

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON TUESDAY 4 AUGUST 2020 at 10.00am

Present

Councillor Alasdair MACPHERSON (in the Chair)

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

Councillor Graham HOUSTON
Councillor Graham Lambie (PL310)
Councillor Jeremy McDONALD

In Attendance

Lesleyann Burns, Support Officer (Governance)
Christina Cox, Planning & Buildings Standards Service Manager (Infrastructure)
Graham Gibson, Senior Media Officer (Communities & Performance)
Drew Leslie, Senior Manager – Infrastructure
David Love, Planning Development Management Team Leader (Infrastructure)
Peter McKechnie, Planning Officer (Infrastructure)
Sean Moffat, Infrastructure Analyst (Communities & Performance)
Michael Mulgrew, Senior Planning Officer (Infrastructure)
Neil Pirie, Senior Development Control Officer (Environment & Place)
Carla Roth, Acting Lead Solicitor – Litigation (Governance)
Karen Swan, Committee Officer (Governance)
Joyce Allen, Team Leader, Democratic Services (Clerk)

Also in Attendance

Councillor Alastair Majury (Observer)

Prior to the start of the meeting, Councillor MacPherson as Chair of the Planning & Regulation Panel welcomed and thanked everyone for attending the meeting via MS Teams. He updated the meeting on the procedures related to MS Teams and the protocols that both Members and Officers should adhere to throughout the meeting.

The Chair asked the Clerk to carry out a roll call of all Members and Officers participating in the meeting.

PL306 APOLOGIES AND SUBSTITUTIONS

Apologies were received on behalf of Councillor Danny Gibson. No substitute Member was present.

PL307 DECLARATIONS OF INTEREST

There were no declarations of interest.

PL308 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL309 MIXED USE DEVELOPMENT CONSISTING OF CARE HOME (CLASS 8) AND STUDENT ACCOMMODATION (SUI GENERIS) INCLUDING CLASS 3 USE, ANCILLARY AMENITY SPACE AND ASSOCIATED WORKS AT LAND AND BUILDINGS AT ORCHARD HOUSE SITE, BACK O'HILL ROAD, RAPLOCH, STIRLING - CALEDON/TDL, NORTHCARE (SCOTLAND) AND SCAPE HOMES – 19/00890/FUL

A report by the Senior Manager – Infrastructure was submitted that detailed full planning permission was sought for the erection of a mixed use development that consisted of a care home (class 8) development (site B within the overall red line site) and student accommodation (sui generis) (site A within the overall red line site) including Class 3 use, ancillary amenity space and associated works at land and buildings at Orchard House Site, Back O'Hill Road, Raploch, Stirling.

The application had been referred to the Planning & Regulation Panel as the application formed a 'Major' development as defined in The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

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.

Following Members discussion on the planning submission, the Planning Officer confirmed that should the applicant wish, the planning application could be split and resubmitted as two separate submissions, one for the care home and the other for the student accommodation.

Decision

The Planning & Regulation Panel agreed to refuse the application for the reasons set out below:

1. the student accommodation was contrary to Primary Policy One, Policy 1.1, Policy 1.3 of the Adopted Stirling Council Local Development Plan October 2018 and Supplementary Guidance: Place Making including Supplementary Guidance 08: The Raploch Design Guide, as it was considered that the proposed build on Site A, by virtue of its scale, massing and siting, would represent a visually incongruous form of development which would have had a detrimental impact upon the character and appearance of the immediate area and the surrounding locality. The overall bulk, height, and density of development was considerable for both the site, and comparative to the surrounding context;
2. the proposal was contrary to Primary Policy One, Policy 1.1, Policy 1.3 of the Adopted Stirling Council Local Development Plan October 2018 and Supplementary Guidance: Place Making including Supplementary Guidance

08: The Raploch Design Guide, as it was considered that whilst the proposal displayed certain aspects of appropriate design and gateway development, it's scale and visibility from Back O'Hill Road and the Clock Roundabout to the north and west would not represent a gateway development, and instead would result in a visually incongruous and poorly scaled addition to the urban environment;

3. the proposal for the student accommodation was contrary to Primary Policy One, Policy 1.1 of the Adopted Stirling Council Local Development Plan October 2018 and Supplementary Guidance: Place Making, as it was considered that by virtue of its scale and massing the proposals for Site A would have had a detrimental impact upon the amenity of the area by resulting in an increase in overlooking, whilst also having an overbearing impact;
4. the proposals for the student accommodation was contrary to Primary Policy 7, Policy 7.2, Policy 7.3 and Policy 7.8 of the Adopted Stirling Council Local Development Plan October 2018, as it was considered that by virtue of its scale and massing the proposals for Site A would have had a detrimental impact upon the character of the adjoining Town and Royal Park Conservation Area, as the scale of build proposed was considered both incongruous with the surrounding townscape and that of the character of the Conservation Area at this point. This was compounded by the relative density of the development within the site;
5. the proposal for the student accommodation was contrary to Primary Policy 7, Policy 7.2, Policy 7.3 and Policy 7.8 of the Adopted Stirling Council Local Development Plan October 2018, as it was considered that by virtue of its scale and massing the proposals for Site A would have had a detrimental impact upon views from the northern approaches over the Battlefield, including from Stirling Old Bridge towards the Castle. It would have had an undue negative impact upon a key component of the area's sense of place, the approaches to the conservation areas, and the relationship between the wider settings of two nationally important Scheduled Monuments;
6. the proposal for the student accommodation was contrary to Policy 10.1 of the Adopted Stirling Council Local Development Plan October 2018 as the proposals would be harmful to existing trees both within the site and outwith. The submitted plans showed the footprint of the building and associated structures/works, would be in close proximity to these existing trees and their root systems. The proposals had not established that the long-term viability of the retained trees could in fact be assured (as relied upon by the visualisations); and
7. the proposed development overall failed to provide an adequate level of off-street parking suitable for the development and the area.

(Reference: Report by Senior Manager – Infrastructure, dated 22 July 2020, submitted).

PL310 PROPOSED ROADSIDE SERVICES COMPRISING PETROL FILLING STATION (SUI GENERIS), TRUCK STOP, RESTAURANTS AND DRIVE-THRU (CLASS 3/ SUI GENERIS), AMENITY BUILDING (CLASS 1 & 3 AND ANCILLARY USES), LANDSCAPING, ACCESS AND ANCILLARY WORKS AT LAND SOME 500 METRES SOUTH WEST OF BALHALDIE FARM, DUNBLANE - GB GROVE LTD - 19/00243/PPP

A report submitted by the Senior Manager – Infrastructure had been referred to the Planning & Regulation Panel by the Planning & Building Standards Manager in accordance with the Council's scheme of delegation procedures since the application proposed a Major Development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 due to the size of the application site.

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.

In response to Members concerns on the felled trees and criteria to meet the Scottish Government Control of Woodland Removal Policy, the Senior Planning Officer confirmed that the land, which previously had not been restocked, could not be enforced due to the Scottish Forestry licence agreement for compensatory planting on other sites.

The meeting also noted that as the application was a Planning in Principle and would supply a wide range of facilities, Planning were not aware of the exact provisions e.g. truck stop provisions, that would be implemented at this stage.

The Solicitor - Litigation confirmed that Councillor Lambie, who had not been present for the presentation of this application due to technical problems, would not be able to take part in deliberation and decision of this application.

Motion

The Planning & Regulation Panel agree to refuse the application for the following reasons:

- 1.1 the proposed development is contrary to Primary Policy 3: Provision of Infrastructure as the site is not identified as being land required for the provision of identified or anticipated infrastructure in either national, regional or local transport strategies or through the LDP DPMTAG Transport Appraisal;
- 1.2 the proposed development is contrary to Primary Policy 1: Placemaking of the Stirling Local Development Plan 2018 as it is not located to reduce the need to encroach onto a greenfield site and does not utilise vacant or under-used land and buildings within settlements. Nor does it safeguard or enhance the areas natural heritage;
- 1.3 the proposed development is contrary to Policies 2.6: Supporting Town Centres and 2.7: Retail and Footfall Generating Uses as the development is not located within an identified network centre;
- 1.4 the proposed development is contrary to Policy 2.9: Economic Development in the Countryside as it is not based on a recreational activity that requires a site specific need for a countryside location;
- 1.5 the proposed development is contrary to Primary Policy 4: Greenhouse Gas Reduction as the development is not in sustainable location and encourages reliance on the private car;
- 1.6 the proposed development is contrary to Primary Policy 10: Forestry, Woodlands and Trees as the development does not protect existing woodland and does not meet the criteria for removal set out in The Scottish Governments Control of Woodland Removal policy; and
- 1.7 the proposed development is contrary to Primary Policy 15: Tourism and Recreation Development and Policy 15.1: Tourism Development including Facilities and Accommodation as the development does not preserve or

enhance the natural environment, does not promote responsible access to, interpretation of, and effective management and enhancement of the natural and historic environment, and cultural heritage and does not promote a wider spread of visitors.

Proposed by Councillor Graham Houston, seconded by Councillor Alasdair MacPherson.

Amendment

The Planning & Regulation Panel agree to approve the application and give planning permission for the set reasons below: -

1. given the economic benefits, the locational purpose of the development and there being no net adverse sustainability impacts;
2. that the proposal is consistent with Policy 15.1(a) as it would bring tourism benefit; and
3. that the planning permission include appropriate conditions recommended by consultees and a condition requiring submission of a strategy to provide Electric Vehicle Charging Points.

Proposed Councillor Neil Benny, seconded by Councillor Douglas Dodds.

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

For the Amendment (4)

Councillor Neil Benny
Councillor Alistair Berrill
Councillor Douglas Dodds
Councillor Jeremy McDonald

For the Motion (3)

Councillor Maureen Bennison
Councillor Graham Houston
Councillor Alasdair MacPherson

The Amendment was carried by 4 votes to 3 and became the Substantive Motion.

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

For the Substantive Motion (4)

Councillor Neil Benny
Councillor Alistair Berrill
Councillor Douglas Dodds
Councillor Jeremy McDonald

Against the Substantive Motion (3)

Councillor Maureen Bennison
Councillor Graham Houston
Councillor Alasdair MacPherson

Decision

The Substantive Motion was carried by 4 votes to 3 and accordingly, the Planning & Regulation Panel agreed to approve the application and give planning permission for the set reasons below: -

1. given the economic benefits, the locational purpose of the development and there being no net adverse sustainability impacts;
2. that the proposal was consistent with Policy 15.1(a) as it would bring tourism benefit; and
3. that the planning permission include appropriate conditions recommended by consultees and a condition requiring submission of a strategy to provide Electric Vehicle Charging Points.

(Reference: Report by Senior Manager – Infrastructure, dated 21 July 2020, submitted).

The Chair declared the Meeting closed at 11.10am.