NOTICE OF MEETING

A MEETING of the PLANNING & REGULATION PANEL will be held as a Virtual Meeting by MICROSOFT TEAMS on TUESDAY 4 AUGUST 2020 at 10.00 a.m.

In accordance with Section 43 of the Local Government in Scotland Act 2003 the Chair has agreed that this meeting will be conducted in such a manner as to allow remote attendance by Elected Members.

In accordance with Section 50A of the Local Government (Scotland) Act 1973 the public are excluded from this meeting as it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus.

Please note that the meeting will be held via Microsoft Teams and it is anticipated that a recording will be made publicly available on the Council’s website following the meeting.

JULIA MCAFEE
Chief Officer – Governance
Clerk to the Council
28 July 2020

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. DECLARATIONS OF INTEREST

PLANNING

3. MIXED USE DEVELOPMENT CONSISTING OF CARE HOME (CLASS 8) AND STUDENT ACCOMMODATION (SUI GENERIS) INCLUDING CLASS 3 USE, ANCILLARY AMENITY SPACE AND ASSOCIATED WORKS AT LAND AND BUILDINGS AT ORCHARD HOUSE SITE, BACK O’HILL ROAD, RAPLOCH, STIRLING - CALEDON/TDL, NORTHCARE (SCOTLAND) AND SCAPE HOMES – 19/00890/FUL
   Report by Senior Manager – Infrastructure (Pages 1 – 32)

4. PROPOSED ROADSIDE SERVICES COMPRISING PETROL FILLING STATION (SUI GENERIS), TRUCK STOP, RESTAURANTS AND DRIVE-THRU (CLASS 3/SUI GENERIS), AMENITY BUILDING (CLASS 1 & 3 AND ANCILLARY USES), LANDSCAPING, ACCESS AND ANCILLARY WORKS AT LAND SOME 500 METRES SOUTH WEST OF BALHALDIE FARM, DUNBLANE - GB GROVE LTD - 19/00243/PPP
   Report by Senior Manager – Infrastructure (Pages 33 – 50)
(For further information contact Karen Swan, Committee Officer on 01786 233081 or David McDougall, Governance Officer on 01786 233068)
Stirling Council

Planning & Regulation Panel

Agenda Item No. 3

Date of Meeting: 4 August 2020

Not Exempt

Mixed Use Development Consisting Of Care Home (Class 8) And Student Accommodation (Sui Generis) Including Class 3 Use, Ancillary Amenity Space And Associated Works At Land And Buildings At Orchard House Site, Back O'Hill Road, Raploch, Stirling - Caledon/TDL, Northcare (Scotland) And Scape Homes – 19/00890/FUL

Purpose & Summary

Full planning permission is sought for the erection of a mixed use development consisting of a care home (class 8) development (site B within the overall red line site) and student accommodation (sui generis) (site A within the overall red line site) including Class 3 use, ancillary amenity space and associated works at land and buildings at Orchard House Site, Back O'Hill Road, Raploch, Stirling.

The application has been referred to the Planning & Regulation Panel as the application forms a 'Major' development as defined in The Town and Country Planning (Hierarchy of Development) (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

Planning & Regulation Panel is asked to refuse the application for the reasons set out below:

1. the student accommodation is contrary to Primary Policy One, Policy 1.1, Policy 1.3 of the Adopted Stirling Council Local Development Plan October 2018 and Supplementary Guidance: Place Making including Supplementary Guidance 08: The Raploch Design Guide, as it is considered that the proposed build on Site A, by virtue of its scale, massing and siting, would represent a visually incongruous form of development which would have a detrimental impact upon the character and appearance of the immediate area and the surrounding locality. The overall bulk, height, and density of development is considerable for both the site, and comparative to the surrounding context;
2. the proposal is contrary to Primary Policy One, Policy 1.1, Policy 1.3 of the Adopted Stirling Council Local Development Plan October 2018 and Supplementary Guidance: Place Making including Supplementary Guidance 08: The Raploch Design Guide, as it is considered that whilst the proposal displays certain aspects of appropriate design and gateway development, it’s scale and visibility from Back O’Hill Road and the Clock Roundabout to the north and west would not represent a gateway development, and instead would result in a visually incongruous and poorly scaled addition to the urban environment;

3. the proposal for the student accommodation is contrary to Primary Policy One, Policy 1.1 of the Adopted Stirling Council Local Development Plan October 2018 and Supplementary Guidance: Place Making, as it is considered that by virtue of its scale and massing the proposals for Site A will have a detrimental impact upon the amenity of the area by resulting in an increase in overlooking, whilst also having an overbearing impact;

4. the proposals for the student accommodation is contrary to Primary Policy 7, Policy 7.2, Policy 7.3 and Policy 7.8 of the Adopted Stirling Council Local Development Plan October 2018, as it is considered that by virtue of its scale and massing the proposals for Site A will have a detrimental impact upon the character of the adjoining Town and Royal Park Conservation Area, as the scale of build proposed is considered both incongruous with the surrounding townscape and that of the character of the Conservation Area at this point. This is compounded by the relative density of the development within the site;

5. the proposal for the student accommodation is contrary to Primary Policy 7, Policy 7.2, Policy 7.3 and Policy 7.8 of the Adopted Stirling Council Local Development Plan October 2018, as it is considered that by virtue of its scale and massing the proposals for Site A will have a detrimental impact upon the character of the adjoining Town and Royal Park Conservation Area, as the scale of build proposed is considered both incongruous with the surrounding townscape and that of the character of the Conservation Area at this point. This is compounded by the relative density of the development within the site;

6. the proposal for the student accommodation is contrary to Policy 10.1 of the Adopted Stirling Council Local Development Plan October 2018 as the proposals will be harmful to existing trees both within the site and outwith. The submitted plans show the footprint of the building and associated structures/works, will be in close proximity to these existing trees and their root systems. The proposals have not established that the long-term viability of the retained trees can in fact be assured (as relied upon by the visualisations); and

7. the proposed development overall fails to provide an adequate level of off-street parking suitable for the development and the area.

**Resource Implications**

Not applicable.

**Legal & Risk Implications and Mitigation**

Not applicable.
1. Background

1.1. Not applicable.

2. Considerations

The Site

2.1. Site Location: The application site is part of a roughly kite shaped area of ground, of which the development area is about 1.34 hectares, referred to as the ‘Orchard House site’ after a now demolished hospital. The site lies on the north side of the built up area of Stirling, to the west of the River Forth. The site is bounded by three main roads 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 existing Health Centre is situated within the centre of this land but is out with the application site. The land comprising the west of the site is open space (Site B) and has not been developed in the past whereas the land towards the east (Site A) 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.

2.2. Access Arrangements: Access to the health centre is currently taken from this loop, as is the proposed access to the student accommodation (Site A), with access to the care home (Site B) taken via Back O’Hill Road/Lower Bridge Street and closing off the loop. The site includes some of the residual roadside amenity land between Back O’Hill Road and the loop road in order to ensure access, but excludes an area of land adjacent to the northern roundabout, which is grassed and landscaped, with a number of mature trees and some rocky outcrops.

2.3. Site Context: To the north of the site lies the southern edge of the Raploch area of Stirling, across the Drip Road and about one hundred metres away from the boundary of the proposed development area. Raploch extends about 1.5 kilometres to the north and west along Drip Road, between the road and the southern bank of the River Forth. Raploch has experienced extensive area-focussed regeneration, redevelopment and environmental improvement and is five to ten minutes walk from the site, accessible via Drip Road and also through a pedestrian and cycle way underpass under Drip Road following the historic route of Bridge Street. This pathway also leads to the Old Stirling Bridge and beyond this there is a landscaped river walkway, constructed as part of the Raploch regeneration project, which leads along the river to the north and west from the foot of the Old Bridge.

2.4. A footpath and cycle path runs along the south side of Drip Road, past the underpass and along the northern boundary of the site, around the eastern corner towards Union Street, past the Customs Roundabout, on the north east corner of the site. The Customs Roundabout, featuring an historic civic clock tower, is an important point of entrance to Stirling on the A84 from the north over the New Stirling Bridge.

2.5. On the west side of the site across Back O’Hill Road there is a tenement building, some landscaping and an older cottage. Behind these buildings, this side of the site is set against the steep wooded and grassy slopes of the Gowanhill and the Mote Hill, which contain historic features and are used as a public park. There is a pedestrian entrance to this park from the other side of Upper Bridge Street/Back
O’Hill Road from the pavement beside the southern roundabout. Union Street, which forms the south east side of the site, is a residential street with two storey terraced houses with front gardens, with three storey tenements at the ends of the row. At present these houses enjoy a fairly open outlook across the site towards the Gowan Hill.

2.6. There is a large supermarket across from Drip Road about 0.25 km to the north and Stirling City Centre shopping area lies to the south about one kilometre away, with the train station around 0.5 km away, along with the bus station to the south. There are bus stops located on Union Street and Back O’Hill Road and also Lower Bridge Street close to the site.

2.7. **Landscape Character:** The topography across the site is generally flat, which slopes down towards the Clock Roundabout, following a similar gradient to Union Street that runs parallel with the site. The land surrounding the site is relatively open to the north and east with relatively exposed views to the site from these surrounding areas and landmarks, including Old Stirling Bridge and the Clock Roundabout. The site is mixed including landscaped amenity area and brownfield land. The south western part of the site to the south of the health centre boundary is maintained as a landscaped amenity area (**Site B**) with flower beds and a tree lined public footpath across the site between Union Street and Back O’Hill Road. The larger east section of the site (**Site A**) once housed a hospital called: “Orchard House”, which was demolished by 2014. The original boundary wall, albeit modified, is substantially still in place around this part of the site. This part of the site is open to pedestrians and maintained as grassland, with some pathways and hardstanding still remaining.

2.8. **Built and Cultural Heritage:** The site lies in important historic surroundings of national significance. Stirling Castle, a scheduled ancient monument, containing six category A listed buildings, lies to the west on the top of Castle Hill, on the other side of Gowanhill. The Castle complex including the banqueting hall is visible on the skyline above the site in most views from the north. The current Old Stirling Bridge, constructed in the late 15th/early 16th century, lies across the Forth to the north of the site, adjacent to a group of 1960s housing, which is the eastern edge of Raploch. The bridge is a scheduled ancient monument under the Ancient Monuments and Archaeological Areas Act 1979; a category A listed building and is of historic significance both nationally and in terms of the history of Stirling. The New Bridge, which carries the modern A84 across the Forth is a Category B Listed Building, built in 1831. The site lies near (not within) the boundaries of three conservation areas, each of different character. These are:

2.8.1. The Stirling Town and Royal Park Conservation Area, around the castle and the historic core of the town, of which Bridge Street forms part of the eastern boundary.

2.8.2. The Bruce Street Conservation Area, across Union Street from the site, which is a homogenous area of 19 and early 20th century urban tenements and

2.8.3. Bridgehaugh Conservation Area, centred around the riverside and the bridges, to the north east, separated from the site by Drip Road. There are no Listed Buildings within the site.

2.9. The site also lies within the boundaries of the designated historic battlefield site of the battle of Stirling Bridge in 1297.
2.10. Full Planning Permission is sought for two different types of development on the different parts of the site. On the former hospital site (Site A) student accommodation (Sui Generis) is proposed across a range of cluster and studio apartments in two to four storey blocks. These blocks comprise interconnected linear blocks with two located along either of the site frontages with Union Street and Lower Bridge Street, whilst the third block is located centrally between the two. The building varies in height, primarily three and a half storey along Union Street and rising to four storey along Lower Bridge Street, then dropping down to three and a half. The intervening central block sits below both outer wings at two and a half storey. There also appears an element of single storey development within this central section, providing connections between the three main blocks and containing the majority of the shared 'social' space for residents. These proposals also include ground floor communal spaces and external amenity space, pedestrian links through the site and improvements to landscaping and the public realm. Also it is proposed to have a Class three café with a frontage onto Union Street. Parts of the existing stone boundary walls will be altered and removed to accommodate access and the public realm proposals.

2.11. On the amenity area (Site B) a three and a half storey Care Home is proposed with outside amenity spaces and car parking accessed via Back O’Hill Road. The care home building proposed is located in a similar position within the site as the previous approved building (17/00694 see history section below) and is of similar scale. It does however have a slightly increased overall footprint. It is predominately three and a half storey in height, dropping to three storey adjacent to the existing health building.

2.12. Consequently, the submission is supported by a series of plans and elevations of the proposed buildings and site. A range of supporting information is also provided including a Visual Appraisal, Design and Access Statement and Planning Statement.

2.13. Both layouts incorporate car parking spaces and cycle spaces. The car parking shown for the student accommodation is predominantly for drop off purposes only and this is considered in the Roads assessment section below. Pedestrian and cycle access is proposed from the main roads surrounding the site and via new routes shown running east to west through both sites.

2.14. The landscaping proposals show planting within both sites including shrubs and trees. On the northern edges of the development site a number of existing trees will be lost to accommodate the development.

Previous History

2.15. Planning Application 17/00694/FUL was refused for the erection of: Sheltered Housing (Class 9), 3 No. 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). This decision, was overturned at appeal.

Consultations

Historic Environment Scotland (HES):

2.16. No objection to the proposals as it does not raise issues of national significance.
2.17. HES state: “that because no archaeological evidence relating to the Battle of Stirling Bridge has been uncovered from excavations that significant impacts on the battlefield were unlikely, although HES note that no assessment of impact on the battlefield landscape seemed to have been undertaken. Also based upon the information available HES were also content that the potential impact on views from Old Stirling Bridge towards Stirling Castle were not significant for HES interests.”

2.18. HES also state: “The updated information includes a revised Design and Access statement which contains a photomontage of the proposed development from Stirling Old Bridge looking towards Stirling Castle (Key View 6). This shows that the proposed development will be visible in the same view as Stirling Castle and Castle Rock. However, given the restricted height of the building and the presence of existing trees, HES are content that this is sufficient to mitigate the impact on the setting of the Stirling Old Bridge and Stirling Castle.”

Scottish Environment Protection Agency (East):

2.19. No objection to the application subject to conditions requiring detail of the final Sustainable Urban Drainage design and a Construction Environmental Management Plan is submitted prior to commencement.

2.20. SEPA reviewed the information provided against the medium and low likelihood fluvial flood extents of the SEPA Flood Map (0.5% and 0.1% annual probability or 1 in 200 year and 1 in 1000 year return period respectively). The site is outwith both flood extents and SEPA have no records of flooding at the site.

2.21. The application demonstrates that the site is well elevated about the River Forth and unlikely to be at risk of fluvial flooding. SEPA therefore have no objection on flood risk grounds.

2.22. The site is down gradient of Gowanhill to the west. As such, due to the steep gradient, the site may be at risk from higher than average surface water runoff rates during heavy rainfall. SEPA note: “that part of the site, adjacent to the existing health centre, lies within the medium risk probability extent of the surface water hazard map, published as part of the flood maps for Scotland.”

2.23. The Flood Risk Assessment (FRA) submitted concludes that overland flows would follow the road ways on either side of the site and would be unlikely to impact the site itself. SEPA consider water quantity aspects of surface water drainage to largely be the remit of local authorities and as such SEPA have no detailed comments on surface water flooding at the development. This is covered by the conditions set out at appendix one.

Roads Development Control:

2.24. Object on the following grounds.

2.24.1. The application is supported by a Transport Statement (TS) (prepared by Goodson Associates) dated 7 November 2019. The TS has considered the sites suitability for access via all modes, and has quantified the likely people trip impact of the proposed development.

2.24.2. The TS also sets out the principle of the student accommodation element of the development operating as car free, with spaces only being available to disabled students, staff and for students on arrival/departure days. Stirling Council’s Draft Supplementary Guidance: Transport and Access for New Developments sets out the criteria that must be met in order for a car free development to be supported, which is listed as follows:
2.24.2.1. There are car parking controls within a reasonable park and walk distance of the development. The development site must be located wholly within a Controlled Parking Zone (CPZ).

2.24.2.2. Council on-street residential permits will not be permitted to residents of the development.

2.24.2.3. The development demonstrates a commitment to enable its travel demands to be met by walking, cycling and public transport.

2.25. Whilst the last two points can be met, the CPZ does not currently cover the site. The TS indicates that the development would be controlled by a restricted parking and tenancy agreement, however, although this would cover parking within the actual site, it would not affect parking out with the site on the surrounding streets with limited opportunity for enforcement.

2.26. Whilst the TS highlights that from an accessibility point of view the site is located close to a range of amenities and public transport options, this does not justify a departure from the SG criteria for car free developments. As such a development of this nature, off campus, should provide car parking at the following rate: ‘1 space per 6 students + 1 space per 3 staff + 1 space per warden’ so, a development of this scale should provide in excess of 50 car parking spaces.

Planning & Policy (Archaeology):

2.27. No objection subject to a suspensive condition requiring the implementation of a programme of archaeological works in accordance with a written scheme of investigation, full implementation of the approved programme of archaeological works and appropriate recording and recovery of archaeological resources.

Service Manager (Environmental Health):

2.28. No objections.

Planning Commissioning Officer:

2.29. The Partnership has no objection to the proposed development of a care home at Orchard House, subject to discussion with the developer to ensure that any development meets the assessed needs of residents that are predominantly expected to be for nursing care or supported living rather than residential care. It is important to consider these comments in relation to the legal advice set out 2.75

Representations

2.30. Thirteen representations have been received and the issues raised can be summarised as follows:

2.30.1. Raising concerns about the impact upon biodiversity and European Protected Species.

2.30.2. Objections on the grounds of scale and the proposals not following the architectural style of the area.

2.30.3. Objection on the grounds the proposed would adversely impact upon local amenity and would exacerbate parking problems.

2.30.4. Objection on the grounds the care home proposals do not comply with the care inspectorate requirements.

2.30.5. Objection on the grounds the proposals are contrary to policy and will adversely impact upon the sites important historic setting.
2.30.6. Specific concerns were raised regarding impacts upon local services such as GP practices.

2.30.7. Concerns raised the proposals will result in the loss of open space and important trees including impacts on the boundary wall.

Local Development Plan

2.31. 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.

2.32. The Adopted Local Development Plan is the adopted Stirling Local Development Plan October 2018 (hence forth Local Development Plan). The following provisions of the Local Development Plan are considered relevant to the consideration of this application.

2.33. The site is allocated for development as ‘the Orchard House Site’ as part of the designated Raploch urban regeneration initiative area in the supplementary guidance document known as the Raploch Design Guide Supplementary Guidance 08, which was revised and updated in 2013. This supplementary guidance is non-statutory, in the sense that it has not been formally adopted as part of the Development Plan, but it is of long standing and forms a material consideration. This will be one of the documents referred to in the assessment below. In short, the Raploch urban regeneration initiative is a based on an established approach, whereby new development is promoted in designated areas.

2.34. The development needs to comply with the following key site requirements set out within SG08: Raploch Design Guide Supplementary Guidance:

2.34.1. Whatever the use, buildings must face outward and make positive use of the street ensuring a strong integration between Raploch and the City Centre and lessening the feeling of detachment from the centre.

2.34.2. The design must respect the important position that the site holds underneath Stirling Castle, sensitively designed with the historic setting in mind.

2.34.3. Buildings must present a positive and attractive face towards the Clock Roundabout. The building should be greater than single storey to achieve this.

2.34.4. The majority of the build is envisaged to be two storey, rising to three storey and with access taken from the street and parking to the rear and well hidden.

2.34.5. The southern area of land was envisaged for up to four storey housing.

2.34.6. Achievement of a reasonable density reflecting the sites position as an important gateway to Raploch and Stirling City.

2.34.7. Access to public transport.

2.35. The SG08 highlights these as site-specific design guidance only, which do not represent an exhaustive list of all of the requirements to be met. Sites must also be developed in accordance with the Local Development Plan and Supplementary Guidance, as well as Development Masterplans, Frameworks and Briefs, and extant planning permissions where applicable.
2.36. The following adopted policies and the criteria/requirements set out within them are also relevant for these proposals: The Vision, The Spatial Strategy, Overarching Policy, Primary Policy 1: Placemaking; Policy 1.1: Site Planning; Policy 1.2: Design Process; Policy 1.3: Green infrastructure and Open Space; Primary Policy 2: Supporting the Vision and Spatial Strategy; Policy 3.1: Addressing the Travel Demands of New Development; Policy 2.3: Particular Needs Housing and Accommodation; Policy 2.8 Mixed Use Development; Policy 3.2: Site Drainage; Policy 3.3: Developer Contributions; Primary Policy 4: Greenhouse Gas Reduction; Primary Policy 5: Flood Risk Management; Primary Policy 6: Resource Use and Waste Management; Primary Policy 7: Historic Environment; Policy 7.1: Archaeology; Policy 7.2: Development within and out with Conservation Areas; Policy 7.3: Development affecting Battlefields, Gardens and Designated Landscapes; Primary Policy 8: Conservation and Enhancement of Biodiversity; Policy 9.3: Landscaping and Planting in association with Development; Primary Policy 10: Forests, Woodlands and Trees; Policy 10.1: Development Impact on Trees and Hedgerows.

2.37. Policy 1.2(a) requires the preparation of Development Frameworks in instances where sites require a comprehensive approach to the provision, design, and location of uses, open space and infrastructure. Thereafter it expects detailed proposals for all or part of the site to demonstrate cognisance and compliance with it.

**Other Planning Policy**

2.38. National Policy: Scottish Planning Policy 2014, sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. As a statement of Ministers' priorities it carries significant weight in the determination of planning applications. Relevant to this application is to create successful, sustainable places by supporting the creation of well-designed, sustainable places and sustainable economic growth.

2.39. The Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 requires special regard to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest, when considering whether to grant planning permission for development which affects a listed building or its setting. There are a number of listed buildings around the site which are of relevance, although there are none on the site itself. “Preserving” means preservation as existing, or subject only to such alterations as can be carried out without serious detriment to character.


**Submitted Assessments/Reports - Summary of Main Issues Raised**

2.41. In assessing and reporting on a planning application the Council is required to provide a summary of the main issues raised by any statement, assessment or report submitted as set out in Schedule 2, paragraph 4(c) (i) to (iv) of the Development Management Regulations.

2.42. **The Pre-Application Consultation (PAC):** The PAC report is a statutory requirement for all ‘Major’ planning applications. This report outlines the community engagement undertaken by the applicant during the pre-application consultation period, compliance with statutory requirements and the views expressed by the local community and how the development proposal takes them into consideration. The PAC Report provides a summary of the issues raised as
part of the consultation exercise and details how each of these issues will be addressed.

2.43. **Design and Access Statement:** The Design and Access Statement (DAS) is a statutory requirement for all Major planning applications. The DAS provides the applicant’s approach to the design and layout and access, having regard to the Local Development Plan design policies and guidance. Specifically, it addresses the design and access approach in respect of the character area.

2.44. **Transport Statement:** The Transport Statement (TS) considers the impact of the proposed development on the local road networks and seeks to assess the development sites suitability for access via sustainable modes of travel, and to consider the likely impact of the development on the surrounding road network.

2.45. The TS also sets out the principle of the student accommodation element of the development operating as car free, with spaces only being available to disabled students, staff and for students on arrival/departure days.

2.46. Stirling Councils Draft Supplementary Guidance: Transport and Access for New Developments sets out the criteria that must be met in order for a car free development to be supported, as set out above in the consultation section of this report.

2.47. The accessibility of the development site has been considered within the TS with an assessment of walking, cycling and public transport options available. The TS highlights the existing walking and cycling infrastructure, within the wider network, and the immediate vicinity of the site, and concludes that the development can be reasonably served by a number of different mode choices (which will be further enhanced by the delivery of the Walk Cycle Live Stirling Project within Raploch). It is accepted and recognised that the development has the potential to ensure that there is a reasonable choice of access via all modes.

2.48. **Noise Impact Assessment (NIA):** The NIA considers the potential impacts of the proposed development on existing noise sensitive receptors within and surrounding the site as a result of increased noise levels from development generated traffic.

2.49. **Air Quality Assessment (AQA):** The AQA considers the suitability of the site in terms of local air quality for residential, commercial and leisure uses and the potential for the development to adversely affect the local air quality on sensitive receptors. The AQA considers emissions generated by traffic to have the most significant impact on air quality in relation to the proposed development.

2.50. **Preliminary Ecological Appraisal/Construction Environmental Management Plan:** The Ecology report details the habitat survey methodology used to record vegetation and wildlife across the site, including targeted protected species surveys. The report details the results of the surveys undertaken including consideration of the potential impacts associated with the development, and mitigation/recommendations required to address potentially harmful impacts. The CEMP sets out the construction measures to be practiced to mitigate its potential impacts through construction.

2.51. **Flood Risk Assessment (FRA):** The FRA presents an assessment of flood risk to the site from all potential sources including fluvial (river) flood risk in relation to the Forth, pluvial (surface water), groundwater and sewers. The site lies out with the flood plain.

**Assessment**

2.52. Section 37 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications must be assessed against the Development Plan taking into
account material considerations. The current development plan is the Adopted Stirling Council Local Development Plan October 2018.

2.53. The drawings and supporting documents submitted with the application have been considered in detail against the relevant adopted policies set out above and SG8: Raploch Design Guide and wider Placemaking and Design policies outlined above and it is concluded that this application does not accord with these policies and material considerations set out and cannot be supported for the reasons, which follow. In particular the student accommodation (Site A) is recommended for refusal for the reasons set out below.

2.54. Having regard to the provisions of the Development Plan, the main issues considered in the determination of this application have been:

2.54.1. whether the principle of the proposals would accord with development envisaged for the site in the Local Plan, and the non-statutory Raploch Design Guide’ Supplementary Guidance 08;

2.54.2. whether the development meets acceptable design standards for the site;

2.54.3. the implications of the loss of open space and trees;

2.54.4. the nature and degree of any effect on the historic environment and the consequences; and

2.54.5. Whether the impact of the development requires a developer contribution to transport provision to make it acceptable; and the impact of the development on traffic and parking, cycle paths and walking routes.

2.55. The continuing paragraphs assess these issues of the proposals (highlighted in bold): Principle of development; Visual Impact Assessment; place making and design; employment development; traffic and transport; transport standards; climate change; air quality; cultural heritage and archaeology; ecology and Impact open space and on trees.

2.56. **Principle of Development:** The application relates to an allocation within the non-statutory Raploch Design Guide and the development proposals brought forward in the application are consistent with the Plan Vision and Spatial Strategy.

2.57. **Primary Policy 2** supports the delivery of development in accordance with the Local Development Plan Vision and Spatial Strategy.

2.58. The Adopted Local Plans spatial settlement strategy for Stirling involves, among other things, the consolidation of the city centre through the use of brownfield land; emphasis on the provision of housing for older people to encourage downsizing; increased emphasis on the river as a focus for recreation; and the encouragement of facilities for visitors to the town. These objectives would all be supported by the various elements of the development proposal.

2.59. In this case, the development site, referred to as Orchard House, is located within the ‘Core Area’ as defined by the Spatial Strategy, and within which the ‘Strategic Development’ approach is to deliver a high quality, gateway development. With reference to SG8 the site is considered for mixed use development subject to conformity with the Key Site design requirements included in this guidance and set out above in the policy section to this report. This supplementary guidance is non-statutory, in the sense that it has not been formally adopted as part of the Development Plan, but it is a material consideration given weight.

2.60. It is clear from SG8 Raploch Design Guide that the principle of the site as eligible for redevelopment as part of the Raploch portfolio of land is established. The broad intention is to create or reinforce a role for the site as an improved link between
Raploch and Stirling city centre. This ‘gateway’ concept has not been illustrated in worked up from within this document. In its current state the site makes a rather limited positive contribution to the urban fabric of the locality in terms of its function and environment, and that the site has no role at present in linking Raploch with the town centre.

2.61. The application proposes the delivery of a mixed use development, Care Home class eight use, student accommodation (sui generis) and Café (Class 3), which meets with the mixed use envisaged. The application is also supported by the necessary supporting documents/reports in accordance with policy, which are assessed below. Consequently, the principle of this development brought forward within this application accords with the Vision and Spatial Strategy of the Local Development Plan in this regard.

2.62. Policy 2.8 is specifically for ‘mixed use sites’, and says development will be supported where the site is allocated for the purpose; is near transport nodes; and that the development would be appropriate to the location, site and wider community. As described below, the suitability of the uses for its surroundings is considered to accord with this policy.

2.63. Local Development Plan Policy 2.3, part (d), sets out a presumption against further provision of private nursing or residential care home accommodation for adults and older people unless it supports the outcomes and commitments arising from the Integration Joint Board Strategic Plan. In determining such a planning application, this policy requires consultation with the relevant service department within the Council, which has been carried out – see consultation reply from the Planning and Commissioning Officer in paragraph 2.31.

2.64. Advice has been sought in regard to the correct application of this policy, in light of representations made in respect of an earlier, unrelated application which raised questions about the lawfulness of the provision. An expert legal opinion was obtained (in November 2019), which advised that Council officers and decision-makers should take care to ensure that they interpreted the policy in a way that was compliant with procurement, competition and planning law.

2.65. In particular, the policy should not be interpreted as indicating that the identity of the individual applicant or the sector from which the applicant comes (for example, the private care sector) is a relevant planning consideration. Neither should it be read as importing a requirement for the applicant to demonstrate a need for the proposed development, which is usually only relevant when the applicant is relying on that need to argue that the development should be allowed notwithstanding that it is otherwise contrary to the land use policies for the area.

2.66. Visual Impact Assessment: the submitted Visual Impact Assessment set out through a series of visuals and Design Drawings submitted was prepared by the applicants, using up to date images taken specifically for these development proposals. It forms a series of specific Viewpoint Studies outlining the potential visual impact of the particular development proposals within the urban landscape and environment including the historic environment. The locations of viewpoints do not form a full visual assessment, however it does provide an indication of the likely effects on key views around the site, encompassing written descriptions of existing views and the extent of change as a result of the proposals.

2.67. National Policy and Guidance: Scottish Planning Policy (A Natural, Resilient Place) states that the Planning System should facilitate positive change while maintaining and enhancing distinctive landscape character. In doing so it states that the siting and design of development should take account of local landscape character, and requires decisions to take account of potential effects on landscapes. Developers
should seek to minimise adverse impacts through careful planning and design, considering the services the natural environment is providing and maximising the potential for enhancement.

2.68. Primary Policy 1 (Placemaking) requires development to have regard to relevant landscape character guidance. Policy 10.1 (Development Impact on Trees and Hedgerows) requires, and sets out measures, to ensure that development proposals provide adequate protection from adverse impacts resulting from development to important individual trees, groups of trees or hedgerows that contribute to local amenity or have nature conservation or historic interest.

2.69. Assessment of the visuals and supporting drawings establishes that there will be a local impact on a number of ‘internal’ visual receptors (existing residential properties). It is considered that this impact will be greatest during the construction phase, and that the outlook will change from an open, vacant urban landscape, to a new built environment. In summary, the Planning Authority accepts that with appropriate mitigation in place, the potential impacts of the care home development on the environment can be appropriately mitigated through careful use of materials and planting proposals. The scale of build on site B can be supported and is broadly similar to the recent appeal decision. This is discussed further below.

2.70. However, the scale and massing of the student accommodation is considered harmful and cannot be mitigated. These proposals do not fully accord with the design site requirements, which is discussed below.

2.71. There are aspects of the proposals (student accommodation only) considered inconsistent with elements of the guidance contained within the Raploch Design Guide, which will result in a harmful local and wider visual impact, including harm to the historic environment. Specifically the proposed build on Site A breaches:

(i) The three storey overall building height restriction;
(ii) The scale of development being inconsistent with the historic setting of the site; and
(iii) The density of the build not reflecting the sites gateway position or neighbouring environment.

2.72. These issues are discussed in further detail below, with the reasons set out why these proposals cannot be supported.

2.73. The Raploch Design Guide envisaged two storey for Site A, rising to three storey. The purpose of which was to ensure that the visual impact of the development, and its roofs cape, be minimised, in response to its sensitive historic and prominent location at the edge of the City. The submission demonstrates that the building varies in height, primarily three and a half storey along Union Street and rising to four storey along Lower Bridge Street, then dropping down to three and a half. The intervening central block sits below both outer wings at two and a half storey. This is considered inconsistent with the guidance contained within the Raploch Design Guide, which seeks to achieve a maximum of three storeys. This approach was taken in order to ensure that development was appropriately physically and visually assimilated into its wider landscape, sensitively addressing and acknowledging the historic environment and sense of place.

2.74. This is reflective of Local Development Plan Policies PP1: Placemaking and Policy 1.1: Site Planning, which collectively require all development proposals to be sited and designed not only with reference to their own specifications and requirements,
but also in relation to the character and amenity of the place, urban or rural, where
they are located. This includes considering visual impact.

2.75. The proposals submitted show a building of up to four storeys, which, is
considered inconsistent with the above guidance and policies. It is noted that
within the submitted Design and Access Statement the applicant has sought to
provide a justification for the proposals, and address this issue.

2.76. Specifically, it is argued that this building is of a scale similar to its surroundings
where visuals have been submitted to compare wall head heights for example. Also this scale (as opposed to adopting a maximum 3-storeys) limits the overall
building footprint within the site, given the confines of the site, and the brief to
provide the number of bedrooms shown. It is also suggested that the topography
of the site and surroundings is such that the trees to the north provides sufficient
counter-balance to the scale of the proposed building. A great degree of
significance is also placed on the fact the scale of build has been reduced where
originally it was intended to go up to five storey and footprints have been reduced
to provide the space for communal open space and the additional landscaping,
that will help with mitigating the impact of the current proposal over time.

2.77. In response, whilst the argument in respect of an equivalent three-storey building
are noted, this is not considered to demonstrate that a two-storey building going
up to three storey per se is inappropriate for the site. Rather it demonstrates that
the scale of build and associated infrastructure requirements for this end user will
not easily fit on the site in two to three storeys.

2.78. Following careful consideration of the proposals, it is not accepted that a building
of three to four storeys can be accommodated on this site. The content of the
Landscape and Visual Appraisal demonstrates that the existing planting out with
the site, which is not all shown to be retained does currently provide softening to
the proposed building from some views. However, it is not considered that the
existing/proposed planting can mitigate the overall size and bulk where views will
be more prominent, such as from the north and west when travelling towards the
city. From which important views of the historic skyline of both the Castle and the
Wallace Monument are experienced.

2.79. Overall, it is considered that the density and scale of the proposed building on Site
A will result in a development that will offer a dominant transition between City and
The Raploch in comparison to that envisaged and promoted through the Design
Guide. This is not something that can be mitigated through additional landscaping
and planting, and the use of appropriate building materials. Therefore, as set out
above this part of the proposals are recommended for refusal.

2.80. The scale of development is considered inconsistent with the historic setting of the
site: In order to provide both protection and a sensitive and appropriate edge to
the development relative to the surrounding Conservation Areas and Listed
Buildings the Design Guide envisaged two storey for the land the student
accommodation is to be built upon, rising to three storey. As set out above the
purpose of which was to ensure that the visual impact of the development, and its
roofs cape, be minimised, in response to its sensitive historic and prominent
location at the edge of the City.

2.81. Whilst the student accommodation submission demonstrates that the building
element of the proposals will be consistent with the character and appearance of
the historic environment, it also proposes a scale and density that is largely
2.82. The conclusions of the applicants D&AS place significant reliance on new/existing planting to mitigate the visual impacts of the student accommodation proposals and this is not accepted. It is considered the proposed development would introduce a dominant and incongruous addition to the urban landscape, contrary to the place making policies set out above, namely Primary Policy One and Policy 1.1.

2.83. It is also not accepted by the Planning Authority that the development proposals, as expressed through the submitted documents and the associated revised site layout plans and landscape general arrangement plans, demonstrate consideration of the landscape and visual impacts, and have sought to minimise development impacts in this regard. Overall it is considered these development proposals will not protect the visual amenities of the area and historic/landscape character.

2.84. In terms of place making and Design, Scottish Planning Policy advises that planning should take every opportunity to create high quality places by taking a design-led approach and planning should support development that is designed to a high quality, which demonstrates the six qualities of successful place. Those qualities are: distinctive; safe and pleasant; welcoming; adaptable; resource efficient; easy to move around and beyond. The use of masterplans to set out how an area may be developed is part of the Scottish Planning Policy strategy and is applied in this case.

2.85. **Placemaking:** Primary Policy 1 (Placemaking) of the adopted Local Development Plan requires development of all scales to contribute to achieving the Council’s Placemaking objectives. It requires development to not only be designed and sited with reference to their own specifications, but also in relation to the character and amenity of their wider location. Development is expected to take account of any relevant design or landscape guidance, safeguard and enhance built and natural heritage and contribute to Green Network objectives and have minimal adverse impact on air quality.

2.86. Development should avoid encroachment on Greenfield sites, should utilise vacant and under-used land, with buildings within settlements being at higher densities where appropriate. All development schemes should contribute positively to the council’s open space strategy and green network objectives.

2.87. Policy 1.1 (Site Planning) requires all new development to contribute, in a positive manner, to the quality of the surrounding built and natural environment. To do so, it sets a series of more detailed design criteria relative to design and site planning which development is expected to meet. This includes working with site topography and skylines, ensuring delivery of buildings of an appropriate size, scale and design, and creating a coherent structure of high quality streets and inclusive places which are easy to navigate. It also requires development to demonstrate that buildings and spaces have been designed with future adaptability in mind wherever possible.

2.88. Policy 1.2 (Design Process) sets out a requirement for a master planned approach for sites requiring a comprehensive approach to the provision, design and location of uses, open space and infrastructure in order to ensure that the aims of Placemaking and quality site planning are met. Supplementary Guidance SG01 (Placemaking) provides detailed non-statutory design guidance intended to support...
the abovementioned policies, and advocates many of the design principles and approaches advocated at the national level. Non-statutory guidance exists in the form of SG08: Raploch Design Guide: which contains specific key principles and detailed development and design guidance.

2.89. The first step in assessing the proposals against the design and Placemaking policies and aspirations set out above, is consideration to assessment of the detailed plans and supporting information having regard to the adopted framework and ultimately against the policy framework outlined above. The Placemaking assessment is addressed below.

2.90. As highlighted above the application has been submitted in ‘Full’ and categorised as a ‘Major’ planning application. As such, under planning legislation, and Policy 1.2 the submission of a Design and Access Statement (D&AS) was required. The legislation also sets out a minimum requirement in terms of the content, which is reiterated and explained within Supplementary Guidance 01: Place making. This includes the requirement for such statements to consider and explain how the development has taken account of any Development Plan design policies.

2.91. Overall, it is considered that the revised D&AS can be viewed in accordance with policy 1.2, demonstrating understanding of the context of the site, and providing a clear narrative relative to initial concepts. The submitted Planning Statement provides a relatively detailed assessment of the development against a number of the Local Development Plan policies, including some the design requirements of the Raploch Design Guide and policies such as, Policy 1.1. Site Planning and Policy 1.2: Design Process, however for completeness, and compliance with legislation, it is considered that the applicant has complied with policy regarding the submission of the Design and Access Statement. Despite the concerns regarding the scale and density of the student accommodation build, it is considered that the Design and Access Statement and associated building plans and elevations demonstrate that there are elements of the building design, which are well considered and offer both an appropriate response to the site reflective of the LDP policy framework outlined, and the guidance contained within the site specific Development Guidance. This can be particularly stated for the proposed care home proposals, which are well considered and offer both an appropriate response to the site reflective of the LDP policy framework outlined, and the guidance contained within the site specific Development Guidance.

2.92. **Building Design and Appearance:** Considering the Care Home element on the amenity area of the proposal first, what is proposed is of a scale similar to that approved following the appeal of application17/00694/FUL. It will be set back from the street by a landscaped garden strip, which will include some trees. It will face the 3 and 4 storey existing tenement blocks on Union Street and will be of similar height, with a pitched roof pattern. The proposals for this were altered to introduce a traditional pitched roof, four storey reduced to three and a half Greater verticality and articulation introduced into elevations and the roofing material changed to a slate effect tile. This has ensured the built form will reflect the urban pattern of the neighbouring streets and Conservation Area. The design of the block is innovative and adds interest. A modern take on traditional build. The landscaping element of the proposals is an acceptable replacement for the trees which would be lost to the streetscape, and will have a softening effect on all these views. A suitable arrangement has been found to accommodate the footprint of the main block, and a reasonable solution has been reached for amenity landscaping.

2.93. The site location, towards the western edges of the application at the junction of Union Street/Lower Bridge Street, allow it to have a closer proximal relationship to a number of larger scale buildings (not least the student accommodation opposite).
Equally, sitting immediately under the Gowan Hill, which results in the visual impact of the proposals being lessened relative to the important views from the north outlined above. These factors, coupled with the recent planning history, are sufficient to consider that the revised proposals have sufficiently addressed concerns relative to this aspect of the planning application.

2.94. In particular, it is considered that the architectural approach taken relative to the articulation of the various facades, and use of materials results in a building appearance that has an appropriately quality. This is considered to align with the Raploch Design Guide aspirations for the site to continue the high quality design of buildings and creating a gateway into the city. Moreover, the palette of materials proposed will fit within the context of development currently found within the wider site surroundings. The content of the Landscape and Visual Appraisal, including its visualisations are considered to demonstrate that the materials are appropriate in terms of assimilating the building into the urban landscape. There are design related issues about the loss of green space, which is dealt with below. Taking the conclusions on these into account, the design of the care home and its surroundings would satisfy the standards set by Policy 1.1.

2.95. The submission demonstrates that a number of elements of the building design, not least the installation of air source heat pumps to provide all heating and cooling, have considered issues of sustainability. This is supported, and considered consistent with both wider LDP aims, and the Key Objectives of the Development Framework relative to ‘the creation of a development underpinned by the principles of sustainable development’.

2.96. Turning to consider the student accommodation part of the proposals and the application of Policy 1.1 the revised proposals have addressed concerns in respect of the previous proposals appearance, albeit whilst continuing to achieve the requirements relative to the level of accommodation delivered on site. Certain aspects of the proposal, notably the appearance of the building and its various components, are considered from an urban design perspective to better reflect, and be sympathetic to surrounding townscape features.

2.97. In particular, it is considered that the architectural approach taken relative to the articulation of the various facades, and use of materials results in a building appearance that has an appropriately quality. This is considered to align with the Raploch Design Guide aspirations for the site to continue the high quality design of buildings and creating a gateway into the city. Moreover, the palette of materials proposed will fit within the context of development currently found within the wider site surroundings. The content of the Landscape and Visual Appraisal, including its visualisations are considered to demonstrate that the materials are appropriate in terms of assimilating the building into the urban landscape.

2.98. However, despite this, and whilst also recognising some revisions have been made relative to the proposed size, scale and height of the building(s), the overall bulk, height, and density of development on site A are still considerable for both the site, and comparative to the surrounding context.

2.99. **Detailed Site Planning**: The provision of a number of discrete multi-use external areas within the site is considered positive from a Placemaking perspective, and consistent with Policy 1.1: Site Planning relative to the inclusion of good quality open space and amenity areas for users and visitors of the proposed development. The current layout of the care home and student accommodation development provide routes for pedestrians and cyclists through the site that will integrate successfully with the local path network.
2.100. **Landscaping**: As detailed above in principle this is supported, and considered to align with the Development Framework aspirations relative to the provision of a cohesive landscape strategy across the wider allocated site. In particular this is the case for the care home proposals.

2.101. **Open Space, Green Space, Trees, and Natural Heritage**: There will be a presumption against the loss of open space unless it is replaced or the loss otherwise justified with alternative provision. Existing provision should be safeguarded and improved, with due regard to such existing assets such as the historic environment. Proposals affecting existing open spaces and green corridors, should maintain or enhance functionality and connectivity in the provision of active travel routes, and habitat networks. In instances where it is agreed by the Council open space can be lost, adequate compensatory measures will be required. New development should incorporate accessible multifunctional open space of the appropriate quantity and quality to meet the needs arising from the nature of the development itself.

2.102. The national and local green network principles are essentially that the network should be grounded in nature; at an appropriate scale for its surroundings; regenerative; life enhancing; connected; functional and resilient; locally distinctive; and respectful of the past. The different areas of the application site both have some current functions as public open space, to differing degrees.

2.103. The amenity area where the care home is to be built contains a footpath between Back O’Hill Road and Union Street in an avenue of trees. The rest of the site is lawns, with some formal flowerbeds, currently maintained by the Council. The ambience of this area is dominated by the busy roads on two sides and the adjacent roundabout at the foot of Upper Bridge Street. As a manicured area of grass and trees, it contributes positively to the visual appearance of its immediate surroundings. As to the functionality of the space, it has a fairly limited role in enabling pedestrians to avoid the roundabout in crossing between Back o’Hill Road and Union Street. There is no play equipment, and it would not be a safe or attractive place for children to play because of the nearby traffic. There is no natural heritage interest of any

2.104. This section of the site is considered to make a limited contribution to local amenity and to the green network. The care home would require the complete removal of the amenity area, to be replaced by the private marginal formal landscaping around the build. The development provides some landscaping, with provision for sitting out areas or outdoor social space. However, such garden space as there is on the site will suffer from the adjacent traffic. However, Gowanhill is nearby and the river walkway is near, and easily accessible from the site using the underpass under Drip Road. The residents of the care home will have access to good quality green space and to the green network nearby.

2.105. As to the student accommodation development, the cleared hospital site at present is informal open space. The grass has been kept tidy and short, but as mentioned above there are instances of disused electrical equipment and there is an open manhole, and some disused hard standing. The land is available for public use, so no doubt will be used from time to time as an informal parkland, and dog walking. Again, there is no significant natural heritage interest in this section.

2.106. **Policy 1.3: Green Network and Open Space** emphasises that all development will be expected to contribute to national and local green networks and open space objectives. There will be a presumption against the loss of open space unless it is replaced or the loss otherwise justified with alternative provision. Existing provision should be safeguarded and improved, with due regard to such existing assets such as the historic environment. Proposals affecting existing open spaces and green
corridors, should maintain or enhance functionality and connectivity in the provision of active travel routes, and habitat networks. In instances where it is agreed by the Council open space can be lost, adequate compensatory measures will be required. New development should incorporate accessible multifunctional open space of the appropriate quantity and quality to meet the needs arising from the nature of the development itself.

2.107. The student accommodation will utilise the whole site. Much of the grass will be removed and replaced by buildings and hard standing. There will be formal landscaping around the build. The retaining wall, albeit modified, which is a significant landscape feature and landmark, will be largely retained.

2.108. Due to the removal of open space, and the limited compensatory provision, the proposals do not accord with Policy 1.3. However, as there is ready access to good quality open space nearby at Gowanhill, and beside the river, it is not considered deficit to justify refusal on this policy. The proposals do include proposals for landscaping on both sections which are considered to meet the statutory and policy requirements to include appropriate provision for preservation and planting of trees. The proposals would broadly accord with development plan policies relating to the conservation and enhancement of biodiversity, landscaping standards, and tree planting. However, the student accommodation proposals result in tree loss similar the appeal application 17/00694/FUL.

2.109. **Historic environment:** Scottish Planning Policy: Valuing the Historic Environment states that the siting and design of development should take account of all aspects of the historic environment. In general terms, the Scottish Planning Policy states that the planning system should promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning. The planning system should also enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

2.110. Primary Policy 7 (Historic Environment) of the adopted Local Development Plan requires that development is not detrimental to the historic environment and the setting of its component features. Policy 7.2 (Development within and out with Conservation Areas) are of particular relevance.

2.111. The site is particularly sensitive, lying between two nationally significant Scheduled Monuments, and surrounded by Conservation Areas, and the designated Battle of Stirling Bridge Battlefield. It sits beneath the Castle and the Gowan Hill to the south-west, and is in relatively close proximity to the Stirling Old Bridge, to the north-east. It forms part of the wider setting of both, and is located and experienced within view corridors between the two.

2.112. The surrounding townscape along Union Street to the south of the site is largely dominated by traditional two storey stone terraced residential buildings, with pitched, slated roofs. Elements of 3-storey accommodation occur at corners to create interest where buildings turn.

2.113. These buildings provide strong and consistent street frontages; have limited set back and front gardens, which are then defined by a common low stone wall and railing boundary treatment. Although there is some variation between buildings, overall there is a relatively high degree of homogeneity to the townscape – which forms part of a conservation area. Some larger, taller buildings, such as the
modern student flats, and a Victorian tenement are located at western edges of the site. Overall, this scale of townscape allows it to sit comfortably within wider views of the Castle and Gowan Hill, and within the context of Old Stirling Bridge.

2.114. Given the sensitivities of the site and context, any development proposals requires careful consideration of impact. This is recognised within the Character Appraisal document for the Stirling and Royal Park Conservation Area. Part 5.2 of the document considers the setting of the conservation area, including its approaches. It states ‘the approach to a place is important in creating a sense of arrival and giving the first impression of its character’.

2.115. In this respect, the Appraisal identifies that arriving from the north over the river Forth, the Castle dominates the approach. It stresses the importance of the historical view between the Stirling Old Bridge and the Castle, and it being maintained.

2.116. Buildings on the site have historically been single/two storey, low density, with provision of a significant amount of open space. Whilst changing over time, this resultant low building profile, interspersed with trees and green space historically, and currently, had continued to allow for a strong, and relatively uninterrupted visual connection, between the Castle, Gowan Hill and that of Stirling Old Bridge.

2.117. The care home is located in the south western part of the site, which will minimise its visibility from the Old and New Stirling Bridges, the Bridgehaugh Conservation Area and open areas of the Stirling Bridge battlefield to the east. The height of the building reflects the height of the buildings on the opposite side of Union Street. The building has been set back from the Union Street frontage in order to maintain the open character of the street.

2.118. The proposed student accommodation, overall there continue to be significant elements of the proposed building and its ‘wings’ which are considered to more closely represent the typical height of buildings expected within the commercial core of the City Centre and Conservation Area, as opposed to its edges, which is the location of the site. This is compounded by the relative density of development within the site.

2.119. This is considered inconsistent with the character of the adjoining Town and Royal Park Conservation Area. Here, the Character Appraisal highlights the importance of transition in building scale as part of the character of the area. That is, from lower 2-storey buildings at the outer residential edges of the area (including the vicinity of the site) to taller 4-storey heights in the commercial core. The scale of building complex proposed is therefore considered both incongruous with the surrounding townscape and that of the character of the conservation area at this point.

2.120. Moreover, as demonstrated through the submission, and particularly the visualisations, the development would also affect views from the northern approaches, including from Stirling Old Bridge towards the Castle. The proposal involves inserting a considerable mass of built form into what is currently experienced as a relatively unbroken and ‘green’ visual corridor between the two.

2.121. This point notwithstanding the development is still considered to have an undue negative impact upon a key component of the area’s sense of place, the approaches to the Conservation Areas, and the relationship between the wider settings of two nationally important Scheduled Monuments, as currently proposed. Consequently, it is considered that despite a number of welcome revisions, and whilst not objecting to the principle of development of the site, there continues to be
elements of the proposal that are unacceptable, and cannot be supported as they run contrary to the main aims of the policies outlined above.

2.122. The proposals for the student accommodation will adversely affect the main interest of this area and will adversely affect the conservation area and its setting to a significant degree. The development will conflict with the statutory duty to preserve historic environment assets.

2.123. **Sustainable Urban Drainage (SuDS):** The siting, layout and design of SuDS is embedded within the principles of good urban design and Placemaking. In line with policy and guidance the proposals advocate the use SuDS features as an integral part of the development and Green Network, and which make a positive contribution to the quality of place, both in terms of amenity and biodiversity. It outlines the use of a range of different SuDS features, including source control methods such as permeable paving, filter drains designed to catch surface water runoff close to source. Thereafter features are advocated as controls to manage the runoff from source controls, and designed to retrain surface water runoff for the required period of time to allow treatment and attenuation to take place.

2.124. SEPA in their consultation response note the intended use of SuDS features within the site and the multi-benefits that these would deliver and consider, subject to conditions, that overall the proposals will deliver an appropriate surface water drainage proposal across the site. Increasing biodiversity is a key aim of the SEPA guidelines for SuDS and this is reflected in the conditions.

2.125. Policy 2.5 (Employment Development) states that in order to provide a good choice and mix of employment land and support vibrant and prosperous communities, development for business, general industry, storage or distribution and/or waste management facilities will be supported where it is located within an allocated employment site or an area safeguarded for such uses, and is compatible with the Key Site Requirements. Additionally, the policy provides support for live-work units, micro-businesses and business.

2.126. **Road Network Assessment:** Scottish Planning Policy (paragraph 286) states where a new development or a change of use is likely to generate a significant increase in the number of trips, a Transport Assessment should be carried out. This should identify any potential cumulative effects which need to be addressed. Scottish Planning Policy (paragraph 290) also highlights the need for development proposals that have the potential to affect the performance or safety of the strategic transport network to be fully assessed.

2.127. Therefore, the impact of the development on the operational efficiency and safety of the strategic transport network is an important material consideration in the assessment of the application. As part of their planning submission the applicant has submitted a Transport Statement (TS). The TS seeks to assess the development sites suitability for access via sustainable modes of travel, and to consider the likely impact of the development on the surrounding road network.

2.128. The accessibility of the development site has been considered within the TS with an assessment of walking, cycling and public transport options available. The TS highlights the existing public transport, walking and cycling infrastructure, within the wider network, and the immediate vicinity of the site, and concludes that the development can be reasonably served by a number of different mode choices (which will be further enhanced by the delivery of the Walk Cycle Live Stirling Project within Raploch). Given this, it is recognised that the development has the potential to ensure that there is a reasonable choice of access via all modes.
2.129. The parking provision has been assessed against the parking requirements set out in the Council’s Draft Supplementary Guidance: Transport and Access for New Development, and the National Roads Development Guide, and is found to not comply.

2.130. However, Policy 3.1 supports accessible developments in sustainable locations, providing links to existing sustainable transport options. The proposed development has been fully informed by this criterion, being located within easy cycling and walking distance of the city centre and the main University campus, and adjacent to dedicated public transport routes linking the site to the University and wider community facilities. Full details are provided in the Transport Statement accompanying the planning application.

2.131. The Draft SG: Transport and Access for New Development (July 2019) has recently been the subject of public consultation and whilst it does not form part of the LDP, it is a material consideration in determining the current planning application. This is addressed in some detail in the application Transport Statement.

2.132. As stated within the Transport Statement, the Student Accommodation Block is expected to operate on a car free basis, with students required to agree to this within the terms of their lease. However, 6 car parking spaces (including 2 disabled spaces) will be provided for staff, and disabled users. In addition, to assist with student move-in /departure days, access to 9 further car parking spaces will be available on request. These spaces will be secured by demountable bollards to prevent use on a day to day basis. The Care Home will be provided with 16 car parking spaces two of which are disabled.

2.133. The applicants state: “The minimal car parking provision within the site enables the delivery of a pedestrian-friendly high quality public realm environment for the benefit of future residents, both students and users of the care home facility, as well as visitors to the health centre and those passing through the site. Any attempt to increase parking provision within the site would be entirely detrimental to the place making objectives highlighted in relation to Primary Policy 1 above and, more importantly, have been demonstrated in recent appeal decisions to be unnecessary.”

2.134. However, it is considered reasonable to refuse this application on the grounds of lack of parking.

2.135. **Active Travel and Sustainable Transport**: Scottish Planning Policy (Promoting Sustainable Transport and Active Travel) indicates that the planning system should support patterns of development which provide safe and convenient opportunities for walking and cycling for both active travel and recreation; facilitate travel by public transport and; enable the integration of transport modes. Significant travel-generating uses should be sited at locations which are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. New development areas should be served by public transport providing access to a range of destinations. Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where: direct links to local facilities via walking and cycling networks are not available or cannot be made available; access to local facilities via public transport networks would involve walking more than 400m or the Transport Assessment does not identify satisfactory ways of meeting sustainable transport requirements.

2.136. Maximising the ability of trips to be made by walking, cycling and public transport is a Key Site Requirement of the site allocation which ties with the sustainable development criteria set out in the Overarching Policy of the adopted Local
Development Plan. The principles of sustainable travel are a central thread running through the provisions of Development Plan policies, namely Primary Policy 1 (Placemaking), Policy 1.1 (Site Planning), Policy 1.3 (Green Infrastructure and Open Space), Policy 3.1 (Addressing the Travel Demands of New Development) and Primary Policy 4 (Greenhouse Gas Reduction).

2.137. **Active Travel:** The Transport Statement places an emphasis on the provision of pedestrian and cycling infrastructure to encourage a modal shift from the use of the private car towards active travel as part of a package of mitigation measures designed to reduce traffic pressure on the road network. In addition, the Design and Access Statement (DAS) promotes a development with good connectivity between areas and access by walking and cycling. The detailed proposals are consistent with the principal objectives of the DAS in this regard.

2.138. **Cycle Parking Standards:** Turning to cycle parking, an appropriately worded condition is attached to secure adequate cycle parking facilities. Consequently, it is considered that the proposal could comply with the Council’s guidance on cycle parking standards in this respect.

2.139. **Sustainability:** Primary Policy 4 (Greenhouse Gas Reduction); Policy 4.1 (Low and Zero Carbon Buildings), and Policy 4.3 (Heat Generation) seek to support: energy-efficient, low-emission, climate-adapted development; the use of vacant and derelict land; the reduction and recycling of waste; provision for active travel and public transport; sustainable drainage and flood management, and the development of heat networks and the use of heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply.

2.140. Scottish Planning Policy seeks to promote successful sustainable places with a focus on low carbon place; a natural, resilient place; and, a more connected place. Scottish Planning Policy notes that the planning system should support a pattern of development which reduces the need to travel, facilitates travel by public transport, provides safe and convenient opportunities for walking and cycling and supports the installation of infrastructure to support new technologies, such as charging points for electric vehicles.

2.141. The Submitted Statements provide an overview of the approach taken to sustainable ‘low carbon’ ‘green’ building design, e.g. Natural daylight will form the basis of the overall lighting and the emission rates and SuDS can provide an improved environment in human and ecological terms. Particular support is given to:- The use of air source heat pumps to provide all heating and cooling, with heat recovery heat pump air handling units providing the ventilation. This accords with the requirements of Policy 4.1: Low and Zero Carbon Buildings.

2.142. **Air Quality:** The Air Quality and Land Use Planning (2004) document and PAN51 (Planning and Environmental Protection) are relevant in considering how air quality matters are considered through the planning system. Land-Use Planning and Development Control: Planning for Air Quality’ (2015) requires the consideration of cumulative effects particularly on commuter routes. The EPS and RTPI guidance “Delivering Cleaner Air for Scotland” provides further information on how effective development can minimise impacts on air quality.

2.143. While there is no stand-alone policy on air quality within the Local Development Plan, Primary Policy 1 (Placemaking) states development must have minimal adverse impact on air quality as a requirement of the Council’s Placemaking objectives. The requirement to minimise adverse impacts on air quality is also referenced in relation to sustainable development criteria within both the Local Development Plan and Scottish Planning Policy.
2.144. With regard to the construction process, the Report notes that the potential impacts arising from dust and construction traffic would require to be mitigated through the adoption of best practice measures and in accordance with the agreed terms of a Construction Environmental Management Plan (CEMP). Conditions to this effect have been attached to the recommendation accordingly.

2.145. The Scottish Environment Protection Agency (SEPA), in their consultation response, do not raise any objection to the development in terms of air quality impacts. Consultation with the Council’s Environmental Health has also raised no objections.

2.146. The overall impact of the development on air quality will not be significant is therefore accepted by the Planning Authority. It is considered that the proposal would comply with the terms of National and development plan policy.

2.147. **Water Environment**: The application is supported by a Flood Risk Assessment (FRA) and Drainage Assessment. The potential impacts can be summarised as follows:

2.148. The impacts of the development on fluvial (river) flooding;

2.149. The impacts of the development on pluvial (surface water) flooding; and,

2.150. The impacts of the development on water quality.

2.151. The Scottish Planning Policy paragraph 255 indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures. In paragraph 256 it states that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Primary Policy 5: Flood Risk Management of the Local Development Plan states that a precautionary approach to flood risk from all sources will be taken. It also states that development proposals on areas shown to be at risk of flooding on Scottish Environment Protection Agency (SEPA) Flood Maps should be avoided.

2.152. SEPA’s Online Flood Extent Map for river (fluvial) flooding does not indicate a flood extent to the site. The results within the FRA confirm that all proposed development (buildings) is placed out with the defined functional floodplain in compliance with the requirements of the adopted Local Development Plan and Scottish Planning Policy.

2.153. Conclusions on Fluvial Flood Risk: The detailed layout shows that the functional flood plain and medium to high risk areas would be avoided and the proposed development can be accommodated without significant probability of being flooded or increasing the probability of flooding elsewhere.

2.154. Scottish Planning Policy states that development should avoid an increase in surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surfacing. Primary Policy 5 is consistent with Scottish Planning Policy in that it requires new development to be treated by SuDS before it is discharged into the water environment. The policy also
refers to a precautionary approach to flood risk from all sources, which includes surface water flood risk.

2.155. Conclusions on Pluvial Flood Risk: Any overland flows generated following the development of the site will be managed through the provision of the surface water drainage network which will include sustainable drainage (SuDS) features for capturing, conveying, attenuating and treating the flows. This drainage network will be designed to ensure that no properties (existing or proposed) will be at risk of flooding for events up and including the 1 in 200 year (0.5% AEP) plus climate change event.

2.156. **Water Quality:** The impact of the development on water quality has been assessed by the Reports, due to the presence of watercourses within and close to the site.

2.157. Policy 3.2 (Site Drainage), criterion a. (foul drainage) requires a connection to be made to the public sewage system; criterion b. (surface water drainage) requires the treatment of surface water by a Sustainable Urban Drainage System (SuDS) before it is discharged into the water environment.

2.158. Dealing firstly with foul drainage, the development will connect to the public sewer system in accordance with Policy 3.2 and Scottish Water have raised no objections in this respect. With regard to surface water drainage, the biggest risk would be during construction where there is the potential for fine sediments to be washed into watercourses from areas of exposed soil and stockpiles, and as a result of earthworks including the construction of watercourse crossings. Pollution from chemicals and contaminants released from plant, machinery and on site works during construction could also enter the water environment.

2.159. The submitted reports set out construction phase mitigation measures to avoid any further impact. These are largely good construction practice measures which would be encompassed within a Construction Environmental Management Plan (CEMP) for the site and will detail all mitigation measures relating to surface water management, pollution prevention, and best practice methods of construction.

2.160. The drainage Report also notes that the sustainable urban drainage systems (SuDS) incorporated into the design will address water borne pollution arising from the interaction of rainwater and the operational development by treating surface water at source, as far as practical, before it is released into the water environment. This will ensure that the development will not detrimentally impact river water quality or flood risk at, upstream or downstream of the site in accordance with SEPA requirements.

2.161. Conclusions on Water Quality Impact: With sufficient mitigation in the form of SUDS and a Construction Environmental Management Plan, the development would have no adverse impact in terms of downstream flood risk or on water quality within the adjacent water courses.

2.162. Scottish Planning Policy: Valuing the Historic Environment states that the siting and design of development should take account of all aspects of the historic environment. In general terms, the Scottish Planning Policy states that the planning system should promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning. The planning system should also enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively
managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

2.163. Primary Policy 7 (Historic Environment) of the adopted Local Development Plan requires that development is not detrimental to the historic environment and the setting of its component features. Policy 7.1 (Archaeology and Historic Building Recording) and Policy 7.8 (Development affecting Battlefields, Gardens and Designed Landscapes) are of particular relevance.

2.164. **Impact on Archaeology:** Policy 7.1 of the adopted Local Development Plan states that where the possibility that archaeological remains may exist within a development site, but their extent and significance is unclear, the prospective developer should arrange for an evaluation prior to the determination of any planning application in order to establish the importance of the site, its sensitivity to development and the most appropriate means of preserving or recording surviving archaeological features. Criterion c) states that approval of any proposal directly affecting historic environment features will be conditional upon the satisfactory provision being made by the developer for the appropriate level of archaeological investigation and recording, assessment, analysis, publication and archiving.

2.165. Policy 7.8 of the Local Development Plan sets out that development which would have a significant adverse effect upon the archaeology, landscape features, character and setting of sites listed in the Inventory of Historic Battlefields will not be supported unless it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised. It goes on to state that where approved, proposals and developments affecting Inventory sites will require an appropriate level of mitigation, and measures must be taken to conserve and enhance the essential characteristics, aesthetics, archaeological, historical value and setting of the battlefield.

2.166. The Scottish Historic Environment Policy sets out Scottish Government policies for the historic environment and highlights the importance of considering the impact on setting in relation to Battlefields and scheduled monuments. With regard to setting, the HES guidance highlights that the surroundings of an historic asset or place contribute to how it is experienced, understood, and appreciated.

2.167. **Conclusions on Cultural Heritage and Archaeological Impacts:** The findings of the assessment and the responses of Historic Environment Scotland and the Council’s Archaeology Officer indicates that there would be no unacceptable impact on any historic or archaeological asset as a result of the design mitigation measures employed and the mitigation strategy involving the carrying out of a programme of archaeological investigations in advance of any construction works taking place.

2.168. The proposal is consistent with the requirement provisions of Policies 7.1 and 7.8 and is therefore in overall accordance with the development plan in this respect.

2.169. **Ecology:** Scottish Planning Policy (paragraph 202) states that developers should seek to minimise adverse impacts through careful planning and design, considering the service that the natural environment is providing and maximising the potential for enhancement. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration.

2.170. Primary Policy 8 (Conservation and Enhancement of Biodiversity) of the adopted Local Development Plan states that the protection, conservation and enhancement of wildlife, its habits and other natural features in international designated sites will be supported in line with statutory requirements. Where adverse impacts on
existing assets are unavoidable, the Development Plan will only support proposals where these impacts will be satisfactorily mitigated.

2.171. Overall, the Planning Authority considers that ecology would not be adversely affected by this development, to warrant refusal.

2.172. **Impact on Ornithology:** There are no statutorily or locally designated sites related to ornithology within or adjacent to the boundary of the site. The assessment focuses on the impacts associated with the proposed development on bird species within the site and surrounding area. The main impacts on ornithology will arise from individual tree loss and loss of grassland and hedgerow habitats during, and as a result of, construction. Urban development would also be brought closer to existing habitats to be retained, with the likely effects being that birds would be deterred from utilising these areas for breeding as previously. In addition, the assessment notes that disturbance of existing habitats during construction is likely to result in many of the species leaving the site either permanently or temporarily.

2.173. Creation of new and the enhancement of existing habitats must also be put in place. Overall, there will be no significant impact on local ornithology and breeding birds from this development to warrant refusal on these grounds. It is therefore considered that, as it relates to ecological and ornithology issues, the proposals would comply with the terms of National and Development Plan policy.

2.174. **Impacts on Human Health:** The protection, provision and enhancement of good quality paths and small extent of open space for formal and informal recreation, would provide significant additional benefits in terms of health, well-being, recreation and physical activity.

2.175. In conclusion, with appropriate site investigations and remediation, it is reasonably considered that the development would not have an adverse effect on human health as a consequence of contaminated land. Furthermore, the delivery of active travel are inherently linked to physical health and mental well-being which could be secured.

2.176. **Economic Impact:** The Local Development Plan and the Scottish Planning Policy supports sustainable economic growth. Scottish Planning Policy introduces a presumption in favour of development that contributes to sustainable development. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The Local Development Plan, with reference to the principles of sustainable development, is supportive of development that would achieve net economic benefits. The aim is to achieve the right development in the right place.

### Conclusion

2.177. For the reasons set out above the development is not supported.

### 3. Implications

#### Equalities Impact

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

#### Sustainability and Environmental

3.2. An Environmental Impact Assessment is not required.
Fairer Scotland Duty

3.3. This section is not applicable.

Other Policy Implications

3.4. All relevant policies have been set out in Considerations within this report.

Consultations

3.5. As set out in Considerations within this report.

4. Background Papers

4.1. Planning Application file 19/00890/FUL. File can be viewed online at: View Application

4.2. List of determining plans:

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5. Appendices

5.1. Appendix 1 – Location of Development.

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<th>Author of Report:</th>
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<tbody>
<tr>
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<td>Christina Cox</td>
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<tr>
<td>Planning &amp; Building Standards Manager</td>
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<tr>
<td>Drew Leslie</td>
<td>22 July 2020</td>
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<td>Senior Manager, Infrastructure</td>
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<td>Councillor D Gibson</td>
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Appendix 1

Location of Development

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Proposed roadside services comprising Petrol Filling Station (sui generis), Truck Stop, Restaurants and Drive-thru (Class 3/sui generis), Amenity Building (Class 1 & 3 and ancillary uses), landscaping, access and ancillary works at Land Some 500 Metres South West Of Balhaldie Farm, Dunblane - GB Grove Ltd - 19/00243/PPP

Purpose & Summary

The application has been referred to the Planning & Regulation Panel by the Planning & Building Standards Manager in accordance with the Council’s scheme of delegation procedures since the application proposes a Major Development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 due to the size of the application site.

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 refuse the application for the following reasons:

1. the proposed development is contrary to Primary Policy 3: Provision of Infrastructure as the site is not identified as being land required for the provision of identified or anticipated infrastructure in either national, regional or local transport strategies or through the LDP DPMTAG Transport Appraisal;

2. the proposed development is contrary to Primary Policy 1: Placemaking of the Stirling Local Development Plan 2018 as it is not located to reduce the need to encroach onto a greenfield site and does not utilise vacant or under-used land and buildings within settlements. Nor does it safeguard or enhance the areas natural heritage;
3. the proposed development is contrary to Policies 2.6: Supporting Town Centres and 2.7: Retail and Footfall Generating Uses as the development is not located within an identified network centre;

4. the proposed development is contrary to Policy 2.9: Economic Development in the Countryside as it is not based on a recreational activity that requires a site specific need for a countryside location;

5. the proposed development is contrary to Primary Policy 4: Greenhouse Gas Reduction as the development is not in sustainable location and encourages reliance on the private car;

6. the proposed development is contrary to Primary Policy 10: Forestry, Woodlands and Trees as the development does not protect existing woodland and does not meet the criteria for removal set out in The Scottish Governments Control of Woodland Removal policy; and

7. the proposed development is contrary to Primary Policy 15: Tourism and Recreation Development and Policy 15.1: Tourism Development including Facilities and Accommodation as the development does not preserve or enhance the natural environment, does not promote responsible access to, interpretation of, and effective management and enhancement of the natural and historic environment, and cultural heritage and does not promote a wider spread of visitors.

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

1.1. Not applicable.

2. Considerations

The Site

2.1. The site is in a rural countryside location situated to the west of the A9 to the north of Stirling, close to the Council boundary with Perth and Kinross Council. The site, whilst rural, is not within an identified Green Belt in the Local Development Plan (LDP). The site is characterised as being mostly flat and has remnants of felled trees. In this regard the site is considered greenfield as there is no evidence of built development on the site.
The Proposal

2.2. The proposal seeks consent to erect a roadside service station comprising of a Petrol Filling Station, 2x Drive-thru facilities, an amenity building, truck stop and associated landscaping at land to the south west of Balhaddie Farm, Dunblane.

2.3. This is an in principle application only so full details of the detailed design of the buildings are not yet available and consideration of precise design and materials will take place once a Matters Specified in Condition application is submitted, should this application be approved.

Previous History

2.4. 18/00830/PPP – Proposed roadside services comprising petrol filling station (sui generis), truck stop, restaurants and drive –thru (Class 3/ Sui generis), amenity building (Class 1 & 3 and ancillary uses), hotel (Class 7) and leisure (Class 11), Landscaping, access and ancillary works - WITHDRAWN

Consultations

Perth & Kinross Council:

2.5. No comments to make on the proposals.

Transport Scotland:

2.6. Noting the comments set out in their response, based on the information provided, Transport Scotland would offer no objection to application 19/00243/PPP subject to the listed conditions being applied to any consent awarded by the Council.

Scottish Environment Protection Agency (East):

2.7. No objection to this planning application.

Scottish Natural Heritage:

2.8. Do not intend to offer formal comment.

Service Manager (Environmental Health):

2.9. No objection but suggest Air Quality Assessment, condition on land contamination, restriction on construction hours for noise and that mitigation of noise is to be undertaken in accordance with section 4 of the NA submitted, statement required for lighting.

Roads Development Control:

2.10. No objection subject to conditions on parking provision, public transport and a travel plan.

Planning & Policy (Archaeology):

2.11. No objection or mitigation proposed. However, suggests the inclusion of a "Negative Suspensive Condition - Programme of Archaeological Works (PAN 2/2011, SPP, SHEP)

Bridge & Flood Maintenance:

2.12. No recorded flood history in this location and no information to suggest there is a significant problem. No objection to the development on grounds of flood risk.

2.13. This information is based on the accuracy and completeness of information supplied by the applicant or those working on their behalf. SEPA have a role to play as statutory consultee.
Dunblane Community Council:

2.14. Objects to the application on the following grounds:

2.15. **Principle:** Erosion of rural countryside land and concern that it sets a precedent for further erosion. Cumulative impact of development alongside Proposal of Application Notice at Glasingall. Developer does not give a specific reason as to why this specific site is necessary to be developed. Lorry park is an industrial use and not suitable for a countryside location. Economic Impact Assessment shows that the site does not offer good employment prospects due to the nature of the jobs that will be created. Refute that the development of this type in this location will have a positive impact on Dunblane. The site does not attract visitors to Dunblane and Electric Vehicle (EV) charging facilities should be located there instead to encourage spend in the local area due to dwell time for recharging. Further, the reduction in scale of the development will not support dwell time for EVs and there is expected to be a limited lifespan for a Petrol Filling Station given wider policy changes, Transport Scotland response does not take into account Scottish Government Climate Change legislation. The site does not tie in to the Electric A9 proposals as it is not in a settlement which states that EV charging should be in communities to support local business. No Road services are permitted between Perth and Inverness and this should be the same for south of Perth also. Disappointed to note that the response from Transport Scotland does not make reference to the Electric A9 document. Specifically comment on and object to proposed conditions 6, 7 and 8.

2.16. **Response:** Please see the Assessment section below.

2.17. **Transport and Access and Road Safety:** Don’t consider regular bus services passing site to be suitable due to having to cross the carriageway to go south. There is a clear need to provide access for staff by bus/active travel routes. Concern about the increase in U-Turns that could take place for traffic heading south and increase in accidents. Increases in accidents in this area will negatively impact on Kinbuck as traffic diverts and the road system here is incapable of taking extra traffic.

2.18. **Response:** Please see the Assessment section below.

2.19. **Environment and Visual Impact:** Concerns over impact of additional lighting and seek restrictions to minimise the impact on light pollution. Concern over the impact of additional water run off that may lead to increased flood risk for communities along the Allan Water. Note that replanting is required by the felling licence issued by Forestry Commission Scotland. Do not expect planning permission will prevent compliance with other legal obligations by the developer and there is no reference to replanting in the application. Do not consider that the Landscape and Visual Impact Assessment takes into account new planting and new proposed buildings.

2.20. **Response:** Please see the Assessment section below.

**Representations**

2.21. This application was subject to 2 formal periods of consultation as a result of changes to the original submitted plans. In total, comments were received from 21 interested parties. The comments raised can be summarised as follows:

2.22. **Principle and scale of development:** Inappropriate location for development. Scale and type of development is more appropriate for an edge of urban location, not a rural countryside. Speculative commercial opportunity proposal and no identified need for this type of development in this location. Similar facilities are provided
nearby at Bannockburn interchange, new proposals at Craigforth and others nearby. Site was previously considered through the Stirling LDP 2014 and rejected at examination. There is no justification for the site when assessed against policies in the Stirling LDP 2018 and is not an allocated site for development. Development of the site will draw visitors and business away from network centres in the area, and there is concern of the economic impact on services further down on the A9.

2.23. **Response:** Please see the Assessment section below.

2.24. **Transport, Access and Road Safety:** The development should be served by a grade separated junction to properly serve north and south bound traffic. Concern that south bound traffic may try to access the services by performing u-turns on farm access track crossings of the dual carriageway. Similar concern regarding traffic leaving the services and attempting to head south bound, particularly for staff and Dunblane residents using the petrol station. Both would lead to increased road safety risks and an increase in potential accidents. Issue is not adequately covered in the Traffic Statement. Concern that the number of lorries that will use the site will lead to tailbacks on the A9 as they enter/exit the development, particularly at peak times. Increase in accidents has an impact on road safety. Concern that such accidents will lead to pressure and disruption on the road network in and around Kinbuck as traffic diverts. This route would also not be suitable for lorries due to a weight restriction on Kinbuck Bridge. Concern over lack of bus services or access to bus services to allow staff to access the site without a car. Concern over how the construction traffic required for the development would access the site. The A9 should be widened both north and south bound to accommodate this development. The A9 already has a poor safety record and this development would increase the risk of accidents.

2.25. **Response:** Please see the Assessment section below.

2.26. **Forestry:** Applicant is not complying with the provisions of the Felling Licence issued by Scottish Forestry. Potential support should suitable compensatory planting be proposed to offset for the permanent Woodland loss. No reference to this licence or Scottish Government Control of Woodland Removal Policy. No pre-application discussions have taken place with Scottish Forestry or its predecessor Forestry Commission Scotland. Clearing of forestry for development does not achieve significant additional public health benefits. Firs of Kinbuck woodland has existed for many years and the site should be replanted to maintain its historic value. Further comment from Scottish Forestry removing their objection due to them being satisfied with replanting off site in terms of the licence.

2.27. **Response:** Please see the Assessment section below.

2.28. **Environmental Impact:** Concern that there will be an increased flood risk to communities along the Allan Water as a result of increased surface run off from the development. Run off from the site into the Allan Water will also adversely affect the quality of the Allan Water to the detriment of the wildlife and fish that use it. Development will impact existing wildlife that are present in and around the site. Note SEPA's previous objection to the proposals. Concern that there will be an increase in litter in the area as a result of the proposals. The application is not in keeping with Scotland's zero carbon emissions targets. Development does no reduce the need to travel or decrease the reliance on private modes of transport.

2.29. **Response:** Please see the Assessment section below.
2.30. **Light and Noise impact:** Concern over the impact of light pollution that will come as a result of the development. Not appropriate for the Countryside. Local residents will be subject to increased noise as a result of the construction of the development and a permanent increase in noise resulting from the operation of the built development. Development suggests there is potential for noise 24/7.

2.31. **Response:** Please see the Assessment section below.

2.32. **Historic Environment:** The proposed development is within the boundary of the Battle of Sheriffmuir battlefield, a site of national importance. Site is part of the ridge line of the worlds oldest Roman frontier system and of international importance. Development of this type in this location would have a negative impact on this setting.

2.33. **Response:** Please see the Assessment section below.

2.34. **Landscape and Visual Impact:** The impact of the development will be seen from a wide distance. A9 is part of the Heart 200 tourist route and development here will detract from views to/from Sherifffmuir and the site of the Battle of Sherifffmuir. Concern that there will be a cumulative negative impact on the area when considered with the Proposal of Application Notice for an extensive holiday park development on Glassingall Estate adjacent to the development. Consideration should be given to the urbanisation of the countryside the developments would have. The Landscape Character Assessment in the LDP states the area has a vital role to play in protecting the settings of Ashfield and Kinbuck and the scale of development would erode this setting and therefore negatively impact on the settings of the villages.

2.35. **Response:** Please see the Assessment section below.

2.36. **Notification of planning application:** Land owners of adjacent fields were not notified of the development.

2.37. **Response:** Planning regulations state that Stirling Council as planning authority are required to notify all properties on land that is within 20 metres of the proposed boundary of an application site. Where there are no properties on such land the Council is required to place an advert in the local newspaper to advertise the site. There are no properties on neighbouring land to notify in line with legislation. The lands referenced by the objectors are either outwith the 20 metre notification boundary and/or there were no properties on the land to notify. As per regulations an advert was placed in the Stirling Observer on the 19 April 2019 advising of the submission of the planning application.

**Local Development Plan**

2.38. 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.


Other Planning Policy


Assessment

2.41. This application is for Planning Permission in Principle to develop a new roadside service station to the north of Dunblane, close to the Council’s boundary with Perth and Kinross. The site is a felled woodland. Assessment of this application can be broken down to the following themes: Principle and scale of development; Transport, Access and Road Safety; Forestry; Environmental Impact; Historic Environment Impact; and Landscape and Visual Impact. Each theme is discussed in turn below.

2.42. Principle and Scale of Development: The scale of the development has changed from that originally submitted. The scale has been reduced to remove the hotel and leisure use. Concerns had been raised by the Planning Authority and Transport Scotland that the original scale of the development was attempting to create a ‘destination’ rather than a roadside services that would attract only passing drivers. The reduction in scale of the development is welcomed and Transport Scotland no longer object to the application, however, concerns still exist regarding the principle of the development.

2.43. Whilst the site has no relevant planning history by way of planning consents, the site was previously submitted and considered for allocation for development within the Local Development Plan 2014 process. The Council previously declined to allocate the site for development and the issue was considered at the LDP examination. The Reporter concluded that the site should not be allocated for development as “…services already exist with an established access a short distance to the north of SS28, and that the submitted transport strategies do not identify a need for more, it seems unlikely that another similar development so close by could be justified. Because of that, the LDP is not allocating roadside services and has no specific policy to support them. Under all of the above circumstances, the requested allocation would not be appropriate.”

2.44. In addition, the Reporter noted that Scottish Planning Policy (SPP) at the time did not support new junctions on to Trunk Roads. Scottish Planning Policy has changed since the reporters assessment but the current SPP does not lend support to such new junctions noting that “While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB and where there would be no adverse impact on road safety or operational performance.”
2.45. Paragraph 282 of SPP requires Planning Authorities to consider roadside services. It states that “Existing roadside services and provision for lorry parking should be safeguarded, and where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic.”

2.46. At the regional level, the Regional Transport Strategy (RTS) does not identify any strategic need for roadside services on the scale proposed. It does identify at section 5.8 that it will “explore opportunities for improved lorry parking on the regions road network, including consideration of inclusion of overnight lorry parking in Park and Ride Proposals.” Stirling’s Local Transport Strategy, which is in accordance with the RTS, does not identify that additional sites are required within the Stirling Council area.

2.47. The Council has also since moved to a new development plan, the Stirling Local Development Plan 2018 but this has not changed the policy framework surrounding the development of the site as the Vision, Spatial Strategy and policies of the 2014 plan were rolled forward with little change. In terms of allocations, the site was not allocated in the 2018 plan and a need for such further sites have not been identified in the development plan.

2.48. Planning Advice Note 75 (Planning for Transport) notes that proposals for roadside services should be provided on both sides and connected by overbridge or underpass to the other side if services are to only be provided on one side. In this instance the services are only available to northbound users and no connection to the services is made for those travelling southbound. Whilst this in and of itself is not a significant barrier that precludes development, it is nonetheless considered the development is not in accordance with PAN 75.

2.49. Whilst there is no allocation in the LDP for the type of development and there are no specific policies regarding roadside services that support or preclude the development, a number of policies in the LDP are considered to be relevant and are discussed in turn below.

2.50. Primary Policy 1: Placemaking states that developments of all scales should be located so as to reduce the need to encroach onto greenfield sites and to maximise sustainability benefits. They should also utilise vacant and under used land and buildings within settlements. This development is at odds with this policy provision as it is on a greenfield site and not a one that has previously been developed.

2.51. Policy 2.6: Supporting Town Centres and Policy 2.7: Retail and Footfall Generating Uses seek to direct development to Stirling’s town centres in line with the Town Centre First principle in SPP to protect the vitality and viability of our network centres. Whilst it can be accepted under this policy that there is a clear requirement for a non-network centre location, indeed by its nature a roadside services proposal is appropriate for a non-network centre location, it is still relevant that development of this scale and location will have an impact on existing network centres, particularly Dunblane. As noted above, the LDP does not have a specific policy relating to roadside services as such a type of development was not considered to be required under transport strategies at the preparation stages of both the 2014 and 2018 Local Development Plans. In this regard Policies 2.6 and 2.7 seek to direct significant footfall generating uses such as commercial and retail to existing network centres or allocated sites within the plan area. As the application site is not in a network centre or an allocated site for such type of development the proposals are considered to be contrary to these policies.
2.52. Policy 2.9: Economic Development in the Countryside seeks to ensure that outwith settlements appropriate developments support a healthy and vibrant rural economy. The proposed development is close to existing villages and is directly accessible from the A9, the main north/south transport route through the Council area and is therefore easily accessible. However, the concern remains that this type of development is not a business based on recreational activities with a site specific need for a countryside location. The development is essentially a commercial business that can be provided within existing network centres. There is therefore limited policy support for this type of development under this policy.

2.53. Primary Policy 3: Provision of Infrastructure states in section b that “Land necessary for the provision of identified and anticipated infrastructure (i.e. for enhancements to the transport network as identified in National, Regional and Local Transport Strategies, and through the LDP DPMTAG Transport Appraisal, new or expanded schools, new and improved healthcare facilities and recycling Bring Sites), will be safeguarded where appropriate as shown in the Settlement Statements.” As outlined in previous sections the provision of further roadside services in addition to those already in operation, for example at Pirnhall (approx. 12 miles to the south), was not identified as a need through national, regional or local transport strategies. There is therefore no policy support under this policy for the principle of development.

2.54. Primary Policy 4: Greenhouse Gas Reduction sets out that all new development should, contribute to the aims of greenhouse gas reduction, among others, by being in a sustainable location and by optimising accessibility to active travel opportunities and public transport. There is an argument that being on a major roadside the development itself will be sustainable as it is a key transport corridor and the development would bring additional benefits of EV charging points to the A9 in line with the goals of the ‘Electric A9’. This type of facility is supported and the move to electric vehicles has national policy support, however, the location is also problematic in sustainability terms as the site has not been previously developed and that in line with the overall goals of the ‘Electric A9’ that new EV charging facilities along this route should be provided in existing settlements as they already have infrastructure to support the increased dwell time associated with EV charging. It should be noted that the Electric A9 proposals do not form part of any formal local, regional or national transport strategy and is a project that is being advanced by the Scottish Government through the national charging network ChargePlace Scotland.

2.55. Part of policy PP4 also notes that planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car. This type of application does not generate significant travel in that it will rely on existing passing trade, it is unlikely that the roadside services would become a ‘destination’ in its own right. However, the development is mostly geared up to support reliance on private cars and long distance lorry travel. Whilst the later part of the proposal may have an element of policy support, the former is not considered to be wholly in accordance with PP4.

2.56. It is important to consider this application against Primary Policy 15 and Policy 15.1 which seek to support and direct tourism related developments. Despite the decreased scale of the proposals it can be considered that the development would support tourists in that it provides facilities generally required by such users. However, as discussed above it has not been established that there is a need for this type of development within the plan area and the development will not support existing settlements or facilities. The proposals do not preserve or enhance the quality of the natural or historic environment nor will it promote responsible access to, interpretation of, and effective management of the natural and historic
environment, or cultural heritage. The proposal is not designed to support a wider spread of visitors and economic benefits within the area and is therefore considered to be at odds with the aims of the policy.

2.57. Other policy considerations are considered in the relevant sections below.

2.58. **Transport, Access and Road Safety:** As Trunk Roads Authority, Transport Scotland had previously intimated their objection to the scheme due to fears that the development would be a ‘destination’ rather than a roadside service and attract trips other than those already passing by the site. As noted in section 2.42 the scale of development proposed has decreased and as per their response in section 2.6 Transport Scotland no longer object to the principle of the scale of development. Whilst there is no objection, Transport Scotland raise concern over a number of aspects with the development relating to bus stop provision and increased U-turns as a result of the proposed development. In terms of impact on Road safety they note that the proposed access layout appears to be in accordance with DMRB CD 123 standards, however they have recommended that once Phase 1, as set out in Drawing 04 – Site Plan (Phasing Plan) (Applicant ref - 448_004 RevB,) has been completed it will be necessary to undertake a survey of turning movements at the existing central reserve gaps in the area. For clarity Phase 1 consists of the Petrol Filling Station and Drive through elements. Whilst it is understandable why this condition is being recommended, it is considered unreasonable to add this condition as it will not be open to the planning authority to impose further restrictions or alterations at this stage should the development be approved.

2.59. In terms of access to public transport, Transport Scotland consider that option 3 in the Transport Statement to form a safe crossing to allow pedestrian access to the southbound services is the preferable option and should be advanced. Option 3 is noted as being “A crossing and bus stop could be implemented directly adjacent to the southern boundary of the site to allow a much shorter walking distance for pedestrians with the crossing located north of the bus stop to prevent visibility issues”.

2.60. Overall, Transport Scotland consider that the negative impacts of the development can be satisfactorily mitigated by way of imposing conditions relating to fencing, lighting, drainage, footpath connections, access to the trunk road, erection of a pedestrian crossing, submission of a travel plan, turning movement surveys and limiting development to that outlined in the 2020 Transport Statement.

2.61. Stirling Council as Roads Authority similarly have no objections subject to conditions and note that many matters will be addressed through submission of a further Matters Specified in Condition application.

2.62. Given the above, it is considered that Policy 3.1: Addressing the Travel Demands of New Development can be satisfied.

2.63. **Forestry:** It has been noted through several representations, and from Scottish Forestry, that the site is a woodland site and that there is a felling licence in place on the site. The felling licence was issued by Scottish Forestry’s predecessor Forestry Commission Scotland and granted felling of the site on condition of restocking the site. The application does not reference this condition and it is assumed that this restocking condition cannot be satisfied alongside the build out of the development as they cover the same site.

2.64. The Scottish Government Control of Woodland Removal Policy is clear that development that requires a woodland site to be cleared to enable development should only be granted where that development will achieve significant and clearly defined additional public benefits in doing so. Primary Policy 10 of the Stirling Local
Development Plan 2018 sets out that the Council will protect existing woodland, especially woods with high natural, recreational and cultural heritage value using the criteria set out in the Scottish Government’s policy on Control of Woodland Removal to determine the acceptability of woodland removal.

2.65. In this instance the Council is not being asked to remove woodland to enable the development. The woodland has already been removed; therefore, the policy position is less clear. It is noted from the Control of Woodland Removal Policy that there is no legal definition of woodland but for the purposes of that policy the definition follows that of the UK Forestry Standard and the National Inventory of Woodlands and Trees combined. Under this definition woodland is defined as “The part of woods and forests where the ecological condition is, or will be, strongly influenced by the tree canopy. This embraces land under stands of trees with a canopy cover of at least 20%, or having the potential to achieve this, including integral open space, and including felled areas that are awaiting restocking. The minimum area is 0.1 ha.” There is no minimum height so the definition includes woodland scrub, short rotation coppice and short rotation forestry but not areas of gorse, Rhododendron etc outside woodland.” Using this definition, although the development has been cleared, the area is awaiting restocking in terms of the licence condition and is still considered woodland under this policy.

2.66. As Primary Policy 10 of the LDP states that the Planning Authority will use the criteria set out in the Control of Woodland Removal Policy it is the opinion of the Planning Authority that the site meets the criteria for woodland and therefore the site has to demonstrate significant additional public benefit.

2.67. The Control of Woodland Removal Policy lists a variety of criteria and indicators to help determine acceptability of removal of woodland to accommodate the development. The applicant has provided further information on this and are of the opinion that they meet the indicators of Helping Scotland mitigate and adapt to Climate Change, Enhancing sustainable economic growth, supporting Scotland as a tourist destination and encouraging recreational activities and public enjoyment of the outdoor environment.

2.68. Whilst it is accepted that the development would provide some economic benefit by capturing passing trade and providing electric charging points, it is not considered that these benefits are significant enough to warrant permanent removal of the woodland.

2.69. As discussed in section 2.42 – 2.56 of this report, the issue of the principle of the development is at odds with policies in the LDP and the benefit it would bring in terms of increasing EV charging points along the A9 is not compatible with Transport Scotland’s goals for the ‘Electric A9’ as the EV points are not within a defined settlement. The goal of this document is to encourage EV charging points within settlements, this supports the local economies as they provide facilities that can be used by those charging their vehicles during the charge time, which necessitates a much longer dwell time than the current Petrol Station format. Whilst facilities are proposed to support this increased dwell time on site, there is no wider benefit to existing communities in the vicinity and therefore is considered to have limited wider public benefit. In this regard the development cannot be supported in line with Primary Policy 10.

2.70. In the opinion of the Planning Authority, the issue of compliance with the felling licence condition regarding restocking is one that is a civil issue and not a material planning consideration. It is not competent under planning legislation to enforce conditions granted under different legislation. It is a matter for Scottish Forestry to enforce the conditions of their licence and take whatever action they feel is appropriate to remedy the situation. As with any application, planning permission
does not imply any legal right to enact the development and it is therefore for an applicant to ensure that they can legally implement a development in the event it should be granted. Further correspondence from Scottish Forestry notes that they no longer object and that they have come to an agreement regarding off site replanting. In the opinion of the Planning Authority, this does not change the status of the site in planning terms and relates to the replanting required as part of the felling licence.

2.71. **Environmental Impact:** SEPA offer no objection to the proposals, however have asked for some clarity on specific points. It is considered these are small scale and could be covered satisfactorily by conditions should the development be approved. Policy 3.2: Site Drainage has been addressed satisfactorily.

2.72. It is noted that in terms of Primary Policy 5: Flood Risk Management the site is not identified as being at risk of flooding.

2.73. In terms of Noise, Environmental Health have recommended the inclusion of a condition restricting construction noise outwith normal working hours should the development be approved.

2.74. Scottish Nature Heritage (SNH) also offer no objection to the proposals. The site is not identified as being a designated site in terms of biodiversity in line with Principle Policy 8. The site is currently felled woodland and is considered to be of low biodiversity quality. Should the restocking of the woodland occur this will increase the biodiversity value of the site. Should the proposals be granted, replacement planting and landscaping should be included as part of any MSC application. This would support the aims of Policy 8.1 and Policy 9.3. Any replacement planting and landscaping should take account of the criteria listed in Policy 10.1.

2.75. **Historic Environment Impact:** Many representations raise concern over the impact of the proposed development on the site of the Battle of Sheriffmuir and on the ridge line of the world’s oldest Roman frontier system and of international importance.

2.76. The Council’s Archaeologist has confirmed that The Gask Ridge does not link to the Antonine Wall, it is not part of the UNESCO designation and while some elements are designated none of the elements within the immediate environs of the proposal are. In terms of the impact of the development on the ridge line, it is not considered there will therefore be any detrimental visual impact.

2.77. In terms of the impact on the Battle of Sherffmuir site itself, the Council’s archaeologist notes that location of the proposed development is on the periphery of the designation. The archaeologist also considers that the immediate environs of the site have already been degraded visually by the Beauly to Denny Power Line and the development of the A9 itself. It is therefore considered that with the location on the periphery and visual degrading by existing infrastructure there will be no further adverse impact on the designation by the proposed development.

2.78. In line with Policy 7.1 and 7.8 it is noted that there is potential for archaeological remains to be found during the development of the site and it is recommended that should development be granted that a negative suspensive condition be included to protect any unknown archaeological remains of significance.

2.79. **Landscape and Visual Impact:** This is an application for Planning Permission in Principle, therefore no detailed drawings or plans are required to be submitted. It will be a matter for future Matters Specified in Conditions application(s) to provide full details of the development should planning permission be granted. As part of this application the applicant has carried out a Landscape and Visual Impact
Assessment and submitted indicative drawings showing how potentially the buildings could be accommodated on site.

2.80. Primary Policy 9: Managing Landscape Change requires the development to be assessed against the relevant Landscape Character Assessment for that area. The development is identified as being within L4 – Allan Water, described as being rolling valley farmland. The Landscape Character Assessment identifies that the area is particularly sensitive to development that encroaches or erodes the landscape setting of Dunblane, Kinbuck or Ashfield and that cumulatively alongside the A9 corridor there is a risk that development suburbanises the area.

2.81. The development is somewhat visually distant from Dunblane and Ashfield. In terms of Ashfield there is not considered to be any impact on its setting as the settlement lies outwith the zone of theoretical visibility by the development due to landscape features in the area. The LVIA does however identify that extremely localised views of the development site may be seen from some elevated western parts of Dunblane. Given the distance from the development site and that structure planting is proposed to reduce the visibility it is not considered that the development will have a material negative impact on the setting of Dunblane.

2.82. Kinbuck is the closest settlement to the development. Given the scale of the development and rolling farmland nature of the area, the development and the village are unlikely to be intervisible. However, to reinforce this, should development be granted, it is recommended that conditions be applied requiring strong boundary planting and compensatory planting of the removed woodland trees to screen the development from wider views and limit views into and out of the site.

2.83. In terms of building form, the development’s amenity building is likely larger than what would be found in the vicinity, however it is recognised that the PFS and drive-thru facilities proposed are also found immediately adjacent. Should the development be approved, an MSC application will assess the detail of the design and built form, however, it is expected that should this be the case, that the design and height take account of the LVIA to ensure that the development is not of a height that increases the visual impact of the development to the wider area and should be in compliance with the criteria set out in Policy 1.1: Site planning, particularly criteria (b).

2.84. In terms of lightening impact from the development, these details are not yet available due to the nature of the application. However, this is a matter that would require to be addressed by an MSC and a condition requiring the submission of a lighting strategy to assess the impact is recommended should the development be granted.

2.85. It is noted that there is a Proposal of Application Notice that has been submitted to the Council indicating that an application for tourist accommodation may be submitted at Glassingal Estate, nearby to the application site. Whilst the Council is aware of this proposed development it is not an application that is currently under consideration nor is it consented or planned development allocated in the Local Development Plan. A Proposal of Application Notice is required where a major application may be submitted, however as Planning Authority no assessment is made of the proposals at this stage. A Proposal of Application Notice is strictly procedural and is limited to assessment of how the applicant’s intention to carry out consultation prior to the submission of a planning application aligns with the requirements.
2.86. As there are no firm proposals for the planning authority to review at the time of this report it would be unreasonable to refuse this application based on an assessment of the cumulative impact when it is not yet known if and what that impact will be. The planning status of this application will be taken into account during the assessment of any application at Glassingall Estate should it be submitted.

2.87. **Summary:** Overall, it is considered that the proposals do not comply with the Stirling Local Development Plan 2018 and is recommended for refusal.

### 3. Implications

**Equalities Impact**

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

**Sustainability and Environmental**

3.2. An Environmental Impact Assessment is not required.

**Fairer Scotland Duty**

3.3. This section is not applicable.

**Other Policy Implications**

3.4. All relevant policies have been set out in section 2.

**Consultations**

3.5. As set out in section 2.

### 4. Background Papers

4.1. Planning Application file 19/00243/PPP. File can be viewed online at: [View Application](#).

4.2. List of determining plans:

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<td>04</td>
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### 5. Appendices

5.1. Appendix 1 – Location of Development.
<table>
<thead>
<tr>
<th>Author of Report:</th>
<th>Contact Details:</th>
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<tbody>
<tr>
<td>Michael Mulgrew</td>
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<td>David Love</td>
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<tr>
<td>Team Leader, Development Management</td>
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<tr>
<td>Christina Cox</td>
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<td>Planning &amp; Building Standards Manager</td>
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**Approved By:**

<table>
<thead>
<tr>
<th>Drew Leslie</th>
<th>Date:</th>
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<tbody>
<tr>
<td>Senior Manager – Infrastructure</td>
<td>21 July 2020</td>
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</tbody>
</table>

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

- Councillor A MacPherson
- Councillor D Gibson

**Wards affected:**

<table>
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**Key Priorities:**

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**Key Priority Considerations:**

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**Stirling Plan Priority Outcomes: (Local Outcomes Improvement Plan):**

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Appendix 1

Location of Development

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