1 SUMMARY

1.1 The report considers the Local Plan allocation of the Site for housing, Plean Community Council’s objection, Roads and Education provision and Affordable Housing and other objections.

2 RECOMMENDATION(S)

To indicate that the Council is minded to approve the Application subject to:-

2.1 The satisfactory conclusion of a Section 75 Legal Planning Agreement between the Council and the Developer relating to the Heads of Terms identified in Appendix 1 of the report.

2.2 The satisfactory resolution of Planning Conditions and Reasons between the Council and the Applicant/Agent. Conditions and Reasons will be recommended on the Council’s Weekly Planning Schedule following conclusion of the Section 75 Agreement; these Conditions will include no vehicular access from President Kennedy Drive and a restriction on the number of houses on the site to a maximum of 167 units.

3 CONSIDERATIONS

The Site

3.1 The Application Site is a field, formerly relating to Touchhill Farm and which generally slopes upwards towards the Plean Country Park on the south west side of the site. There is a tree belt adjacent to the East Plean Primary School, which subdivides the Site. To the north of the Site are houses at Touchhill Crescent, Willow Brae, McAulay Brae and Main Street, and the East Plean Primary School. To the east of the Site are a group of houses developed in a tandem arrangement adjacent to the Main Street, to the south of the Site is Plean Country Park and to the west of the Site is the roadway at President Kennedy Drive and a group of houses built adjacent to President Kennedy Drive.
The Proposal

3.2 The Application is for Outline Planning Permission for Residential Development with access being taken from the roundabout on the Main Street via Willow Brae/McAulay Brae, and from President Kennedy Drive. The Planning Application form states the proposal is for Residential Development and ‘the number of units not known at this stage’. The Applicant submitted a layout plan for indicative purposes only. The layout gives an impression of what could be built and shows 167 houses.

Previous History

3.3 The Application Site is identified in the Adopted Stirling Council Local Plan December 1999 for 170 units under proposal PLEA.H1. Outline Planning Permission was previously approved in 1999 for 180 houses at the Touchhill Farm site. The previous Outline Planning Permission contained 2 Conditions relating to Site access, which stated:

Condition 10: Site Access Retail – Access to the Development shall be taken from the A9 Main Street via a new roundabout, and from President Kennedy Drive, as indicated on the approved layout plan; the accesses shall be constructed and located in conformity with the Roads’ Authority’s Standards and Specification with the precise details for President Kennedy Drive access being submitted in conjunction with any Reserved Matters Application.

Condition 12: Access Detail: Road No 7 as indicated on the approved Site Plan shall be ‘stopped up’ to form a cul-de-sac with no vehicular link onto President Kennedy, the details of which shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads’ Authority.

It is not clear that an access into the Site from President Kennedy Drive was authorised by the previous Outline Planning Permission. It would appear that the intention of the permission was to allow an access from President Kennedy Drive (Condition 10) but this was to be in the form of a cul-de-sac (Condition 12) however, the wording of Condition 7 is ambiguous.

The seventy-nine houses now built, were approved following the previous Outline Planning Permission and subsequent Approval of Reserved Matters Applications. As the previous Outline Planning Permission for 180 houses has expired, the current Application was submitted to renew Outline Planning Permission for the Site, for the remaining balance of the Site and the previous Conditions are material, but not binding.

3.4 The Application Site forms part of the housing proposal in the Adopted Stirling Council Local Plan December 1999 under proposal PLEA.H1 – allocation for 170 residential units. The Stirling Council Local Plan (As Altered) August 2007 – Policies H2 and H3 states that all new Local Plan sites, as identified through Policy H6 of the first Alteration, and appropriate Windfall Sites should provide for a proportion of Affordable Housing. This Policy does not apply to Sites previously identified in the Adopted Local Plan. The Affordable Housing Policy would apply to the Windfall additional 76 units, requiring the standard 25% contribution with priority for on site provision by a Registered Social
Landlord. Policy H2 of Local Plan Alteration 1A states that the Council will seek to achieve a mix of house types, sizes and tenures, including a proportion of Affordable Housing.

The Application shows an area of ground outwith the Adopted Local Plan Housing Site area and is shown on the Location Plan attached to the Report. Housing in the additional area would be considered in relation to Policy H6 of the Adopted Local Plan concerning Development of Infill Sites and Policy H6 of the Stirling Council Local Plan (as altered) 2007 concerning the use of land within towns and villages for housing.

Objections

3.5 An Objection received from Consultants acting on behalf of Sears Property Group Ltd (who intend to submit a Planning Application for Residential Development at Pleanbank Farm, Plean) detailed the following:-

The proposed Development is out of step with requirements with the Local Community, firstly in its assessment of the type of housing that is required in the area to meet local need and secondly in its deficient provision of community facilities. Although the proposed Development may be able to meet the Council’s requirements in terms of infrastructure upgrades and Affordable Housing provision, it contributes little to Plean by way of Regeneration and Community benefits, and fails to contribute to a long-term Regeneration Programme.

Response: The Application is for Outline Planning Permission for Residential Development (number of units not known at this stage). Any benefits agreed through a Section 75 Planning Agreement must relate to the nature and scale of the Application. The Heads of Terms in the Appendix identify issues which relate to the Residential Proposal and which the Planning Authority could reasonably Agree as they relate to the nature and scale of the Application. The Applicant is not obliged to submit a long-term Regeneration Programme and Community benefits for a Local Plan Housing Site, which do not relate to the Application in nature and scale, unless the Local Plan explicitly states this requirement.

3.6 The proposed Residential Development will occupy a Site that would more satisfactorily accommodate a new Primary School in the event that larger Housing Development capable of supporting a more extensive and holistic Regeneration Programme for the Community, were brought forward elsewhere in the area. The Proposal will only hinder any long-term prospect of delivery the Regeneration Programme that the community in Plean needs, contrary to the approved Structure Plan. The Proposal does not recognise that the Site, which may have been a credible housing proposal in 1999, would be better suited to accommodate an extension to the local Primary School in the early 21st Century, where there is a more pressing need for the Development of a greater number of houses on another Site which possesses the capacity to promote Regeneration more actively and directly. For this reason the Proposed Development is counter productive, not only does it deprive the Community of the best site for the new School but it damages the potential of a more appropriately sized and resourced housing proposal to deliver Regeneration by potentially constraining the number of houses that can be delivered with implications for the extent to which associated Regeneration benefits can be realised.
Response: The Application Site is not needed for a Primary School extension – Children’s Services have advised the Primary School capacity is adequate. The proposal accords with the Development Plan.

3.7 Regardless of the Development Plan status, due cognisance must be given to the Community Plan which has been produced through Community Planning and through Plean in Partnership.

Response: The Local Plan is the principal planning consideration in determining the Application.

3.8 The layout plan submitted with the Application illustrates detached and semi-detached houses that will be similar in form, but of far smaller proportions than those at the existing development at McAulay Brae and Willow Brae. The uniform approach to housing tenure restricts housing choice and would lack a sense of place. The proposal is contrary to the provisions of SPP3 which notes that redevelopment of existing areas can support wider Regeneration by introducing choice in house type and tenure.

Response: The Conditions on any approval would require that The Reserved Matters Application which shows layouts/house types, and have a range and mix of house types in accordance with Development Plan policy.

3.9 The Proposal represents an increase of 50% in the number of houses allocated in the Adopted Local Plan. The indicative site plan submitted with the Application is an over-development of the site with small houses set in even smaller plots with no relationship with either the larger settlement of Plean or with recently developed plots at McAulay and Willow Brae.

Response: The indicative layout shows a 66% increase in number with a density of 10 houses to the acre approx that is not a high density. This number of houses does not form part of the Application.

3.10 The supporting statement for the Application makes no reference to the delivery of Affordable Housing and this Application cannot be determined until delivery of Affordable Housing has been agreed. There is likelihood that the market housing will not be accessible to people from the local area and will instead accommodate households that predominately work, shop and access services elsewhere. Whilst a sustainable mixed community can benefit from the presence of commuters, it must also seek to accommodate people who live and work locally, people that is, who are not eligible for Affordable Housing but who otherwise cannot afford the types of market houses that the Development proposal seeks to deliver.

Response: The Applicant has agreed to provide land for Affordable Housing – see Appendix 1 and the Heads of Terms, Part 3.
3.11 The Proposed Development, despite the scale, does not benefit the community. However, the Proposed Development at Pleanbank Farm, which will be the subject of a future Planning Application, will incorporate a comprehensive Regeneration package, which will bring significant benefits to the Eastern Villages as a whole, and which would result in wholesale changes for Plean itself. The Application, despite being in the Adopted Local Plan, does not meet the requirements of the associated policy as set out in Key Policy LD1 Key Principal F of Alteration 1A which sets out sustainable development principles and criteria which will be applied by the Council in determining Applications, and therefore does not accord with this Plan. Overall the Proposal does not accord with the Development Plan. The Application should have been advertised in the Local Press as a Departure from the Development Plan. The Development would require to be the subject of a Development Plan Departure Hearing on account of its non-compliance with both the approved Structure Plan and the Adopted Local Plan.

Response: The Application conforms with Development Plan policy, allocated as a housing site in the Local Plan and is therefore not a Departure, which required advertising or a Hearing.

3.12 Twelve letters from individuals of objection/comment have been received which may be summarised as follows –

(a) The meadow directly behind East Plean Primary School contains greater butterfly orchids – under the Nature Conservation Act Scotland 2004 Public Bodies are charged with the duty of “furthering the conservation of Bio Diversity and the list of vascular plants associated with this document includes the Greater Butterfly Orchid”. This species is on the Scottish Bio Diversity List and is worthy of protection. Therefore an Environmental Impact Assessment is required as part of this Application.

Response: The Council’s Bio Diversity Officer has advised it would be possible to translocate the Greater Butterfly Orchid into Plean Country Park – this could be covered by a Planning Condition – see Paragraph 4.14.

(b) **Density/Number of Units** – following from your own guidelines, the current area under question PLEA.H1 is an allocated Site with a capacity of 170 units. This is to include the housing already built at Mcaulay Brae, Willowbrae and Thornycroft Terrace. The Outline proposal is for 175 new units where housing Developers have already built 72 units, therefore the maximum permissible units should be a further 98 within the site.

Response: The Application Site density would amount to 10 houses to the acre, which is not a high density. The density of that area already developed is approximately 8 houses to the acre.
Environment: PLEA.E1 has a Tree Preservation Order for the shelterbelt beside the school. Although the Outline Application shows some trees remaining, there is clearly no space for a road through the Tree Belt without tree felling. The tree shelter area also allows for a safe path access without crossing any roads for the Primary and Nursery Schools away from an increasingly busy A9 main road. This is a very strong asset to the school and should not be compromised.

Response: The Local Plan proposed a Tree Preservation Order – this proposal has not yet been implemented. For the avoidance of doubt, there is not a Tree Preservation Order affecting the tree belt within this Application site. A professional tree survey was previously carried out and advises the route of the road link does coincide with a natural gap in the tree cover with only one tree definitely affected. The impact of the road link on other trees will depend on road engineering requirements.

Vehicular Access: The Proposal allows for only two routes into the Development – McAulay Brae and President Kennedy Drive. This will turn McAulay Brae into a thoroughfare for at least half of the Development with one hundred or so cars and detract considerably to the quality of life, which is a quiet end of a rural village. Could the Council consider restricting traffic flow so that there is not a through road from the A9 Main Street via McAulay Brae into the new development and onto President Kennedy Drive? On the far east of the Proposal it would not be beneficial to have A9 access via a new roundabout cutting down on the congestion of traffic up to McAulay Brae, also providing a natural slow traffic zone either side of the school.

Response: The consultation reply from the Council’s Transport Development Section advises the access from Main Street is suitable to serve the entire proposed residential development and advise against access from President Kennedy Drive.

Building Site Access: Can it be agreed from the start that there will not be any building traffic up McAulay Brae and that they will use their own routes in/out of the Site for works traffic?

Response: Site/construction traffic may be from President Kennedy Drive.

Residential Development will take away the open view of the country, which can be appreciated from the rear of McAulay Brae.

Response: Planning Permission could not be refused on the grounds of the loss of an open country view.

It will change the present quiet street into a busy road for access to all these new homes.
Response: McAulay and Willow Brae are earlier phases for a larger housing development site, and were anticipated as busier access roads.

(h) The infrastructure structure within the village cannot sustain any more houses especially with all the new houses being built on the west side of the village.

Response: Subject to Conditions/Legal Agreement the site could be adequately serviced from an infrastructure viewpoint.

(i) McAulay Brae is frequently crowded with parked cars and would not permit two-way traffic with satisfactory visibility or space to safely pass, especially around the bend in the road towards the far end of McAulay Brae. Extra traffic would also make reversing of driveways more difficult. McAulay Brae will be the major thoroughfare for the new Development, which will mean substantial increase in traffic, noise and disruption.

Response: McAuley Brae was always planned to be on the main route into the proposed development and it has been designed accordingly.

(j) Concern regarding potential loss of natural light and privacy, which would result from housing being constructed to rear of and up hill from housing and gardens on McAulay Brae.

Response: The housing layouts and scale in any future Applications for Reserved Matters would have to comply with the Council’s Development Advice Note concerning Sunlight, Daylight and Privacy.

(k) The Plans appear to be a complete over-development. The layout plan supporting the Application appears to have several detached houses very close together with very small back gardens.

Response: The density indicated in the supporting layout drawing would not overdevelop the site.

(l) Health and Safety concern regarding heavy vehicles using McAulay Brae.

Response: Health and Safety concerns in terms of site construction do not fall within the scope of the Planning Application.

(m) Residents at McAulay Brae understood that this was to be a cul-de-sac the same as Willowbrae and Thornycroft Crescent, as informed at time of purchase.

Response: McAulay Brae was never proposed as only a cul-de-sac and was always to be an earlier phase in a larger housing site as is evidenced in the Local Plan 1999.
The Proposed Development includes land already marked for Development into a Play Park, which has been approved by the Council.

Response: Play Services consultation reply advises that a commuted sum is paid by the Developers towards an upgrade of existing play facilities. A further informal play area (with no play equipment) is required within the site.

There appears to be an increase in the volume of water running off the hill and this has already led to water levels under the house known as Forthview, Main Street of 6 inches for periods up to four days.

Response: Surface water run-off in any approved layout would have to comply with the requirements of Scottish Water and the Scottish Environment Protection Agency.

Concern that there is not adequate capacity in the Primary School for the Residential Development and that the Health Centre in Plean will not be adequate. There is currently a hut in the Main Street, which is run by the Bannockburn Clinic, but Plean is not open the hours that Bannockburn is, and if there are more houses and more people registering with the Clinic they may not be able to cope with this. The local amenities – shops, and library are poor and in need of upgrading even for the existing population.

Response: The Primary School has adequate capacity. NHS Forth Valley advise in their consultation reply that the Clinic/Practice in Plean provide a service on 5 mornings a week and one afternoon a week. In order to respond to increasing demand there will be a requirement to increase the number of clinical sessions at the Clinic.

The roads in the local network will not cope with any significant increase in traffic volumes – it is already very difficult to join the A9 from minor roads and the amount of traffic using President Kennedy Drive to access the “Country Park” and the M9 is considerable. Further, the recently started development “Cadgers Brae” is causing mayhem at the bridge under the M9 and will create another bottleneck for traffic once completed.

Response: The consultation reply from the Council’s Transport Development Section advises the access from the roundabout on the Main Street is more suitable for the proposed residential development and advise against access from President Kennedy Drive.

In addition, the Proposal gives no detail of the number of homes, the layout/position within the bounded area (the latter being considerable) or the size/type of housing being considered. This is surely an unacceptable level of detail for what could be a considerable development.
Response: The Application is for Outline Planning Permission and the precise layout and details of houses, floor areas and design are not required. An indicative layout is provided to help access density/site capacity, which does not form a part of the Application.

3.13 The Community Council has also objected (see below)

3.14 Assessment: The Application is for Residential Development in Outline. The Planning Application form states that the number of units is not known at this stage but the Application is accompanied by a Layout Plan, for indicative purposes only, showing 167 units. As 79 houses have been built on the Site within the Adopted Local Plan and the indicative layout show 167 units the total is 246 units. The additional number of houses which could be developed on the Site based on the indicative layout, over and above the Local Plan figure of 170 houses would be 76. Members are advised that the Local Plan housing figure is an estimate of the numbers the Site can accommodate, however, depending on the mix of house types on the Site, the actual numbers can rise above the Local Plan figure. The density shown in the indicative layout is basically 10 houses to the acre, which is not a high density in modern housing layout terms. Although the Application Form does not state a precise number of houses, it is recommended that the number of houses is restricted to 167 units so as to control density. An increase in the numbers from that identified in the Local Plan, does not constitute a Departure from the Development Plan.

Access to the Site is proposed from the roundabout on the Main Street previously installed by the Developer of the Initial Phase of 79 units and via President Kennedy Drive. The Council’s Transport Development section has advised that access should only be from Main Street as the single access from the roundabout on Main Street has a capacity of 300 residential units.

Children’s Services have advised that there is sufficient capacity in the existing Primary School at East Plean Primary and that the High School at Bannockburn does not have capacity for the Proposed Development. A Financial Contribution relating to household size (£1200 per 1, 2 3 and 4 bedroom units and £1800 per 5 bed units) is therefore required for a new school anticipated at Durieshill Major Growth Area Development. The Financial Contribution to a new High School would form part of a Section 75 Legal Agreement.

In accordance with advice from the Play Services Section, an informal play area will be required through Planning Conditions and Legal Agreement to be provided within the Site, and a Financial Contribution to the upgrade of play facilities within the village.
The Adopted Local Plan did not contain any Policies for Affordable Housing therefore the allocated number of 170 units could not be considered to provide a percentage of Affordable Housing. Policy H2 and H3 of the Local Plan Alteration 1A states appropriate Windfall Sites, provide for a proportion of Affordable Housing. The number of units over and above the 1999 Local Plan Alteration of 170 units constitutes a windfall of housing. The windfall increase of house numbers over and above the figure of 170 units could be considered for Affordable Housing and the Applicant has agreed to provide 25% of the windfall figure for Affordable Housing. The Affordable Housing component would form part of a Legal Agreement between the Council and the Developer, which would involve identification of a Site to be made available for purchase by a Registered Social Landlord within a centrally located part of the Site.

At the Reserved Matters stage, when the layouts of detailed designs and house positions are submitted, the relationship of the proposed houses relative to the existing housing and implications for over looking/loss of privacy and potential loss of sunlight/daylight can be considered in relation to adjacent houses at President Kennedy Drive, Touchhill Crescent, Willow Brae, McAulay Brae and Main Street.

Subject to the satisfactory conclusion of the Section 75 Legal Agreement, the Planning Conditions will be placed on the weekly Planning Schedule covering landscape issues and tree protection, access into the Country Park from the Site, pedestrian access from the rear of the Primary School into the adjacent tree belt and play area, roads and parking, and the translocation of Butterfly Orchids into the adjacent Country Park as advised the Councils Bio Diversity Officer.

4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

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Policy Implications

4.1 None.
Resource Implications

4.2 None.

Consultations

4.3 **Service Manager (Environmental Health):** It is recommended that the standard Contaminated Land Conditions be attached to any permission granted for the Development, in light of the proximity of potentially contaminating activities, which formerly took place to the South West of the site.

Environmental Health advise that there are no known Environmental Considerations, which would militate against the Granting of this Application. However, if permission is granted, the hours of construction/demolition work should be restricted as follows: -

Monday to Friday  8.00am - 6.00pm  
Saturday        9.00am - 1.00pm  
with no noisy work outwith these hours or on Sundays or Public Holidays.

In addition, suitable and sufficient dog exercise areas should be provided to comply with Council policy.

4.4 **Environment Services Transport Development:** Vehicular access to the site shall only be from the roundabout in Main Street, and advise that President Kennedy Drive is not designed for access to the proposed residential development.

Have agreed with the Developers’ representatives that the Developer shall contribute to the following off-site transport measures:-

(a) Improvement of bus shelters on Main Street, Plean within 400m of the site.

(b) Improvement of existing footways on President Kennedy Drive, and to footway link between the site and President Kennedy Drive.

(c) Improvement of road markings at President Kennedy Drive/Main Street junction.

(d) Traffic Management measures on President Kennedy Drive and Main Street, including pedestrian crossing facilities and traffic calming features.

Report to include the following requirements:-

(a) A Standard Condition that all roads and footpaths need to be constructed in accordance with Stirling Council’s Development Roads Guidelines and Specification

(b) An Agreement to provide a Contribution of £75,000 towards the Transport Measures outlined above.
4.5 **Play Services:** The Proposed Outline Plan shows two small new play areas within the Site. These are not necessary as there will be an adjacent existing play area at Willowbrae and another nearby play area at Bruce Street. Following the guidance of the Development Advice Note on Play and Informal Recreation Areas we would require:-

(a) A cash Contribution for the enhancement of the above play areas based on the number and sizes of the houses on this Development.

(b) The incorporation of an informal space within the new Housing Development. As the guidelines state, the creation of such a space should entail only minimal costs if planned from the outset as part of the general landscape plan for the area. Play Services will support the design and planning process of such areas.

4.6 **Housing Strategy & Development:** Would expect proposal to include 25% social rented housing requirement. Would have no objection to between 10% and 20% of social rented units being offered for low cost house ownership.

4.7 **Scottish Water:** In terms of Planning Consent, Scottish Water will not object to this Planning Application, however please note that any Planning Approval Granted by the Local Authority does not guarantee a connection to our infrastructure until a satisfactory solution is identified.

Due to the size of this Proposed Development it is necessary for Scottish Water to assess the impact of this Development on our existing infrastructure.

Turret Water Treatment works - there may be capacity issues at the Water Treatment Works that serves the Proposed Development.

Water Network - there may be issues within our Water Network that serves the Proposed Development.

Plean Waste Water Treatment Works currently has sufficient capacity to service this Proposed Development.

Waste Water Network - there may be issues within the Waste Water Network that serves the Proposed Development.

In some circumstances it may be necessary for you to ensure that your Development will not have any detrimental impact on the service we currently provide our existing customers. Should we be aware of any issues such as flooding, low pressure, etc you will require as part of any network upgrading work, to provide a solution that would prevent any further impact.

We understand that the Developer is looking to build 175 units. Scottish Water would be keen to understand the proposed phasing and timescales to enable us to examine all options available to allow connection. Please advise the Developer to make contact with Scottish Water Development Planning Team to discuss further.
A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water supports the principal of Sustainable Urban Drainage System (SUDS) and the Developer should consider utilising this in the surface water drainage design. It is important to note that Scottish Water will not adopt surface water drainage systems that require the flows to be pumped.

4.8 **SEPA East Region North Division:** SEPA offers no objection to this Planning Application.

Sewage from the Proposed Development should be connected to the public foul sewer. The specification of the drainage system must comply with the SUDSWP/CIRIA design manual for Sustainable Urban Drainage Systems.

4.9 **Plean Community Council:** 07/12/06 – Neither supports nor opposes the Application.

We are concerned that the area close to the school wall should not be developed for housing at anytime and should be given as a nature area for the school.

08.02.07 - wish their strongest Objections to the Proposals to be recorded.

Objection received on 6 August 2007 detailing the following:-

(a) Lack of Community consultation.

Response: The Application was submitted in November 2006 – the Community Council have responded to 2 consultations and a public meeting, with the Community Council, was held in September 2007. The Community Council has been given a reasonable opportunity to submit representations.

(b) Though the site was allocated in the Adopted Stirling Council Local Plan December 1999 with an indication of 170 houses, the present Application appears almost 8 years after adoption of this Plan. This Application takes no account of any changes since then. We believe that the Proposed Development seriously fails our local community in housing and also in its lack of community facilities.

Response: The proposal would deliver private and affordable housing plus related facilities in terms of play provision, and financial contribution towards transport mitigation measures and education provision.

(c) The Proposed Development will occupy a Site, which we believe should accommodate a new Primary School – especially as part of a better designed Housing Development with a more extensive Regeneration Programme for the community. The proposal thus takes away from the community the best Site for a new Primary School. It reduces the overall number of houses, which might be built in Plean and thus undermines other possible Development Proposals, which could deliver considerably greater Regeneration benefits.
Response: A new Primary School is not required. The Community Council has not identified the ‘other development proposals’. The planning criteria for assessing the Application is not based on the extent of ‘regeneration benefits’ but the provisions of the Development Plan.

(d) There is already concern about the amount of traffic being generated by the new Hospital visiting arrangements, where twice daily, we have visitors from Stirling area travelling to Falkirk and vice versa from Falkirk to Stirling traffic and this will not change when the new Hospital is sited at Larbert. The Proposed Development takes no account of this traffic growth and will lead to a non-stop traffic flow through the middle of the village, adding to an already overloaded situation at Plean Corner at the bottom of Cadgers Loan/President Kennedy Drive and Main Street A9.

Response: Transport Development in Stirling Council advises the traffic generated through Plean by the new hospital at Larbert and by the above Application, will not threaten the capacity of the A9 in Plean.

(e) Even if there is 25% projected as Affordable Housing, there remains a possibility that the market housing will still not be accessible to local people. Instead Affordable Housing will accommodate the households that predominantly work, shop and access services elsewhere.

Response: The Planning Application could not influence the price of the private ‘market’ housing and only has control over the proportion of affordable housing through local plan policies.

(f) The Proposed Development does not take into account the Plean Community Plan and does not bring any benefits under any of the four headings identified in the plan. Despite the scale of the Development proposed, this Application does nothing to address acknowledged problems and therefore does nothing to benefit the community. Parts of Plean, Fallin and Cowie are among the 20% most deprived areas in Scotland and in the 2006 Multiple Deprivation Index. Plean has the worst average deprivation ranking of all three. These Data Zones show Health and Education Deprivation as significant problems in Plean. Income, employment and crime deprivation are other issues.

Response: Benefits accrued from residential development must relate to the scale of the proposal and there must be a proven link between the benefit and the housing ie the proposed development must generate a need for such a benefit – see the Heads of Terms in Appendix 1.

On 18 September 2007, a public meeting of Plean Community Council was attended by Planning and Roads officials of Stirling Council. At the meeting, the Community Council raised the following issues:-

- Vehicular access from the proposed housing should not be permitted from President Kennedy Drive.
- Lack of Planning Gain for Plean.
• Is there a Tree Preservation Order within the Site.

• The presence of Greater Butterfly Orchids to the rear of East Plean Primary School and within the Site.

Response: The above issues are addressed within the report.

4.10 Planning & Policy: Proposal PLEA.H1 of the adopted Stirling Council Local Plan 1999 identifies this Site for housing with a capacity of 170 units. The capacity as identified is indicative. The Approved 2006 Housing Land Audit states a remaining capacity of 103 units. This Current Application for 175 houses represents an increase of 67 units over that already in the land supply.

In other instances we have accepted higher densities so long as residential amenity and design quality is not compromised. Making efficient use of land, with appropriate densities, is consistent with Policy SD1 of the Approved Structure Plan.

This Site was identified for private sector housing in the Adopted Local Plan with no requirement for Affordable Housing. The Finalised First Alteration to the Local Plan June 2002 did not seek to amend this proposal.

Policy H2 and H3 of the Finalised Alteration states that all new Local Plan Sites (as identified through Policy H8 of the first alteration) and appropriate Windfall Sites should provide for a proportion of Affordable Housing. This Policy does not apply to Sites previously identified in the Adopted Local Plan.

In this context any increase in the total units on the Site over that already in the land supply would be classed as windfall. It follows then that only this proportion of the Site would be considered in the context of the Affordable Housing Policy H2 and H3. The Affordable Housing Policy would apply to the additional 67 units, requiring the standard 25% contribution with priority for on Site provision by a Registered Social Landlord.

These additional units may also require additional play provision in accordance with the Play DAN Consultation with Childrens Services is recommended in the context of capacity at Plean Primary School and I understand they may wish a contribution towards future High School provision at Duriehill. Stirling Council has recently approved a new Transport Dan, and whilst this is subject to Consultation some Contribution to the City Transport Strategy in the context of the additional units is likely to be sought.

Recommendation: Subject to detailed considerations of design, amenity, landscaping transport and schools provision, the increased density on this site, with a 25% contribution to Affordable Housing would accord with the Development Plan.
4.11 **Education Services**: A Contribution of £197,400 would be expected as a Contribution towards the provision of secondary education provision, and assumes a new High School will be built at Durieshill as part of the Major Growth Area. The estimated Contribution is based on 142 units of 3 or 4 bedroom houses at £1200 per unit and 15 five-bedroom units at £1800 per unit. If this Development at Durieshill does not take place, it will require Childrens Services to review how they would create additional capacity and may result in a change in the expected contribution.

4.12 **The Coal Authority**: No advice received concerning affect of Proposed Development on potential underground mine workings. Developer has submitted a separate report received from the Coal Authority indicating that there are no adverse implications for underground coal workings from the Proposed Development.

4.13 **Consultation Response from NHS Forth Valley**: General Practitioners located in Bannockburn Health Centre who provide a service to the local population of Plean and surrounding area from Plean Health Clinic. The Practice provide a service on 4 mornings and one afternoon per week and in order to respond to the increasing demand there will be a requirement to increase the number of Clinic sessions to maintain the delivery of a high quality local healthcare service.

4.14 **Environment Services Bio Diversity Officer**: A Site visit was carried out on 13 June to determine the scale, status and distribution of Greater Butterfly Orchid (*Plantathersa cholrantha*) within the Development Site.

Butterfly Orchids have no specific legal protection other than a general protection under Section 13 of the Wildlife and Countryside Act (1981) as amended by the Nature Conservation Act (Scotland) 2004. Where it prohibits the unauthorised intentional or reckless uprooting of any wild plant species. Authorised may mean with permission of the landowner. Further protection is given to plants listed on Section 8 of the Act. Butterfly Orchid is not listed in Section 8.

However Butterfly Orchid is included in the Vascular Plant Red Data List for Great Britain and has suffered a more than 20% decline.

A few isolated flower spikes were discovered during the survey distributed throughout the Site, but was not present in great swards, as is the case in the adjacent Plean Country Park.

It is likely that the present lack of mowing or grazing of the area is putting the plants under stress due to the encroachment of rank grass species. If this lack of management is maintained then the plants may be lost entirely from this area. However this species remains locally important.

Given the local interest in the presence and future of this species it would be possible to translocate the plants to an adjacent receptor site. This would entail discussions with SNH and the appointment of suitability qualified Ecologist to oversee the project. Whole turfs of grass would need to be stripped from the Site, at an appropriate time of year – usually after the flowering season and relocated to a new Site. A new site is available in the adjacent Plean Country Park, where it success can be monitored and proper management regimes put in place.
If pedestrian access can be maintained between the School and the new site this would allow the school to continue to enjoy and study in an outdoor learning environment.

5 BACKGROUND PAPERS

5.1 Planning Application files 06/00936/OUT (current application).

5.2 Previous Outline Planning Permission S/98/00247/OUT for 180 houses at Touchill, Main Street, Plean (now expired).

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<td>Mick Stewart</td>
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Date 17 October 2007 Reference 06/00936/OUT
Heads of Terms for Section 75 Planning Agreement

1. **Education Contribution:** Prior to commencement of work on any approval of Reserved Matters, a financial contribution to provision of High School Education facilities shall be paid to the Education Authority which equates to £1200 per 1, 2, 3 or 4 bedroom units and £1800 per 5 or 6 bedroom unit.

2. **Transport Mitigation Measures:** Prior to the occupation of the tenth house on the site, a financial contribution of £75,000 shall be paid to the Roads Authority for transport mitigation measures.

3. **Affordable Housing:** Prior to any work commencing on site, a site which is centrally located within the approved development site shall be made available for purchase by a Registered Social Landlord which has capacity to accommodate a minimum of 19 dwelling houses in a layout which is to the satisfaction of the Planning Authority.

4. **Play Provision:** Prior to the occupation of the 50% of housing numbers in any site following approval of reserved matters, a financial contribution towards play provision in accordance with the Councils Development Advice Note on Play Areas shall be submitted to Stirling Council.
Land at Plean

Proposed Development
(for indicative purposes only)

Site = 6.94 Ha (17.15 acres)
No. of Units = 167 Units
(Includes plot for single house)
Overall Density = 24 units/Ha (9.73 units/ha)