

Stirling Council

Agenda Item No. 5

Planning and Regulation
Panel

Date of
Meeting: 1 May 2018

Not Exempt

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

Purpose & Summary

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

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

At its meeting on 27 March 2018, the Panel agreed to defer consideration of the application pending a Hearing to take place at a future Panel.

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

Recommendations

Panel is asked to:

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

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

1.1. N/A.

2. Considerations

The Site

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

The Proposal

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

Previous History

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

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

Consultations

Roads Development Control:

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

Killearn Community Council:

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

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

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

Service Manager (Environmental Health):

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

Housing Strategy & Development:

- 2.8. Consider the site suitable for affordable housing provision.

Schools, Learning and Education Services:

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

Representations

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

Local Development Plan Policy

- 2.12. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application.
- 2.13. The adopted Local Development Plan is the Stirling Council Local Development Plan 2014. Policies of relevance to this application are as follows:
- 2.13.1. Development Plan policies of relevance include: Primary Policy 1: Placemaking; Policy 1.1: Site Planning; Policy 1.2: Design Process; Primary Policy 2: Supporting the Vision and Spatial Strategy; Policy 2.1: Housing Land Requirement; Policy 2.2: Planning for Mixed Communities and Affordable Housing; Policy 2.3: Particular Needs Housing and Accommodation; Policy 2.10: Housing in the Countryside; Primary Policy 3:

Provision of Infrastructure; Policy 3.1: Addressing the Travel Demands of New Development; Policy 3.2: Site Drainage; Policy 3.3: Developer Contributions; Primary Policy 4: Greenhouse Gas Reduction; Primary Policy 6: Resource Use and Waste Management; Policy 9.2: Landscaping and Planting in association with Development; Primary Policy 10: Forests, Woodlands and Trees; Policy 10.1: Development Impact on Trees and Hedgerows.

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

Other Planning Policy

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

Assessment

- 2.16. The application is for planning permission in principle to establish the principle of residential development. The submitted site layout plan indicates a target development of six residential units.
- 2.17. The application was lodged alongside planning application reference 17/00978/PPP by the same applicant and landowner, W.S. Gordon I.V. Trust, and it is clear from the reading of the submitted supporting statement, Houghton Planning Ltd (22 December 2017), that they are seen as one proposal, for nineteen houses comprising twelve affordable houses and seven market houses.
- 2.18. In terms of dealing with the application to which this report relates, i.e. planning application 19/00977/PPP, the development proposal must be determined on its individual merits in accordance with Section 37 of the Town and Country Planning (Scotland) Act 1997. The Planning Act requires that planning applications must be assessed against the Development Plan, so far as material to the application, and to any other material considerations (please refer to paragraphs 2.13-2.15 of the report).
- 2.19. This particular application relates to "Site 2", as referred to in the supporting statement, and is supported by a conceptual site plan illustrating how the application site could accommodate up to six new houses. The indicative site plan identifies six 4-bed detached houses accessed off Lampson Loan. The submitted supporting statement confirms that the proposed housing will be open market housing.
- 2.20. The proposed application site is located on the edge of, but outwith, the settlement boundary of Killearn, and falls within the Countryside Policy Boundary as identified in the development plan (Policy 2.10). The adopted and emerging Local Development Plan position in respect of the principle of development at this site for housing is clear: the proposal is contrary to the Development Plan as the site is not allocated for residential development and the proposal is not wholly compliant with Policy 2.10 (Housing in the Countryside).
- 2.21. The submitted supporting statement acknowledges that the development proposal does not conform to the current Development Plan, specifically Policy 2.10. The

proposal is being brought forward for consideration through the planning application process as a 'windfall' development. Windfall sites are defined in the LDP as "*non-allocated sites that come forward for development and contribute to the land supply*". The applicant contends that the development proposal should be considered favourably on the grounds that the Council does not have an effective 5-year housing land supply under the provisions of Policy 2.1 of the emerging Local Development Plan (June 2016).

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

count as “exceptional” in order to overcome the presumption against development within the countryside policy boundary that would lead to coalescence. For the same reasons, it is also concluded that the development proposal is contrary to Primary Policy 2 (Supporting the Vision and Spatial Strategy) of both the adopted and emerging Local Development Plans.

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

3. Implications

Equalities Impact

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

Sustainability and Environmental

- 3.2. An Environmental Impact Assessment is not required.

Other Policy Implications

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

Consultations

- 3.4. As set out in section 2.

4. Background Papers

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

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

4.2. List of Determining Plans:

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

5. Appendices

5.1. None.

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Approved by: Brian Roberts
Senior Manager Infrastructure

Date: 20 April 2018

Signature:



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

N/A

Wards affected:

Ward 2 Forth & Endrick

Key Priorities:

N/A

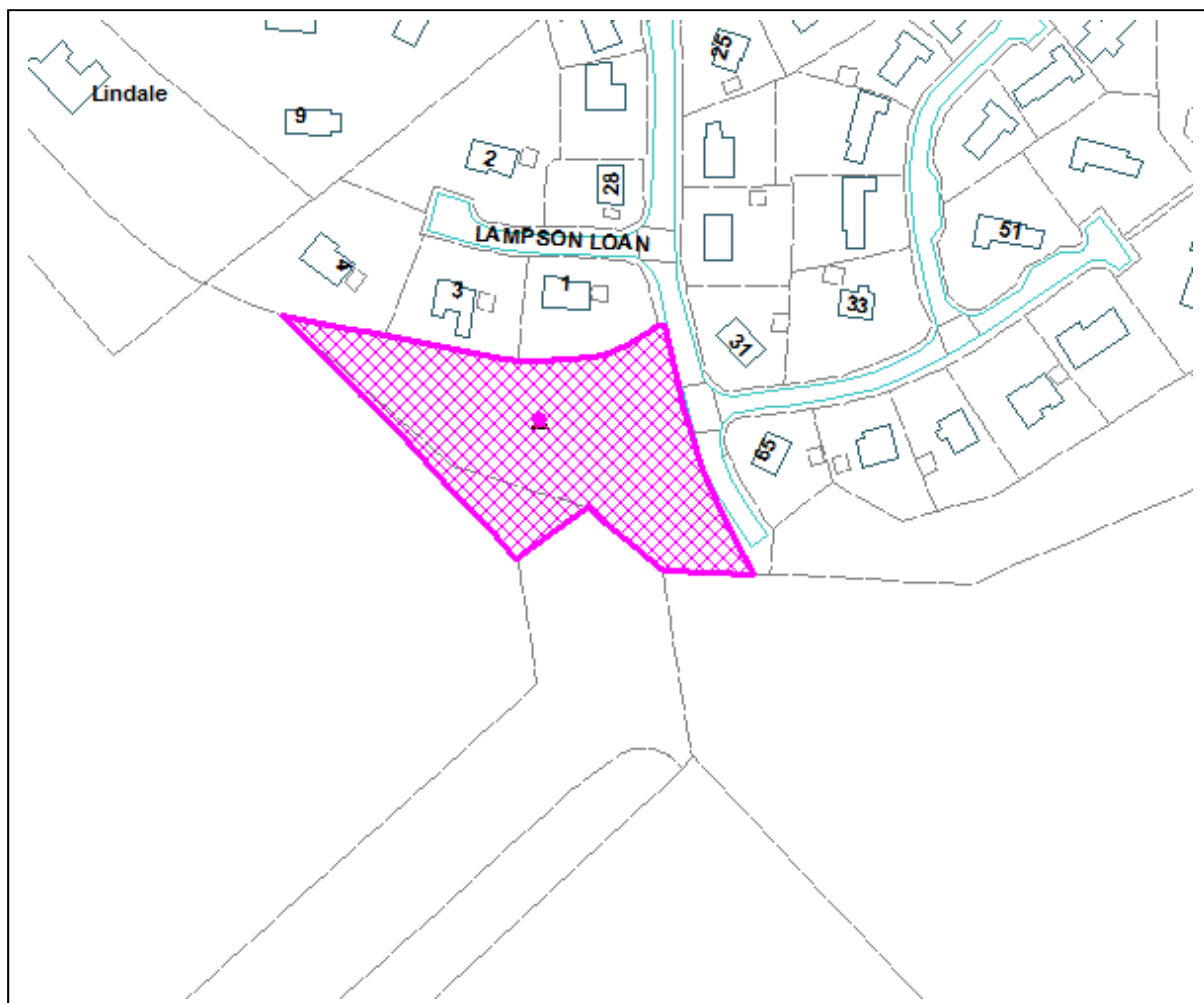
Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement Plan)

N/A

Location of Development



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