

Stirling Council

Agenda Item No. 5

Planning & Regulation Panel

Date of Meeting: 25 February 2020

Not Exempt

Erection Of 44 Dwellings Of Two And Three Storey Flats And Houses, With Associated Roads, Parking, Landscaping, Boundary Treatments And Infrastructure At Site Of Former MFI Furniture Store, 1 Maitland Crescent, St Ninians, Stirling - Allanwater Developments Ltd - 19/00646/FUL

Purpose & Summary

This Planning Permission application seeks the Planning & Regulation Panel's approval for a 44 unit residential development. The former MFI site is located in the St Ninians area of Stirling, to the east of Glasgow Road.

The Planning Service Manager has referred this application to Planning & Regulation Panel, given the recommendation for approval with no forthcoming developer contributions.

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 the conditions set out in Appendix 1.

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

- 1.1. The site attained Planning Permission (subject to Section 75 Agreement) in 2009 for the erection of a supermarket in principle.
- 1.2. A further application for a 52 unit development was refused in 2018.

2. Considerations

The Site

- 2.1. The site is located on Maitland Crescent, Stirling and is presently vacant brownfield land. It was previously the site of MFI store and a commercial unit which have both been demolished. The surrounding area is a predominantly mix of residential (north and east) and mixed use to the west along the frontage with Glasgow Road. The site extends to 2.5 acres.

The Proposal

- 2.2. The proposal is for a 44 unit development with associated roads, parking, landscaping, boundary treatments and infrastructure.
- 2.3. The proposal comprises of 4 one bedroom apartments, 20 two bedroom apartments, 7 two bedroom terraced houses, 5 three bedroom terraced houses, 2 three bedroom semi-detached houses, 4 three bedroom detached houses and 2 four bedroom detached houses.
- 2.4. The proposal includes three parking courts, a central green and a series of landscaping.

Previous History

- 2.5. 18/00446/FUL Proposed housing development (52 units) with associated roads, landscaping, boundary treatment and infrastructure. Refused.
- 2.6. 09/00278/PPP Erection of supermarket in principle. Approved.

Consultations

Service Manager (Environmental Health):

- 2.7. No objection to the proposed development subject to conditions:
- 2.8. (Contaminated Land) The presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site should be brought to the attention of the Planning Authority within one week and a comprehensive contaminated land investigation shall be carried out by the developer if requested.
- 2.9. (New Noise Sensitive Development Near a Road) The proposed development may result in the introduction of a noise sensitive development to an area affected by noise from a nearby road namely A872. Noise should not exceed the maximum target noise levels as detailed in Scottish Government's Technical Advice Note: Assessment of Noise.

Archaeology

- 2.10. No objection to the proposed development. The proposed development will have an impact on an element of an inventory battlefield, however it is likely that previous development will have destroyed any such putative objects. In addition, existing development has made the area less sensitive to further change.

Housing Strategy & Development:

- 2.11. A development of this size would attract an affordable housing contribution. The site's location is considered to be appropriate for the provision of affordable housing. The development is situated in an area of high demand. There is a particular need for 1-bedroom and 2-bedroom properties.
- 2.12. If Scottish Government funding were available, there would be a requirement for 25% of the development (11 units) to be rented housing provided by the Council or a local housing association. If Scottish Government funding were not available, the affordable housing contribution could be the provision of roughly 12% of the development (5 units) jointly funded by the developer (60%) and either the Council or a local housing association (40%).
- 2.13. The current configuration of housing may work against the on-site fulfilment of the affordable housing requirement. Should this prove insurmountable then discussion may focus on the provision of a financial contribution for use to provide affordable housing elsewhere in the market area. This would be based upon the total number of units, 44 and equate to £10,188 per unit or approximately £448,250.

Historic Environment Scotland (HES):

- 2.14. HES note that the application site has the potential to affect the Battle of Bannockburn Battlefield. Notwithstanding this potential, HES advise that the proposed development location is a brownfield site, being the former site of an MFI furniture store. Given previous development and its character as a brownfield site, the proposed development would not have a significant impact on the overall character of the battlefield.

Roads Development Control:

- 2.15. Car parking provision for the development is in accordance with rates provided in Draft Supplementary Guidance (SG): Transport and Access for New Developments and as such is acceptable.
- 2.16. Cycle parking rates are also provided in the Draft SG, with a provision of 27 spaces being required. A cycle parking shelter is proposed to be provided between the two car parks which serve the flats, however clarification is required as to the number of cycle spaces that this can accommodate.
- 2.17. A swept path analysis exercise has been undertaken which details that a fire tender and refuse vehicle can negotiate the site without conflict. A second vehicular access onto Glasgow Road, which would allow deliveries to the adjacent public house is to be retained. This access is to be controlled through the installation of droppable bollards.
- 2.18. No objection to this development proposal but would recommend that conditions addressing the following matters be attached: Travel Plan, Construction Traffic Management Plan, Transport Contribution, Construction, Cycle Parking, Vehicle Parking, Access, Junction Visibility, Forward Visibility, Vehicular Access (Glasgow Road), Footway (Glasgow Road), Pedestrian Crossing (Maitland Crescent).

NHS Forth Valley:

- 2.19. No response received. It is noted that no health contributions are required under Draft Supplementary Guidance: Developer Contributions.

Land Services:

- 2.20. Play provision would be most appropriately provided through an off-site in the nearby Maitland Crescent play area. This would be based on 40 units of 2 bedrooms/above. The resident/children within this new development will increase the pressure of usage of the local play area and the contribution would serve to enhance the facility to serve the development and surrounding community.

Representations

- 2.21. One representation received from the Scottish Wildlife Trust which neither objects or supports the application, but provides the following comments:
- 2.21.1 It is worth using permeable surfaces where possible to minimise any risk of flooding from surface run off.
 - 2.21.2 Where hedging is planned it is preferable to use native or locally sourced material which will benefit wildlife.
 - 2.21.3 Innovative solutions to 'green' developments, such as green walls, should be encouraged.
- 2.22. **Response:** The comments made should be considered by the applicant when making final decisions regarding details for the site.

Local Development Plan

- 2.23. 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.
- 2.24. Primary Policy 1: Placemaking, Policy 1.1: Site Planning, Policy 1.3: Green Infrastructure and Open Space, Policy 2.2: Planning for Mixed Communities and Affordable Housing, Policy 2.3: Particular Needs Housing and Accommodation, 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 7: Historic Environment, Policy 9.3: Landscaping and Planting in Association with Development.

Other Planning Policy

- 2.25. Non-statutory Supplementary Guidance - SG01: Placemaking, Draft Supplementary Guidance (SG): Transport and Access for New Developments.

Assessment

- 2.26. **Principle of Residential Use:** Primary Policy 2 (Supporting the Vision and Spatial Strategy) sets out that housing proposals which are consistent with the Plan's Vision and Spatial Strategy, will be directed to sites identified for those particular purposes. The site is identified within the Local Development Plan (LDP) for housing purposes with an indicative capacity of 30 units. The site is labelled within the Local Development Plan as H142. It is therefore considered that the principle of a residential use on this site is acceptable.
- 2.27. **Density of Development:** This proposal seeks permission for 44 units as opposed to 30 units as allocated in the Local Development Plan. Whilst an increase in density may be supported, as expressed through Primary Policy 1: Placemaking, this is dependent on it being demonstrated that the site is capable of successfully accommodating the level of development proposed in terms of design and placemaking and that the impacts on local infrastructure can be appropriately mitigated. The proposal reduces the need to encroach onto greenfield sites by utilising vacant and under-used land within a settlement. The increase in unit numbers has arisen due to the number of one and two bedroom flatted units, and two bedroom houses. The increase of 14 units, whilst a significant percentage increase, is not considered to result in significant detrimental impacts upon the density and overall placemaking of the site overall.
- 2.28. **Design Issues:** There are a number of elements of the overall design that are considered to be of merit, when considered in relation to Primary Policy 1 and Policy 1.1. Key points of note include the incorporation of active gables, the central green, palette of materials, use of shared surfaces and incorporation of visitor parking.
- 2.29. **Materials:** The materials proposed include a mix of white roughcast, grey windows and doors, concrete tiles, grey facing brick in the houses and coloured render, ashlar stonework, pre-coloured board and glass balustrades in the flatted blocks. Whilst a more modern pallet of materials are proposed that are not found immediately adjacent to the site at present, the materials are considered to be appropriate for a residential development in this area and to positively contribute to the quality of the place.
- 2.30. **Design and Scale of the Flatted Blocks:** The majority of buildings surrounding the site are no more than two storeys in height, including the commercial units along Glasgow Road, with pitched roofs predominant on residential buildings. There is some concern that the three storey flatted blocks would not be appropriate for the other units at the site and wider residential area. However, it is considered that due to the positioning of the blocks, and density of the non-residential units along Glasgow Road, there is not considered to be resultant placemaking impacts as a result of the incorporation of three-storey elements at the site.
- 2.31. **Multifunctional Open Space Provision:** Policy 1.3 (Green Network and Open Space) requires that new development should incorporate accessible multifunctional open space of the appropriate quantity and quality to meet the needs arising from the nature of the development itself. The central green area of the proposal is considered to satisfy this policy sufficiently. No play provision is proposed within the development, however it is noted that there is an existing children's play provision proximate to the site.

-
- 2.32. **Affordable Housing:** Whilst it is encouraging that the proposal includes a mix of housing types and sizes, Policy 2.2 requires residential developments to include 25% affordable housing. Housing have advised that due to the unit numbers in each flatted block, the adoption of 25% of the units would not be appropriate for management or maintenance reasons. As such, an offsite contributions would be sought in this instance. Given that no contribution are to be provided it is considered that the proposal is contrary to Policy 2.2.
- 2.33. **Safely Accessed by Motor Vehicles and Reduction in Travel Demands:** The Transport Statement provided is considered to suitably address the key travel issues at the site. The location is considered to be sustainable in regard to travel demands, with safe access demonstrated for motor vehicles. In regard to Policy 3.1 (Addressing the Travel Demands of New Development), there is sufficient evidence that other travel demands are met in a manner which ensures a safe and realistic choice of access by walking, cycling, public transport and motor vehicles. Whilst the location of two bicycle storage areas have been plotted, demonstration that these will have sufficient capacity for the development remains outstanding.
- 2.34. **Drainage:** Policy 3.2 (Site Drainage) requires that a connection to the public sewer is required for all development within urban areas. The Key Site Requirements requires early contact with Scottish Water regarding foul drainage connection. The applicant has provided a letter from Scottish Water stating that there is sufficient capacity in the Turret Water Treatment Works and the Stirling Waste Water Treatment works to service the development. It is therefore considered that Policy 3.2 can be met.
- 2.35. **Flood Risk:** Primary Policy 5 requires all development to be assessed for their potential to contribute to the reduction of overall flood risk and that surface water shall be treated by Sustainable Urban Drainage System (SuDS) before it is discharged into the water environment. A Flood Risk Assessment has been submitted as part of this application, and concludes that the proposed development at the site will not be at an unacceptable risk of flooding and will not increase the risk of flooding elsewhere.
- 2.36. **Landscaping:** Policy 9.2 requires all development proposals to include high quality proposals for new landscaping and planting works and demonstrate suitable arrangements for the establishment and long-term maintenance of new landscaping and planting. A landscape management plan has been submitted, however specific details of the location of species of plant are outstanding. Subject to the agreement of an appropriate landscape plan, it is considered that the proposal can include high quality planting proposals and arrangements for maintenance in accordance with Policy 9.2.
- 2.37. **Contaminated Land/Brownfield Land:** Primary Policy 6 encourages the reuse of vacant, derelict and other brownfield land where appropriate. Also, that land is remediated to a standard commensurate with its new use. The proposal is therefore supported by Primary Policy 6 as a site investigation report has been submitted to support the reuse of the site with a number of conditions recommended to address this matter.

-
- 2.38. **Developer Contributions:** Given the scale, location and mix of residential units proposed, the development attracts a number of developer contributions under Policy 3.3 (Developer Contributions). In the absence of onsite provision, these include the following:
- 2.39. Education: Primary £116,840; Secondary no contribution required
- 2.40. Transportation: £11,672.87
- 2.41. Affordable Housing: 25% contribution-11 units- £448,272.00
- 2.42. Health facilities: no contribution required
- 2.43. Waste: £2,640
- 2.44. Open Space: £44,000
- 2.45. **Total Contribution: £623,424.87**
- 2.46. Whilst the above contributions are required by planning policy to mitigate the impact of the development, the developer proposes to provide no developer contributions on the basis of Development Viability.
- 2.47. The Draft Supplementary Guidance: Developer Contributions details that where a developer finds developer contributions threatens the viability of the development then a development viability assessment requires to be submitted. The Council then appoints the District Valuer Service to assist in verifying the information submitted.
- 2.48. The applicant has submitted a viability assessment. The applicant's assessment has been assessed by the District Valuer Service (DVS) to assist in verifying the information submitted.
- 2.49. The draft Supplementary Guidance states that the details of contribution are set out in report to Planning Panel but that Viability Assessments are treated confidentially. This is due to the commercial sensitivities involved with such assessments. This is common practice that Local Planning Authorities follow. On that basis the following conclusions of the District Valuer and verification of the assessment are appropriate:
- 2.50. The appraisal report provides a level of information sufficient to take an informed view on development viability. This shows that, based upon all costs and expected development value that the development is unviable on the basis that it does not achieve an acceptable developer profit and is therefore making a loss.
- 2.51. Developers should ordinarily always make a full and explicit allowance for all development costs when costing land acquisition, including abnormals, affordable housing, and developer contributions with their cost estimates before they enter into agreements with landowners or purchase sites.
- 2.52. The site comprises 4 separate land acquisitions. The appraisal shows that on the basis of the purchase price for the development, overall this shows a substantial loss and is unviable. Whilst purchase price of land is usually viewed as a variable cost for the purpose of Development Viability, with developer contributions factored into the land acquisition. In this instance it is relevant that the applicant acquired the land forming the majority of the site in 2007 at a price that has not factored in the cost of developer contributions and 2007 was prior to the economic downturn of 2008/09, with a resultant impact on development viability. Furthermore, with the passage of time since 2008, requirements related to developer contributions have substantially altered. The land has been purchased

and the land price cannot now be re-negotiated to take account of changed circumstances, including current levels of developer contributions.

- 2.53. There is provision within the Draft Supplementary Guidance: Developer Contributions for variations to be made to the amount of money sought if the payment of contributions would render the development unviable. This is particularly important given the vacant/brownfield nature of this site. As the proposal would make a loss without the payment of contributions, the requirement of £623,424.87 would render the development further unviable. The resultant mitigation measures would therefore require to be provided for by the Council.
- 2.54. The District Valuer considerations are based upon the development of the whole site. However, costs and income are not evenly presented through the site. To ensure that the more profitable elements of the site are not developed in isolation, given the exception to developer contributions being recommended, then the central green, parking and landscaping of the site shall require to be developed early in the development.
- 2.55. Housing Services have commented that the affordable housing provision could not easily be provided on-site due to management and maintenance arrangements, and an off-site contribution would be sought in order to address this need. It is accepted that due to the provision of one and two bedroom properties at the site, the sale prices as detailed would provide variety of cost. Whilst this does not negate the need for the contribution, it is considered that the housing mix proposed provides for a choice of housing that assists with housing demand and need generally.
- 2.56. With a central green provided within the site, the need contribution towards open space is considered to be lessened. Whilst the applicant has submitted an Education Report regarding provision, this is not considered to negate the contributions required under the draft Supplementary Guidance.
- 2.57. Given the length of time for which the site has remained vacant, the prominent position on a key entrance into Stirling and within the local community and the scale of the site, the beneficial reuse of the site is important to improving the amenity and placemaking of the area. The site has been acquired by the developer with no option to re-negotiate the purchase price to take account of developer contributions. This is relevant to considering the planning merits of this planning application

3. Implications

Equalities Impact

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

Sustainability and Environmental

- 3.2 An Environmental Impact Assessment is not required.

Fairer Scotland Duty

- 3.3 This section is not applicable.

Other Policy Implications

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

Consultations

3.5 As set out in section 2.

4 Background Papers

4.1 Planning Application file 19/00646/FUL. File can be viewed online at: [View Application](#)

4.2 List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	4020/02/001
02	Site Plan	4020/02/002 F
03	Floor Plans	3SV83-01-012
04	Elevations	3SV83-01-013
05	Floor Plans	4DV105-01-012
06	Elevations	4DV105-01-013
07	Floor Plans	4DV105-01-014
08	Elevations	4DV105-01-015
09	General	FB 1-01-012 A
10	General	FB 2-01-012 A
11	Floor Plans	TER A-01-012
12	Elevations	TER A-01-013
13	Floor Plans	TER B-01-012
14	Elevations	TER B-01-013
15	Floor Plans	TER C-01-012 A
16	Elevations	TER B-01-013
17	Floor Plans	3DV83-01-012
18	Elevations	3DV83-01-013
19	Floor Plans	3DV101-01-014
20	Elevations	3DV101-01-015

21	Floor Plans	3DV101-01-012
22	Elevations	3DV101-01-013
23	Elevations	4020/03/001
24	Landscaping	MLC-200
25	Landscaping	MCR 202
26	Details	18070-500-100
27	Details	18070-100-102

5 Appendices

5.1 Appendix 1 – Conditions and reasons.

Author of Report:

Charlotte Brown
Planning Officer

Contact Details:

01786 233623
brownch@stirling.gov.uk

David Love

Team Leader, Development Management

Christina Cox

Planning & Building Standards Manager

Approved By:

Date: 17 February 2020

Drew Leslie

Senior Manager - Infrastructure

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

N/A

Wards affected:

Ward 6 Stirling East

Key Priorities:

N/A

Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:

N/A

(Local Outcomes Improvement
Plan:

**ERECTION OF 44 DWELLINGS OF TWO AND THREE STOREY FLATS AND HOUSES,
WITH ASSOCIATED ROADS, PARKING, LANDSCAPING, BOUNDARY TREATMENTS
AND INFRASTRUCTURE AT SITE OF FORMER MFI FURNITURE STORE,1 MAITLAND
CRESCENT,ST NINIANS,STIRLING - ALLANWATER DEVELOPMENTS LTD -
19/00646/FUL**

Approve, subject to the following conditions

1. **Phasing:** A phasing plan setting on the sequence of construction of development, provision of infrastructure and landscaping shall be submitted to and approved in writing by the Planning Authority, following which this plan shall be adhered to in all aspects unless express permission is sought to vary this.
2. **Construction:** The design and construction of all roads within the proposed development shall be in accordance with the requirements of this Authority's specifications, and incorporate the design guidance given in Designing Streets, and The National Roads Development Guide, and shall be offered for adoption upon satisfactory completion.
3. **Cycle Parking:** Prior to the occupation of the first flatted unit, a drawing detailing that the cycle provision complies with Draft Supplementary Guidance: Transport and Access for New Developments shall be submitted for the approval of the Planning Authority.
4. **Vehicle Parking:** Driveways shall be dimensioned 3 metre wide x 11 metre long (2 cars). Parking spaces within private car parks/parking courts shall be dimensioned 2.5 metre x 5 metre and be served by a 6 metre aisle width.
5. **Access:** Prior to the occupation of the first residential unit, the vehicular access into the site from Maitland Crescent shall be laid out and constructed in accordance with Drawing No. 4020/02/002 Rev. G, or such other drawings as may subsequently be approved in writing by this Authority.
6. **Junction Visibility:** Visibility at the vehicular access points (Maitland Crescent and Glasgow Road) shall be provided and maintained as splays measuring 2.4m x 43m, within which there shall be no obstruction to visibility to a point 600mm above the carriageway.
7. **Forward Visibility:** Forward visibility on the inside of bends should be a minimum of 25 metres (within these splays there shall be no obstruction to visibility over 0.6 metres in height above adjoining carriageway level).
8. **Vehicular Access (Glasgow Road):** The vehicular access onto Glasgow Road shall be formed as a vehicular footway crossing, all formed to the satisfaction of the Roads Authority.
9. **Footway (Glasgow Road):** The footway fronting the site on Glasgow Road (within the red line boundary) shall be widened to provide a minimum width of 2m over its length.

- 10. Contaminated Land:** The presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week and a comprehensive contaminated land investigation shall be carried out by the developer if requested.
- 11. Noise:** Maximum Target Noise at the site shall not exceed those detailed below. If Trigger Criteria are exceeded, a scheme shall be submitted which demonstrates that the Compliance Criteria will be met to the satisfaction and timescale agreed in writing by the Planning Authority.

Trigger Criteria (Free Field)	Compliance Criteria
55 dB LAr, Tr (Day)	40 dB LAr, T (Internalwith Windows Closed - Day)
45 dB LAr,Tr (Night)	30 dB LAr,T) (Internalwith Windows Closed - Night)
	55 dB LAr,Tr (External inprivate garden areas - Day)

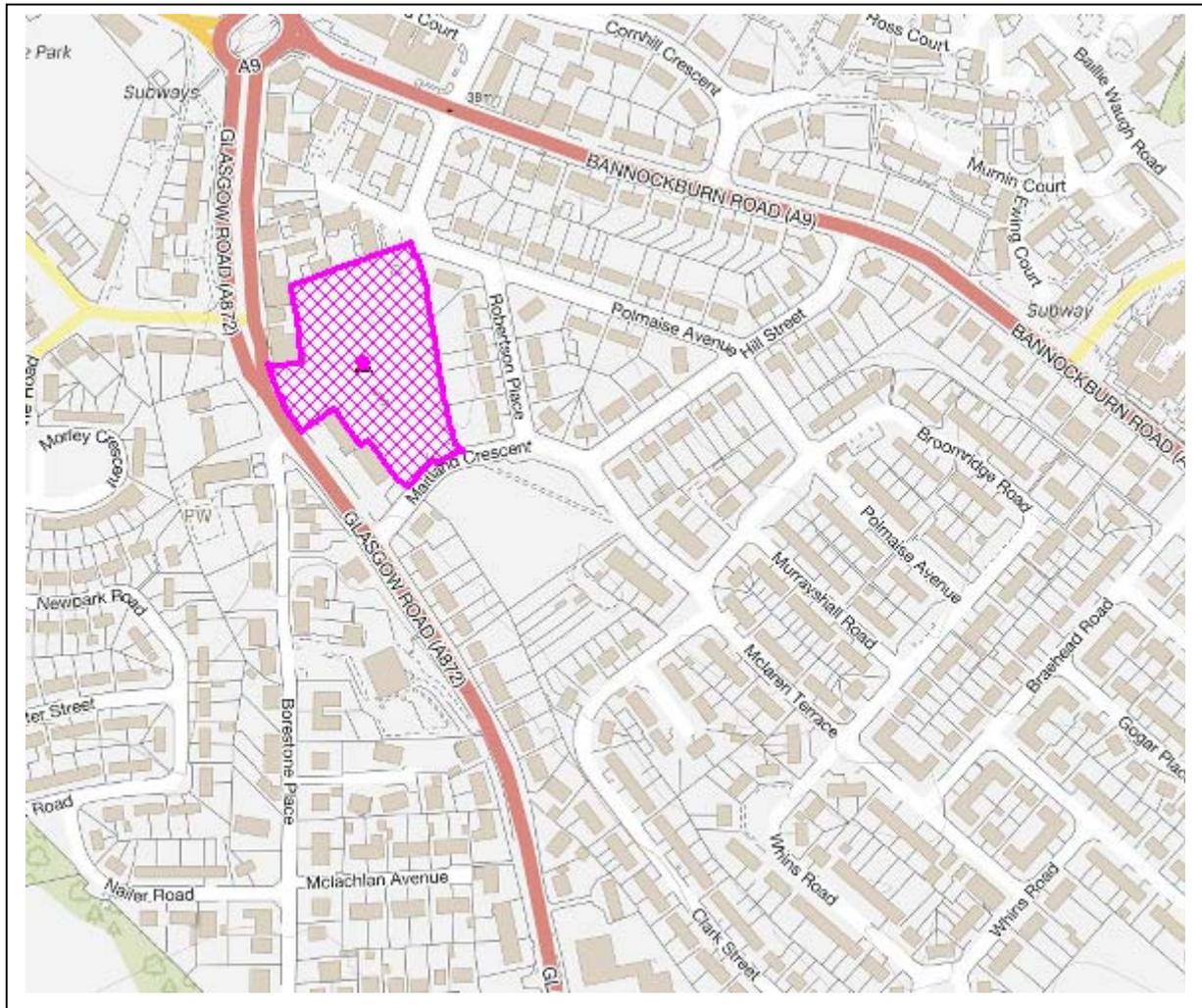
- 12. Sustainable Drainage Systems (SUDS):** Prior to the initiation of planning permission, details shall be submitted to and approved in writing by the Planning Authority, in consultation with SEPA, which includes full detailed SUDS designs that work are carried out in accordance with approved design. The SUDS strategy will include details of measures to be employed during the construction phase of the project.
- 13. Landscape - New Planting:** Prior to the occupation of the first residential unit, details of new planting proposals with details of ground preparation, species, nursery stock size and density of planting and areas of grass seed/turf have been submitted to and approved in writing by the Planning Authority.

Reasons:

1. In order to ensure the site is brought forward in its entirety, providing the key placemaking, open spaces and parking provisions required.
2. In order to ensure safe and reasonable access around the site.
3. In order to ensure sufficient and appropriate bicycle storage areas are provided.
4. In order to ensure sufficient and safe parking at the site.
5. In order to ensure safe and reasonable access to the site.
6. In order to ensure the vehicles can enter and access the site safely, with no road safety implications upon existing roads.
7. In order to ensure vehicles can safely enter and exit the site without presenting any road safety concerns.
8. In order to ensure safety of both road users and pedestrians at this junction.
9. In order to provide suitable pedestrian access for a variety of users.

10. In order to ensure any contaminated land is quickly and suitably addressed and resolve, with no subsequent detrimental impacts.
11. In order to ensure the use of the occupants of the units are not detrimentally impacted by surrounding noise.
12. In order to ensure a sufficient scheme is in place to address surface water during construction and occupation.
13. In the interests of amenity, to ensure that the proposed development is provided with a suitable standard of landscaping and is assimilated into the surrounding area at the earliest practical stage.

Location of Development



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2020. All rights reserved. Ordnance Survey Licence number 100020780