

NOTICE OF MEETING

A MEETING of the **PLANNING & REGULATION PANEL** will be held in the **COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING** on **TUESDAY 26 JUNE 2018** at **10.00 a.m.**

IAIN STRACHAN
Chief Officer - Governance
Clerk to the Council

20 June 2018

A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**
2. **DECLARATIONS OF INTEREST**
3. **URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR**
4. **MINUTES - PLANNING & REGULATION PANEL 1 MAY 2018** (Pages 1 - 16)

PLANNING

5. **REDEVELOPMENT OF EXISTING HMP YOI CORNTON VALE TO FORM WOMEN'S NATIONAL FACILITY, INCLUDING DEMOLITION OF EXISTING BUILDINGS, PROVISION OF NEW ACCESS, CAR PARKING, BOUNDARY TREATMENT, AND SITE LANDSCAPING AT CORNTON VALE PRISON, CORNTON ROAD, CORNTON, STIRLING, FK9 5NU - SCOTTISH PRISON SERVICE ON BEHALF OF SCOTTISH MINISTERS - 18/00175/PPP**
Report by Senior Manager – Infrastructure (Pages 17 - 30)

REGULATION

6. **TEMPORARY PUBLIC ENTERTAINMENT LICENCE - RUNRIG CONCERTS**
Report by Chief Officer – Governance (Pages 31 - 36)

Exempt Items

It is anticipated (although this is not certain) that the meeting will resolve to exclude the press and public during consideration of the following items marked with the prefix E (not for publication in terms of Schedule 7A of the Local Government (Scotland) Act 1973).

Item No	Report Title	Schedule 7A Para(s)	Reason for Report being Exempt
E7	TAXI DRIVER RENEWAL APPLICATION	6 & 13	<p>The information should remain exempt indefinitely as in terms of paragraph 6 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 it would impact on the business affairs of the Licence Holder and in terms of paragraph 13 it would disclose that the authority to make an order under the Civic Government (Scotland) Act 1982.</p> <p>If the information became public the risk to the Council is that there would be damage to the Licence Holder's business or personal reputation.</p>
E8	TAXI DRIVER RENEWAL APPLICATION	6 & 13	<p>The information should remain exempt indefinitely as in terms of paragraph 6 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 it would impact on the business affairs of the Licence Holder and in terms of paragraph 13 it would disclose that the authority to make an order under the Civic Government (Scotland) Act 1982.</p> <p>If the information became public the risk to the Council is that there would be damage to the Licence Holder's business or personal reputation.</p>
E9	TAXI DRIVER	6 & 13	<p>The information should remain exempt indefinitely as in terms of paragraph 6 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 it would impact on the business affairs of the Licence Holder and in terms of paragraph 13 it would disclose that the authority to make an order under the Civic Government (Scotland) Act 1982.</p> <p>If the information became public the risk to the Council is that there would be damage to the Licence Holder's business or personal reputation.</p>
E10	TAXI DRIVER'S LICENCE	6 & 13	<p>The information should remain exempt indefinitely as in terms of paragraph 6 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 it would impact on the business affairs of the Licence Holder and in terms of paragraph 13 it would disclose that the authority to make an order under the Civic Government (Scotland) Act 1982.</p> <p>If the information became public the risk to the Council is that there would be damage to the Licence Holder's business or personal reputation.</p>

E11	TEMPORARY PUBLIC ENTERTAINMENT LICENCE – STUNTS UK	6 & 13	<p>The information should remain exempt indefinitely as in terms of paragraph 6 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 it would impact on the business affairs of the Licence Holder and in terms of paragraph 13 it would disclose that the authority to make an order under the Civic Government (Scotland) Act 1982.</p> <p>If the information became public the risk to the Council is that there would be damage to the Licence Holder's business or personal reputation.</p>
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E7 TAXI DRIVER RENEWAL APPLICATION

(Para 6 & 13) Report by Chief Officer – Governance (Pages 37 - 46)

E8 TAXI DRIVER RENEWAL APPLICATION

(Para 6 & 13) Report by Chief Officer – Governance (Pages 47 - 56)

E9 TAXI DRIVER

(Para 6 & 13) Report by Chief Officer – Governance (Pages 57 - 68)

E10 TAXI DRIVER'S LICENCE

(Para 6 & 13) Report by Chief Officer – Governance (Pages 69 - 76)

E11 TEMPORARY PUBLIC ENTERTAINMENT LICENCE – STUNTS UK

(Para 6 & 13) Report by Chief Officer – Governance (Pages 77 - 100)

(For further information contact Mary Love, Committee Officer on 01786 233078 or
Iain Strachan, Chief Governance Officer on 01786 233108)

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on TUESDAY 1 MAY 2018 at 10.00 am

Present

Councillor Alasdair MacPHERSON (in the Chair)

Councillor Maureen BENNISON
Councillor Neil BENNY
Councillor Alistair BERRILL
Councillor Douglas DODDS

Councillor Chris KANE
Councillor Graham LAMBIE
Councillor Jeremy MCDONALD

In Attendance

Jane Brooks-Burnett, Senior Planning Officer (Localities & Infrastructure)
Christina Cox, Service Manager, Planning & Building Standards (Localities & Infrastructure)
Jay Dawson, Principal Planning Officer (Localities & Infrastructure)
Gavin Kennedy, Development Officer (Localities & Infrastructure)
Iain Jeffrey, Senior Planning Officer (Localities & Infrastructure)
Peter McKechnie, Planning Officer (Localities & Infrastructure)
Stephen Boyle, Transport Development Control Officer (Localities & Infrastructure)
Neil Pirie, Senior Development Control Officer (Localities & Infrastructure)
Iain Strachan, Governance Officer (Localities & Infrastructure) (Clerk)
Mary Love, Committee Officer (Localities & Infrastructure) (Minute)

Also Present

Andrew Fyfe, Principal Transport Planner, WSP

AGENDA

The Chair intimated his intention to alter the order of the Agenda. The items were taken in the order minuted below.

PL102 APOLOGIES AND SUBSTITUTIONS

Apologies were received on behalf of Councillor Evelyn Tweed.

PL103 DECLARATIONS OF INTEREST

Councillor Chris Kane and Councillor Neil Benny declared an interest in Agenda item 12 (Item 113) and took no part in consideration of this item.

PL104 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business.

PL105 MINUTES – PLANNING & REGULATION PANEL 27 MARCH 2018

The Minutes of the Planning & Regulation Panel held on the 27 March 2017 were submitted for approval.

Decision

The Panel agreed to approve the Minutes of Meeting held on 27 March 2018 as an accurate record of proceedings subject to the following amendments:-

- 17/00977/PPP is shown as Item PL98 in minute – should be PL99
- 17/00978/PPP is shown as item PL99 in minute – should be PL98 and;
- 17/00978/PPP - “The Chair proposed that the Panel agree to defer consideration of the application pending a Hearing, as two requests for a Hearing had been made regarding application 17/00978/PPP, which, although was considered as a separate application, had been submitted by the same applicant and landowner on the same development site. No further discussion took place on this item.”
- Councillor Neil Benny’s name to be removed from attendance list, as he had submitted apologies.

Hearing

It was noted that although items 17/00977/PPP and 17/00978/PPP were related, from the same applicant in the same locality, they would both be determined separately through the hearing procedure.

PL106 RESIDENTIAL DEVELOPMENT AT LAND ADJACENT AND SOUTH OF NOS 1 AND 3, LAMPSON LOAN, KILLEARN – W S GORDON I V TRUST – 17/00977/PPP - HEARING

A report by the Senior Manager, Infrastructure advised that this was an application for planning permission in principle for a residential development on land adjacent to 1 and 3 Lampson Loan, Killlearn.

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

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

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

The Chair outlined the procedure for the Hearing.

The Senior planning Officer introduced the report, which provided details of (a) the site; (b) the proposal; (c) previous history; (d) development plan policy; (e) assessment and (f) consultations and responded to questions from the Panel.

The Chair thanked the Senior Planning Officer for his presentation.

Agent for Applicant

Paul Houghton of Houghton Planning Limited spoke on behalf of the Applicant in support of the application. Mr Houghton outlined the proposed site to the Panel and provided a historical update. He noted that this site would be suitable for affordable housing and had previously been offered to various housing associations and charitable bodies but no offers had been received to date. The proposed site was outside of the village boundary, which Mr Houghton accepted, and thus in the countryside. It was also accepted that the Housing in the Countryside policy did not offer any basis for allowing development on the site, as the policy was more about housing in the wider countryside and not about an expansion on the fringes of a settlement.

Mr Houghton noted the Local Development Plan and policy 2.1: The 5 year Effective Housing Land Supply and calculated that there was an immediate shortfall in the effective housing land supply in the Stirling area. The Reporter had calculated 638 units, however, it was noted that officers were yet to respond and may dispute the findings. He calculated that there was a shortfall and that currently there was a 4.14 year supply rather than the required 5 years supply, which Mr Houghton noted, on that basis, Policy 2.1 would apply in terms of this application, albeit the policy had an arbitrary cut off of 30 units and over. The current proposals would appear in accordance with the Spatial Strategy and it was his view that this layout was the best solution for the site, which would be slightly outside the village and would have walking routes and opportunity for residents to access the village without using the road.

The Chair thanked Mr Houghton for his presentation and opened up to questions from the Panel. In response to a question from the Panel, Mr Houghton replied that he disagreed with the details in the report regarding the housing in the countryside policy, which stated that it did not specifically provide for edge of settlement rural development that would result in coalescence.

Objector

Mr Duncan McLean spoke against the application. He noted that while he had not spoken directly with everyone who had objected, those who he had spoken with had given him their blessing to make this representation on their behalf. Mr McLean went on to note his concerns regarding the proposals, which he noted were contrary to planning policy, would have an adverse impact on existing properties, as well as the wider built and natural environments and the unjustified need to develop housing on this proposed site. He noted that the main reasons the site was considered unsuitable was its remoteness from services, amenities and public transport connections and negative impact on landscape setting. He noted that the site assessment also identified that land had been allocated elsewhere in the village to meet housing supply needs primarily through the Blaissan development, which was currently under construction. Mr McLean noted that the proposals should be contrary to primary planning policy in relation to placemaking and site planning, due to the proposal not being in keeping with its surroundings and being over developed.

Mr McLean added that the proposed site did not meet the necessary criteria outlined in the Housing Land Supply Policy, as it was not consistent with the Local Development

Plan Spacial Strategy, was not over 30 units in size and therefore would not make a significant contribution to any identified housing shortfall. He also added that the proposed site did not meet the Sustainable Development Criteria because the proposals did not improve the overall quality of the built environment, did not reduce the need to travel and reliance on the private car, did not enhance historic and natural environment, did not support healthy and safer lifestyles and did not involve re-use and/or regeneration of brownfield sites, as this site was greenfield.

The Chair thanked Mr McLean for his presentation and invited questions from the Panel.

Responding to a question from the Panel, The Service Manager, Planning & Building Standards confirmed that the Local Development Plan set out the position with regard to the Housing Land Supply and that the current position was that there was sufficient land supply of 5.3 years and that the shortfall was not relevant to consideration.

Motion

“That the Panel agrees to refuse the application for the reasons set out in paragraphs 1.1 and 1.2 of the report”

Proposed by Councillor Graham Lambie, seconded by Alistair Berrill.

Decision

The Panel agreed to refuse the application for the following reasons:

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

(Reference: Report by Senior Manager, Infrastructure, dated 20 April 2018, submitted).

PL107 RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO NOS 1 AND 2, LAMPSON ROAD, KILLEARN – W S GORDON I V TRUST – 17/00978/PPP - HEARING

A report by the Senior Manager, Infrastructure advised that his was an application for planning permission in principle for a residential development on land adjacent to 1 and 2 Lampson Road, Killlearn.

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

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

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

The Senior planning Officer introduced the report, which provided details of (a) the site; (b) the proposal; (c) previous history; (d) development plan policy; (e) assessment and (f) consultations and responded to questions from the Panel. It was noted that 60 objections were received regarding this application. The Senior Planning Officer went on to explain the Strategic Housing Investment Plan (SHIP) to the Panel. It was noted that the SHIP could potentially allow a scheme of this scale to be brought forward as there were two unidentified rural sites in the latter years of the SHIP.

In response to a question from the Panel as to whether the proposed site was suitable for affordable housing the Senior Planning Officer replied that it was not and went on to explain the proposed housing layout. He advised that the LDP took precedence and mentioned the content of the report which referred to the development of 12 affordable units at Blaressan by Rural Stirling Housing Association and that the applicant had not established whether Rural Stirling Housing Association considered that a further scheme in Killearn merits inclusion in the SHIP, which had not demonstrated that the development would meet a specific need and demand for affordable housing in the area, particularly social rented, in accordance with the Spatial Strategy. Discussion took place regarding the Council's waiting list, as mentioned in the report, and the question was raised by the Panel as to how Blaressan would solve the lack of affordable housing alone, and that this proposed development could be an advantageous opportunity to combat this issue. The Senior Planning Officer replied that only a certain portion of units could be reserved for affordable housing and as this application was a Planning in Principle, the planning department could not seek to apply for affordable housing, as this site would take up 4 houses, which was too small an amount.

Discussion then took place regarding a Section 75 agreement and it was noted that both parties could enter into the agreement but any party could in effect, pull out. The Planning & Building Standards Manager explained that there were different models of affordable housing, with some being provided through RSL model as the greatest need for this type of housing but this could go down to mid-market housing. In response to a question from the Panel whether the Council's waiting list was up to date, the Senior Planning Officer replied that it would not be known for some time yet and would need to be looked at again. He added that he had not engaged with Rural Stirling and that the information provided was the most current available.

Agent for Applicant

Paul Houghton of Houghton Planning Limited spoke on behalf of the Applicant in support of the application. He explained the layout of the site and added that it was fenced off and not used for agriculture. He advised that the policy position was the same as the previous application but the only difference was the affordable housing aspect. The application had been put forward primarily for affordable housing and the site had been offered to various housing associations who had made encouraging responses but no firm offers had been received. An offer was also made to Stirling Council to purchase the land but no response had been received to date. Mr Houghton went on to discuss the detail on a map of the proposed site which he highlighted, could be used for sheltered or social housing or could be secured by the Council as purchased land. In response from the Panel as to whether the applicant would be

prepared to enter into a Section 75 agreement for 12 affordable housing units, Mr Houghton replied that it would be for 11 affordable housing units and one private unit and that the applicant had hoped that this would allow for 2 sites to be individually assessed and added that the applicant would be prepared to enter into a Section 75 agreement.

The Chair thanked Mr Houghton for his presentation.

Objector

Mr Duncan Leishman spoke against the application, highlighting that he had concerns around the planning policy and that the prospect of affordable housing was questionable. This was a greenfield site, outwith the settlement boundary of the countryside policy and was not within the adopted plan and was assessed on the Local Development Plan and dismissed as remote. He added that there were sites elsewhere in the area which were more suitable for housing. The Local Development Plan (LDP) review was deemed four to six units would not be suitable for this site and this type of development was more suitable to an urban site and was not in keeping with the surrounding area. and should be considered contrary to the Planning Policy in terms of placemaking. Mr McLean again addressed the impact on properties and the issue of housing land supply and concluded that he wished to urge the Panel to refuse the application on the reasons provided within the report.

The Chair thanked Mr McLean for his presentation and invited questions from the Panel. It was noted that the school was a 20 to 25 minute walk up a steep hill and around one mile from the local GP practice and shops. In response to another question from the Panel, with regard to general considerations of applications, the Senior Planning Officer noted that it was difficult to answer and that each site was different, therefore consideration came down to each individual characterisation on the site and that material considerations could outlay planning policy. In response to a question from the Panel as to whether a Section 75 agreement had been challenged previously, it was noted that this had happened in 2011 but not tested in this particular scenario, as the site was for private housing.

The Panel then went on to discuss the application and the information provided by the officers and speakers.

Motion

“That the Panel agrees:-

the application is refused based on the reasons contained in the submitted report”

Moved by Councillor Alastair Berrill, seconded by Councillor Graham Lambie.

Amendment

“That the Panel agrees:-

to approve the application subject to the implementation of a Section 75 Agreement to secure contributions to the provision of affordable housing. Granting of planning permission will accord with the objectives of the development plan in respect of the provision of affordable housing.”

Moved by Councillor Alasdair MacPherson, seconded by Councillor Chris Kane.

On the roll being called, the Members present voted as follows:-

For the Amendment (4)	Councillor Maureen Bennison Councillor Douglas Dodds Councillor Chris Kane Councillor Alasdair MacPherson
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Against the Amendment (4)	Councillor Neil Benny Councillor Alistair Berrill Councillor Graham Lambie Councillor Jeremy McDonald
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There being an equality of votes, the Chair cast his casting vote for the Amendment, and the Amendment was carried by 5 votes to 4 and became the Substantive Motion.

For the Substantive Motion (4)	Councillor Maureen Bennison Councillor Douglas Dodds Councillor Chris Kane Councillor Alasdair MacPherson
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Against the Substantive Motion (4)	Councillor Neil Benny Councillor Alistair Berrill Councillor Graham Lambie Councillor Jeremy McDonald
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There being an equality of votes, the Chair cast his casting vote in favour of the Substantive Motion.

Decision

The Substantive Motion was carried by 5 votes to 4 and accordingly the Panel agreed to approve the application subject to the implementation of a Section 75 Agreement to secure contributions to the provision of affordable housing. Granting of planning permission will accord with the objectives of the development plan in respect of the provision of affordable housing.

(Reference: Report Senior Manager, Infrastructure, dated 20 April 2018, submitted).

In terms of Standing Order 39, the Panel adjourned at 11.10am for a comfort break.

The meeting reconvened at 11.15am.

PL108 PROPOSED DEMOLITION OF EXISTING DILAPIDATED GARAGE AND ERECTION OF DWELLING AT LAND AND BUILDING ADJACENT AND NORTH WEST OF NO. 13 KENILWORTH ROAD, BRIDGE OF ALLAN – BOBBY HALLIDAY ARCHITECTS - 17/00660/FUL

A report by the Senior Manager, Infrastructure advised that full planning permission was sought on land to the north west of 13 Kenilworth Road, Bridge of Allan, for the erection of a single dwelling house on a small narrow section of land, which was once part of 13 Kenilworth Roads garden ground, as evidenced by the small wooden garage that currently occupies the site. The site lies within the Upper Bridge of Allan Conservation Area and is surrounded by a number of listed buildings including the properties either side of the site, which are category C listed. The proposed application

site area extends to 157-seven square metres and the proposed drawings showed the erection of a two storey, two-bedroom dwelling house, which was to fill virtually the whole site. It was to be built hard up to the boundary walls on both sides and the only amenity space left available at the front of the property was taken up by parking and bin storage. The finishing materials include natural slate on the roof, natural stone for the walls and also render and timber cladding.

The application was before the Planning and Regulation Panel at the request of Councillor Douglas Dodds, who had cited the fact the proposals would enhance the area, compared with a garage which was derelict and the fact the proposed house design and finishing materials proposed would be in keeping with the Conservation Area, as the planning reasons for the request.

Councillor Dodds had also requested that the application was determined by means of a Hearing to allow the applicant to present the case for the development.

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

No further discussion took place on the application.

Decision

The Panel agreed to defer consideration of the application to allow a site visit and Hearing to take place at a future meeting of the Panel.

(Reference: Report Senior Manager, Infrastructure, dated 19 April 2018, submitted).

PL109 APPLICATION UNDER SECTION 42 OF THE TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 TO REMOVE CONDITIONS 5 AND 6 OF PLANNING PERMISSION 15/00843/FUL AT LAND TO WEST AND SOUTH OF KEPHILL, STIRLING – MR AND MRS I AND F JOHNSTON - 18/00074/FUL

A report by the Senior Manager, Infrastructure advised that the above application was referred to the Planning and Regulation Panel by Councillor Alistair Berrill on the grounds of road safety.

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

The Chair advised the Panel that the applicant had since requested the application be deferred for a Hearing.

Motion

Motion

“That the Panel agrees:-

the application be deferred for a Hearing to take place at a future meeting of the Panel.”

Moved by Councillor Alistair Berrill, seconded by Councillor Alasdair MacPherson.

Amendment

“That the Panel agrees:-

to determine the application today”.

Moved by Councillor Bennison, seconded by Councillor McDonald

On the roll being called, the Members present voted as follows:-

For the Amendment (3)	Councillor Maureen Bennison Councillor Chris Kane Councillor Jeremy MacDonald
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Against the Amendment (4)	Councillor Neil Benny Councillor Alistair Berrill Councillor Douglas Dodds Councillor Alasdair MacPherson
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Decision

The Amendment fell by 4 votes to 3 and accordingly the Panel agreed to defer consideration of the application to allow a Hearing to take place at a future meeting of the Panel.

(Reference: Report Senior Manager, Infrastructure, dated 20 April 2018, submitted).

PL110 FORMATION OF NEW ACCESS AT LAND TO WEST AND SOUTH OF KEPHILL, STIRLING – MR AND MRS I AND F JOHNSTON - 18/00075/FUL

A report by the Senior Manager, Infrastructure advised that the above application was referred to the Planning and Regulation Panel by Councillor Alistair Berrill on the grounds of road safety.

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

Motion

“That the Panel agrees:-

the application be deferred for a Hearing to take place at a future meeting of the Panel.”

Moved by Councillor Alistair Berrill, seconded by Councillor Alasdair MacPherson.

Amendment

“That the Panel agrees:-

to determine the application today”.

Moved by Councillor Bennison, seconded by Councillor McDonald

On the roll being called, the Members present voted as follows:-

For the Amendment (3) Councillor Maureen Bennison
 Councillor Chris Kane
 Councillor Jeremy MacDonald

Against the Amendment (4) Councillor Neil Benny
 Councillor Alistair Berrill
 Councillor Douglas Dodds
 Councillor Alasdair MacPherson

Decision

The Amendment fell by 4 votes to 3 and accordingly the Panel agreed to defer consideration of the application to allow a Hearing to take place at a future meeting of the Panel.

(Reference: Report Senior Manager, Infrastructure, dated 20 April 2018, submitted).

PL111 PROPOSED ERECTION OF 2 NO. DETACHED DWELLING HOUSES AT LAND AND BUILDINGS AT FORMER MINK FARM, SOMMERS' LANE, OCHTERTYRE, BLAIRDRUMMOND – MRS L HENDERSON & MS K CARNEGIE – 18/00105/FUL

A report by the Senior Manager, Infrastructure advised that full planning permission was being sought on land at a former Mink Farm, Sommers Lane, Ochertyre, Blairdrummond for the erection of two substantial sized dwelling houses on part of the grounds of the former farm.

The application was before the Planning and Regulation Panel at the request of Councillor Martin Earl, who had cited the work the applicants had carried out, to address the previous reasons for refusal and the fact there appeared to be merit in the redevelopment of the brownfield site in terms of general beneficial appropriate re-use of brownfield land and improvement to the environment, as the planning reasons for the request. Also for the Panel to consider the Council's rural design guidance that, as currently interpreted, was considered to have limited the scope to create distinctively designed houses that the applicants consider to be appropriate to the site and its setting.

Councillor Martin Earl had also requested that the application was determined by means of a site visit and a Hearing to allow the applicant to present the case for the development.

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

The Panel was invited to consider Councillor Earl's request for deferral.

No further discussion took place regarding the application.

Decision

The Panel agreed to defer consideration of the application to allow a site visit and Hearing to take place at a future meeting of the Panel.

(Reference: Report Senior Manager, Infrastructure, dated 20 April 2018, submitted).

In terms of Standing Order 39, the Panel adjourned at 11.25am for a comfort break.

The meeting reconvened at 11.35am with all Members present.

PL112 MOTORHOMES SALES AND HOLIDAY SITE INCLUDING A NEW MOTORHOME SALES, DISPLAY AND WORKSHOP BUILDING, AMENITY BUILDING FOR THE HOLIDAY SITE, ACCESS, PARKING, DISPLAY AREAS AND LANDSCAPING AT LAND TO NORTH EAST AND SOUTH OF TRAVELLING PEOPLE'S SITE, STIRLING – SCOTMOTORHOMES - 17/00871/FUL

A report by the Senior Manager, Infrastructure advised that the application was referred to the Planning and Regulation Panel at the request of Councillor Ross Oxburgh. The grounds for referral were based on the economic considerations arising from the proposals.

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

The Chair noted that the applicant had submitted an email which was tabled at the meeting and provided details of the site. A copy of the said e-mail was made available to those present for reading, and ten minutes given for it to be read.

The Senior Planning Officer introduced the report, which provided details of (a) the site; (b) the proposal; (c) previous history; (d) development plan policy; (e) assessment and (f) consultations and responded to questions from the Panel. The consultation replies from the Scottish Environment Protection Agency (SEPA) and the Council's Flood Officer objected on the grounds of flood risk to buildings and access and that recommendation to refuse was on the grounds of not complying with Local Development Plan policies in relation to tourism and flooding and Scottish Planning policy related to flooding. Panel Members were advised that should the Panel be minded to grant planning permission, contrary to SEPA advice on flood risk, referral to the Scottish Government would be required in view of the SEPA objection.

E-mail from Applicant

It was noted that the potential site would not cater for caravans as these were considered much harder to evacuate from the site in the circumstances of a flood event, nor would it be used as a camp site. The application had been the subject of extensive pre-application consultation, which included a meeting with Raploch Community Council, discussions with neighbours, SEPA, Transport Scotland, as well as different departments of Stirling Council. It was noted that local comments were encouraging, with discussion taking place regarding the provision of local jobs which was hoped to be 15 full time equivalent and would be advertised locally. The site had been consented previously for development, therefore the applicant took the decision to have this application prepared and submitted. The building would be designed for flood with a prepared Flood Evacuation Plan in place and an assurance that noise level would not be an issue.

The Senior Planning Officer responded to questions from the Panel. It was noted that there was no indication as to why the previous application had lapsed. It was acknowledged by the Panel that the site had been identified as business use and was consistent with the development plan. Discussion took place around the 1 in 200 Flood Functional Plan, which the Senior Planning Officer explained.

The Panel went on to determine the application and discuss conditions relevant, should the application be approved.

Decision

The Panel was minded to approve the application, subject to referral to the Scottish Ministers, given the SEPA objection, and, subject to inclusion of the following conditions, which would relate to:-

1. contaminated land investigation and remediation;
2. location of surface water outlet;
3. details of external finishing of buildings;
4. landscape planting specification and implementation;
5. make-up and surface finish of access, car park and all hard standings; and
6. flood resilient and resistant design within the building construction.

(Reference: Report Senior Manager, Infrastructure, dated 19 April 2018, submitted).

In terms of the Standing Orders, having declared an interest in agenda item 12 (17/00694/FUL), Councillor Neil Benny and Councillor Chris Kane, left the meeting at this point.

PL113 SHELTERED HOUSING (CLASS 9), 3 NO. UNITS: TWO OF WHICH ARE TO BE FOOD AND DRINK (CLASS 3) AND HOT FOOD TAKEAWAY (SUI GENERIS), THE THIRD UNIT WILL BE ONE OR MORE OF THE FOLLOWING USES:- FOOD AND 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

A report by the Senior Manager, Infrastructure advised that the report provided details of full planning permission 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.

The application was 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 Planning & Regulation 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 had been incorporated within Appendix 1 to the report and a further letter of representation had been received which necessitated alterations within the report.

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

The Chair outlined the process for the Hearing.

The Senior Planning Officer introduced the report, which provided details of (a) the site; (b) the proposal; (c) previous history; (d) development plan policy; (e) assessment and (f) consultations.

Officers responded to a number of questions from the Panel. Responding to questions from the Panel in relation to information within the assessment of the report, the Senior Planning Officer noted that the site allocation for development was established through the Raploch Design Guide. The development proposed a three metre wide pedestrian cycle route (running adjacent to Unit 3) connecting the site to the existing footpath at Drip Road. Planting was also proposed and reviewed as appropriate by the tree officer. The majority of the existing wall would remain at the same current height with some break to form vehicle access points with part of the wall being reduced from the current to previous height. With regard to disruption of views from historic areas, it was noted that a four storey residential building was in situ, which would sit opposite the proposed four storey building.

The Principal Transport Planner, WSP explained the travel plan framework and swept path assessment to the Panel and noted that this information was included in the URC masterplan.

The Chair thanked the Officers for their input.

Agents for Applicant

David Young, Director of Caledon/TDL accompanied by Russell Stewart, Development Director of McCarthy & Stone, presented the case in support of the application. Mr Young addressed the Panel and explained how his Company became involved with McCarthy & Stone to allow a comprehensive development of the entire site with the exception of an area which would be retained by NHS Forth Valley as part of the wider Stirling healthcare provision, provide a positive contribution to the urban framework, sit well connected to the existing public transport network. The key points relating to the overall development had been subject to extensive pre-application discussions with Stirling Council Planning Officers, their key environmental and technical advisors and the local community. It was noted that the development accorded with the aspiration of the original Raploch URC brief and development guidelines in terms of policy and mix of uses and complied with the Local Development Plan.

Mr Stewart outlined the key aspects of the proposed development, which would include bespoke sheltered housing, provision of specialist accommodation for a growing age sector, highly accessible location with minimal requirement for car travel, re-use of brownfield land for a high quality development. He discussed the architecture and height of the proposed units, adding that the site was well connected with safer through routes.

Mr Young added that the two main elements of the scheme had been modified directly in response to comments by the Planning Officer, refining the proposal that had come forward.

The Chair thanked Mr Young and Mr Stewart for their presentations. Mr Young and Mr Stewart went on to respond to various questions from the Panel. Discussion took

place regarding the view of the development from Stirling Castle and Stirling Bridge. Mr Young replied that this matter was raised early on in the planning process and added that photographic evidence comparing the development size with large buildings such as Tesco and Sainsbury, which demonstrated that the proposed development, which would be smaller buildings, would sit in form with other buildings around the area and would be in keeping with the existing four storey student block. In response to concerns from the Panel around the suitability of this location for sheltered housing and whether any other sites were considered, Mr Russell replied that potential customers were very particular about their needs with most coming from within five miles of the development site and noted that there were parties keen to sign up for a property. Other sites had been looked at over the years, however, the developers were keen to progress with this site and invest in this area.

Objector

Councillor Danny Gibson presented the case against the application. He wished to have on record that he had resigned from the Raploch URC and Cowane's Trust in order to speak against this application. He expressed surprise that Forth Valley Health Board would be agreeable to having fast food units in this area from a health perspective. He made reference to various paragraphs in the report relating to ownership of land, road safety issues around the Road Safety Audit, which recommended that the pedestrian connection through the site was designated and signed as a shared use route through the site, but did not include crossings in this area. He highlighted that the Travel Plan Framework noted to lacking some details and questioned whether there was sufficient information for the Panel to base judgement on the view that a planning condition would be appropriate to ensure a Travel Plan was forthcoming.

Councillor Gibson also noted concerns around air quality, significant mix of building materials, issues with greenspace, parking issues in relation to access being blocked as this was a historical problem. He also highlighted that there was no information which detailed how many daily/weekly road trips would be brought into this site. He noted concerns around details in the report which stated that it was considered that since this site represented a development which was part of the wider Raploch Redevelopment Scheme, an affordable housing contribution was not required, however felt that this was a commercial development.

The Chair thanked Councillor Gibson for his presentation and in terms of the Standing Orders, Councillor Gibson left the meeting at this point in the proceedings.

Discussion then took place around determination of the application. In response to a question from the Panel regarding traffic and crossings, the Principal Transport Planner, WSP replied that a transport assessment produced had to consider pedestrians, cyclists and vehicle trips. A travel assessment was submitted late 2017 and WSP responded to request a number of updates to ensure everything submitted provided evidence to support the proposals. An access plan in relation to pedestrians and cyclists was provided, taking into account key current crossing points, which was satisfactory. A travel assessment addendum went through the process to identify new trips, diverted trips and passer-by trips. Seventy five per cent of all traffic would be diverted or passer-by trips. The outcome of the assessment suggested all junctions could accommodate the level of traffic generated. It was noted that the development could be accommodated in the road network although one approach was shown as being slightly over accommodated. Potential queueing was also investigated and it was noted that this would increase by less than 10 vehicles.

Motion

Councillor Bennison, seconded by Councillor MacPherson, moved that the application be refused for the following reasons:-

- the potential site would create over development, loss of open space, have a detrimental impact on historic views does not offer the option of affordable housing, is an inappropriate location for sheltered housing, and;
- is contrary to the following policies:-
 1. Policy 1.1: Site Planning
 2. Policy 2.2: Planning for Mixed Communities and Affordable Housing
 3. Primary Policy 1.3: Green Network and Open Space
 4. Policy 3.3: Developer Contributions
 5. Policy 7: Historic Environment
 6. Policy 7.8: Development affecting Battlefields, Gardens and Designed Landscapes

Decision

The Panel agreed to refuse the application as the potential site would create over development, loss of open space, have a detrimental impact on historic views, does not offer the option of affordable housing, is an inappropriate location for sheltered housing and is contrary to the following policies:-

1. Policy 1.1: Site Planning
2. Policy 2.2: Planning for Mixed Communities and Affordable Housing
3. Primary Policy 1.3: Green Network and Open Space
4. Policy 3.3: Developer Contributions
5. Policy 7: Historic Environment
6. Policy 7.8: Development affecting Battlefields, Gardens and Designed Landscapes

(Reference: Report Senior Manager, Infrastructure, dated 19 April 2018, submitted).

The Chair declared the Meeting closed at 1.25 pm

Stirling Council

Agenda Item No. 5

Planning & Regulation
Panel:

Date of
Meeting: 26 June 2018

Not Exempt

Redevelopment of existing HMP YOI Cornton Vale to form Women's National Facility, including demolition of existing buildings, provision of new access, car parking, boundary treatment, and site landscaping at Cornton Vale Prison, Cornton Road, Cornton, Stirling, FK9 5NU - Scottish Prison Service On Behalf Of Scottish Ministers - 18/00175/PPP

Purpose & Summary

Planning Permission in Principle is sought from the Planning and Regulation Panel by the Scottish Prison Service to the redevelopment of the existing prison site to form a Women's National Facility.

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

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. Not applicable.

2. Considerations

The Site

- 2.1. The site (approximately 9.5 hectares) lies to the east of the River Forth, but set back from it, west of the B823 (Cornton Road), north of the housing along Castle Vale and south of the existing housing at Vale Grove/Forth Park. The site lies within the countryside and within the Green Belt between Stirling and Bridge of Allan.

The Proposal

- 2.2. The proposal seeks Planning Permission in Principle to redevelop the existing HMP and YOI Cornton Vale to establish a new, smaller national facility to accommodate female offenders. The facility is designed to hold up to 80 women with an assessment centre which can provide accommodation for a further 25 women. This is a considerable reduction in the current capacity of the prison which had previously held up to 450 women. The new facility will continue to hold women of the same category as the existing establishment.
- 2.3. It is proposed that the development will be undertaken in phases so that a fully functioning establishment can remain throughout the construction period. The majority of buildings on site will be demolished with the exception of the buildings to the south of the site (the existing entrance building, Ross House, Peebles & Skye Buildings). A temporary secure perimeter boundary will run west to east across the site which will retain security whilst enabling development of the larger portion of the site to the north. On completion of the first phase the occupants will be relocated to the new facility thereby allowing the demolition of all the remaining existing buildings (including the Family Centre currently located outwith the secure boundary to the south of Castle Vale).
- 2.4. The proposal will result in the perimeter fence being drawn slightly further back into the site. The perimeter fence will be the same height (5.2 metres) as the existing fence with all similar security systems, lighting and CCTV coverage. The existing staff car park to the south of the site is to be removed and a new car park will be provided to the south east of the new facility, providing space for staff and visitors (130 spaces). The proposal includes relocating the existing northbound bus stop to the existing lay-by to the north so that it lies closer to the proposed main entrance.
- 2.5. All the current buildings within the site are to be demolished (subject to a phasing programme) and a series of new buildings erected. The buildings have all been carefully designed with the welfare of the women and security being key aspects within the design. The Independent Living Units currently sited at the eastern boundary of the prison outwith the secure fencing, facing Cornton Road, will be demolished and all buildings relating to the new facility will be inside the new secure perimeter fence.
- 2.6. The buildings will be a mixture of one and two storey buildings – single storey accommodation buildings and two storey support buildings. The site layout will comprise: 1) Front of house building (secure public entrance; vehicle locks, energy

centre, staff and administration facility, replacement Family Help Hub); 2) Central Facilities Hub (Estates and stores, laundry, health centre, kitchens, hub space and dining, education and gym); 3) 2 x single storey accommodation buildings to the west of the site (providing a range of accommodation for different custodial groups such as mother and baby, young offenders, remand etc.); 4) Assessment Centre located to the north east of the site; 5) quiet retreat building to the north west of the site, and 6) Grounds maintenance and animal care building to the south east of the site.

- 2.7. Whilst the application has been submitted for Planning Permission in Principle, the application has included a substantial amount of information, including the location of all buildings on site, a full series of elevations and floor plans (it should be noted that for reasons of security detailed floor plans have not been included). This was partly as a consequence of Scottish Prison Service's requirements and how they manage risk within development proposals whilst ensuring requirements are met within the construction contracts. This means that little information is required in a future Matters Specified by Condition submission.

Previous History

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

Consultations

Roads Development Control:

- 2.9. No objection subject to conditions relating to:
- 2.9.1. Access Arrangements;
 - 2.9.2. Footway;
 - 2.9.3. Road Safety Audit;
 - 2.9.4. Core Path;
 - 2.9.5. Car Parking;
 - 2.9.6. Cycle Parking;
 - 2.9.7. Bus Stop;
 - 2.9.8. Travel Plan; and
 - 2.9.9. Construction Management Plan.
- 2.10. Advice Note regarding Consent for a Road Opening Permit.

Cornton Community Council:

- 2.11. Consulted on 28 March 2018. A reminder was sent 31 May 2018, but no response has been received.

Bridge of Allan Community Council:

- 2.12. Consulted on 28 March 2018. A reminder was sent on 31 May 2018, but no response has been received.

Service Manager (Environmental Health):

- 2.13. No objection subject to the inclusion of the standard contaminated land conditions.

Bridge & Flood Maintenance:

- 2.14. No historical records of flooding at the site and no predicted flooding up to and including the 200 year event. No objection subject to conditions being met regarding finished floor levels, submission of maintenance regime to the culvert

into which drainage will discharge and the submission of a risk assessment and method statement as to how a blockage of the culvert would be managed.

Scottish Environment Protection Agency (East):

- 2.15. No objection.
- 2.16. Flood Risk: Development outwith the 1 in 200 year functional floodplan and the site was not flooded in Dec 2006. Review of Flood Risk Assessment indicates that the site is within the 1 in 200 year plus climate change flood extent of the Allan Water and River Forth; suggest raising finished floor levels (above 10.00mAOD) to ensure provision remains operational during a flood event. Although they do not object to the demolition and erection of a prison within the current prison grounds, as there is no increase in vulnerability, they would look more supportively upon the relocation of the prison to an area not at risk of flooding.
- 2.17. Surface Water Drainage: Surface Water drainage proposals are similar to those of pre-application with the exception of a basin provided in place of underground storage. Unclear how the dry swales will work. Source control should be provided.
- 2.18. Foul Water Drainage: Discharge proposed to the public sewerage system therefore matter for Scottish Water.

Scottish Natural Heritage:

- 2.19. River Teith SAC: Based on the information presented in the Preliminary Ecological Appraisal, the proposal will not have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is not required.
- 2.20. European Protected Species: Preliminary Ecological Appraisal outlines further survey work to determine the presence of bats and otter prior to demolition and appropriate mitigation should they be present. If disturbance of European Protected Species is considered likely, SNH recommend developer applies to them for a licence.
- 2.21. Other Protected Species: Agree with mitigation provided in Preliminary Ecological Appraisal with regard to the presence of other protected species.

Planning & Policy:

- 2.22. Recommend condition regarding Programme of Archaeological Works.

Representations

- 2.23. Two letters of comment were submitted. A resident of Forth Park wished to ensure that the landscape strip between Forth Park and the site was not affected as a result of this development.

Response: The application does not include any proposals to alter this landscape strip and the fence boundary will be moved further from Forth Park.

- 2.24. The other writer did not make any comment other than noting that they had a "professional interest". The writer was contacted to establish whether they wished to make any comment beyond that of "professional interest" and they stated that they had no further comment to make.

Local Development Plan

- 2.25. 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.

- 2.26. 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; Policy 1.5: Green Belts; Primary Policy 2: Supporting the Vision and Spatial Strategy; 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; Policy 7.1: Archaeology and Historic Building Recording; 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. These policies are also supported by a number of Supplementary Guidance documents.
- 2.27. 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.
- 2.28. The Council has not yet progressed a Modified Local Development Plan to Council for approval.

Other Planning Policy

- 2.29. None

Assessment

- 2.30. The proposal seeks to redevelop a site currently used as a prison for a prison, albeit as part of a wider new approach that the Scottish Government are adopting to support female offenders in custody.
- 2.31. Primary Policy 1 requires developments to be designed and sited, not only with reference to their own specifications and requirements, but also in relation to the character and amenity of the place where they are located. This development will bring the boundary fence slightly further from existing residential properties. While the car park to be extended will be larger, it is in the same location as an existing car park with areas of planting to break it up. An existing car park will be removed and landscaped. Due to the inherent need for security within this development, the overall design is centred on the applicant's specifications and requirements. Nonetheless, given the existing use of the site and the distance of any proposed building from the boundary, there is not considered to be any impact on the existing character or amenity of the place. Furthermore, it is considered that the proposal respects the character of the Green Belt. The site is also a proposal for redevelopment thereby reducing the need to encroach onto greenfield land. It is considered that the proposal complies with Primary Policy 1.
- 2.32. Policy 1.1 seeks to ensure that all new development contributes in a positive manner to the quality of the surrounding built and natural environment and lists a number of criteria that must be satisfied. Unlike any other development, there are no proposals to connect this site with its surroundings. There is a footpath (Core Path) which runs to the west of the site, between the site and the river. This proposal will not result in any long term adverse impact on that footpath. It is considered that the design of the buildings is appropriate to the wider surroundings in terms of appearance, position, height, scale and massing, notwithstanding that

only planning permission in principle is being sought at this stage. The buildings have not been designed in a manner to create an inclusive place for people, since access to the site needs to be strictly controlled, however the buildings within the site have been designed to ensure that they are safe and accessible within the grounds of the facility. It is not considered that any of the existing buildings contribute to the local townscape and there is no objection to the demolition of these buildings. It is considered that, given the restrictions that need to be imposed in terms of accessing a prison facility, on balance the proposal complies with Policy 1.1.

- 2.33. Since this proposal does not encroach on areas of open space, as defined within the Local Development Plan, and will not adversely affect the footpath to the west of the site, it is considered that the proposal complies with Policy 1.3.
- 2.34. Policy 1.5 requires development to preserve the openness of the Green Belt and should not undermine their core role and function by individual and cumulative impacts. In this case, the proposal is the redevelopment of an existing site for the same use. The buildings will not be any higher than the existing nor will the site encroach into previously undeveloped land. It is therefore considered that there will be a neutral impact on the core role and function of the Green Belt. It is considered that the proposal complies with Policy 1.5.
- 2.35. Primary Policy 3 (Provision of Infrastructure) seeks to manage and enhance existing infrastructure and reduce the demands for new infrastructure. Policy 3.1 (Addressing the Travel Demands of New Development) seeks to ensure that new development is located where safely and conveniently accessible by walking, cycling and public transport as well as by motor vehicle. Furthermore, development should aim to reduce its travel demand. Since this proposal reduces the number of women held on site from 450 to a total of 105, the new facility will have a significant reduction in women and staff numbers accessing the site compared to the previous operation. The site also benefits from existing pedestrian, cycle and public transport infrastructure and is considered acceptable for the anticipated level of trips generated by the proposed facility. The proposal includes relocating the existing northbound bus stop to the existing lay-by to the north so that it lies closer to the proposed main entrance. Stirling Council's Public Transport Team are content with the principle of this. It is considered that the proposal complies with Primary Policy 3 and Policy 3.1.
- 2.36. Policy 3.2 (Site Drainage) Foul drainage is to be connected to the public sewer and surface water drainage will be treated by a Sustainable Drainage System. It is considered that the proposal complies with Policy 3.2.
- 2.37. Primary Policy 5 (Flood Risk Management) seeks to ensure that development proposals on areas shown to be at risk of flooding in SEPA Flood Maps should be avoided. The site is close to the River Forth and Allan Water however SEPA had no objection to the proposal on flood risk grounds. A Flood Risk Assessment was submitted in support of the application. The site is within the 1 in 200 year plus climate change flood extent of the Allan Water and River Forth however is not at risk from this source of flooding though access and egress could be affected if there is an area of inundation on Cornton Road. Since the site is within the 1 in 1000 year flood extent, a condition has been recommended to ensure finished floor levels are at 10 metres AOD (though it should be noted that the submission included floor levels within the building already set above 10 metres AOD). This will ensure that the prison remains operational during a flood event. Since the site is a redevelopment of the existing facility, it is not considered that there will be an increase in flooding occurring elsewhere. It is considered that, with the inclusion of conditions, the proposed development complies with Primary Policy 5.

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- 2.38. Policy 7.1 (Archaeology & Historic Building Recording) seeks to ensure that, where there is the possibility that archaeological remains may exist within a development site, an evaluation of any such remains should be arranged. The application was supported by a Historic Environment Assessment. The Council's archaeologist did not raise any objection to the development providing a condition relating to a programme of archaeological works was undertaken. This condition has been included within the recommendation therefore it is considered that the proposal complies with Policy 7.1.
- 2.39. Primary Policy 8 (Conservation and Enhancement of Biodiversity) seeks to protect, conserve and enhance wildlife, its habitats and other natural features in international and national designated sites. The development is close to the River Forth (40 metres to the west of the site) which is part of the River Teith Special Area of Conservation. A Preliminary Ecological Appraisal was submitted in support of the application. Scottish Natural Heritage considered that it was unlikely that the proposal will have a significant effect on any qualifying interests. An appropriate assessment was not required. It is considered that the proposal complies with Primary Policy 8.
- 2.40. Material consideration: The Scottish Government is seeking to take a different approach to how women in custody are dealt with. The new approach seeks to keep women in custody closer to their families and allowing greater engagement with wider community services (including health and education), whilst keeping a national facility for those in need of greater support or security. A series of small scale community custody units are proposed across Scotland.
- 2.41. On balance it is considered that the proposal complies with the policies of the Development Plan and approval of this application is critical to assist in meeting the aim of the Scottish Government to adopt a more radical and ambitious approach to address female offending through the provision of a new small national prison alongside a number of smaller community-based custodial units across Scotland. The Scottish Prison Service are seeking to provide a facility which brings about change that is focused on individual recovery and that incorporates gender specific and trauma informed practice.

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. The proposal was the subject of a Screening Opinion (April 2017) and it was confirmed that an Environmental Impact Assessment was 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 18/00175/PPP. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P5ZO11PI09C00>

- 4.2. List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	3741 S-AL(0)002 #
03	Site Plan	3741 S-AL(0)120 #

5. Appendices

- 5.1. Appendix 1 - Conditions and Reasons.

Author of Report:

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Senior Planning Officer

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Approved by:

Brian Roberts
Senior Manager Infrastructure

Date: 1 June 2018

Signature:



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

Wards affected:

Ward 4 Stirling North

Key Priorities:

N/A

Key Priority Considerations:

2.1 **N/A**

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement
Plan:

N/A

REDEVELOPMENT OF EXISTING HMP YOI CORNTON VALE TO FORM WOMEN'S NATIONAL FACILITY, INCLUDING DEMOLITION OF EXISTING BUILDINGS,,PROVISION OF NEW ACCESS, CAR PARKING, BOUNDARY TREATMENT, AND SITE LANDSCAPING AT CORNTON VALE PRISON,CORNTON ROAD,CORNTON,STIRLING,FK9 5NU - SCOTTISH PRISON SERVICE ON BEHALF OF SCOTTISH MINISTERS - 18/00175/PPP

Approve subject to the following conditions:

- 1 **Matters Specified in Conditions:** Prior to the commencement of development on site, a further application(s) shall be submitted to and approved in writing by the Planning Authority. The further application(s) shall include the following details:
 - a) Elevations of all buildings including specification of materials.
 - b) A Risk Assessment and Method Statement
 - c) Access Arrangements: A detailed junction arrangement engineering drawing for each access (at a scale of 1:500) with reference made to the appropriate regulations and drawings, lane widths including TSRGD. Details/annotations on the respective lane widths and visibility splays should be provided on the drawing.
 - d) Road Safety Audit: A Stage 1 Road Safety Audit, with accompanying Designer's Response.
 - e) Bus Stop: A drawing detailing amended kerblines, road markings, shelters, signage, etc. highlighting the proposed bus stop relocation. The existing bus stop shall be permanently closed once the new bus stop comes into use.
 - f) Construction Management Plan for each phase of the development.
 - g) Culvert Maintenance Regime: A maintenance regime (inclusive of access rights) to the culvert into which drainage will discharge.
 - h) Full landscaping details including maintenance regime.
- 2 **Finished Floor Levels:** Finished floor levels shall be no less than 10 metres AOD.
- 3 **Core Path:** Core Path 9078Ba/66 runs through the southwest corner of the site. This Core Path shall remain open during and post construction; in the event that there is a requirement to close the Core Path for a temporary basis in connection with construction works, this will require the written approval of the Planning Authority prior to temporary closure.
- 4 **Car Parking:** Car parking spaces shall be dimensioned 2.5 metres x 5 metres and be served by a 6 metre aisle width.

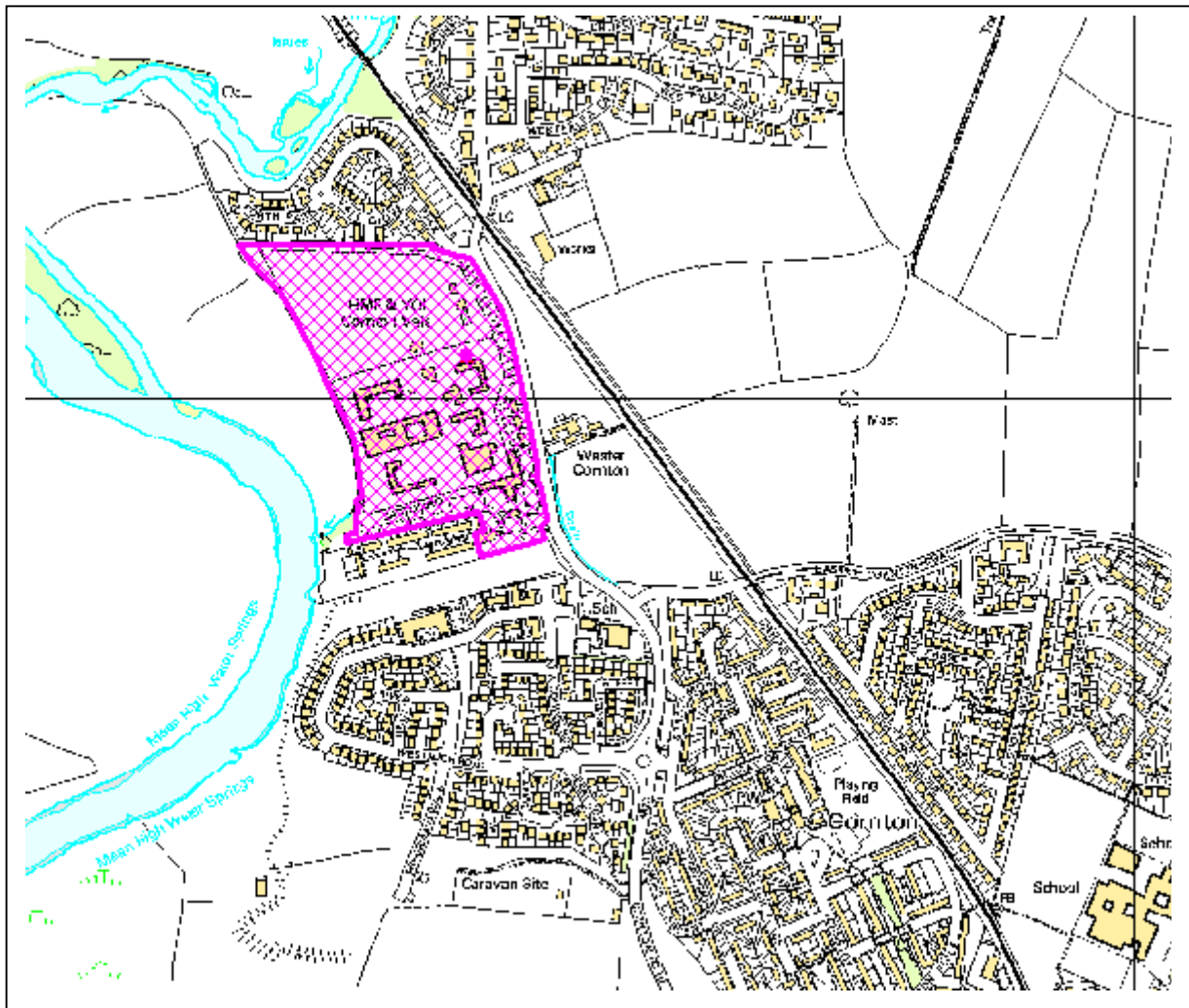
- 5 **Cycle Parking:** Cycle parking shall be provided in accordance with the rates provided in Stirling Council's Supplementary Guidance SG14: Ensuring a Choice of Access for New Developments, with spaces provided as a combination of secure sheds or lockers (for employees), and Sheffield style stand (for visitors). Cycle parking shall be located in a convenient and secure location and shall be available prior to the completion of the first unit of accommodation.
- 6 **Travel Plan:** Prior to the occupation of any buildings within the application site, a comprehensive Travel Plan will be submitted to and approved in writing by the Planning Authority. The approved Travel Plan shall then 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.
- 7 **Programme of Archaeological Works:** No works shall take place within the 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.
- 8 **European Protected Species:** Works shall be carried out in accordance with the recommendations set out at Section 7 of the Echoes Ecology Ltd, Preliminary Ecological Appraisal (February 2017) which was submitted in support of the application.
- 9 **Remediation:** Remediation of the site shall be carried out in accordance with the approved remediation plan outlined in the Ground Investigation Report dated September 2017 produced by Johnson Poole and Bloomer consultants. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.
- 10 **Confirmation Work Carried Out:** On completion of the remediation works and prior to the site being occupied, the developer shall submit to the Planning Authority a site verification statement in accordance with CRL11 produced by the consultants, confirming the works have been carried out in regards to asbestos containing materials, contaminated made ground and gassing made ground are being carried out in accordance with CLR11, and obtain written approval from the local authority.
- 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.

Reasons:

- 1 The present application is for planning permission in principle where further detailed information is required.
- 2 To accommodate the 1000 year event due to the vulnerability of the asset and to ensure provision remains operational during a flood event.
- 3 To ensure that the Core Path remains available for public use.
- 4 To ensure that adequate parking is provided within the development to cater for the needs of staff and visitors.
- 5 To ensure that facilities are provided for those travelling to the site by bike.
- 6 In order to reduce dependency on the private car.
- 7 To safeguard and record the archaeological potential of the area.
- 8 To ensure that the appropriate mitigation is in place to limit the impact of the development on European Protected Species. To ensure potential risks arising from previous site uses have been fully assessed.
- 9 To ensure the remedial works are carried out to the agreed protocol.
- 10 To provide verification the remediation has been carried out to the Authority's satisfaction.
- 11 To ensure all contamination within the site is dealt with.

Advisory Note: Pre-emptive works, comprising the demolition of buildings and the erection of a new, temporary security fence, are not considered in this instance to be works requiring the discharge of pre-commencement conditions though the demolition will still be subject to ecological checks as required by legislation.

Location of Development



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Stirling Council

Agenda Item No. 6

Planning & Regulation Panel

Date of
Meeting: 26 June 2018

Not Exempt

Temporary Public Entertainment Licence – Runrig Concerts

Purpose & Summary

The purpose of this report is to seek a decision from Planning & Regulation Panel with regards to an application for a Temporary Public Entertainment licence submitted by LCC Live Event Services Ltd for Runrig's "Last Dance" concerts within City Park, Fallenich Farm, Stirling between Thursday 16 August and Sunday 19 August 2018.

Recommendations

The Panel is asked to consider whether to:

1. grant the Temporary Public Entertainment Licence subject to all relevant conditions being met by the organiser to the satisfaction of the Chief Governance Officer and all relevant documents being supplied; or
2. grant the Temporary Public Entertainment Licence subject to all relevant conditions being met by the organiser to the satisfaction of the Chief Governance Officer and all relevant documents being supplied, and to apply additional appropriate condition(s) which the Panel deems necessary; or
3. refuse the Temporary Public Entertainment Licence.

Resource Implications

There are no resource implications identified from a licensing perspective in respect of the public entertainment aspects of this application.

Legal & Risk Implications and Mitigation

There are no legal and risk implications associated with this report.

1. Background

- 1.1. Runrig's "The Last Dance" concerts intend to be a final farewell from the band, and they have chosen to host the concerts at City Park, Fallenich Farm, Stirling.

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- 1.2. The overall event runs over a four day period, with the band performing on two evenings. The dates of the event are Thursday 16 August until Sunday 19 August 2018, with the band performing on the Friday and Saturday evenings.
 - 1.3. There are various bands playing throughout the event, as well as food vendors, merchandise stalls, funfair rides, licensed bars and a campsite.
 - 1.4. There will also be a fireworks display ending the evening of Saturday 18 August 2018.

2. Considerations

- 2.1. Under the Civic Government (Scotland) Act 1982 a Temporary Public Entertainment licence is required for the use of a premises, for where there is a payment for admission or use of facilities.
- 2.2. The event will take place at City Park, Fallenich Farm, Stirling.
- 2.3. On Thursday 16 August 2018 at 10.00am the event campsite will open, there will be food and drink vendors available within the campsite. The event arena will open on Friday 17 August and Saturday 18 August 2018 at 3.00pm each day until 12 Midnight, with the concert finishing each evening at 11.00pm. The event campsite closes on Sunday 19 August 2018 at 12 Noon.
- 2.4. The event is proposed to host a total of 52,000 over the course of the event. This includes 20,000 attendees on the Friday evening and 25,000 attendees on the Saturday evening, as well as all site management, stewarding, entertainers and concert attendees.
- 2.5. The site build and break down will commence on 6 August 2018 and continue through until 22 August 2018.
- 2.6. As part of the application process, Police Scotland, Scottish Fire & Rescue Service and various services within the Council have been consulted, along with all Elected Members and Kings Park Community Council. No objections to this application have been received.
- 2.7. Occasional licences for the sale of alcohol have also be applied for in respect of this event. There is one occasional licence for the bar within the event arena and one occasional licence for the bar within the event campsite. These licences have not yet been granted, and will be dealt through separate alcohol licensing process.
- 2.8. The Licensing Team have been attending monthly Safety Advisory Group (SAG) meetings along with all multi agency partners including Police Scotland, Fire Services, Ambulance Services and NHS Forth Valley, working with LCC Events in moving the event forward.
- 2.9. To work alongside the event, the District of Stirling Licensing Board and Planning & Regulation Panel have previously granted permission for licensed premises and late hours catering establishments to be allowed to apply for an extension of one hour over their permitted hours for the evenings of Friday 17 August 2018 and Saturday 18 August 2018.

3. Implications

Equalities Impact

- 3.1. This section is not applicable.

Sustainability and Environmental

3.2. This section is not applicable.

Other Policy Implications

3.3. No other policy implications have been identified.

Consultations

3.4. Police Scotland, Scottish Fire & Rescue Service, Environmental Health, Traffic Management, Trading Standards, Ward Councillors and Cleansing.

4. Background Papers

- 4.1. Event Information.
- 4.2. Event Risk Assessment.
- 4.3. Fire Risk Assessment.
- 4.4. Traffic Management Plan.
- 4.5. Maps.
- 4.6. Operational Hours.
- 4.7. Alcohol Management Plan.
- 4.8. Emergency Management Plan.

5. Appendices

- 5.1. Appendix 1 - Summary of Traffic Management Plan.

Author of Report:

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Approved by:

Iain Strachan
Chief Governance Officer

Signature:



Date: 18 June 2018

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

Councillor A MacPherson
Councillor C Kane

Wards affected:

Stirling West

Key Priorities:

N/A

Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement Plan)

N/A

RUNRIG CONCERT

TRAFFIC MANAGEMENT OVERVIEW

A Safety Advisory Group was established for this event. It was agreed at an early meeting of the SAG that a separate Traffic Management Sub-Group be established to discuss the traffic management measures to be implemented. The Traffic Management Sub-Group has met on several occasions and consists of Officers from Stirling Council, Police Scotland and the Organiser's appointed traffic management contractor. Representatives from Amey and BEAR Scotland, the trunk road operators for the M9 and the A84, also attended an early meeting of the Group.

Extensive traffic management measures will be implemented on the M9 at Junction 10 (Craigforth) and on the A84 at Craigforth Roundabout. These measures have been approved by Transport Scotland and the trunk road operators concerned. The final traffic management proposals were approved at a meeting of the Traffic Management Sub-Group held on 5th June 2018 which was attended by Council officials, Police Scotland and the event Organiser's appointed traffic management contractor.

General Overview of Traffic Management to be Implemented

All traffic travelling to Stirling on the M8/M9 and on the A9/M9 will be directed to Junction 10 (Craigforth) of the M9, thus discouraging concert traffic from travelling through Stirling City Centre. Extensive measures will be implemented on the M9 at Junction 10 to ensure the safe and efficient flow of traffic at Junction 10.

A range of traffic management measures will be implemented on the roads surrounding the venue and will include some road closures, a reduced speed limit and coned traffic lanes to ensure safe access to/egress from the event car park. A reduced speed limit and a temporary traffic signal controlled pedestrian crossing will be implemented on the A811 Dumbarton Road to enable the safe and efficient control of pedestrians leaving the venue at the end of the concert.

