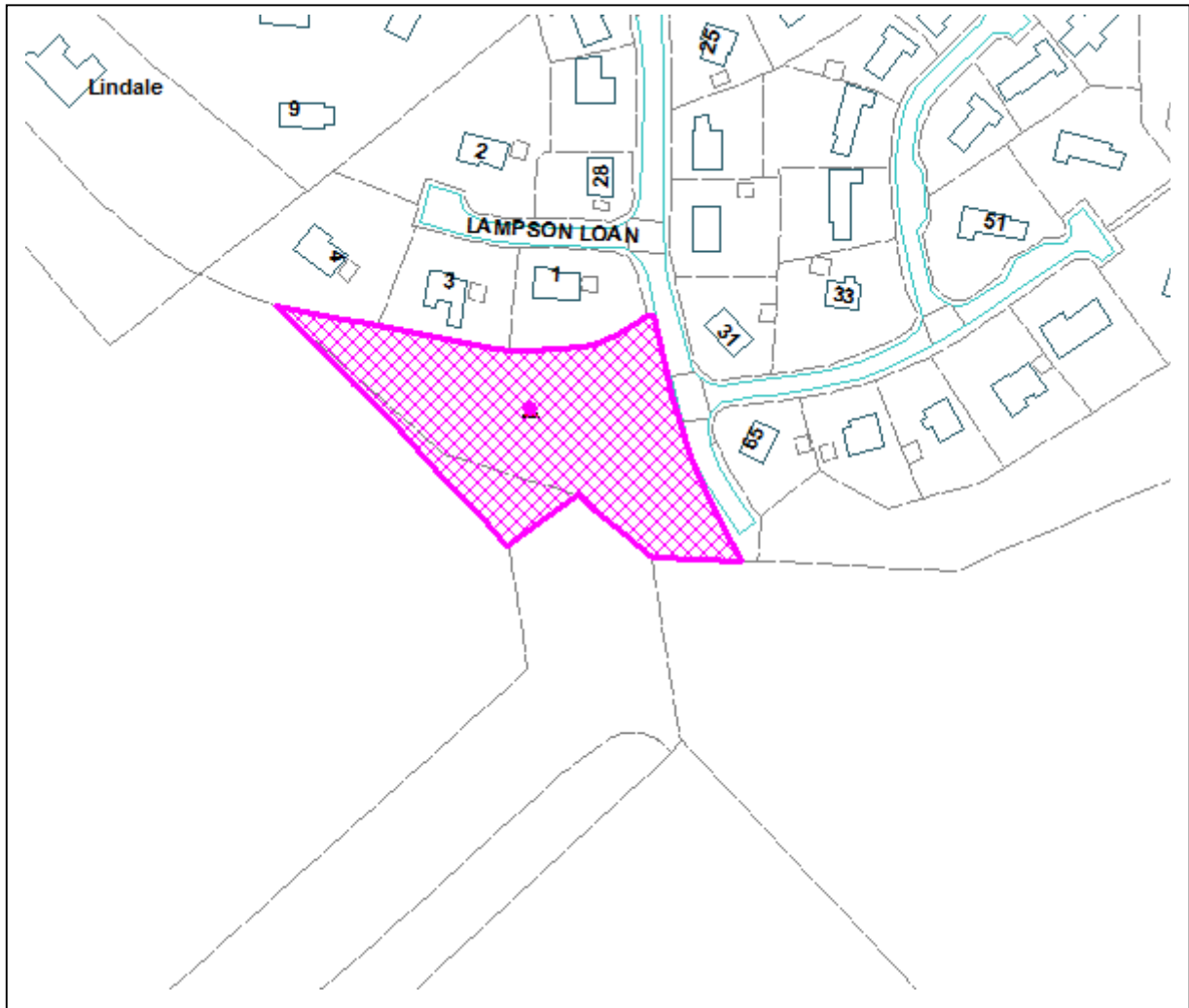
Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement Plan)

N/A

Location of Development



Stirling Council

Agenda Item No. 7

Planning and Regulation
Panel

Date of
Meeting: 27 March 2018

Not Exempt

Residential Development at Land Adjacent to Nos 1 And 2, Lampson Road, Killearn - W S Gordon I V Trust - 17/00978/PPP

Purpose & Summary

This is an application for planning permission in principle for a residential development on land adjacent to 1 and 2 Lampson Road, Killearn.

The application is brought to Planning and Regulation Panel at the request of Councillor Robert Davies who considers there to be a severe shortage of affordable housing in Killearn.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Recommendations

Panel is asked to:

1. refuse the application for the following reasons:-
 - a) The proposal is contrary to the Overarching Policy and Sustainable Development criteria of the of the Stirling Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since the proposal would not contribute positively to sense of place, it would not improve the overall quality of the built environment, and it would not reduce the need to travel by private car.
 - b) The proposal is contrary to Primary Policy 1: Placemaking, criterion (a) and (b) of the Stirling Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since this development will encroach onto a greenfield site and will not respect the character and amenity of the landscape setting (urban and rural).
 - c) The proposal is contrary to Policy 1.1: Site Planning, criterion (a), (b), and (d) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since this development will not contribute to a coherent structure of streets; it does not respect existing views; and it would

disrupt the pattern of the street and building line to the detriment of sense of place and visual amenity.

- d) The proposal is contrary to Policy 2.10 (Housing in the Countryside) of the Stirling Council Local Plan 2014, the Stirling Local Development Plan: Proposed Plan 2016 and SG10 (Housing in the Countryside), since this development is beyond that supported by this policy.

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

- 1.1. N/A.

2. Considerations

The Site

- 2.1. The site is located to the west of the settlement of Killearn where it is bounded by Lampson Road to the north, Station Road to the west, and open pasture land to the south. The site extends to approximately 5000 square metres, is rectangular in shape and is regarded as undeveloped greenfield land.

The Proposal

- 2.2. The proposal seeks planning permission in principle for up to 13 residential units, comprising 12 affordable housing units and 1 market house.

Previous History

- 2.3. There are no applications within recent years of relevance to this proposal.
- 2.4. The site was submitted at the 'call for sites' stage of the Stirling Local Development Plan 2. The site was subject to a detailed assessment and it was concluded that it was not appropriate to identify the site as an 'option' for consideration in the Main Issues Report (MIR), reference KIL04.

Consultations

Housing Strategy & Development:

- 2.5. It is submitted that applications 17/00977/PPP and 17/00978/PPP should be considered together insofar as the provision of affordable housing is concerned. The site is considered to be suitable for the provision of on-site affordable housing.
- 2.6. It is identified that the scheme is not currently included in the Strategic Housing Investment Plan (SHIP) for the period 2018/19 to 2022/23. In terms of delivery, the SHIP could potentially allow a scheme of this scale to be brought forward as there are two unidentified rural sites in the latter years of the SHIP. The alternative would be for a financial contribution of £250,800 towards off-site affordable

housing provision (calculated in accordance with the methodology set out in SG04).

Roads Development Control:

- 2.7. No objection subject to conditions relating to access, driveway construction, footway provision, parking, street lighting, and waste collection.

Killearn Community Council:

- 2.8. Object on the following grounds (summarised):
- 2.8.1. It is submitted that the application is contrary to both the existing and proposed Local Development spatial strategy.
 - 2.8.2. It is submitted that the development proposal would have an adverse environmental impact due to the design and relationship to the surrounding area, the impact on residential amenity and views from the street.

Service Manager (Environmental Health):

- 2.9. No objections subject to conditions being imposed to any planning permission relating to contaminated land and restriction of construction hours.

Schools, Learning and Education Services:

- 2.10. It is submitted that there are no capacity issues at Killearn Primary School and Balfron High School. No contributions towards education provision are required.

Representations

- 2.11. 62No. representations have been received, consisting of 60 objections, 1 in support, and 1 neither supporting nor objecting to the application.
- 2.12. Comments neither in support nor objection:
- 2.12.1. It is submitted that any affordable units be reserved to persons with a direct connection with Killearn.
- 2.13. Comments of support:
- 2.13.1. It is submitted that there is an urgent need for affordable housing in Killearn and the application represents an opportunity to address under provision.
- 2.14. Comments of objection:
- 2.14.1. Concerns raised that the site is contrary to the Local Development Plan.
 - 2.14.2. Concerns raised about accessibility. It is submitted that the site is remote from the village centre amenities and public transport connections.
 - 2.14.3. It is submitted that the development does not reduce the need to travel and reduce reliance on the private car.
 - 2.14.4. It is submitted that the development does not involve re-use and/or regeneration of previously used land and property, including derelict and contaminated land.
 - 2.14.5. With reference to Policy 2.1 of the emerging Stirling Local Development Plan: Proposed Plan June 2016, it is submitted that the development is not over 30 units in size and therefore, will not make a significant contribution to the identified housing shortfall.

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- 2.14.6. It is submitted that the indicative layout would be at odds with the appearance of the streetscape and would detract from visual amenity and landscape character.
 - 2.14.7. It is submitted that the development would not provide an attractive edge to the village at this point.
 - 2.14.8. It is submitted that short term affordable housing provision is met through 33% provision at Blairessan.
 - 2.14.9. Road safety concerns raised arising from the potential level of on-street parking.
 - 2.14.10. Concerns raised about the potential impact of development on local services, school capacity and infrastructure.
 - 2.14.11. Concerns raised about the potential impact of development on residential amenity, specifically concerning privacy impacts on surrounding properties on Lampson Road.
 - 2.14.12. It is submitted that the site is a habitat for wildlife and biodiversity.
 - 2.14.13. The development would have an impact on protected trees.

Local Development Plan Policy

- 2.15. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the development Plan are considered relevant to the consideration of this application.
- 2.16. The adopted Local Development Plan is the Stirling Council Local Development Plan 2014. Policies of relevance to this application are as follows:
 - 2.16.1. Development Plan policies of relevance include: Primary Policy 1: Placemaking; Policy 1.1: Site Planning; Policy 1.2: Design Process; Primary Policy 2: Supporting the Vision and Spatial Strategy; Policy 2.1: Housing Land Requirement; Policy 2.2: Planning for Mixed Communities and Affordable Housing; Policy 2.3: Particular Needs Housing and Accommodation; Policy 2.10: Housing in the Countryside; Primary Policy 3: Provision of Infrastructure; Policy 3.1: Addressing the Travel Demands of New Development; Policy 3.2: Site Drainage; Policy 3.3: Developer Contributions; Primary Policy 4: Greenhouse Gas Reduction; Primary Policy 6: Resource Use and Waste Management; Policy 9.2: Landscaping and Planting in association with Development; Primary Policy 10: Forests, Woodlands and Trees; Policy 10.1: Development Impact on Trees and Hedgerows.
- 2.17. Stirling Local Development Plan: Proposed Plan, June 2016 - The relevant policies of the plan remain substantively unchanged, with the exception of Primary Policy 2 and Policy 2.1. Primary Policy 2 no longer states that should allocated sites prove ineffective, this will be addressed in the first instance through consideration of advancing identified alternatives from Phase 2 (2019-24) or Period 2 (2024-34). Instead, circumstances where there is a shortfall in the housing land supply are addressed by Policy 2.1 of the Proposed Plan.

Other Planning Policy

- 2.18. The Local Development Plan is supported by the following Supplementary Guidance which is of relevance: SG01; SG04; SG10; SG14; SG16; SG19; SG29; SG31; SG32.

Assessment

- 2.19. The application is for planning permission in principle to establish the principle of residential development. The application was lodged alongside planning application reference 17/00978/PPP by the same applicant and landowner, W.S. Gordon I.V. Trust, and it is clear from the reading of the submitted supporting statement, Houghton Planning Ltd (22 December 2017), that they are seen as one proposal, for nineteen houses comprising twelve affordable houses and seven market houses. The submitted planning applications constitute a 'development scheme', as defined in section 9: Glossary of Terms, of the adopted Local Development Plan. As a consequence, the two applications may be treated as one development scheme for the purposes of determining developer contributions in accordance with Policy 3.3 of the Development Plan. In this particular case, developer contributions are required for the provision of affordable housing only.
- 2.20. In terms of dealing with the application to which this report relates, i.e. planning application 19/00978/PPP, the development proposal must be determined on its individual merits in accordance with Section 37 of the Town and Country Planning (Scotland) Act 1997. The Planning Act requires that planning applications must be assessed against the Development Plan, so far as material to the application, and to any other material considerations (please refer to paragraphs 2.15-2.17 of the report).
- 2.21. This particular application relates to "Site 1", as referred to in the applicant's supporting statement, and is supported by a conceptual site plan illustrating how the application site could accommodate up to thirteen new homes. The indicative site plan identifies three terraced blocks comprising: twelve no. 2 bed houses, and a detached house at the eastern extent of the site. The supporting statement sets out that the terraced units could provide for affordable housing. The detached house would be marketed for private sale.
- 2.22. The proposed application site is located on the edge of, but outwith, the settlement boundary of Killearn, and falls within the Countryside Policy Boundary as identified in the Development Plan (Policy 2.10). The adopted Local Development Plan position in respect of the principle of development at this site for housing is clear: the proposal is contrary to the Development Plan since the site is not allocated for residential development and the proposal is not wholly compliant with Policy 2.10 (Housing in the Countryside).
- 2.23. The submitted supporting statement acknowledges that the development proposal does not conform to the current Development Plan, specifically Policy 2.10. The proposal is being brought forward for consideration through the planning application process as a 'windfall' development. Windfall sites are defined in the Local Development Plan as "*non-allocated sites that come forward for development and contribute to the land supply*". The applicant contends that the development proposal should be considered favourably on the grounds that the Council does not have an effective 5-year housing land supply under the provisions of Policy 2.1 of the emerging Local Development Plan (June 2016).

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- 2.24. In response, the annual housing land audit is the tool by which Stirling Council measures its effective land supply. The 2017 audit shows a 5.3 year effective land supply and this will remain the position until the 2018 audit is carried out and published (anticipated to be October 2018). It is noted that the Local Development Plan report of examination and a subsequent errata has been issued by the Planning and Environmental Appeals Division which the Council has not yet taken a decision on. However, the Council is of the view that this does not impact upon the effective land supply as published in the 2017 audit at this time. Full account will be taken of the report of examination and any Council decision made on it in preparing the 2018 audit.
- 2.25. Therefore, for the purposes of this assessment, the Council has an effective 5-year housing land supply as no shortfall is identified in the housing land audit. Thus, Policy 2.1 of the emerging Local Development Plan, which is the Council's most up-to-date and preferred approach to addressing any shortfall in the housing land supply, is not considered relevant in this particular case. Notwithstanding, the development scheme is not wholly compliant with Policy 2.1, criterion (a), (b) and (d), of the emerging development plan since it would not be consistent with the spatial strategy; the overarching policy and sustainable development criteria, and it would not provide more than 30 units in order to make a reasonable contribution to any shortfall if considered to be the case.
- 2.26. Having regard to the relevant policy provisions contained within the adopted and emerging Development Plans, the proposed development is submitted as an extension to the settlement of Killearn, which is identified in the Spatial Strategy as a Tier 4 settlement within the Rural Villages Area. The Plan's Vision supports small to medium sized infill peripheral housing developments within and adjoining settlements located within the Rural Villages Area. The Spatial Strategy provides support for controlled small-scale expansion of existing villages consistent with their limited size and role in the settlement hierarchy, to include new affordable and market housing and local business space. This policy approach is consistent with the emerging Local Development Plan.
- 2.27. Primary Policy 2 sets out that sites in the Core Area located close to, and easily accessible by, major public transport routes will be the preferred locations for new development as opposed to sites within the Rural Villages Area and areas of countryside. Thus, the development site, as far as its location within the Rural Villages Area is concerned, is not strategically preferable.
- 2.28. The principal challenge within the Rural Villages Area is that development is constrained by accessibility and landscape considerations. In terms of landscape considerations, Primary Policy 1 and Policy 1.1 requires new development to be designed and sited in relation to the character and amenity of the place, where they are located. It is apparent that the indicative housing development, comprising terraced blocks and a detached dwelling house, would go against the transitional pattern of the settlement edge, and the siting and alignment of the housing would disrupt the established building line and street pattern. When viewed from Lampson Road, it is considered that views of the development would be possible for a significant distance along the street. This would have an adverse impact on visual amenity of the settlement edge and interrupt opportunities to enjoy the views out across the locally distinctive countryside and designated Local Landscape Area, which is considered particularly important to the identity and character of the streetscene and providing a sense of place.
- 2.29. In concluding the above matter, it is not considered that the indicative development would have a positive impact on its setting. The positioning of the buildings on the site and density, as illustrated, would have an adverse impact on the local

townscape and views, and would therefore be contrary to Primary Policy 1 and Policy 1.1.

- 2.30. Having regard to accessibility constraints, the Transport Assessment accompanying the Main Issues Report, (MIR reference KIL04), highlights the remote location of the site from the village centre and the associated facilities. The nearest bus stop to the site, served by the twice-daily village-bound bus, is located on Station Road at a distance of between 360 and 520 metres via a substandard footway. The main public transport route is along the A875 Balfron Road/Main Street (hourly service) approximately 1 kilometre from the site.
- 2.31. This places the majority of the development site beyond the recommended maximum distance of 400 metres from housing to bus services, as set out in Annex B of Planning Advice Note (PAN) 75 (Planning for Transport, 2005). The concern here is that the development may encourage local journeys by car due to the distance to the nearest bus stop, the limited bus service provision in the vicinity of the site, and the site's remoteness from the village centre where the majority of local services and amenities are located. The proposed development is not therefore, considered to be consistent with the sustainable development criteria set out in the development plan, as derived from Scottish Planning Policy.
- 2.32. Primary Policy 2 states that new employment development, and other developments that will provide significant economic and social support to the rural area, will be encouraged in appropriate circumstances. Policy 2.10 (housing in the countryside policy) is consistent with this approach, as identified in the supporting supplementary guidance SG10, within which it is stated that *'development opportunities may be located close to identified town and village boundaries. Proposals leading to coalescence with the existing settlement will only be supported outwith the Local Development Plan preparation and review process in exceptional circumstances'*.
- 2.33. It is important to note that the Council's housing in the countryside policy (Policy 2.10) does not specifically provide for edge of settlement rural development that would result in coalescence. It expresses strong presumptions against such development that must be surmounted.
- 2.34. To that end, the development does not possess any significant economic benefits that would justify setting aside the provisions of the Development Plan. However, the submitted supporting statement sets out that the application could potentially provide 12 affordable housing units (AH). This represents 66% provision when taking into account the proposed development scheme of 19 units, which is well in excess of the 33% provision as required under the provisions of Policy 2.2. The applicant's agent submits that the Affordable Housing units would contribute to the Council's affordable housing supply target of 88 units per annum across the Council area as identified in the 'Strategic Housing Investment Plan 2018/19 to 2022/23'.
- 2.35. The consultation response provided by the Council's Housing Service states that the site is suitable for on-site provision of affordable housing. Whilst it is accepted that there is a clearly defined social benefit associated with the delivery of affordable housing, it is noted that this development is not required to meet the Council's current Affordable Housing supply target of 88 units per annum as it is estimated that this target will be exceeded by 50-75% in each of the three years, irrespective of the potential affordable housing contribution on offer, due to the significant increase in the level of grant funding from the Affordable Housing Supply Programme over the period of 2018-2021.

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- 2.36. With specific reference to Killearn, the most recent analysis of the Council's waiting list (Summer 2017) indicated that there were 23 first choice applicants for social housing in Killearn with an average of just 2 lets per annum over the period 2014-2017, giving a waiting list to lets ratio of 12:1, which was the second highest in Rural Stirling. On basis of this information, there is a clearly identified housing need within Killearn itself. However, this information does not take into account the development of 12 affordable units at Blaressan by Rural Stirling Housing Association, and the applicant has not established whether Rural Stirling Housing Association considers that a further scheme in Killearn merits inclusion in the Strategic Housing Investment Plan. Therefore, it has not been demonstrated that the development meets a specific need and demand for affordable housing in the area in accordance with the Spatial Strategy.
- 2.37. In concluding the above matter, it is accepted that there is merit in the affordable housing element of the development proposal. However, the issue here is that only the affordable housing element of the scheme falls to be considered as the type of exceptionally allowable development in this particular case. This application, and the accompanying application (reference 17/00799/FUL), includes private housing development that do not possess the social benefits that should count as "exceptional" in order to overcome the strong presumptions against development in this particular case. Thus, by virtue of the private housing element, the development is not wholly compliant with Primary Policy 2 and Policy 2.10 of the both the adopted and emerging Local Development Plans. Furthermore, Scottish Planning Policy is clear that the aim is to support the right development in the right place, and not to allow development at any cost. It is therefore concluded that the potential negative aspects of a housing development of the scale envisaged, particularly its harm to the character of the townscape and sense of place, suggests that the development would not contribute overall to the Council's sustainable development and placemaking objectives, which tips the balance in favour of opposing the application in accordance with the relevant provisions of the Development Plan.
- 2.38. However, should the Planning Panel be minded to grant permission it is important to note that a development scheme requiring the provision of affordable housing must be secured by a planning obligation (normally a Section 75 Agreement). The planning obligation would be used to regulate the provision of land for on-site provision, or for the payment of financial contributions for off-site provision. The Agreement will require to be concluded prior to the issuing of planning permission.

3. Implications

Equalities Impact

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

Sustainability and Environmental

- 3.2. An Environmental Impact Assessment is not required.

Other Policy Implications

- 3.3. All relevant policies have been set out in section 2.

Consultations

- 3.4. As set out in section 2.

4. Background Papers

4.1. Planning Application file 17/00978/PPP. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P1CX5UPIMPN00>

4.2. List of Determining Plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	A100
02	Site Plan	A104

5. Appendices

5.1. None.

Author of Report:

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Signature:



Date:

16 March 2018

Details of Convener(s), Vice Convener(s),
Portfolio Holder and Depute Portfolio Holder
consulted on this report:

Wards affected:

Ward 2 Forth & Endrick

Key Priorities:

N/A

Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement Plan)

N/A

Location of Development

