

RELEASABLE

HOUSING DEVELOPMENT AT WALLACE HIGH SCHOOL, DUMYAT ROAD, STIRLING

ANNEX D

BACKGROUND INFORMATION

Proposed Development

1. The erection of 135 2-storey houses (125 detached – with 3, 4 or 5 bedrooms, and 10 semi-detached) and 40 flats (in 4-storey block). The development includes garages and/or on-site parking for the houses and 60 parking spaces for the flats. An area of open space is to be provided towards the centre of the site. Access to the development would be through the existing school access on Dumyat Road and a new access on the opposite side of the site (Chattan Avenue), forming a through road. There would be a loop road around the site, with one further access, from Marlborough Drive.

The Site

2. The site is currently occupied by the existing Wallace High School and its playing fields, providing green spaces adjoining the housing to the north south and west, while the car parking and access to the school is to the east. The site is level and is surrounded by mainly beech hedging much of which is higher than the predominantly single-storey housing adjoining it.

Policy Context

Development Plan

3. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case comprises the *Clackmannanshire and Stirling Structure Plan (approved 2002)* and the *Stirling Council Local Plan (adopted 1999)*.

4. Key Principles in the Structure Plan sets out a number of criteria for assessing development proposals in terms of principles of sustainable development, including the re-use of brownfield sites in preference to greenfield release. It also notes a presumption against development on sport and physical recreation facilities, unless it is either surplus to requirements or can be replaced elsewhere in the locality. The Structure Plan also supports a range of house types within any housing development, including provision for affordable housing. However, the Structure Plan also sets the new housing land requirement for Stirling from 1998 to 2017. It recognises that there is no unmet need for mainstream housing in this part of Stirling. This is an issue that has not been discussed in Stirling Council's reports.

5. The Council reports have identified various relevant local plan policies covering matters such as urban design, open spaces and green corridors. However, also highly relevant (but again not raised in the council reports) is the local plan policy which sets the housing needs allocation to meet the Structure Plan housing targets (mentioned above).

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Relevant Material Considerations

6. SPP 3: *Planning for Housing* encourages meeting housing requirements within or adjacent to existing settlements and supports the re-use of brownfield land. It reinforces the role of the development plan in assessing and meeting housing land requirements. SPP 3 also makes a firm commitment to creating quality residential environments and recognises that, while high-density development may be supported in some urban locations close to transport interchanges, it is not always appropriate and there are areas where existing densities should not be exceeded. NPPG 11: *Sport, Physical Recreation and Open Space* contains a general presumption against redevelopment of sports pitches and states Ministers' commitment to open space provision. NPPG 17: *Transport and Planning* supports an integrated transport system, providing a full range of travel options.

7. Prior to reaching its conclusions on these applications, Stirling Council obtained legal advice to the effect that the cross-funding relationship between the housing and schools developments is a material consideration that can be taken into account when deciding the applications. The advice suggested that the planning gain (in the form of funding for the schools) could be taken into account when deciding the housing proposals, and the funding itself could be considered in dealing with the schools proposals, if their viability would be in doubt without it. This legal advice has not been universally accepted by all parties (nor has the weight the Council has attached to it in reaching its decisions).

8. Circular 4/1997: *Notification of Planning Applications* and our recent White Paper *Modernising the Planning System* are relevant to Ministers consideration whether or not to call in the Stirling school PPP planning applications. The former sets out the circumstances in which applications are notified to Ministers due to the planning authority having an interest and notes that Ministers are concerned that the planning procedure is seen to be operating openly and fairly in these circumstances. The White Paper proposes that the Executive will focus particular attention on any cases where the local authority will gain a capital receipt as a result of the proposed development going ahead.

Representations and Consultations

9. The Council Report indicated 381 objections had been received but with additional letters we have 400 objections and a petition (1052 signatures) presented by a local action group 'Causewayhead Residents Against Greenbelt Erosion' (CRAGE), which had been set up to oppose both the new school and the proposed housing on the site of the former school. Many of these objections relate to both the new school utilising green belt land and concerns about the proposed housing. The issues raised in relation to this housing proposal include: site not zoned for development in local plan; loss of green corridor; traffic congestion and road safety; 2-storey houses will affect light and privacy of neighbouring bungalows; height out of character with area; affect setting of Wallace Monument; lack of affordable housing (inconsistency in Council policy); lack of transparency in funding options; loss of recreational space with new provision too far away; lack of capacity at water treatment works; over-development of site; concern that building will start before new school opened; loss of footbridge; and concern with the consultation process.

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The Council's Consideration

10. Stirling Council submitted both a general report (about six of the applications, including this one) and an individual report about the specifics of this application. The general report addressed a number of issues relevant to all proposals in this PPP scheme. In particular the Council's Corporate Plan commitment to the replacement of old schools through the PPP scheme and lack of disruption to schools by building the replacements first on new sites is discussed. In this report, the Council recognises the provisions (in Section 25 of the Planning Act) that planning applications must be decided in accordance with the terms of the development plan unless material considerations indicate otherwise. In this, the Council has argued that the community/civic gain that would result from the provision of new schools outweighs normal planning provisions. The Council has also attached significant weight to the legal advice it obtained about the cross-funding relationship between the housing and schools developments being a material planning consideration. As a result, the Council has sought to justify the housing development, because the development value would be used to contribute towards the funding of the new school.

11. In its report on this application, the Council states that the key issue for consideration is whether this housing proposal is an appropriate development for the site should the school be relocated. The Council's assessment notes that the site is in the middle of a residential area and the location of the flats, adjacent to the railway line, is appropriate as there are also flats nearby on the other side of the railway. They consider that the proposed roads in the development link to the existing road network and sufficient parking is provided. Finally the loss of an area of green corridor is acknowledged by the Council, but justified on the basis of the community/civic gain from the new school and the need to cross-fund its provision with the housing proposals. The Council considered that the proposed housing was an acceptable land use in the locality, and noted that the loss of playing fields/open space would be replaced in the new school and it should therefore be approved.

12. In response to some of the grounds of objection received, the Council again sought to justify the loss of open space by arguing that the circumstances are unique due to the civic gain of the new school. On the lack of affordable housing, the Council stated that, where developments were to provide civic gain, its usual affordable housing requirement could be flexibly applied. In relation to this particular proposal, the Council acknowledged that affordable housing was not being sought, in order to maximise the resources available to cross-fund the new schools.

13. As mentioned above, the Council assessment of the application did not specifically consider the need for new housing in the area.