

STIRLING COUNCIL

MINUTES of SPECIAL MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING ON TUESDAY 17 DECEMBER 2019 at 1.00 pm

Present

Councillor Alasdair MACPHERSON (in the Chair)

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

Councillor Graham HOUSTON
Councillor Chris KANE
Councillor Graham LAMBIE
Councillor Jeremy MCDONALD

In Attendance

Kevin Argue, Transport Development Team Leader
Christina Cox, Service Manager, Planning & Buildings Standards
Dorothy Irvine, Urban Designer/Planner
Iain Jeffrey, Senior Planning Officer
Mark Laird, Planning Officer
David Love, Planning Team Leader – Development Management
Tracey Mills, Team Leader - Assets & Support
Michael Mulgrew, Planning Officer
Neil Pirie, Senior Development Control Officer
Isobel Smit, Forward Planning Officer, Schools, Learning & Education
Tony Mason, Lead Solicitor (Clerk)
Mary Love, Committee Officer – Governance (Minute)
David McDougall, Governance Officer

PL279 APOLOGIES AND SUBSTITUTIONS

There were no apologies received.

PL280 DECLARATIONS OF INTEREST

Councillor Alistair Berrill declared an interest in item PL285, Morrison Community Care Limited - 19/00704/FUL.

PL281 ERECTION OF RESIDENTIAL DEVELOPMENT, VILLAGE CORE (USE CLASS 1, 2, 3, 8), FORMATION OF OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS WITH, (IN PRINCIPLE) EMPLOYMENT LAND (USE CLASS 4, 5, 6), COMMUNITY CAMPUS AND PRIMARY SCHOOL AT DURIESHILL AT LAND BETWEEN PLEAN AND THE BANNOCKBURN INTERCHANGE, PLEAN - SPRINGFIELD PROPERTIES PLC - 19/00310/FUL-HEARING

The application had been referred to the Planning & Regulation Panel by the Council's Planning and Building Standards Manager in accordance with the Council's Scheme of Delegation procedures, since the application proposed a 'Major' development as defined in The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

The applicant had submitted a request for the application to be determined by the Planning and Regulation Panel through the Public Hearing procedure. A Hearing for the planning application would therefore take place following which the Planning and Regulation Panel were asked to determine the planning application.

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 Planning Officer and Urban Designer/Planning Officer introduced the report and responded to various questions from the Panel around matters, which included planning policies, considerations and officer recommendations.

It was noted that, should the application be approved, Planning Services would work with the applicant around various aspects of infrastructure, which would be carried out under the Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1967. A delivery team would also be in place to negotiate and implement the various tasks under the Agreement. It was also noted that there were a large number of conditions attached to the application, which detailed requirements that were beyond the usual standard required.

The Chair extended congratulations to all parties involved and acknowledged all the hard work carried out. The Chair then proceeded to outline the procedure for the Hearing.

Applicant

David Jewell, Head of Land – Central for Springfield Properties PLC presented his case in support of the application and was accompanied by Mark Allington, Group Architect. A short video was presented to Members to update them on the background work carried out and plans for the proposed development. The Company had been working in partnership with Stirling Council and other relevant parties to deliver Stirling Council's vision for Durieshill. In excess of 100 meetings had taken place, which had involved consultees, stakeholders and members of the community, which had strengthened good communication links.

Following various consultations, the design of the proposed development had changed and evolved over the past three years, as a result of the developer listening to concerns from various parties. The development would provide a diverse range of affordable and private housing, create hundreds of jobs and would progress to the next stages of statutory appraisal with the Planning Team, if approved at this meeting.

The Chair thanked Mr Jewell and Mr Allington for their presentation and opened the meeting up to questions from the Panel. In response to a particular question around shops and business units on the proposed development, it was noted that these units would be built gradually, dependant on demand and would be compatible with the housing style on the development site. As this was a Planning in Principle Application (PPP), a detailed application regarding housing types would be presented at a later date.

Discussion took place around external lighting and provision of ULEV electrical charging points on parking bays outside the houses within the proposed development and whether this could be revisited throughout the duration of the thirty year development period. The conditions within the Masterplan were discussed and it was noted that Planning had endeavoured to ensure that a cohesive design and infrastructure were in place over the thirty year period. However, if circumstances were to change and new conditions were required to come forward, there would be flexibility to accommodate those conditions within a co-ordinated framework. It was also noted that this matter was addressed under one of the conditions attached to the application: Ultra-Low Emissions Vehicles Charging Strategy, however concerns were raised around lack of provision for sufficient infrastructure and policy challenges.

Discussion also took place around air quality and the Environmental Impact Assessment (EIA) carried out within the development. Members thanked the Planning team for their input and it was noted that it was important to remember Stirling Council's policy for active travel and transport, based on the possible expansion of vehicle traffic. A request was made from the Panel for cycle stations to be built, to integrate with local cycle hire networks and the inclusion of cycle and disabled buggy storage facilities to be built into flats and buildings, in order to enable security, convenient charging and maintenance. It was noted that these were already provided for within the conditions of the report.

The Planning & Buildings Standards Team Leader highlighted that the Planning Team were content that they had a high quality plan in place and cycle hire had already been discussed with the team, and noted that future discussions regarding conditions relating to a suitable travel plan would take place in due course.

The Forward Planning Officer, Schools, Learning & Education provided a brief overview regarding education provision, should the application be approved. A key site requirement of the housing allocation would be to secure the provision of two primary schools and a secondary school, in order to ensure sufficient capacity. It was also noted that existing schools would have capacity to accommodate denominational young people.

The Planning Officers and agent for the applicant went on to answer various further questions from the Panel in relation to waste impact, broadband provision, road markings and affordable housing.

The development would create in excess of 700 jobs with 22% of those involved in some form of further education, such as apprentices. Members noted that it would be beneficial for the developer to give consideration to consultations with local tradesmen in Stirling, in order to encourage them to become involved with the development.

Discussion also took place around developer contributions and concerns were noted from the Chair that no developer contribution was being made towards the Plein Country Park Masterplan.

It was agreed to adjourn the meeting at 2.50pm in order for Officers to agree additional conditions for the application, which included charging points on residential properties, cycling provision.

The meeting reconvened at 2.55 pm with all the Panel Members noted above present.

It was agreed that the Section 75 of the Town and Country Planning would also include that a proportionate developer contribution towards the implementation of the Plein

Country Park Masterplan (works to improve the Country Park) shall be made to mitigate the impact of increased visitors to the park as a result of the Durieshill development. Annual seasonal survey of visitors would be undertaken by the Council or in agreement with the developer contributions will be secured through legal agreement.

Decision

The Panel agreed to approve:

1. the conditions in Appendix 1 of this report with the following additional narrative to condition 76; The provision of ULEV charging points to be installed on residential parking bays may be required, should the Planning Authority conclude that the strategy does not otherwise adequately provide sufficient infrastructure for ULEVs;
2. the satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or an alternative legal agreement designed to secure from the applicant developer contributions and transfer of land, where defined, under the following heads of terms, (but not limited to):
 - two stream primary school financial contribution and transferal of fully serviced and decontaminated site;
 - single stream primary school financial contribution and transferal of fully serviced and decontaminated site including remediation of mine entries;
 - secondary school financial contribution and transferal of fully serviced and decontaminated site including remediation of mine entries and undergrounding/diversion of power lines;
 - sports pitches and changing facilities and maintenance;
 - transport and active travel infrastructure contributions/delivery including Pirnhall Interchange and the A91 corridor;
 - an appropriate contribution towards the implementation of the Plan Country Park Masterplan;
 - bus service provision;
 - Health care financial contribution and safeguarding of land;
 - Affordable housing provision (25% on-site provision);
 - Open space provision and maintenance;
 - Play area provision and maintenance;
 - Structure planting delivery;
 - Delivery of community facilities including Village Core civic space, community woodland, community growing areas and allotments; and,
 - Household waste financial contribution; and
3. That the heads of terms for the Section 75 (referred to in recommendation) will be reported to the Planning and Regulation Panel prior to final agreement of the Section 75.

(Reference: Report by Chief Operating Officer – Infrastructure & Environment, dated 9 December 2019, submitted).

PL282 APPLICATION FOR APPROVAL OF MATTERS SPECIFIED IN CONDITIONS NOS. 1, 2, 3, 4 AND 6 OF PLANNING PERMISSION 14/00783/PPP FOR ERECTION OF 265 HOMES AND ASSOCIATED INFRASTRUCTURE AT LAND ADJACENT TO NORTH OF BEARSIDE HOUSE AND SOUTH OF CLAYHILL COTTAGE, POLMAISE ROAD TO CARRON RESERVOIR, STIRLING - BDW TRADING LTD - 19/00462/MSC – HEARING

The Matters Specified by Condition (MSC) application sought the Planning & Regulation Panel's approval of the information submitted to address the conditions that were applied to Planning Permission in Principle application (14/00783/PPP). The relevant conditions had been listed in the description of the development. The site was land to the east of Cambusbarron along Polmaise Road. A Hearing had been requested by Cambusbarron Community Council.

This submission was not a planning application but the second part of the two-stage planning permission in principle process. Whilst an application for approval of matters specified in conditions did not fall into national, major or local categories, under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, this Council had generally brought these matters to Panel for approval.

This 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 Hearing process to all attendees.

The Planning Officer introduced the report and provided visual footage of the design layout and discussed the Section 75 Agreement.

It was noted that some of the trees on the site were protected however, there were some trees, which required to be removed.

Applicant's Agent

David Jinks, Planning Manager, Barratt Homes presented his case in support of the application and was accompanied by Gavin Cowan, Technical Director. Barratt Homes had worked extensively with Planning officers to reach this point. A detailed history of the site was provided for Panel. It was also noted that Barratt Homes were legally obligated to make an educational contribution exceeding £5m to fund the extended class in Cambusbarron Primary School. A land transfer had already been transferred to Stirling Council. Discussion took place around affordable housing and it was noted that 48 affordable houses with various ranges were also included within the development and would be managed by Forth Valley Housing Association. The design of the site layout had been done in a way to reflect the approved Masterplan with around 40% of the site would be open space. It was also Barratt's intention to work with the RSPB to ensure habitat was protected. A high range of interest in the properties had already been indicated to date.

Mr Jinks thanked the Panel for providing him with the opportunity to speak in support of the application and asked them to give their approval regarding the application.

Objector

Marion McAllister presented her case on behalf of Cambusbarron Community Council and spoke against the application.

Concerns were noted from the Community Council around the changes in the proposed development regarding density, house type and road layout, which had altered since the appeal against the application was upheld by the Scottish Government Reporter.

Members of the Community Council noted concerns around over density on the development site and requested that the developer restrict the number of houses to 170 as proposed by the Reporter, rather than the 265 mentioned in the application.

The scale of the development, house types and education provision also caused concern. It was noted that there were no bungalows included within the proposed development, which would allow older people an opportunity to move within the community. It was the view of the Community Council Members that no development should be permitted without a robust plan in place.

Concerns regarding flooding around the proposed site were also mentioned, transport issues to and from the site and it was noted that there were no plans for safe walking or cycling to exit the proposed development and no mention of a play area for children.

The Chair thanked Ms McAllister for her presentation and opened up the meeting to questions from the Panel.

The Planning Officer informed the Panel that the Masterplan was indicative of the house styles but had not been finalised at this stage, however, the range and style of houses on the development could still change.

In response to the issue around flooding issues, it was noted that a drainage strategy had to be included and no further consultation was requested by Scottish Water.

Discussion also took place around healthcare and whether local GP practices had the capacity to cope with the proposed increase of patients, should the proposed development go ahead. It was noted that healthcare was considered at the PPP stage of the application and as the site was not within an identified area of pressure for health, no contribution had been sought from the developer.

Trees on the proposed development site were also discussed and it was noted that all relevant tree surveys had been carried out, with some aspects being questioned by the tree officer. As the tree survey was carried out independently, Stirling Council did not have any remit to go back and dispute the survey.

The Reporter had suggested £5m with regard to a contribution towards education provision, however, it was noted that work would have to be refreshed regarding options for education provision for young people.

The transfer of land had been put into Council ownership, however there was now a need for significant work to ensure the best mitigation solution.

The Chair adjourned the meeting at 3.50 pm to allow the Panel to discuss reasons for refusal.

The meeting reconvened at 4 pm with the same Members as noted above, present.

Motion

In terms of Standing Order No 62, Councillor Alasdair MacPherson, having moved for the application to be approved but having failed to find a seconder, requested that his dissent be recorded.

Decision

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

Over density of the site overall and overdevelopment, particularly in relation to the south part of the site as the land rises, and over intensive development of the site at its boundary with the rural fringe to the eastern part of the site.

PL283 FORMATION OF OUTSIDE STORAGE YARD TO INCLUDE NEW BELLMOUTH ACCESS, GATEHOUSE, PERIMETER BOUNDARY FENCE, FORK-LIFT TRUCK COMPOUND, 10M HIGH LIGHTING COLUMNS, 6M HIGH CCTV COLUMNS AND SITE SPOIL-HEAP AT LAND AT PLOTS 13 AND 14, CRAIG LEITH ROAD, STIRLING - SUPERGLASS INSULATION LTD - 19/00662/FUL

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 application had been referred to the Planning & Regulation Panel at the request of Councillor Chris Kane on the grounds that drainage issues, the proposed spoil heap, and points within the objection from Braehead Community Council warranted consideration.

The Senior Planning Officer introduced the report and outlined the planned drainage process to the Panel. The applicant had noted in his application that he wished to keep the spoil heap for future development use. The request was deemed unusual from the Panel, as the applicant had given no indication as to what the spoil heap was being kept for or how long it would be kept in this form.

Discussion took place around LED lighting and CCTV and it was noted that there were no privacy issues around the site.

Motion

In terms of Standing Order No 62, Councillor Danny Gibson, having moved to defer the application but having failed to find a seconder, requested that his dissent be recorded.

Decision

The Panel agreed to approve the planning application subject to the conditions and reasons as set out within Appendix 1 attached to the report.

(Reference: Report by Chief Operating Officer – Infrastructure & Environment, dated 6 December 2019, submitted).

Councillor Alistair Berrill, having declared an interest in item PL284, left the meeting at this point in the proceedings.

PL284 ERECTION OF RESIDENTIAL CARE HOME WITH ASSOCIATED CAR PARKING, INFRASTRUCTURE AND LANDSCAPING AT BOWLING GREEN, RANDOLPH ROAD, STIRLING, FK8 2AP - MORRISON COMMUNITY CARE LIMITED - 19/00704/FUL

The application had been referred to the Planning & Regulation Panel on the basis of the criterion in the Council's Scheme of Delegation which required a Panel referral when the number of objections received exceeded 5 and the recommendation was for approval.

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 and provided maps of the proposed site.

The Panel raised questions around policy matters in relation to the application and it was noted that discussions had taken place between the Planning & Commissioning Officer within Stirling Council and the Joint Management Team of the Clackmannanshire and Stirling Health and Social Care Partnership around ensuring that any development met the assessed needs of residents. The Lead Solicitor went on to clarify the legal implications in relation to the application. A letter was also received from the Care Commission, however, this information was not available at today's meeting. Discussion also took place around ownership of the site.

Detailed discussion took place around charging points on the proposed site and officers confirmed that this was not part of the submission and this matter may have been missed.

Motion

In terms of Standing Order No 62, Councillor Danny Gibson, having moved to defer the application but having failed to find a seconder, requested that his dissent be recorded.

Decision

The Panel approved the application subject to:

1. the conditions and reasons as set out in Appendix 1 attached to the report and the following additional condition and reason:

Condition 12. Electrical Charging Point: Prior to the start of work on the carpark layout, details for the location and timescale for installation of an electric vehicle charging point within the site shall be submitted to the planning authority and approved in writing. The approved electrical charging shall be installed concurrently with the formation of the car parking.

Reason: To facilitate a sustainable means of vehicular transportation, which takes into account the advice on car parking within Supplementary Guidance SG14 -

Ensuring a Choice of Access for New Developments: Appendix O - Car Parking;
and

2. the Council securing of financial contributions towards the City Transport plan and a Traffic Order (for double yellow lines on Randolph Road) as per the Council's Supplementary Guidance as set out in Appendix 1 attached to the report.

(Reference: Report by Chief Operating Officer – Infrastructure & Environment, dated 6 December 2019, submitted).

The Chair declared the Meeting closed at 4.35 pm

