

# NOTICE OF MEETING

**A MEETING** of the **PRE-DETERMINATION HEARING COMMITTEE** will be held in the **COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING** on **WEDNESDAY 4 OCTOBER 2017 at 10.00 am**

**IAIN STRACHAN**  
*Chief Officer – Governance*  
Clerk to the Council

28 September 2017

## A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**
2. **DECLARATIONS OF INTEREST**
3. **URGENT BUSINESS BROUGHT FORWARD BY THE CONVENER**
4. **PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS AT LAND BETWEEN BANNOCK BURN NEW LINE ROAD AND WEST OF GLASGOW ROAD, WHINS OF MILTON – HALLAM LAND MANAGEMENT – 17/00407/PPP**  
Report by Director of Localities & Infrastructure (Pages 1- 20)

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**STIRLING COUNCIL****THIS REPORT RELATES  
TO ITEM 4  
ON THE AGENDA****PRE-DETERMINATION HEARING  
COMMITTEE****LOCALITIES &  
INFRASTRUCTURE****4 OCTOBER 2017****NOT EXEMPT****PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS AT LAND  
BETWEEN BANNOCK BURN NEW LINE ROAD AND WEST OF GLASGOW ROAD,  
WHINS OF MILTON – HALLAM LAND MANAGEMENT – 17/00407/PPP****1 SUMMARY**

- 1.1 This Planning Application for planning permission in principle is a “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. In these circumstances, legislation requires that a Local Authority's determination of such applications shall be discharged only by the Authority itself. The Council is therefore prohibited from delegating the determination of such a class of development to a Committee or Officer of the Planning Authority.
- 1.2 Before the determination of this Planning Application, Section 38A(1) of the 1997 Act requires the Planning Authority to give the Applicants, and any person who submitted representations to the Authority in respect of the Planning Application, an opportunity of appearing before and being heard by a Committee of the Planning Authority (“a Pre-Determination Hearing”). The purpose of the Pre-Determination Hearing is not to reach a decision on the Planning Application – it is for Full Council to determine the planning application, scheduled to meet in the afternoon of 4 October 2017.
- 1.3 Hallam Land Management is seeking planning permission in principle for residential development on land to the west of Glasgow Road (A872) and to the east of New Line Road. A planning permission in principle application means that details such as housing types are confirmed in future application(s).

**2 OFFICER RECOMMENDATION(S)**

The Committee agrees:-

- 2.1 to hear the submissions from the Applicant and supporters/objectors in relation to the above application;
- 2.2 to note that the application will be reported to the Full Council for determination;

- 2.3 that Council refuse the application for the following reasons:-
- 2.3.1 The proposal is contrary to Primary Policy 1 (Placemaking) of the Stirling Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since this development will encroach onto a greenfield site, will not safeguard or enhance the natural heritage nor respect the Green Belt.
  - 2.3.2 The proposal is contrary to Policy 1.1 (b) (Site Planning) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since this development will not respect the surrounding important landmark or view (Bannockburn Monument).
  - 2.3.3 The proposal is contrary to Policy 1.5 (Green Belts) of the Stirling Council Local Plan 2014, the Stirling Local Development Plan: Proposed Plan 2016, and SG03 (Green Belts), since this development will not preserve the openness of the Green Belt and will undermine its core role and function. Moreover, the scale of residential development is beyond that supported by this policy.
  - 2.3.4 The proposal is contrary to Primary Policy 2 of the Proposed Plan, 2016, since it is not consistent with the LDP Vision and Spatial Strategy.
  - 2.3.5 The proposal is contrary to Policy 2.1 of the Proposed Plan, 2016, since it is not consistent with the LDP Vision and Spatial Strategy and it does not meet the provisions of the LDP Overarching Policy, its accompanying Sustainable Development Criteria and all other relevant LDP policies. Furthermore, the proposal could jeopardise the delivery of an allocated site by pre-determining decisions about the scale, location or phasing of new developments that are central to the emerging Plan.
  - 2.3.6 The proposal is contrary to Policy 2.10 (Housing in the Countryside) of the Stirling Council Local Plan 2014, the Stirling Local Development Plan: Proposed Plan 2016 and SG10 (Housing in the Countryside), since this development is beyond that supported by this policy.
  - 2.3.7 The proposal is contrary to Policy 3.1 (Addressing the Travel Demands of New Development) of the Stirling Council Local Plan 2014, the Stirling Local Development Plan: Proposed Plan 2016, and Supplementary Guidance SG14: Ensuring a Choice of Access for New Developments since it has not been demonstrated that this development will be safely and conveniently accessible by walking and public transport. Furthermore, it has not been satisfactorily demonstrated that the traffic impact from the proposal will be appropriately mitigated.
  - 2.3.8 The proposal is contrary to Primary Policy 7 (Historic Environment) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since this development will not safeguard, preserve or enhance the historic environment and the setting of its component features. It is considered that the proposal will have a negative impact on these assets.

- 2.3.9 The proposal is contrary to Policy 7.1 (Archaeology & Historic Building Recording) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since this development will impact physically upon a nationally important monument (Bannockburn Monument/Monument Hill) and significantly detract from its setting.
- 2.3.10 The proposal is contrary to Policy 7.3 (Development affecting Listed Buildings) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016 since this development will not preserve the character of nearby category 'A' listed buildings/structures (Rotunda, Memorial cairn, flagpole and statue of King Robert I) or their setting. Moreover, it is considered that the proposed development will adversely affect the special interest of these structures and their setting.
- 2.3.11 The proposal is contrary to Policy 7.8 (Development affecting Battlefields, Gardens and Designed Landscapes) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016 since this development would have a significant adverse effect upon the archaeology, landscape features, character and setting of a site listed in the Inventory of Historic Battlefields (Bannockburn Inventory Battlefield, 1314) and it is considered that the overall integrity and character of the battlefield area will be compromised as a result of this proposal.
- 2.3.12 The proposal is contrary to Scottish Planning Policy since it is considered that the proposal will not protect or enhance cultural heritage which is one of its guiding principles (para 29).
- 2.3.13 The proposal is significantly contrary to the Development Plan and cannot be supported through Scottish Planning Policy since granting permission for the proposed development of 250 homes would undermine the plan-making process by pre-determining decisions about the location of new development and would be premature in relation to the outcome of the local development Plan Examination contrary to paragraph 34 of Scottish Planning Policy. The proposal is contrary to Historic Environment Scotland's 'Managing Change in the Historic Environment – Historic Battlefields', Aug 2016 document since it will not protect, conserve nor enhance the historic battlefield (Bannockburn Battlefield). Moreover, it is considered that the proposal will significantly detract from the importance of the battle site. The proposal is also contrary to Historic Environment Scotland's 'Managing Change in the Historic Environment – Setting', June 2016 since it is considered that this proposal will have an adverse effect on the setting of category A listed buildings and a historic battlefield.

### 3 CONSIDERATIONS

#### The Site

- 3.1 The site extends to 12.13 hectares. It lies to the west of Glasgow Road (A872) and to the east of New Line Road. The southern boundary follows the line of the Bannock Burn and the northern boundary follows the line of the Mill Lade. An area of land, which previously contained Klondyke Garden Centre now redeveloped for a retail unit (Home Bargains), to the east of the site is excluded from this proposal. The site comprises two large fields currently used for the grazing and training of horses.
- 3.2 In terms of the Council's Development Plan, the site sits within an area designated as Green Belt and Countryside for policy purposes. It is also within the Bannockburn Battlefield as designated by Historic Environment Scotland and lies relatively close to a number of category 'A' listed structures at Monument Hill.

#### The Proposal

- 3.3 The proposal seeks planning permission in principle for residential development and associated works. The information submitted in support of the application (Development Concept Plan) indicates a target development of 250 units (assuming a developable area of 8.4 hectares out of the full site area of 12.13 hectares). The indicative masterplan shows two accesses from the site onto Glasgow Road, one north of the retail unit on the east of the site and one south of the retail unit. A band of open space/planting is indicated on the west and south boundary with a small part also on the north east boundary.
- 3.4 The application is a 'Major' development and as such was subject to the Pre-Application Notification (PAN) procedure. A PAN notice was submitted to the Council on 5 September 2016. A public event was held at King Robert Hotel, Glasgow Road, Stirling, on 27 October 2016 in line with legislative requirements and a report on comments received as part of the Pre-Application Consultation process is included in a Pre-Application Consultation Report submitted with the application.

#### Previous History

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

#### Development Plan Policy

- 3.6 Development Plan policies of relevance include: Primary Policy 1: Placemaking; Policy 1.1: Site Planning; Policy 1.2: Design Process; Policy 1.3: Green Network and Open Space; Policy 1.5: Green Belts; Primary Policy 2: Supporting the Vision and Spatial Strategy; Policy 2.1: Housing Land Requirement; Policy 2.2: Planning for Mixed Communities and Affordable Housing; Policy 2.3: Particular Needs Housing and Accommodation; Policy 2.10: Housing in the Countryside; Primary Policy 3: Provision of Infrastructure; Policy 3.1: Addressing the Travel Demands of New Development; Policy 3.2: Site Drainage; Policy 3.3: Developer Contributions; Primary Policy 4: Greenhouse Gas Reduction; Primary Policy 5: Flood Risk Management; Primary Policy 6: Resource Use and Waste Management; Primary Policy 7:

Historic Environment; Policy 7.1: Archaeology & Historic Building Recording; Policy 7.3: Development affecting Listed Buildings; Policy 7.8: Development affecting Battlefield, Gardens and Designed Landscapes; Primary Policy 8: Conservation and Enhancement of Biodiversity; Policy 8.1: Biodiversity Duty; Policy 9.2: Landscaping and Planting in association with Development; Primary Policy 10: Forests, Woodlands and Trees; Policy 10.1: Development Impact on Trees and Hedgerows; Primary Policy 13: The Water Environment; Primary Policy 15: Tourism and Recreational Development.

- 3.7 The LDP is supported by the following Supplementary Guidance which is of relevance: SG01; SG02; SG03; SG04; SG06; SG10; SG14; SG15; SG16; SG17; SG18; SG19; SG21; SG23; SG24; SG28; SG29; SG31; SG32; SG34.
- 3.8 Other Material Policy Considerations: Local Development Plan Review - Stirling Council has commenced an early review of the adopted Local Development Plan focused on the housing land requirement for the Stirling Core Area. This is in response to an acknowledged shortfall in the housing land requirement arising from the Reporters' recommendation and the fact that Scottish Planning Policy states the housing supply target should be increased by a margin of 10 - 20% to establish the housing land requirement to ensure a generous supply of land for housing is provided.
- 3.9 Stirling Local Development Plan: Proposed Plan, June 2016 - The Proposed Plan represents the settled view of the Council on the sites which should – and should not – be developed during the Local Development Plan period of 2015-2027 to provide a generous supply of land for housing.
- 3.10 The relevant policies of the Plan remain substantively unchanged, with the exception of Primary Policy 2 and Policy 2.1. Primary Policy 2 no longer states that should allocated sites prove ineffective, this will be addressed in the first instance through consideration of advancing identified alternatives from Phase 2 (2019-24) or Period 2 (2024-34). Instead, circumstances where a shortfall in the housing land supply are addressed by Policy 2.1 of the Proposed Plan.
- 3.11 Hallam Land Management submitted representations on the Proposed Plan where they sought a modification to release the site at Whins of Milton from the Green Belt and allocate it for residential development for up to 250 units. The Council did not agree to modify the plan as requested and this, *inter alia*, will be reviewed and decided upon by the Scottish Government Department of Planning and Environmental Appeals (DPEA) through an examination. The target date for concluding the Examination is 2 November 2017.
- 3.12 As stated in the preceding paragraph, the Council reviewed the submission from Hallam Land Management and has submitted to the Reporter that it does not agree to modify the Plan as per Hallam Land Management's request. In summary, the Council did not agree that the site was suitable for development on the basis of significant visual impact on heritage and landscape features. The site could not be viewed as infill and would represent a significant erosion of the Green Belt, contrary to its aims, in this location. There was no justification under the Proposed Plan's Vision and Spatial Strategy to release the site for development. The Council was of the opinion that sufficient effective land had been allocated to meet the Housing Land Requirement and therefore this site was not considered necessary to deliver the Spatial Strategy of the Proposed Plan.

## National Policy

- 3.13 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.

## Assessment

- 3.14 Proposed Development: The application is for Planning Permission in Principle to establish the principle of residential development on this site and is supported by a Development Concept Plan/Masterplan illustrating how the application site could accommodate up to 250 new homes. The precise type and mix of housing will be determined at a later Matters Specified in Condition stage, should this application be subsequently approved. The total site area extends to 12.13 hectares (29.97 acres) and is owned by a local farmer.
- 3.15 Considerations: 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. In this case the adopted development plan is the Stirling Council Local Development Plan, 2014. Moreover, due to the status of the 2014 Plan, Scottish Planning Policy is also a material consideration.
- 3.16 Local Development Plan, 2014: Stirling Council adopted the Stirling Local Development Plan in September 2014. The proposed application site is located on the edge – but outwith – the settlement, and is therefore shown to lie within the countryside designation (Policy 2.10: Housing in the Countryside). The site is designated as Green Belt (Policy 1.5: Green Belts) and part of the site is shown to be at risk of flooding in that it falls within SEPA's 1 in 200 years flood zone (Primary Policy 5: Flood Risk Management). The site is close to category 'A' listed structures (Rotunda, Memorial cairn, flagpole and statue of King Robert I) (Policy 7.3: Development affecting Listed Buildings) and lies within a battlefield designation (Battle of Bannockburn) (Policy 7.8: Development affecting Battlefield, Gardens and Designed Landscapes).
- 3.17 The adopted Local Development Plan position in respect to the principle of development at this site for housing is clear: the proposal is contrary to the Development Plan as the site is within the Green Belt and does not accord with Policy 1.5 (Green Belts) or Policy 2.10 (Housing in the Countryside).
- 3.18 Local Development Plan Review: Stirling Council commenced an early review of the adopted Local Development Plan in 2014, focusing on the housing land requirement for the Stirling Core Area. This is in response to an acknowledged shortfall in the housing land requirement arising from the Reporters' recommendation and the fact that Scottish Planning Policy states the housing supply target should be increased by a margin of 10 - 20% to establish the housing land requirement to ensure a generous supply of land for housing is provided.
- 3.19 *Main Issues Report* - A 'call for sites' exercise was undertaken in late 2014 as the first step in preparing a new Local Development Plan and the applicant submitted the site subject to this application for consideration under this process. Following a detailed site assessment, the application site was not



deemed consistent with the Plan's Vision and Spatial Strategy and it was therefore not identified as an additional housing allocation option in the Main Issues Report (MIR).

- 3.20 *Proposed Plan* - Stirling Council approved the Stirling Local Development Plan: Proposed Plan on 30 June 2016. The Proposed Plan represents the settled view of the Council on the sites which should – and should not – be developed during the Local Development Plan period of 2017-2027 to provide a generous supply of land for housing. In line with the Main Issues Report, the Proposed Plan does not allocate the application site as a housing site. It is retained within the Green Belt.
- 3.21 The relevant policies of the Plan remain substantively unchanged, with the exception of Primary Policy 2 and Policy 2.1.
- 3.22 The period for making representations on the Proposed Plan ended on 23 September 2016. Representations were submitted by Hallam Land Management regarding the non-allocation of the site proposed by this application and therefore, as an unresolved objection to the Plan, the issue forms part of the Local Plan Examination (ref. Issue 52) which is underway and is expected to report in November 2017.
- 3.23 The status of policies for the supply of housing land has taken into account the view held by the Supreme Court that the policies of the Development Plan relating to Green Belts and battlefields should not be disregarded. Since the review of this Plan is at an advanced stage, the Stirling Council Local Development Plan: Proposed Plan, 2016 is a material consideration.
- 3.24 A key factor in the determination of the application, however, relates to the requirement for the release of additional housing land and the emerging Local Development Plan.
- 3.25 *Five-year effective housing land supply* - Paragraph 110 of Scottish Planning Policy requires at least a 5-year supply of effective housing land to be maintained at all times and paragraph 125 states where a shortfall emerges, Development Plan policies for the supply of housing land will not be considered up-to-date and paragraphs 32-35 (of Scottish Planning Policy) will be relevant.
- 3.26 The latest agreed land supply position for the Stirling area is set out in the 2016 Housing Land Audit. The Audit indicates either a 3.9 or a 4.9 year supply (depending on the method of calculating the land supply target). Regardless, it is acknowledged that the local Development Plan area does not have a five-year effective land supply based on the 2016 housing land audit and, in accordance Scottish Planning Policy, the Development Plan policies for the supply of housing land are not up-to-date.
- 3.27 It should be noted that a draft Housing Land Audit 2017 has been prepared in conjunction with Homes for Scotland. Once this is published in late October, the Council will have a 5.3 year effective land supply. However, for the time being the 2016 Audit applies.
- 3.28 Scottish Planning Policy (paragraph 33) states that where relevant policies in a Development Plan are out-of-date, the presumption in favour of development that contributes to sustainable development will be a significant

material consideration. Adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in Scottish Planning Policy should also be taken into account.

- 3.29 *Status of Local Development Plan Policies* – A presumption in favour of development is a significant material consideration in the determination of this application, however it is also incumbent on the Council to take into account any adverse impacts which would outweigh the benefits of development.
- 3.30 Housing Land Supply: It is acknowledged that (at the date of compiling this report) there is a shortfall in the 5 year effective land supply. As mentioned in para 3.27 this position is expected to change at the end of October 2017. In the meantime working with the 2016 audit means that the policies for the supply of housing are considered out of date. Primary Policy 2 no longer states that where allocated sites prove ineffective, this will be addressed in the first instance through consideration of advancing alternatives identified within Phase 2 (2019-24) or Period 2 (2024-34). Instead, circumstances where there is a shortfall in the housing land supply are to be addressed by Policy 2.1 of the Proposed Plan.
- 3.31 Notwithstanding the land supply position, this policy states where a shortfall in the five year effective housing land supply is identified, proposals to extend the supply of land under Scottish Planning Policy’s ‘presumption in favour of development which contributes to sustainable development’ on sites not identified for housing development will require to: (a) be consistent with the LDP Vision and Spatial Strategy; (b) meet with the provisions of the Local Development Plan Overarching Policy, its accompanying Sustainable Development Criteria and all other relevant Local Development Plan policies; (c) be proven, through detailed supporting information, to be effective and capable of delivery within the 5 year period under consideration; (d) be over 30 units in size in order to make a reasonable contribution to the overall identified shortfall; and (e) demonstrate that development of the proposed site will not compromise delivery of necessary infrastructure supported by the Local Development Plan strategy or jeopardise the delivery of an allocated site. The proposed development is assessed against the first two criteria of this policy and criterion (e) is assessed under the section within this report relating to prematurity.
- 3.32 (a) Be consistent with the Local Development Plan Vision and Spatial Strategy – The Local Development Plan Vision includes “A place with high quality environments...Historic landmarks such as...Battlefields are protected and enhanced and sit alongside new development giving a unique sense of place”. It is considered that this proposal will not protect and enhance the Battlefield designation (Battle of Bannockburn) as is evidenced by the objection from Historic Environment Scotland, the Council’s Archaeologist and third parties, including the National Trust for Scotland.
- 3.33 The Spatial Strategy of the Local Development Plan sets five different development approaches, one of which is strategic development within the Core Area. The Proposed Plan has already set out the strategic development sites, of which this site is excluded. The Proposed Plan refers development proposals that are not specifically dealt with in the Strategy to the Plan policies and Supplementary Guidance for assessment. Policy 1.5 (Green Belts) limits development within Green Belts but significantly limits the extent of housebuilding. It is considered that since this site is not a strategic

allocation within the Core Area, then there is not support for this proposal in the Spatial Strategy.

- 3.34 (b) Meet with the provisions of the Local Development Plan Overarching Policy, its accompanying Sustainable Development Criteria and all other relevant Local Development Plan policies – The Overarching Policy of the Local Development Plan seeks to support good quality development, in the right place. The Overarching Policy provides a list of criteria that all development will be required to demonstrate. This list includes compatibility with the Spatial Strategy and conformity with the relevant Sustainable Development Criteria and appropriate measures for the safeguarding, conservation and enhancement of the historic and natural environment. As outlined in one of the preceding paragraphs, it is considered that this proposal is not supported by the Spatial Strategy. Furthermore, due to the impact that this proposal will have on the Green Belt and Battlefield designation, it is considered that it will not safeguard, conserve or enhance the historic and natural environment.
- 3.35 Sustainable Development Criteria are set out at paragraph 29 of the Scottish Planning Policy. Scottish Planning Policy seeks to achieve the right development in the right place; it is not to allow development at any cost. Scottish Planning Policy states that this means that policies and decisions should be guided by a set of principles. These principles include protecting, enhancing and promoting access to cultural heritage, including the historic environment; making efficient use of existing capacities of land; and protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment. Historic Environment Scotland objected to the proposal since it would have a significant adverse impact both in the setting of the A-listed Bannockburn Rotunda and on the key landscape characteristics and special qualities of the site of the Battle of Bannockburn, which is recognised as nationally important and included in the Inventory of Historic Battlefields. The Council's Archaeologist objected to the proposed development due to the adverse impact on the battlefield site, the associated A-Listed monument complex and their setting. Moreover, the site lies within the Green Belt, a designation which seeks to direct development to suitable locations and will support the spatial strategy of regeneration. It is therefore considered that the proposal is contrary to these criteria of Scottish Planning Policy.
- 3.36 Emerging Local Development Plan: As noted in the preceding paragraphs, the Council is undertaking an early review of the Local Development Plan, primarily in order to consider the housing land requirement in the context of the current shortfall and the generosity requirement. This process is at an advanced stage therefore the Proposed Plan, 2016 is a material consideration. Scottish Planning Policy, paragraph 34, allows consideration of whether a planning decision would prejudice the emerging Plan. Circumstances where such considerations may be appropriate apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new developments that are central to the emerging Plan. Prematurity will be more relevant as a consideration the closer the Plan is to adoption or approval.

- 3.37 The main purpose for reviewing the Local Development Plan is to address a shortfall in the amount of land identified for new housing, which it does through the allocation of a number of new sites within the Core Area. While Stirling, as the Tier 1 settlement, is considered a sustainable location suitable for new housing development subject to a number of environmental and infrastructural considerations, this specific site is not a preferred location for development. Granting permission for the proposed development of 250 homes would undermine the plan-making process by pre-determining decisions about the location of new development and would be premature in relation to the outcome of the local development Plan Examination.
- 3.38 Spatial Strategy: The Spatial Strategy of the Local Development Plan (2014 Plan and 2016 Proposed Plan) identifies Stirling city at the top of a hierarchy of settlements within the plan and the Core Area. The proposed site also falls within the Core Area but outwith Stirling, lying within Countryside and Green Belt. The development approaches for the Core Area identified in the Plan's Spatial Strategy comprise Urban Consolidation (development of vacant and brownfield land and property and the concentration of higher-density, mixed-use development within the City Corridor); Strategic Development (*controlled* greenfield expansion of Stirling city within the City Corridor, such as at South Stirling Gateway, plus a new settlement (Durieshill) in the catchment of the city); and Regeneration (redevelopment of existing regeneration areas plus new development within Eastern Villages).
- 3.39 The Stirling Local Development Plan (2014 Plan and 2016 Proposed Plan) sets out an Overarching Policy and Sustainable Development Criteria (p.29) which support development demonstrating high standards of design; which is compatible with the Spatial Strategy and is sustainable. All development proposals should be assessed against the Overarching Policy and conform to the relevant Sustainable Development Criteria (Noting that the 2016 Plan was updated to include 'creating net economic benefit to the area' in line with the updated Scottish Planning Policy).
- 3.40 Green Belt & Battlefield Designation: Policy 1.5 and SG03 provide information on the objectives of Green Belt designation and outline their core role and function. Policy 7.8 and SG24 provides information on battlefields. Green Belt designation is used to direct development to suitable locations. The objectives of Green Belts is to direct planning growth to the most appropriate locations and support regeneration; protect and enhance the quality, character, landscape setting and identity of town and cities; and protect and give access to open space within and around towns and cities. SG03 highlights that landscape setting of historic features is a particularly important part of the identity of the City of Stirling and the surrounding area. SG03 states that the area of Green Belt designated at Whins of Milton/Bannockburn and incorporating the Bannock Burn and Cat Craig is important in its associations with the site of the Battle of Bannockburn, and in providing context for the understanding of the site, and the identity and character of Bannockburn. The Green Belt also contributes to the wider structure of green space and green corridors present in this area and the objectives of the Green Network.
- 3.41 Policy 7.8 states 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. SG24 states with regard to the Battle of Bannockburn that the key characteristics of the battlefield that survive are the vestiges of open fields and views to and from putative locations. It states that there are sufficient quantities of these open areas and interconnecting views to allow the overall pattern of the battle to be understood and followed on the ground and the integrity of the battlefield to be preserved and enhanced.

- 3.42 Historic Environment Scotland's response outlines the importance that this area played in the Battle of Bannockburn in June 1314, an iconic battle in Scottish history and a key battle in the Scottish Wars of Independence. Key areas of the battle survive today as open land which assists interpretation of the battle in the present day. A key part of the battle and the landscape setting was the higher ground of Monument Hill to the Bannock Burn. This proposal would sit on this land to the north of the Bannock Burn thereby obscuring the contours and lessen our ability to understand the troop movement and action. In addition, it would divorce Monument Hill from the Bannock Burn as well as urbanising what is at present open countryside. Historic Environment Scotland's view is that this development cannot be accommodated without damaging this key landscape characteristic.
- 3.43 Stirling Council's Archaeologist states that the view from the proposed development area north to Monument Hill is one of the few locations where the 'hill' of Monument Hill can be appreciated and underlines the strategic importance in selecting such a location. Stirling Council's Archaeologist states that the proposed development will have a direct impact on a key location of a Nationally Significant Battlefield and will impact on the setting of the most acknowledged location of the entire battlefield, if not Scottish history.
- 3.44 It is considered that the proposed development is contrary to Green Belt (Policy 1.5) and Battlefield designation (Policy 7.8) since this development will take place on rising land from the Bannock Burn to Monument Hill. This land was a key area in the Battle of Bannockburn and therefore of present day interpretation of the battle.
- 3.45 Listed Structures: Policy 7.3 seeks to ensure that the siting of any development preserves the character of the Listed Building and its setting. Where this is not proposed, Policy 7.3 states that development will be refused. It is considered that this proposal will not preserve the character of the category 'A' listed structures on Monument Hill (Rotunda, Memorial cairn, flagpole and statue of King Robert I). Historic Environment Scotland's response highlights the impact that the development would have on these structures. Their response states that the structures respond to the surrounding topography and that this was fundamental within the overall design concept. The southern opening within the rotunda gives views to the line of advance of Edward II's army with the northern opening providing views to the statue and Stirling Castle in the distance. The location of the rotunda, with these openings, is deliberate to inform the visitor experience so that the area, topography and orientation can assist the understanding and appreciation of the battle. The proposed development falls directly in line with views towards the south, the Bannock Burn and the route of Edward II's advancing army and will therefore alter the relationship between the monument and landscape, with "significant adverse impact on the setting of the monument, interrupting the narrative of the purposefully wide views from Monument Hill" (Historic Environment Scotland's response dated 22 June 2017).

- 3.46 It is considered that the proposed development will adversely alter the relationship of the category 'A' listed structures on Monument Hill with the wider landscape since it lies directly in line with important views from these structures are is therefore considered contrary to Policy 7.3.
- 3.47 Flood Risk: Part of the site is shown to be at risk of flooding in that it falls within the Scottish Environment Protection Agency (SEPA)'s 1 in 200 years flood zone. SEPA initially objected to the proposal due to the lack of information stating that the proposed development may place buildings and persons at flood risk contrary to Scottish Planning Policy. SEPA undertook some hydrological modelling and were of the opinion that the flow estimates for the Bannock Burn were underestimated however the applicant submitted additional information, including ensuring that no development will take place within the functional floodplain, such that SEPA removed their objection. The Flood Risk Assessment submitted by the applicant noted that the low-lying south-east corner of the site would be at risk of flooding as well as a strip of land between the Mill Lade and Garden Centre. Development was therefore located outwith the predicted floodplain, south-east corner of site is shown undeveloped in the Development Concept Plan within the Design & Access Statement, and that "the overland flow path between the Lade and Garden Centre will be diverted along the proposed green corridor adjacent to Glasgow Road and that this will provide larger flood storage than available at present" (Flood Risk Assessment by Kaya Consulting Ltd, Aug 2017). Stirling Council's Flood Officer had no objection to the proposal providing development was limited to areas outwith the predicted floodplain. By ensuring that development does not take place in the south-east corner of the site and by the inclusion of appropriate conditions, it is considered that the proposal will not result in buildings and/or persons being placed at flood risk.
- 3.48 Transport Impact: Roads advised that the Transport Assessment, and subsequent Transport Assessment, submitted did not provide sufficient evidence on which Stirling Council could base conclusions of the development's transport impact. The Transport Assessments did not demonstrate sufficiently that there was not an adverse impact on the safety and efficiency of the transport networks as a result of this development.
- 3.49 Developer Contributions: The developer's agent confirmed that they were aware of an expectation to meet the developer contributions for education, transport, healthcare and recycling in line with the figures referenced in Supplementary Guidance. The agent anticipated that affordable housing and open space/green network requirements would be met on site. Education has since provided a consultation response requiring a 3 classroom extension at Borestone Primary School and financial contributions towards secondary school education provision. The developer has confirmed that they are agreeable to mitigating the impacts of their proposals on the primary and secondary school estate.
- 3.50 Scottish Planning Policy: Where relevant policies in a Development Plan are out-of-date, it is stated that a presumption in favour of development that contributes to sustainable development will be a significant material consideration. Sustainable Development Criteria are set out at paragraph 29 of the Scottish Planning Policy. Paragraph 29 states that decisions should be guided by a number of principles including making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities; supporting delivery of accessible housing;

protecting, enhancing and promoting access to cultural heritage. It is considered that the proposed development fails to meet these principles. The proposal relates to a significant development within the countryside and Green Belt. This does not support the Vision and Spatial Strategy of the Local Development Plan (which seeks to ensure that development within the Core Area is either urban consolidation, strategic controlled development and regeneration whilst protecting the Green Belt). The Vision and Spatial Strategy of the Local Development Plan supports regeneration priorities while the Green Belt designation directs development to suitable locations.

- 3.51 Moreover, it has not been satisfactorily demonstrated, through the Transport Assessment, that the site would deliver accessible housing. Furthermore, due to the adverse impact on the Battle of Bannockburn inventory site and a number of category 'A' listed structures, detailed in the preceding paragraphs of this report, it is not considered that this proposal would protect and enhance the cultural heritage.
- 3.52 Finally, Paragraph 34 of Scottish Planning Policy allows consideration of whether a planning decision would prejudice the emerging Plan. Granting permission for the proposed development of 250 homes would undermine the plan-making process by pre-determining decisions about the location of new development and would be premature in relation to the outcome of the local development Plan Examination.
- 3.53 Summary: Given the aforementioned, it is considered that this proposal is significantly contrary to the Stirling Council Local Development Plan, 2014 and the Stirling Council Local Development Plan: Proposed Plan, 2016. It is also considered that the proposal is contrary to Scottish Planning Policy, paragraph 29, since the proposal would have an adverse impact on the historic environment, specifically, development would have a significant adverse effect upon the archaeology, landscape features, character and setting of a site listed in the Inventory of Historic Battlefields. It is considered that, on balance, the proposal does not represent sustainable development. Furthermore, granting permission for residential development (of up to 250 houses) at Whins of Milton would prejudice the emerging Local Development Plan, which is at Examination stage.

## Representations

- 3.54 A petition "Stop the development of 250 houses near the Historic Battlefield of Bannockburn" was submitted with 522 names. Nine letters of comment have been received including the East Kilbride History Society and the National Trust for Scotland. Some comments did not object to the proposed development but sought additional assurances should the development proceed. Comments included seeking additional surveys for birds, amphibians and plants; suggestions to improve accessibility under the Equality Act 2010; effect on historic battlefield and encroachment on a heritage site; effect on an 'A' listed building; suggested measures to tackle climate change; suggested measures for positive wildlife gain; development may increase water in the Bannockburn and lead to further erosion of its banks.
- 3.55 It was also commented that the Borestone Monument (Monument Hill) has 4 listed monuments and 150,000 visitors and that the proposal will have a detrimental effect on the views and landscape which will diminish visitor

experience and damage historical interpretation. Comments also included the statement that the site has seen no development, outwith agricultural changes, since the Battle of Bannockburn in 1314 and that the site is only metres from Milton Ford, a historically important area. Concerns regarding the possible increase in traffic on the road network.

- 3.56 While some of the comments, such as bird surveys, improved accessibility, drainage and wildlife gain, can be addressed by conditions should the application be approved, since the recommendation is to refuse the application all the comments raised regarding adverse impact on the Battlefield designation and the setting of Listed structures have been addressed within the 'Assessment' part of this report.

#### 4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

<b>Policy Implications</b>	
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Serving Stirling	No
Single Outcome Agreement	No
Diversity (age, disability, gender, race, religion, sexual orientation)	No
Sustainability (community, economic, environmental)	No
Effect on Council's green house gas emissions	No Effect
Strategic/Service Plan	No
Existing Policy or Strategy	Yes
Risk	No
<b>Resource Implications</b>	
Financial	No
People	No
Land and Property or IT Systems	No
<b>Consultations</b>	
Internal or External Consultations	Yes

##### Equality Impact Assessment

- 4.1 The contents of this report were assessed using the EqIA Relevance Assessment Form. It was determined that an Equality Impact Assessment was not required since the contents of this report are for noting only.

##### Strategic Environmental Assessment

- 4.2 This report is in a hierarchy of Plans and a full Strategic Environmental Assessment was carried out on the Local Development Plan, 2014 and the Proposed Local Development Plan, 2016 and so a full Strategic Environmental Assessment does not apply for this item.



Serving Stirling

4.3 Not applicable.

Single Outcome Agreement

4.4 The contents of this report are for noting only.

Other Policy Implications

4.5 Over and above planning policy, there are no other policy implications.

Risk

4.6 Not applicable.

Resource Implications

4.7 Not applicable.

Consultations

4.8 **Roads Development Control:** Initial response: Roads advised that the Transport Assessment submitted (May 2017) did not provide sufficient evidence on which Stirling Council could base conclusions of the development's transport impact. As a consequence the recommendation from Roads was for refusal of planning permission. The initial Transport Assessment submitted in support of the application omitted significant areas of information stating that these would be submitted in an Addendum Transport Assessment.

A subsequent Transport Assessment was submitted (July 2017) and Roads advice was received on 31 August stating that further information/clarification was required for an informed view to be made on the acceptability of the proposal in transport terms.

4.9 **Children's Services (Education):** This development would fall within the catchment of Borestone Primary School and Stirling High School. It is predicted that around 86 primary school pupils will be generated from this development of around 250 units. Borestone Primary School would require a 3 classroom extension to accommodate this level of anticipated pupils. Around 75 secondary school pupils would be expected from this development. With new development and placing requests, it is anticipated that capacity at Stirling High School would be reached by 2025/26 however a new High School at Durieshill is proposed in 2027. It may therefore be possible for additional pupils from the proposed development to be accommodated from 2027 onwards. A developer would therefore be expected to contribute a proportionate cost which at present is between £3,406 and £8,514 per unit however this figure is under review as part of the revised 'Supplementary Guidance 15: Education Provision'.

- 4.10 **Service Manager (Environmental Health):** Recommend inclusion of conditions addressing contaminated land; restriction of construction hours; noise assessments addressing residential development in proximity to M9 motorway; ensuring light intrusion to surrounding residential properties does not arise.
- 4.11 **Housing Strategy & Development:** Site's location is appropriate for the provision of affordable housing: 25% if Scottish Government funding available or approximately 12% if funding were not available (jointly funded by developer - 60% - and the Council or a local housing association – 40%).
- 4.12 **Scottish Water:** No objection. Currently sufficient capacity in the Turret Water Treatment Works to service the development and currently sufficient capacity in the Stirling Waste Water Treatment works to service the development.
- 4.13 **Scottish Environment Protection Agency:** Initial response (16 June 2017) was on the draft Flood Risk Assessment submitted in support of the application – Objected to the application in the grounds of lack of information specifically with regard to flood risk.

Second response (23 August 2017) – Removed objection following the review of the recently submitted Flood Risk Assessment. They state that the functional floodplain has been identified and the consultants state that there should be no development within the floodplain. Additional information will be required on the proposed green corridor along the eastern boundary of the development site at the detailed design stage to show that such measures will reduce the risk of flooding downstream.

Requested the inclusion of a condition related to the submission of an Energy Statement should the application be approved.

- 4.14 **Planning & Policy: Archaeology:** Recommend that the application is refused. Proposed development lies within the Bannockburn Inventory Battlefield (1314) and specifically in the area of the vanguard's advance and retreat on Day 1 of the battle. The development area may also feature the location of the famous one-on-one clash between King David I and de Bohun. This clash is very important strategically. The location also impacts on the setting of the location of the Borestone, where Bruce supposedly raised his standard on Day 1 and the associated A-Listed monument complex. Explicitly, the proposed development will impact on views from Monument Hill to the south, the immediate context looking north from the development area and the view from Cat Craig) to Monument Hill. The proposed development area has the potential to contain objects associated with either fighting or troop movements on Day 1 of the Battle of Bannockburn. Such objects would be significantly impacted by the proposed development. The assertion that the proposal will not have a significant impact on the ability of visitors' interpretation of the views to the south of Monument Hill are not agreed. The views to the south of Monument Hill, which are framed and highlighted by the A-Listed Rotunda, are the only location where it is still possible to appreciate the landscape and the strategic military decisions that we taken during the battle. The view from the proposed development area north to Monument Hill, is one of the few locations where the 'hill' of Monument Hill can be appreciated and of course underlines the strategic value in selecting such a location. In this position one can also empathise with the task facing the

invading army and readily appreciate the topographical reasons behind its failure. The proposed development would greatly impact on the view from Cat Craig. It is considered that the proposed development would hamper and threaten all of the above settings.

- 4.15 **Historic Environment Scotland:** Initial response of 22 June 2017. Object. The proposals would have a significant adverse impact both on the setting of the A-listed Bannockburn Rotunda and on the key landscape characteristics and special qualities of the site of the Battle of Bannockburn, which is recognised as nationally important and included in the *Inventory of Historic Battlefields*. Response outlines the reasons why Bannockburn is significant as one of the most iconic battles of Scottish History and as a key battle in the Scottish Wars of Independence.

The higher ground of Monument Hill retains its uninterrupted physical link with the Bannock Burn. The topography of the area between the Bannock Burn and Monument Hill is intact and clearly understood on the ground. The rising ground with two distinct ridges can be clearly appreciated. The relationship between Monument Hill and the Bannock Burn is a key landscape characteristic which is vital to understanding the unfolding events of the first day of battle. The introduction of 200 houses into the landscape would obscure the contours and lessen our ability to understand the troop movement and action. In addition, the proposed development would divorce Monument Hill from the Bannock Burn as well as urbanising what is at present open countryside. It cannot be accommodated without damaging this key landscape characteristic.

The applicant's Landscape Assessment focuses on the impact of key views from Monument Hill to Croftside Farm and Cat Craig, but fails to sufficiently address the separation of Monument Hill from the Bannock Burn and the subsequent impact this would have. The proposed mitigation of screening via tree planting along the edge of the development would not lessen this impact. Development on this scale, in this location is entirely inappropriate and contrary to both National and Local policies on the protection of Inventory Battlefields.

The Rotunda, Memorial cairn, flagpole and statue of King Robert I are listed at category A and combine to create a unified design, responding to the topography of the battlefield. The Rotunda reinforces and directs the visitor's gaze out towards the southern and northern landscapes, from within the arcs of the monument; its location and setting are deliberate aspects of the Rotunda's design, contributing to how the battlefield is experienced, understood and appreciated. The proposed development falls directly in line with views towards the south, the Bannock Burn and the route of Edward II's advancing army. New houses on this site will alter the relationship between monument and landscape, with significant adverse impact on the setting of the monument, interrupting the narrative of the purposefully wide views from Monument Hill.

Second consultation response in light of additional landscape information submitted by the applicant - considered the documentation provided and can confirm that our view as set out in our response of 22 June is unchanged.

- 4.16 **NHS Forth Valley:** No adverse comment and can see no direct impact on healthcare services resulting from this particular development.

- 4.17 **Borestone Community Council:** Consultation sent on 2 June 2017. To date, no response received.
- 4.18 **Stirling Council's Flood Officer:** No objection subject to conditions: development limited to areas outside the predicted floodplain; no land raising within the functional floodplain; setting finished floor levels; finished ground levels designed to direct any flows towards Bannock Burn; submission of maintenance programme for watercourses.
- 4.19 **Play Services:** Concur with the development concept masterplan that play provision should be on-site within the development. Provision should accord with Supplementary Guidance 02 (Green Network).

## 5 BACKGROUND PAPERS

- 5.1 Planning Application file 17/00407/PPP. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OQG51UPIKJF00>


## 6 APPENDICES

- 6.1 None.

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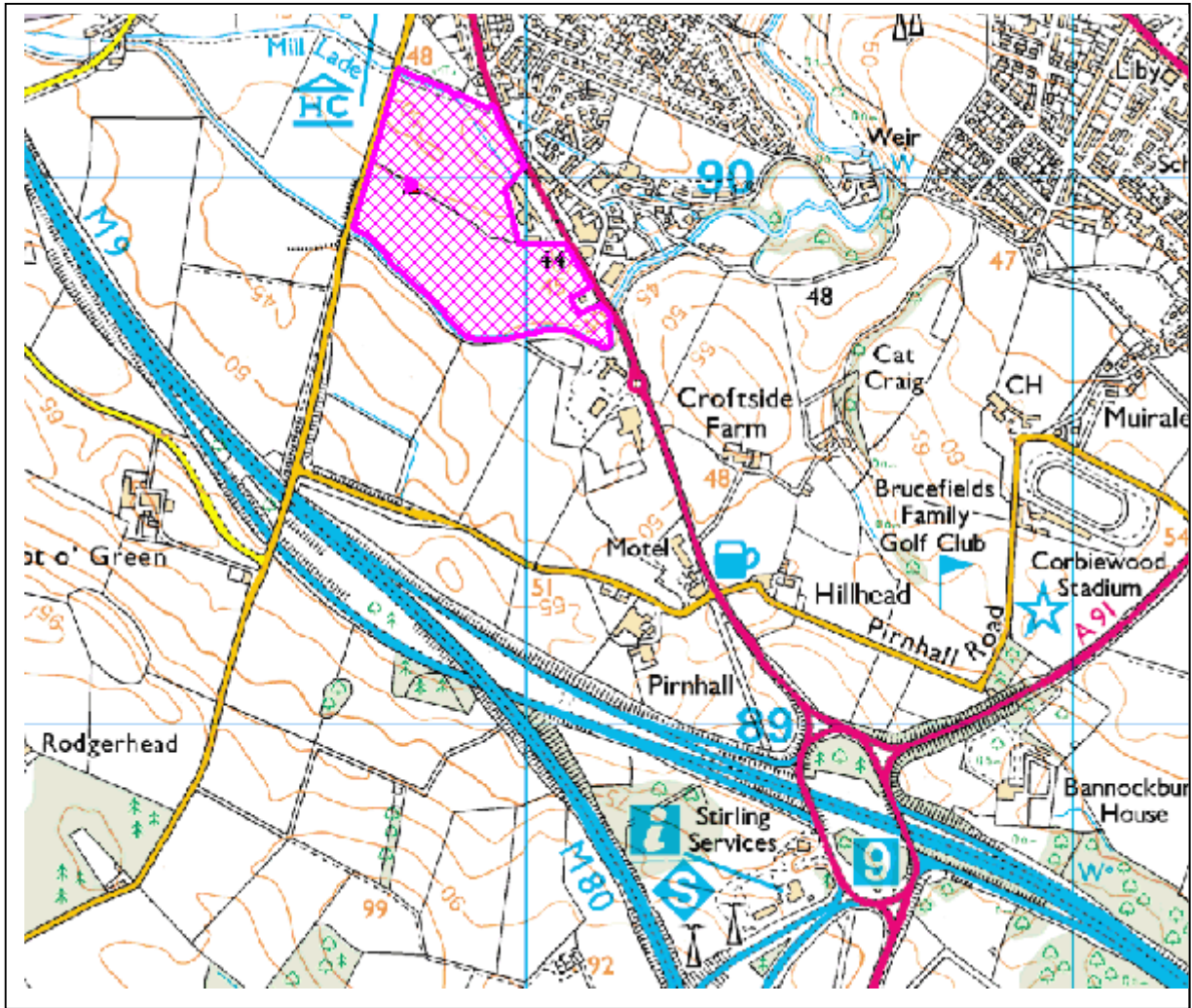
### Approved by

Name	Designation	Signature
Alastair Brown	Director of Localities & Infrastructure	

Date 22 September 2017

Service Reference 17/00407/PPP

Location of Development



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