

Stirling Council

Agenda Item No. 6

Planning and Regulation
Panel

Date of
Meeting: 1 May 2018

Not Exempt

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

Purpose & Summary

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

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

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 the Overarching Policy and Sustainable Development criteria of the of the Stirling Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since the proposal would not contribute positively to sense of place, it would not improve the overall quality of the built environment, and it would not reduce the need to travel by private car.
 - 1.2 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 as it does propose to deliver a higher percentage of affordable housing that meets local housing need and demand, and is capable of being fully integrated into the area.

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- 1.3 The proposal is contrary to Primary Policy 1: Placemaking, criterion (a) and (b) of the Stirling Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since this development will encroach onto a greenfield site and will not respect the character and amenity of the landscape setting (urban and rural).
 - 1.4 The proposal is contrary to Policy 1.1: Site Planning, criterion (a), (b), and (d) of the Stirling Council Local Plan 2014 and the Stirling Local Development Plan: Proposed Plan 2016, since this development will not contribute to a coherent structure of streets; it does not respect existing views; and it would disrupt the pattern of the street and building line to the detriment of sense of place and visual amenity.
 - 1.5 The proposal is contrary to Policy 2.10 (Housing in the Countryside) of the Stirling Council Local Plan 2014, the Stirling Local Development Plan: Proposed Plan 2016 and SG10 (Housing in the Countryside), since this development is beyond that supported by this policy.

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

1.1. N/A.

2. Considerations

The Site

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

The Proposal

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

Previous History

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

2.4. The site was submitted at the 'call for sites' stage of the Stirling Local Development Plan 2. The site was subject to a detailed assessment and it was concluded that it was not appropriate to identify the site as an 'option' for consideration in the Main Issues Report (MIR), reference KIL04.

Consultations

Housing Strategy & Development:

- 2.5. It is submitted that applications 17/00977/PPP and 17/00978/PPP should be considered together insofar as the provision of affordable housing is concerned. The site is considered to be suitable for the provision of on-site affordable housing.
- 2.6. It is identified that the scheme is not currently included in the Strategic Housing Investment Plan (SHIP) for the period 2018/19 to 2022/23. In terms of delivery, the SHIP could potentially allow a scheme of this scale to be brought forward as there are two unidentified rural sites in the latter years of the SHIP. The alternative would be for a financial contribution of £250,800 towards off-site affordable housing provision (calculated in accordance with the methodology set out in SG04).

Roads Development Control:

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

Killearn Community Council:

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

Service Manager (Environmental Health):

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

Schools, Learning and Education Services:

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

Representations

- 2.11. 62No. representations have been received, consisting of 60 objections, 1 in support, and 1 neither supporting nor objecting to the application.
- 2.12. Comments neither in support nor objection:
 - 2.12.1. It is submitted that any affordable units be reserved to persons with a direct connection with Killearn.
- 2.13. Comments of support:
 - 2.13.1. It is submitted that there is an urgent need for affordable housing in Killearn and the application represents an opportunity to address under provision.
- 2.14. Comments of objection:
 - 2.14.1. Concerns raised that the site is contrary to the Local Development Plan.
 - 2.14.2. Concerns raised about accessibility. It is submitted that the site is remote from the village centre amenities and public transport connections.

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- 2.14.3. It is submitted that the development does not reduce the need to travel and reduce reliance on the private car.
 - 2.14.4. It is submitted that the development does not involve re-use and/or regeneration of previously used land and property, including derelict and contaminated land.
 - 2.14.5. With reference to Policy 2.1 of the emerging Stirling Local Development Plan: Proposed Plan June 2016, it is submitted that the development is not over 30 units in size and therefore, will not make a significant contribution to the identified housing shortfall.
 - 2.14.6. It is submitted that the indicative layout would be at odds with the appearance of the streetscape and would detract from visual amenity and landscape character.
 - 2.14.7. It is submitted that the development would not provide an attractive edge to the village at this point.
 - 2.14.8. It is submitted that short term affordable housing provision is met through 33% provision at Blairessan.
 - 2.14.9. Road safety concerns raised arising from the potential level of on-street parking.
 - 2.14.10. Concerns raised about the potential impact of development on local services, school capacity and infrastructure.
 - 2.14.11. Concerns raised about the potential impact of development on residential amenity, specifically concerning privacy impacts on surrounding properties on Lampson Road.
 - 2.14.12. It is submitted that the site is a habitat for wildlife and biodiversity.
 - 2.14.13. The development would have an impact on protected trees.

Local Development Plan Policy

- 2.15. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the development Plan are considered relevant to the consideration of this application.
- 2.16. The adopted Local Development Plan is the Stirling Council Local Development Plan 2014. Policies of relevance to this application are as follows:
 - 2.16.1. Development Plan policies of relevance include: Primary Policy 1: Placemaking; Policy 1.1: Site Planning; Policy 1.2: Design Process; Primary Policy 2: Supporting the Vision and Spatial Strategy; Policy 2.1: Housing Land Requirement; Policy 2.2: Planning for Mixed Communities and Affordable Housing; Policy 2.3: Particular Needs Housing and Accommodation; Policy 2.10: Housing in the Countryside; Primary Policy 3: Provision of Infrastructure; Policy 3.1: Addressing the Travel Demands of New Development; Policy 3.2: Site Drainage; Policy 3.3: Developer Contributions; Primary Policy 4: Greenhouse Gas Reduction; Primary Policy 6: Resource Use and Waste Management; Policy 9.2: Landscaping and Planting in association with Development; Primary Policy 10: Forests, Woodlands and Trees; Policy 10.1: Development Impact on Trees and Hedgerows.

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

Other Planning Policy

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

Assessment

- 2.19. The application is for planning permission in principle to establish the principle of residential development. The submitted site layout plan indicates a target development of thirteen residential units, comprising twelve affordable houses and one open market house.
- 2.20. The application was lodged alongside planning application reference 17/00977/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 open market houses.
- 2.21. In terms of dealing with the application to which this report relates, i.e. planning application 19/00978/PPP, the development proposal must be determined on its individual merits in accordance with Section 37 of the Town and Country Planning (Scotland) Act 1997. The Planning Act requires that planning applications must be assessed against the Development Plan, so far as material to the application, and to any other material considerations (please refer to paragraphs 2.15-2.17 of the report).
- 2.22. This particular application relates to "Site 1", as referred to in the applicant's supporting statement, and is supported by a conceptual site plan illustrating how the application site could accommodate up to thirteen new homes. The indicative site plan identifies three terraced blocks comprising: twelve no. 2 bed houses, and a detached house at the eastern extent of the site. The supporting statement sets out that the terraced units could provide for affordable housing. The indicative detached house would be marketed for private sale.
- 2.23. The proposed application site is located on the edge of, but outwith, the settlement boundary of Killearn, and falls within the Countryside Policy Boundary as identified in the Development Plan (Policy 2.10). The adopted Local Development Plan position in respect of the principle of development at this site for housing is clear: the proposal is contrary to the Development Plan since the site is not allocated for residential development and the proposal is not wholly compliant with Policy 2.10 (Housing in the Countryside).
- 2.24. The submitted supporting statement acknowledges that the development proposal does not conform to the current Development Plan, specifically Policy 2.10. The proposal is being brought forward for consideration through the planning application process as a 'windfall' development. Windfall sites are defined in the Local Development Plan as "*non-allocated sites that come forward for development and contribute to the land supply*". The applicant contends that the

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

- 2.25. In response, the annual housing land audit is the tool by which Stirling Council measures its effective land supply. The 2017 audit shows a 5.3 year effective land supply and this will remain the position until the 2018 audit is carried out and published (anticipated to be October 2018). It is noted that the Local Development Plan report of examination and a subsequent errata has been issued by the Planning and Environmental Appeals Division which the Council has not yet taken a decision on. However, the Council is of the view that this does not impact upon the effective land supply as published in the 2017 audit at this time. Full account will be taken of the report of examination and any Council decision made on it in preparing the 2018 audit.
- 2.26. 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.
- 2.27. Having regard to the relevant policy provisions contained within the adopted and emerging Development Plans, the proposed development is submitted as an extension to the settlement of Killlearn, which is identified in the Spatial Strategy as a Tier 4 settlement within the Rural Villages Area. The Plan's Vision supports small to medium sized infill peripheral housing developments within and adjoining settlements located within the Rural Villages Area. The Spatial Strategy provides support for controlled small-scale expansion of existing villages consistent with their limited size and role in the settlement hierarchy, to include new affordable and market housing and local business space. This policy approach is consistent with the emerging Local Development Plan.
- 2.28. Primary Policy 2 sets out that sites in the Core Area located close to, and easily accessible by, major public transport routes will be the preferred locations for new development as opposed to sites within the Rural Villages Area and areas of countryside. Thus, the development site, as far as its location within the Rural Villages Area is concerned, is not strategically preferable.
- 2.29. The principal challenge within the Rural Villages Area is that development is constrained by accessibility and landscape considerations. In terms of landscape considerations, Primary Policy 1 and Policy 1.1 requires new development to be designed and sited in relation to the character and amenity of the place, where they are located. It is apparent that the indicative housing development, comprising terraced blocks and a detached dwelling house, would go against the transitional pattern of the settlement edge, and the siting and alignment of the housing would disrupt the established building line and street pattern. When viewed from Lampson Road, it is considered that views of the development would be possible for a significant distance along the street. This would have an adverse impact on visual amenity of the settlement edge and interrupt opportunities to enjoy the views out across the locally distinctive countryside and designated Local Landscape Area, which is considered particularly important to the identity and character of the streetscene and providing a sense of place.

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- 2.30. In concluding the above matter, it is not considered that the indicative development would have a positive impact on its setting. The positioning of the buildings on the site and density, as illustrated, would have an adverse impact on the local townscape and views, and would therefore be contrary to Primary Policy 1 and Policy 1.1.
- 2.31. Having regard to accessibility constraints, the Transport Assessment accompanying the Main Issues Report, (MIR reference KIL04), highlights the remote location of the site from the village centre and the associated facilities. The nearest bus stop to the site, served by the twice-daily village-bound bus, is located on Station Road at a distance of between 360 and 520 metres via a substandard footway. The main public transport route is along the A875 Balfron Road/Main Street (hourly service) approximately 1 kilometre from the site.
- 2.32. This places the majority of the development site beyond the recommended maximum distance of 400 metres from housing to bus services, as set out in Annex B of Planning Advice Note (PAN) 75 (Planning for Transport, 2005). The concern here is that the development may encourage local journeys by car due to the distance to the nearest bus stop, the limited bus service provision in the vicinity of the site, and the site's remoteness from the village centre where the majority of local services and amenities are located. The proposed development is not therefore, considered to be consistent with the sustainable development criteria set out in the development plan, as derived from Scottish Planning Policy.
- 2.33. Primary Policy 2 states that new employment development, and other developments that will provide significant economic and social support to the rural area, will be encouraged in appropriate circumstances. Policy 2.10 (housing in the countryside policy) is broadly consistent with this approach, as identified in the supporting supplementary guidance SG10, within which it is stated that *'development opportunities may be located close to identified town and village boundaries. Proposals leading to coalescence with the existing settlement will only be supported outwith the Local Development Plan preparation and review process in exceptional circumstances'*.
- 2.34. It is important to note that the Council's housing in the countryside policy (Policy 2.10) does not specifically provide for edge of settlement rural development that would result in coalescence. It expresses strong presumptions against such development that must be surmounted.
- 2.35. To that end, the development does not possess any significant economic benefits that would justify setting aside the provisions of the Development Plan. However, the submitted supporting statement sets out that the application could potentially provide 12 affordable housing units (AH) or 92% provision.
- 2.36. There is a requirement for a 33% developer contribution towards the provision of affordable housing in accordance with Policy 2.2 of the development plan. The priority is to deliver affordable housing on site. The affordable housing requirements of the site would be secured through planning obligation. The planning obligation can only secure 33% of the total number of housing units as affordable housing, in accordance with the development plan and in compliance with Circular 3/2012: Planning Obligation and Good Neighbour Agreements. Based on the indicative housing development, this amounts to 4 affordable housing units on this particular site, or 6 units if the 'development scheme' approach was to be applied, whereby applications 17/00977/PPP and 17/00978/PPP would be treated as one development scheme for the purposes of securing on-site provision (as defined in section 9: Glossary of Terms of the adopted Local Development Plan). The additional affordable housing on this site would be a positive material consideration in favour of this application. It is

important to note however that the delivery of a higher percentage is at the applicant's discretion.

- 2.37. The applicant's agent submits that the Affordable Housing offer would contribute to the Council's affordable housing supply target of 88 units per annum across the Council area as identified in the 'Strategic Housing Investment Plan 2018/19 to 2022/23'. The consultation response provided by the Council's Housing Service states that the site is suitable for on-site provision of affordable housing. Whilst it is accepted that there is a clearly defined social benefit associated with the delivery of affordable housing, it is noted that this development is not required to meet the Council's current Affordable Housing supply target of 88 units per annum as it is estimated that this target will be exceeded by 50-75% in each of the three years, irrespective of the potential affordable housing contribution on offer, due to the significant increase in the level of grant funding from the Affordable Housing Supply Programme over the period of 2018-2021.
- 2.38. With specific reference to Killearn, the most recent analysis of the Council's waiting list (Summer 2017) indicated that there were 23 first choice applicants for social housing in Killearn with an average of just 2 lets per annum over the period 2014-2017, giving a waiting list to lets ratio of 12:1, which was the second highest in Rural Stirling. On basis of this information, there is a clearly identified housing demand within Killearn itself. However, this information does not take into account the development of 12 affordable units at Blaressan by Rural Stirling Housing Association, and the applicant has not established whether Rural Stirling Housing Association considers that a further scheme in Killearn merits inclusion in the Strategic Housing Investment Plan. Therefore, it has not been demonstrated that the development meets a specific need and demand for affordable housing in the area, particularly social rented, in accordance with the Spatial Strategy.
- 2.39. In concluding the above matter, it is accepted that there is merit in the affordable housing element of the development proposal, particularly the higher percentage on offer, which may be fall into the exceptionally allowable development in some cases. However, the issue here is that the planning system can only secure an affordable housing contribution (on-site or financial) amounting to 33% of the total number of housing units on site. It is also concluded that the applicant has not demonstrated a firm commitment to delivering additional affordable housing that meets the needs of Registered Social Landlords and would be fully integrated in to the development; the proposal is for a scheme in principle which represents only an offer of additional affordable housing rather than fully detailed scheme capable of delivery. Furthermore, this application includes one open market house that does not possess the social benefits that should count as "exceptional" in order to overcome the strong presumptions against development in this particular case.
- 2.40. Thus, the development proposal is not compliant with Primary Policy 2 and Policy 2.10 of the both the adopted and emerging Local Development Plans. Furthermore, Scottish Planning Policy is clear that the aim is to support the right development in the right place, and not to allow development at any cost. It is therefore concluded that the potential negative aspects of a housing development of the scale envisaged, particularly its harm to the character of the townscape and sense of place, suggests that the development would not contribute overall to the Council's sustainable development and placemaking objectives, which in itself provides strong justification for opposing the application in accordance with the relevant provisions of the Development Plan.
- 2.41. 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 17/00978/PPP. File can be viewed online at:

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

- 4.2. List of Determining Plans:

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

5. Appendices

- 5.1. None.

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Approved by:

Brian Roberts
Senior Manager Infrastructure

Signature:



Date:

20 April 2018

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

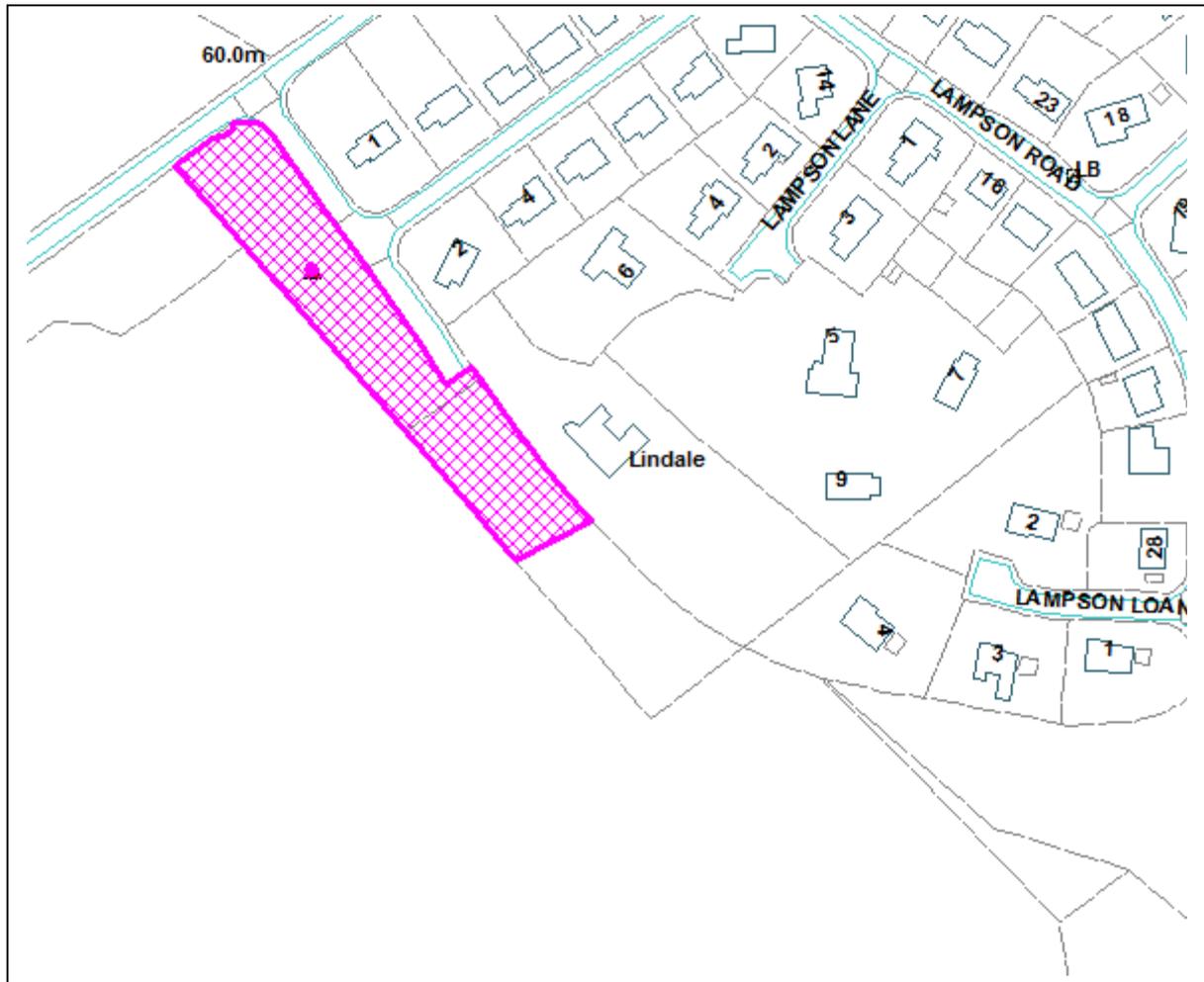
Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement Plan)

N/A

Location of Development



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