

Stirling Council

Agenda Item No. 12

Planning and Regulation
Panel

Date of
Meeting: 1 May 2018

Not Exempt

Sheltered Housing (Class 9), 3No. Units: two of which are to be Food & Drink (Class 3) and Hot Food Takeaway (Sui Generis), the third unit will be one or more of the following uses:- Food & Drink (Class 3); Hot Food Takeaway (Sui Generis); Shops (Class 1), Financial Services (Class 2); Creche (Class 10) or Gymnasium (Class 11) at Land and Buildings at Orchard House Site, Back O'Hill Road, Raploch, Stirling - Caledon/TDL - 17/00694/FUL - Hearing

Purpose & Summary

Full planning permission is sought by Caledon/TDL, McCarthy & Stone, Raploch Regeneration Company and Scottish Ministers: NHS Forth Valley to develop land at Raploch for sheltered housing on the west of the site and for a mix of commercial uses to the east.

This application is a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

At its meeting on 27 March 2018 the Panel agreed that the application be deferred to allow for a Hearing to be held. Since writing the last report, the applicant requested slight modification to Conditions 17 and 10 which have been incorporated within Appendix 1 and a further letter of representation has been received which necessitated alterations to paragraph 2.18 of the report.

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. approve the application subject to a legal obligation to achieve the relevant transport contributions and the Conditions set out in Appendix 1.

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 a triangular area of land between Lower Bridge Street/Back O'Hill Road to the west and north, Union Street (B8052) to the south and Drip Road (A84) and Customs Roundabout to the east. The site area is 1.34 hectares. The site lies on the north side of Union Street, east and south of Lower Bridge Street and west of Customs Roundabout. The existing Health Centre is situated within the centre of this land but is outwith the application site. The land comprising the west of the site is open space and appears not to have been developed in the past whereas the land towards the east was previously developed as part of the healthcare use. There are currently two access points off Back O'Hill Road/Lower Bridge Street which form a loop road. Access to the health centre is taken from this loop, as is the proposed access to the site (east: commercial and west: residential).
- 2.2. The existing health centre is surrounded by a high, natural stone wall. This wall forms the south west boundary of the health centre and continues to encompass most of the application site to the east (towards Drip Road/Customs roundabout). The high wall is set back from Customs roundabout by a landscape strip upon which is planted mature trees. This land beyond the wall (at Customs roundabout) lies outwith the site boundary.
- 2.3. The open space on the west of the site is bounded by a metal railing fence and is predominantly a maintained grass area with a pedestrian path bisecting the site from Union Street to Lower Bridge Street. The pedestrian link is lined with trees (predominantly limes).

The Proposal

- 2.4. The proposal seeks full planning permission to develop land either side of the health centre at Lower Bridge Street/Union Street. The land to the west is to be developed for sheltered housing. An access is to be formed directly onto Lower

Bridge Street/Back O'Hill Road to serve the sheltered housing. Car parking will be provided to the north of a 4-storey residential block. Pedestrian accesses (three) are to be created to the south from the housing block to Union Street and to the north via the new access.

- 2.5. The land to the east of the health centre is to be developed to form three detached commercial units. Two of the units will be Class 3/hot food takeaways as there is interest from end users for these units. The third unit is a speculative build where the end users are not yet identified. In order to allow for flexibility a number of possible uses have been sought for Unit 3 including Classes 1, 2 & 3, crèche or gym. The proposal also includes alterations to the existing access arrangements so that this site and the health centre will each have a discrete access road which shares an access point onto Lower Bridge Street in the location of the current access.

Previous History

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

Consultations

Roads Development Control:

- 2.7. **Parking:** For the commercial uses, it is proposed to provide 80% of the maximum standards (i.e. 84 spaces). Having reviewed the Trip Rate Information Computer System (TRICS) based parking accumulation calculations, it is likely that 80% of the maximum standards may still be an over provision given the maximum predicted accumulation of parked vehicles being 66, however in this instance this is accepted.
- 2.8. **Pedestrian, Cycle and Vehicular Access:** The two vehicular access points are proposed to connect with Back O'Hill Road via priority junctions. Following an updated masterplan, minimum visibility splays can be achieved and are acceptable. An independent Stage 1 Road Safety Audit was commissioned specifically to examine the access junctions and connectivity proposals overall. The applicant has agreed to implement the recommendations of the Stage 1 Road Safety Audit and this is acceptable. It is recommended that the pedestrian connection through the site is designated and signed as a shared use route along the entirety of its length through the site towards the underpass on Drip Road.
- 2.9. **Pass-by and Trip Diversion:** The revised Transport Assessment based the traffic generation associated with the development on a rate of 50% pass-by which was considered a robust assessment.
- 2.10. **Travel Plan Framework:** A Travel Plan framework was submitted by the applicant and, while it lacked some details, it was agreed that this basic commitment was sufficient for Stirling Council to be of the view that a planning condition would be appropriate to ensure a Travel Plan was forthcoming.
- 2.11. **Swept Path Assessment:** A revised swept path analysis was undertaken by the applicant and, while it was based on an out of date masterplan and it did not include a demonstration that a vehicle could rest stationary unimpeded at the site road yield lane, an informed judgement was made that the swept path assessment was acceptable.
- 2.12. **Junction Modelling:** The applicant undertook a revised assessment of the core study area for the purposes of traffic modelling. It was concluded that the Sainsbury's signalised access and the Cornton Road/Causewayhead Road signal controlled junctions can accommodate the traffic associated with the proposed development. Lower Bridge Street/Union Street mini roundabout was subject to

detailed assessment and this demonstrated that the junction could accommodate the traffic associated with the proposed development. The Back O'Hill Road/Drip Road Roundabout and the Customs Roundabout were subject to a revised submission by the applicant. Stirling Council Roads undertook a review of the geometric parameters/lane allocation and a sensitivity test to conclude that the Back O'Hill Road/Drip Road Roundabout junction was able to accommodate traffic associated with the proposed development. Despite the Customs Roundabout operating marginally over capacity on the Causewayhead Road approach (resulting in queue lengths of 9 vehicles), the remaining arms operate within capacity (with marginal queue lengths but these can be accommodated on the road network) and this is considered acceptable.

- 2.13. Developer Contributions: Developer Contributions required in accordance with Stirling Council's City Transport Strategy.
- 2.14. Recommendations: Recommend conditions to address vehicular accesses, submission of an agreed Travel Plan and pedestrian and cycle access. Furthermore, a financial contribution towards transport measures.

Service Manager (Environmental Health):

- 2.15. The application was supported by Site Investigation reports, a Noise Impact Assessment and an Air Quality Assessment. The proposed conditions were reviewed by Environmental Health who considered that the Environmental Health issues had been addressed. Environmental Health had no objection to the revisions made to conditions 10 and 17.

Community Council:

- 2.16. Mercat Cross & City Centre community Council was consulted on 13 September 2017 and did not respond. A query was then raised as to whether or not this was the correct Community Council for this area. On review, it was identified that the site lies within Raploch Community Council's area. Raploch Community Council was sent a consultation on 13 March 2018. They responded on 18 April 2018 stating that they were comfortable with the proposals for this site.

Planning & Policy:

- 2.17. Condition recommended regarding Programme of Archaeological Works.

Representations

- 2.18. Five letters of comment have been received raising the following matters:
 - 2.18.1. Public transport and walking/cycling should be the preferred modes of transport.
Response: The site benefits from a location which is well served by buses. Furthermore, cycle parking facilities will be provided within the development.
 - 2.18.2. A museum would be preferable to fast food outlets.
Response: The application must be assessed on the acceptability or otherwise of the uses proposed.
 - 2.18.3. Building is too high.
Response: The height of the proposed buildings are no higher than the adjacent buildings.
 - 2.18.4. Loss of trees to the open space.

Response: The avenue of lime trees, which cross the area of open space (west of the site), will require to be felled in order for the flatted block to be erected. However, the proposal also includes tree planting to the site edges.

- 2.18.5. Commercial units will increase demand for parking in the area.

Response: Parking provision has been made within the site to serve the needs of the development. Existing parking issues cannot be addressed by this developer.

- 2.18.6. Increase in traffic from this development would be detrimental to the overall traffic system.

Response: A Transport Assessment has been submitted to demonstrate that the existing transport network can accommodate the level of traffic that will be generated as a result of this development.

- 2.18.7. Loss of light and overlooking (windows of new block facing surgery) of the surgery building.

Response: The proposed block will lie to the south west of the surgery building therefore there will be a level of overshadowing. However, the only guidance the Council has with regard to overshadowing (SG12: Residential Alterations and Extensions) relates to overshadowing of habitable rooms. There are no requirements to ensure daylight standards are maintained within business premises. At its nearest point, the proposed residential block will be at least 8 metres from the nearest part of the surgery building (gable end of surgery with one window). However, the greatest number of windows within the surgery that will be affected will be at least 12 metres from the residential block. At present the windows have closed vertical blinds since pedestrians on the footpath at Union Street could look into these windows. It is noted that there will be a loss of light to the surgery and to some extent a loss of privacy however the loss of privacy already exists and the loss of light is not so significant to warrant the relocation of the residential block.

- 2.18.8. Possibility of cars blocking the access to the surgery.

Response: The irresponsible and unauthorised parking of private vehicles is not a material planning consideration. The development has incorporated a level of parking that meets the needs of the development.

- 2.18.9. Impact of development on those travelling by bike or on foot, particularly regarding a lack of consideration to pedestrian access through and around areas of car parking where people travelling from the north and west are likely to enter the site.

Response: A pedestrian/cycle route has been designated through the site (along the frontage of Unit 2 and 3) and will connect the site with the existing route to the north of the site and towards the existing underpass (at Drip Road/Customs Roundabout). This is also addressed in Condition 23 (Appendix 1).

- 2.18.10. Development should be more ambitious in the end of journey facilities for pedestrians and cyclists.

Response: Cycle racks have been proposed throughout the development in convenient and secure locations.

2.18.11. The pedestrian/cycle path necessitates crossing the access road which may be discouraging and hazardous. Expectation would be a raised table and priority crossing.

Response: An altered surface formalised with markings meaning that drivers have to give way to pedestrians and cyclists would be dealt with at the Road Construction Consent stage rather than through the planning application.

2.18.12. The proposed stone wall wayfinder, just north of the access point, may restrict drivers' views of users approaching the crossing.

Response: The stone wall wayfinder is not part of this planning application (since it will require to be considered under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. For the avoidance of doubt, it was also specifically excluded by Condition 6 (Appendix 1).

Local Development Plan Policy

2.19. 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.

2.20. 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; 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 2.7: Retail and Commercial Leisure Development; Policy 2.8: Sites Suitable for a Mix of Uses; 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; Policy 4.1: Low and Zero Carbon Buildings; 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 7.2: Development within and outwith Conservation Areas; Policy 7.8: Development affecting Battlefields, 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. These policies are also supported by a number of Supplementary Guidance documents. Of these Supplementary Guidance documents SG08 Raploch Design Guide is particularly relevant.

2.21. Local Development Plan Review - Stirling Council commenced an early review of the adopted Local Development Plan, focused on the housing land requirement for the Stirling Core Area. This was 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.

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- 2.22. 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.
- 2.23. 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.
- 2.24. The Council has not yet progressed a Modified Local Development Plan to Council for approval.

Assessment

- 2.25. Principle of Development: The Raploch Design Guide (Supplementary Guidance SG08) envisaged the development of this site as an expanded healthcare facility with flatted/residential accommodation alongside. It was considered, at that time, to be appropriate for the development to form a strong urban edge to the street. It was also envisaged that new housing at Orchard House would be three, and in places, four storey flatted accommodation. This type of development would have resulted in the loss of the high, stone boundary wall and established, mature trees. It is considered that this Supplementary Guidance established the principle of residential development on this site and it is therefore considered that the principle of residential development is acceptable.
- 2.26. Loss of Open Space: The Stirling Local Development Plan, 2014, identifies the amenity land on the west of the site as Open Space and a Green Corridor runs along the southern site boundary. Policy 1.3 (Green Network and Open Space) of the Local Development Plan states that proposals which encroach upon existing open spaces and green corridors should maintain or enhance functionality and connectivity. Proposals resulting in a net reduction of open space, including loss of connectivity or accessibility, should ensure that the remaining elements of the Green Network are enhanced and that alternative routes are provided or enabled. It is acknowledged that this proposal will result in a flatted development on what is currently designated in the Local Development Plan as open space. It has, however, been demonstrated in the details of the planning application that the Green Network will be enhanced and connectivity maintained and enhanced. This is identified and discussed further in the proceeding four paragraphs.
- 2.27. Connectivity: A new pedestrian access (pedestrian and cycle route) is proposed from Union Street (near the bus stop) through the commercial part of the site and will link into the existing footpath that leads from the existing pedestrian underpass round to Raploch (to the north of the site). This pedestrian/cycle route is to run along the front of Units 2 & 3 and be delineated through the site by tree planting to the north east. It is considered that this provides a suitable connection to offset the one that is lost.
- 2.28. The boundary between the proposed housing site and Union Street is currently, partly a continuation of an existing natural stone wall of about one metre in height after which there is a large gap, before a metal railing forms the boundary and wraps around the site to Lower Bridge Street. The proposal is to remove part of the existing stone boundary wall to provide a suitable transition between the existing wall and a new wall. The existing wall will continue to a pedestrian access gate, into the flatted block, then the boundary is to be formed by a new low brick wall with

railings above. This will, thereby, retain a boundary of a similar overall height to the existing.

- 2.29. Most of the existing boundary wall to the commercial development is to be retained with the exception of some areas of wall removal at the Back O'Hill Road side. The areas of wall removal are required to form the vehicle access/egress points (two in number) and a pedestrian access point. The areas of wall in between, and either side of these access points are to be reduced to approximately one metre in height, which was the original height of the wall historically.
- 2.30. A landscaped area is proposed where a road is currently located and planting is proposed in an avenue along the pedestrian/cycle route through the commercial development. Tree planting is proposed around the boundary of the residential development with shrub and tree planting to the rear of the building.
- 2.31. It is considered that the careful handling of the boundary treatment and planting along all the boundaries of the site ensures that, as far as practical, the area is enhanced and a pleasant and attractive connection through the site is created to off-set the one that is lost.
- 2.32. Placemaking: Height of buildings, design etc.: The residential block is to be 4 storeys in height. The applicant has submitted sections to demonstrate that the overall height of the block will be similar to the block of student flats opposite (Union Street) and the large tenement block on Lower Bridge Street. It is therefore accepted that the height of the proposed building is appropriate in this location and the roof type (pitched roof) is acceptable. The applicant has also revised the elevations to ensure that the roof and external wall materials step down in line with the changes in level across the site. The overall mass of the residential block is reduced by the inclusion of projecting gable features, the distribution of materials throughout the elevations and varying the window sizes from standard windows to Juliette balconies. It is considered that the design of the proposed residential block is appropriate for this highly visible, urban location.
- 2.33. Within the commercial element of the proposal, Units 1 & 2 are to be single storey, flat roof structures. The external wall treatment to Unit 1 is to be predominantly a light coloured render panel and a standing seam dark grey roof. The external wall treatment of Unit 2 is to be predominantly a dark facing brick with some elements of a powder coated aluminium wall cladding panels. The applicant made significant alterations to the size, scale and design of Unit 3 to take account of design issues that were raised during the processing of the application. The building form now incorporates a dual pitched roof reflecting the forms of surrounding buildings and reducing the building's visual impact, in particular when viewed from the east and Stirling Bridge. The ridge and eaves height were reduced, thereby resulting in a building which will be lower than the neighbouring 3-storey tenements. The proposed materials were re-considered to ensure that there was visual continuity between the commercial and residential elements of the proposal. A re-constituted stone is to be used on the elevation (Unit 3) which faces Union Street. The colour of the stone will be agreed by condition but will need to be of a colour which compliments the neighbouring sandstone of the residential buildings on Union Street. The roof is to be a standing seam roof (dark grey).
- 2.34. The proposed single storey buildings will be screened from the east by the existing high stone boundary wall though will be more visible from Lower Bridge Street. Unit 3 will be more visible as it shall relate partly to Union Street. The design has been altered to ensure that recessed entrances and a set back to the building creates a coherent structure to Union Street and, by providing a welcoming pedestrian entrance to the development, connects with its surroundings. Overall, it

is considered that the design of the commercial units (Units 1, 2 and 3) would contribute in a positive manner to the quality of the surrounding built environment.

- 2.35. Access & Parking: Two vehicle access points are proposed (one for the residential block and one for the 3 commercial units and health centre) to connect the site with Back O'Hill Road via priority junctions. Upon revision of the visibility splays (a minimum visibility splay of 2.4 metres by 43 metres can now be achieved), the junctions are considered acceptable. An independent Stage 1 Road Safety Audit was undertaken to ensure appropriate pedestrian linkages through the site and to address the possibility of indiscriminate parking by Health Centre staff on Lower Bridge Street.
- 2.36. The application was supported by a Transport Assessment which, *inter alia*, assessed the traffic impact of the commercial development on the local road network. The results of the assessment indicated that the predicted traffic from the proposed mixed-use development can be accommodated on the surrounding road network with minimal impact on the surrounding junctions. The proposal includes forming a new vehicle access from Back O'Hill Road into the sheltered housing part of the development (west of the site) and retaining an existing access point to the north but reconfiguring the road slightly to provide an access to the existing Health Centre and two access points into the commercial part of the site (east of the site). The two access points therefore provide for a circular vehicle route through the commercial part of the site with traffic able to move clockwise and anticlockwise through the site. The proposal includes the stopping up of an existing access at Lower Bridge Street/Back O'Hill Road and landscaping to this area (grass and tree planting). Parking was proposed for the commercial units at 80% of the permitted maximum (84 spaces from a maximum of 105). The Roads consultation noted that 80% of the maximum parking standard may be an over provision, however, considered the level acceptable. From a Placemaking perspective, it was considered that the extent of car parking provision undermined the character of the commercial site and resulted in car parking outwith the existing stone boundary wall. The applicant revised the proposal to remove the car parking beyond the wall thereby reducing parking provision to 78 spaces (75% of the permitted maximum). Parking is provided in the sheltered housing part of the proposal at 75% provision (36 spaces including 2 disabled for 48 units). The applicant undertook traffic surveys to assess the level of parking required within their developments and considered, given the sustainable location of the site, that 75% provision was appropriate. Cycle parking has also been provided across the site in accordance with Stirling Council's guidelines.
- 2.37. Legal Obligation to City Transport Plan: Stirling Council's City Transport Strategy states that a developer contribution will be sought from all developments with the defined Developer Contribution Area to fund transport projects identified in the City Transport Plan. The sum obtained through developer contributions is dependent on the anticipated number of trips associated with the potential development during peak period. The requirements of the City Transport Strategy are also set out within the Council's Supplementary Planning Guidance (SG14: Ensuring a Choice of Access for New Developments). It requires a financial contribution from development of this nature towards transport measures identified in the City Transport Plan to address the cumulative impact of new development across Stirling City. Having reviewed the trip generation and considered new trips, the contribution has been calculated as £118,010 (Residential = £13,908 and Commercial = £104,102). It is recommended that the developer contribution is secured under a legal obligation in accordance with the approved policy.

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- 2.38. Almost every corner of the site has a roundabout (Customs roundabout to the east, Cowane Street/Lower Bridge Street roundabout to the west and, just beyond the site boundary, to the north is Back O'Hill/Drip Road roundabout) and, as a result, the amount of traffic circulating in this area and the open views across the roundabouts result in this being a visually prominent site. Furthermore, the site is highly visible from Stirling Bridge (Category A Listed Structure and Scheduled Monument) and the adjacent Causewayhead Road New Bridge (Category B Listed Structure) and will be seen in association with views of Stirling Castle (Category A Listed Buildings and Scheduled Monuments). Stirling Town & Royal Park Conservation Area lies to the west of the site, Bruce Street Conservation Area to the south and Bridgehaugh Conservation Area to the north east thereby resulting in three Conservation Areas abutting, albeit excluding the roads, almost all of the site boundaries. The site also falls within a Historic Scotland Battlefield (Battle of Stirling Bridge). It is therefore important that this development preserves and enhances the character, appearance and setting of the existing buildings, the Conservation Areas and the battlefield area. It is considered that with the benefit of the existing established mature trees and the retention of the existing high stone wall to the east of the site, views of the proposed buildings from the east (Stirling Bridge, New Bridge) will be limited. Unit 3, being 2-storey, will be more prominent, however, it is considered that the alterations made to the design of this building lessen the visual impact and ensure that the building assimilates better in the surrounding urban landscape. It is therefore considered that the proposal preserves the character, appearance and setting of the Conservation Areas and the setting of Listed Structures.
- 2.39. Proposed Uses: Proposed Class 1 Use - The site lies outwith any Network Centre, as defined in the Local Development Plan, and as such an open Class 1 use would not be appropriate since it would run contrary to the 'Town Centre First' policy as established by Scottish Planning Policy and Policy 2.7 (Retail and Commercial Leisure Development) of the Local Development Plan. Policy 2.7 provides support for small-scale (maximum 500 square metres gross floorspace) convenience retail development to serve the needs of existing or new residential/employment/mixed use sites which are within a walk-in catchment of the proposed development, and are in a highly accessible location for walking and cycling. It is therefore appropriate to restrict the proposed retail use on the site to convenience retailing only, with a maximum of 500sqm (approx. 5,300sqft) gross floorspace. Convenience retailing is defined in the Local Development Plan as "the sale of food, drink, newspapers, magazines and confectionary and other everyday items that are purchased on a regular basis". In order to ensure that the site does not ultimately result in an open Class 1 use, it is recommended that a condition restricting permitted development rights, to ensure that a Class 2 use does not change to a Class 1 use without a formal planning application, is included in any planning permission.
- 2.40. Proposed Gym Use - As per Policy 2.7 outlined above, any proposal must include details to demonstrate that there will be no unacceptable individual or cumulative impact on the vitality and viability of any Centre within the Network of this commercial leisure use and that the development will help meet a proven qualitative and quantitative deficiency in existing provision. The floor area of the proposed gym is limited to approximately 6,620sqft (615sqm) NIA (upper floor of Unit 3). The submission included a Planning Statement which set out the requirements of small format gyms – operate on a single level, open plan, usually a modern building with ample glazing, ability to trade 24 hours and convenient, free parking and relatively low rents. The Planning Statement reviewed alternative sites available and the existing provision of health and fitness operators. It is considered that there are no suitable alternative sites for a gym facility within the town centre.

Furthermore, the provision of a gym in this location will provide a modern facility which will benefit the health of residents. It is considered that this proposal will provide for a small scale gym which will not have a detrimental impact on the vitality and viability of any nearby Network Centre.

- 2.41. Specified Need Housing – McCarthy & Stone propose to develop the western portion of the site for sheltered housing. This will provide 48 flatted residential units (one or two bedroom apartments) for people aged 60 and over and will have support available for independent living (secure, maintenance free environment with access to a range of communal managed facilities). As per Policy 2.3, the site is located within a residential area where residents have a realistic choice of access to local services and facilities. Whilst this scheme will not provide a mix of housing types and sizes nor will it provide for different tenures or affordability, it is considered an appropriate development to provide a type of accommodation for a growing elderly population (Stirling Council's Housing Need & Demand Assessment identified that the largest percentage increase in population will be in those over 65 and a significant increase in one-person households). A condition limiting the occupancy of the residential units to persons over 60 has been recommended. This development will therefore provide accommodation for an identified growth in Stirling's elderly population and an accommodation type (one person unit) for which there is demand.
- 2.42. This housing site was part of the wider Raploch regeneration project that has been development taking place within Raploch over numerous years (since 2006). Raploch Urban Regeneration Company has delivered in excess of 25% affordable housing from the sites in its ownership therefore this site should be considered in that context rather than as an isolated site. The projects that have been taken forward with Raploch Urban Regeneration Company have resulted in the provision of 39% affordable and the ongoing developments between Raploch Urban Regeneration Company, the Council and Robertson Homes will again result in the provision of more than 25% affordable units across the sites, even when considering 100% private development on this site. It was therefore presented that this site contributed to a wider programme of development that significantly exceeded the Council's requirement for the delivery of 25% affordable housing. Furthermore, the original Raploch Regeneration masterplan, which projected the building of 900 residential units (650 private sale and 250 affordable: 72/28% split), identified this site as being exclusively for private housing as part of a wider planned regeneration delivering in excess of the required 25% affordable requirement. It was therefore considered that, since this site represented a development which was part of the wider Raploch redevelopment scheme, an affordable housing contribution was not required.
- 2.43. Environmental Health – The application was supported by a Noise Assessment, an Air Quality Assessment and Site Investigation reports. These were all assessed by Environmental Health and further clarification was sought and received. Environmental Health is content that the conditions recommended address any outstanding issues that partly arise as a result of the end-users of the commercial units not being identified at this stage.
- 2.44. It is considered that on balance, and with the inclusion of conditions and the imposition of a planning obligation, the application complies with the Development Plan.

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 17/00694/FUL. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OVLBVIPILJR00>

4.2. List of Determining Plans:

| Stirling Council Plan No. | Name | Ref on Plan |
|----------------------------------|---------------|--------------------------|
| 01 | Location Plan | ADP-00-XX-DRA0900 |
| 03B | Site Plan | ADP-00-XX-DRA0903 S2P6 |
| 04 | Site Plan | SC-2273-03-AC-004 |
| 05 | Site Plan | SC-2273-03-AC-005 |
| 06 | Floor Plans | SC-2273-03-AC-006 |
| 07A | Elevations | SC-2273-03-AC-081 RevE |
| 08B | Elevations | SC-2273-03-AC-082 RevE |
| 09 | Sections | SC-2273-03-AC-090 |
| 10A | General | ADP-00-ZZ-DR-A1010 S2P2 |
| 11B | General | ADP-03-ZZ-DR-A1030 S2P3 |
| 12B | Sections | ADP-00-ZZ-DR-A1300 S2P3 |
| 13B | Elevations | ADP-03-ZZ-DR-A1200 S2P3 |
| 14B | Elevations | ADP-03-ZZ-DR-A1201 S2P3 |
| 15A | Landscaping | ADP-XX-00-DR-L-1900 S2P1 |
| 16A | Landscaping | SC-2263-03-LA-001 RevD |
| 17 | Landscaping | |
| 19 | Details | SC-2273-03-AC-101 |
| 20 | Details | SC-2273-03-AC-085 |
| 21 | Details | 500 |
| 22 | Site Plan | SC-2273-03-AC-007 |
| 23A | Site Plan | ADP-00-XX-DR-A0904 S2P1 |
| 24A | Elevations | ADP-00-XX-DR-A0905 S2P2 |
| 25 | Details | SK600 |
| 26 | Landscaping | ADP-XX-00-DR-L-1901 S2P3 |

5. Appendices

5.1. Appendix 1 – Conditions and Reasons.

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Approved by: Brian Roberts
Senior Manager Infrastructure

Date: 19 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 4 Stirling North

Key Priorities:

N/A

Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement Plan)

N/A

SHELTERED HOUSING (CLASS 9), 3NO. UNITS: TWO OF WHICH ARE TO BE FOOD & DRINK (CLASS 3) AND HOT FOOD TAKEAWAY (SUI GENERIS), THE THIRD UNIT WILL BE ONE OR MORE OF THE FOLLOWING USES:- FOOD & DRINK (CLASS 3); HOT FOOD TAKEAWAY (SUI GENERIS); SHOPS (CLASS 1), FINANCIAL SERVICES (CLASS 2); CRECHE (CLASS 10) OR GYMNASIUM (CLASS 11) AT LAND AND BUILDINGS AT ORCHARD HOUSE SITE, BACK O'HILL ROAD, RAPLOCH, STIRLING - CALEDON/TDL - 17/00694/FUL

Approve, subject to the following conditions:

1. **Restriction on Retail Use:** All retailing on the site shall be restricted to “convenience retailing” only (as defined in the Stirling Council: Local Development Plan, 2014: Glossary of Terms) and shall be limited to a maximum of 500 square metres (approx. 5,300sqft) gross floorspace.
2. **Restriction on Permitted Development:** Notwithstanding the provisions of the Town and Country (Use Classes) (Scotland) Order 1997, there shall be no permitted change of use from Class 2 (Financial, professional and other services) to Class 1 (Shops) without the express grant of planning permission.
3. **Materials to Proposed Wall (Residential):** Prior to the commencement of work on the residential block, details of the purple/grey brick to be utilised in the proposed boundary wall shall be submitted to, and agreed in writing with, the Planning Authority.
4. **Materials (Residential):** Notwithstanding the materials specified in the application details, the render utilised on the residential block shall be K-Rend Arran colour type, unless otherwise agreed in writing with the Planning Authority.
5. **Materials (Commercial):** Prior to the commencement of work on each commercial unit hereby approved, full details of the external materials to be utilised within each unit shall be agreed in writing with the Planning Authority based on those specified within Drawing Number ADP-00-ZZ-DR-A1010 and Drawing Number ADP-03-ZZ-DR-A1030. The materials to the gable of Unit 3 (Union Street) shall reflect and compliment the neighbouring sandstone of the residential buildings on Union Street.
6. **Stone Wall Wayfinder and Signage Block:** The Stone Wall Wayfinder indicated to the north of the main internal access road (within the existing landscaped area) and the signage block indicated to the east of Unit 3 adjacent to Union Street, all indicated on the Proposed Site Plan (Drawing Number ADP-00-XX-DR-A0903), are not approved.
7. **Timing of Landscaping Where Access Stopped Up (Commercial):** Prior to the occupation of the first commercial unit hereby approved, the area of former road to the north of the existing Health Centre shall be grubbed up and landscaped in accordance with the ‘Landscape Soft Plan’ (Drawing number: ADP-XX-00-DR-L-1901).

8. **Restrictive Occupation (Residential):** The residential units hereby approved shall only be occupied by persons where the principal occupant is aged 60 or over.
9. **Site Remediation Plan(s):** The Site Remediation Plan(s) shall be agreed in writing by the Planning Authority prior to commencement of development. Remediation of the site shall be carried out in accordance with the approved remediation plan(s). Any amendments to the approved remediation plans shall not be implemented unless approved in writing by the Planning Authority.
10. **Confirmation Work Carried Out:**
 - (i) **Commercial:** On completion of the remediation works as approved by Condition 9 above and prior to the commercial site being occupied, the developer shall submit a report to the Planning Authority confirming the works have been carried out in accordance with the remediation plan for the area occupied by the commercial development.
 - (ii) **Residential:** On completion of the remediation works as approved by Condition 9 above and prior to the residential site being occupied, the developer shall submit a report to the Planning Authority confirming the works have been carried out in accordance with the remediation plan for the area occupied by the residential development.
11. **Unsuspected or Unencountered Contamination:** The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.
12. **Noise (Flatted Residential Accommodation):**
 - (a) The specification of the glazing within the flatted residential accommodation shall be provided in accordance with Appendix C of the RMP Noise Impact Assessment dated 15 February 2018.
 - (b) A Whole House Mechanical Ventilation Heat Recovery system shall be installed within the flatted residential units unless otherwise agreed in writing with the Planning Authority.
 - (c) Noise levels in the garden area shall not exceed an hourly Leq of 55dB(A).
13. **Noise (Commercial Unit 3):** Prior to occupation and operation of commercial unit 3, the applicant/developer shall submit an updated noise impact assessment which determines the impact of the new source(s) on existing properties. The assessment shall be undertaken using appropriate methodology and in accordance with the principles described within the Scottish Government's Technical Advice Note: Assessment of Noise. Maximum Target Noise Levels are tabulated below. The averaging time period, T, should accurately assess the duration and/or intermittency of any new source noise.

| Maximum Target Noise Levels | |
|---|---|
| Trigger Criterion (Free Field) | Compliance Criterion |
| Scottish Government's Technical Advice Note: Assessment of Noise, Table 3.5, Significance of Effects greater than Neutral | Scottish Government's Technical Advice Note: Assessment of Noise, Table 3.5, Significance of Effects to be not greater than Neutral |

If the Trigger Criterion is exceeded, a scheme shall be submitted which demonstrates that the Compliance Criterion will be met. If a noise mitigation scheme is required, works which form part of the scheme require to be completed before commencement of operation (unless otherwise agreed by the Planning Authority).

14. **Ventilation For All Commercial Units:** The ventilation systems and the details of any external plant for the 3No. commercial units must be approved in writing by the Planning Authority prior to installation.
15. **Biomass Boilers:** Any biomass boilers installed at the site shall be DEFRA approved for use in smokeless zones and must be installed, operated and maintained in accordance with manufacturer's instructions.
16. **Dust Mitigation Measures:** The relevant dust mitigation measures outlined in Table 19 of the REC Air Quality Assessment Report, dated February 2018, must be implemented at the site.
17. **Hours of Operation:** Unless otherwise agreed in writing with the Planning Authority, the commercial Unit 1 and Unit 2 hereby approved shall only operate between the hours of 0700 and 2300 and commercial Unit 3 hereby approved shall only operate between the hours of 0700 and 2200. This restriction on the hours of operation may be revised upon the submission of a Noise Assessment demonstrating that there is no resultant detriment to the amenity of residential neighbours as a result of an operation outwith these defined hours.
18. **Lighting:** The lighting associated with the development shall be designed and installed such that it will not cause light intrusion at surrounding residential properties.
19. **Wall and Planting Details (Commercial):** Full details of the wall to be erected (across the edging of the public realm footpath) and planting parallel with Union Street shall be submitted to, and agreed in writing by, the Planning Authority. The wall will then be erected and the planting in place all in accordance with the approved details before occupation of any commercial unit unless otherwise agreed in writing by the Planning Authority.
20. **Vehicular Accesses (Residential and Commercial Areas):** No construction works shall commence on the residential block or any of the approved commercial units until the vehicular access onto the site from Back O'Hill Road to serve that part of the development has been laid out and constructed in accordance with Drawing No. 700

Revision C (as set out within Appendix 1 of the Transport Assessment Addendum dated February 2018).

21. **Travel Plan (Residential):** Prior to the occupation of any of the residential units hereby approved, a comprehensive Travel Plan relative to the residential development shall be submitted to and approved in writing by the Planning Authority. The approved Travel Plan shall be implemented within the timescales to be set out within the proposed Travel Plan. The Travel Plan shall set out proposals for reducing dependency on the private car against approved targets and identify measures to be implemented, the system of management, enforcement, monitoring, review and funding arrangement to sustain commitments for the duration of the Plan.
22. **Travel Plan (Commercial):** Prior to the occupation of any of the commercial units hereby approved, a comprehensive Travel Plan relative to each commercial unit to be occupied shall be submitted to and approved in writing by the Planning Authority. The approved Travel Plan shall be implemented within the timescales to be set out within the proposed Travel Plan. The Travel Plan shall set out proposals for reducing dependency on the private car against approved targets and identify measures to be implemented, the system of management, enforcement, monitoring, review and funding arrangement to sustain commitments for the duration of the Plan.
23. **Pedestrian & Cycle Access (Commercial):** No commercial building shall be occupied or commercial use commenced until the means of access for pedestrians and cycle users has been constructed to the satisfaction of Stirling Council Transport Development. The route labelled as 'existing pedestrian route' on the plan (ADP-00-XX-DR-A0903) between the main access junction onto Back O'Hill Road and Drip Road underpass, and the route labelled as 'pedestrian route' on the approved plan (ADP-00-XX-DR-A0901) between the main access road and Union Street shall be designed and constructed to accommodate both pedestrian and cycle users.
24. **Programme of Archaeological Works:** No works shall take place within the commercial or residential development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Stirling Council Planning Officer (Archaeology), and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Stirling Council Planning Officer (Archaeology). Such a programme of works could include some or all of the following historical research, excavation, post-excavation assessment and analysis, publication in an appropriate academic journal and archiving.

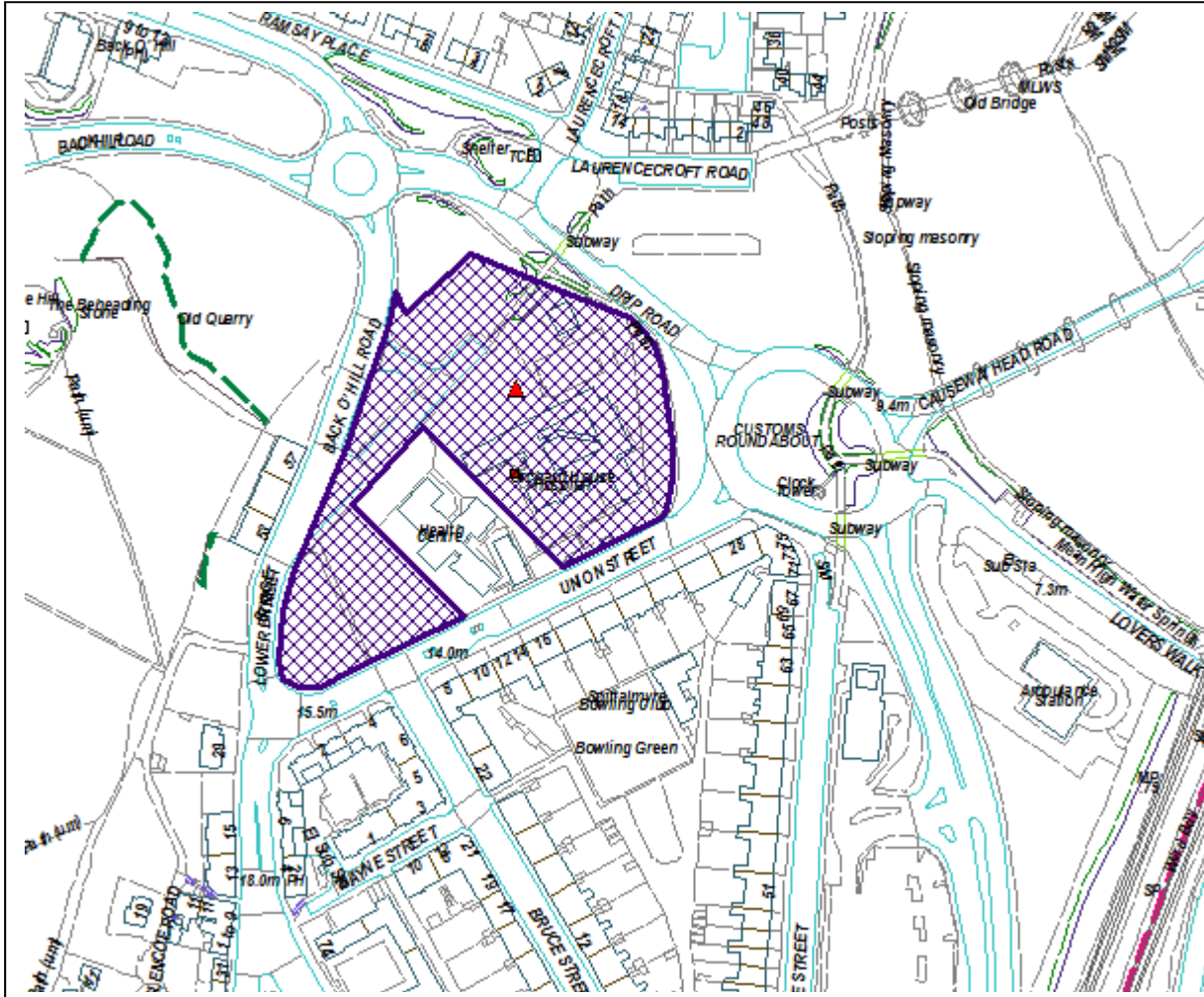
Reasons

1. In order to ensure compliance with Policy 2.7 of the Stirling Council: Local Development Plan, 2014 and to ensure that any retailing on the site does not undermine the vitality and viability of nearby Network Centres.

2. In order to ensure that the site does not ultimately result in an open Class 1 use without the impact of this on the vitality and viability of nearby Network Centres being assessed.
3. To ensure that the materials complement those of the existing wall and surrounding buildings.
4. To ensure that the materials utilised within this development reflect those of the surrounding Conservation Area townscape.
5. The materials to be utilised within the commercial units have not been specified within the application details therefore no assessment has been undertaken with regard to their acceptability taking into account the adjacent Conservation Areas. Furthermore, to ensure that the materials utilised within this development reflect the palette of surrounding materials to ensure that the development integrates appropriately with the surrounding area.
6. Insufficient information has been submitted with this application to assess the visual impact and acceptability of these proposed structures. Furthermore, if these structures are required solely for the purposes of advertisement, any assessment must take place under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
7. To ensure that the loss of an area of open space is compensated for within the development in accordance with Policy 1.3 (Green Network and Open Space) and that the landscaping/planting is undertaken at an appropriate time.
8. Since the provision of parking has been based on a lower car usage due to the age of the proposed occupants and no contributions have been sought towards education, play and affordable housing as a result of the age of the proposed occupants.
9. To ensure potential risks arising from previous site uses have been fully assessed and to ensure that the proposed remediation is suitable.
10. To provide verification that the remediation has been carried out to the Authority's satisfaction.
11. To ensure all contamination within the site is dealt with.
12. In order to protect the residents of the flats hereby approved from sources of external noise.
13. To ensure that the residents of the residential properties in Union Street are not adversely affected by noise since the end-user of Commercial Unit 3 is unknown.
14. To ensure that nearby residents are not adversely affected by plant noise emanating from the commercial units since these details are not available for assessment at the application stage.
15. In order to minimise adverse effects on air quality as a result of the proposed development.
16. In order to minimise adverse effects on air quality as a result of the proposed development.

17. To ensure the amenity of nearby residential neighbours is not adversely affected as a result of this development since the Noise Assessment submitted in support of the application did not assess the impact of a 24-hour operation.
18. To ensure the amenity of nearby residential neighbours are not adversely affected as a result of this development.
19. To ensure that the amenity of residential occupants on Union Street is not adversely affected by car headlights as a result of this development.
20. In the interests of road safety and the effective management of the transport network.
21. In order to comply with the requirements of Scottish Planning Policy (June 2014) and Stirling Council's City Transport Plan (March 2013) or relevant updates to these policies, encouraging more sustainable forms of travel and ensure the level of private car trips generated by the development does not exceed that identified in the supporting Transport Assessment.
22. In order to comply with the requirements of Scottish Planning Policy (June 2014) and Stirling Council's City Transport Plan (March 2013) or relevant updates to these policies, encouraging more sustainable forms of travel and ensure the level of private car trips generated by the development does not exceed that identified in the supporting Transport Assessment.
23. To comply with SG14 (Ensuring a Choice of Access for New Developments) as a means of preserving pedestrian and cycle permeability through the site.
24. To safeguard and record the archaeological potential of the area.

Location of Development



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