

# **STIRLING COUNCIL**

**MINUTES of MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON TUESDAY 2 FEBRUARY 2021 at 10.00 am**

## **Present**

Councillor Alasdair MACPHERSON (in the Chair)

Councillor Neil BENNY  
Councillor Alistair BERRILL  
Councillor Douglas DODDS  
Councillor Graham HOUSTON

Councillor Graham LAMBIE  
Councillor Jeremy MCDONALD  
Councillor Jim THOMSON

## **In Attendance**

Jane Brooks-Burnett, Senior Planning Officer (Infrastructure)  
Christina Cox, Planning & Buildings Standards Service Manager (Infrastructure)  
Helena Dewar, Environmental Health Officer (Infrastructure)  
Mark Henderson, Senior Media Officer (Communities & Performance)  
Jean Houston, Governance Officer (Governance)  
Drew Leslie, Senior Manager – Infrastructure  
Bruce McClure, Senior Manager – CRD  
Peter McKechnie, Senior Planning Officer (Acting) (Infrastructure)  
Michael Mulgrew, Planning Development Management Team Leader (Infrastructure)  
Neil Pirie, Senior Development Control Officer (Environment & Place)  
Carla Roth, Solicitor – Litigation (Governance)  
Karen Swan, Committee Officer (Governance)  
David McDougall, Governance Officer (Governance) (Clerk)

Prior to the start of the meeting, Councillor MacPherson as Chair of 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 participating in the meeting.

## **PL333 APOLOGIES AND SUBSTITUTIONS**

Apologies were submitted on behalf of Councillor Danny Gibson. No substitute Member was in attendance on his behalf.

## **PL334 DECLARATIONS OF INTEREST**

There was no declaration of interest.

## **PL335 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR**

There were no items of urgent business brought forward.

## **PL336 MINUTES**

The Minutes of the Planning and Regulation Panel on [8 December 2020](#) were submitted for approval.

### **Decision**

The Planning & Regulation Panel approved the Minutes of the Meetings on 8 December 2020, as an accurate record of proceedings.

## **PL337 ERECTION OF 117 DWELLING HOUSES, FORMATION OF ACCESS, OPEN SPACE, LANDSCAPING, SUDS AND ASSOCIATED INFRASTRUCTURE AT LAND AT CUSHENQUARTER FARM, PLEAN - PERSIMMON HOMES EAST SCOTLAND & STORY HOMES SCOTLAND LTD - 19/00086/FUL**

A report submitted by the Senior Manager – Infrastructure detailed that planning permission was sought by Persimmon Homes (East Scotland) Ltd and Story Homes Scotland Ltd to develop land on the south eastern edge of Plean for a residential development comprising of 117 units with associated access, open space, landscaping and infrastructure.

The application was a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (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.

The Senior Planning Officer updated Members with the presentation of the site and various elevations for information.

Following concerns about site location and connection to the local town, the Senior Planning Officer explained the front perspective of a number of the homes faced towards the town, along with development of footpaths which would link both locations and encompass the new site as part of the larger community

Members also noted that the second and alternative entrance/exit would be created for the future development of the whole site. It was advised by Officers that most traffic from this application would enter and exit via the main entrance/exit on to the main road.

In response to Members questions, the Senior Planning Officer explained that the socio-economic regeneration detailed within the spatial strategy of the Local Development Plan (LDP) would be generated through the benefits that the future developments would bring to the community.

The Chair, after noting his concerns on the lack of benefits of socio-economic regeneration that this development, as prescribed through the LDP, should bring to Plean requested an adjournment to seek clarity from Officers on the above concerns.

The Chair adjourned the meeting at 11.05am to seek clarity as noted above.

The Meeting was reconvened at 11.15pm, noting that All Elected Members, with the exception of Councillor Lambie, were present.

### **Motion**

The Planning & Regulation Panel agree to continue this application to allow officers to negotiate with the applicant a socio-economic regeneration benefit in line with LDP policy.

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

The Motion was unanimously agreed without a need for roll call.

### **Decision**

The Planning & Regulation Panel agreed to continue this application to allow officers to negotiate with the applicant a socio-economic regeneration benefit in line with LDP policy.

(Reference: Report by Senior Manager – Infrastructure, dated 20 January 2021, submitted).

Councillor Lambie re-joined the meeting.

### **PL338 ERECTION OF 41NO. DWELLINGHOUSE WITH ASSOCIATED ACCESS, LANDSCAPING, SERVICES, INFRASTRUCTURE AND OPEN SPACE PLUS DEMOLITION OF EXISTING BUILDINGS AT LAND AND BUILDINGS AT BUILDERS YARD, BENTHEADS, BANNOCKBURN - LOVELL PARTNERSHIPS LTD AND D ROY (CIVIL ENGINEERING) LTD - 20/00609/FUL**

The Senior Manager – Infrastructure submitted a report that detailed that the application was being referred to the Planning and Regulation Panel as more than 5 objections had been received.

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

The Planning Development Management Team Leader updated Members with the presentation of the site and various elevations for information.

He also updated Members that the list of plans detailed in the report required to be updated as the reasons for the conditions were out of sync with the condition they related to.

Condition 27 had been updated to “Prior to the commencement of works on site a plan showing the extent of land raising and mitigation to control surface water run off to

adjacent properties shall be submitted to, and approved in writing by, the Planning Authority”.

Condition 28 had been updated to “Prior to the commencement of works on site a phasing plan detailing phasing of the units, infrastructure and open space shall be submitted to, and approved in writing by, the Planning Authority”.

Following concerns by Members that the application site had contamination, the Planning Development Management Team Leader confirmed that Environmental Health had been consulted due to the level of contamination and was advised it was at a level that required remediation. Environmental Health advised no objections subject to the inclusion of conditions that required submission of a Contaminated Land Investigation. This technical report would be scrutinised for accuracy and should there be concerns, Officers would be in correspondence with the consultant on these issues.

It was also noted that a Site Investigation report on ground stability due to coal undermining, had noted remedial measures were required in order to ensure the safety and stability of the proposed development and the Coal Authority offered no objection subject to inclusion of conditions on remediation works that would be carried out prior to the development starting.

The Planning Development Management Team Leader responded to Members on concerns about public health, he confirmed that no development could start until approval and confirmation about contamination conditions had been met and/or accepted by the Local Authority. Ongoing monitoring of the site would be robust.

### **Decision**

The Planning & Regulation Panel agreed to approve the application subject to the conditions set out in Appendix 1 of the submitted report and a Section 75 Agreement to secure the relevant developer contributions.

(Reference: Report by Senior Manager – Infrastructure, dated 20 January 2021, submitted).

### **PL339 RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS ROADS, FOOTPATHS, OPEN SPACE, LANDSCAPING, SUDS AND OTHER ANCILLARY FACILITIES AND RELATED WORKS AT LAND BETWEEN DRYPOW AND ALTON FARMHOUSES TO NORTH OF, MAIN STREET, FALLIN - ASHFIELD LAND (FALLIN) LTD - 20/00436/PPP**

A report by the Senior Manager – Infrastructure was submitted to the Planning & Regulation Panel which had been referred 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. It was not considered that the development was significantly contrary to the Development Plan and therefore did not require determination by Full Council.

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 (Acting) updated Members with the presentation of the site and various elevations for information.

In response to a Members questions and concerns, the Senior Planning Officer (Acting) confirmed that as the application was a PPP application, the socio-economic regeneration benefit would be negotiated as part of the Section 75.

The Planning & Buildings Standards Service Manager in response to Members discussion on a Regeneration statement and statement around community engagement which would look at the potential to provide a regeneration project at Polmaise Pit, confirmed that it would be beneficial to record the request as an advisory note.

### **Decision**

The Planning & Regulation Panel agreed to approve the application subject to:

1. the conditions in Appendix 1 to the submitted report;
2. the satisfactory conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to secure from the applicant the necessary contributions and on site provisions set out in Stirling Council's Supplementary Guidance: Developer Contributions;
3. that officers would negotiate with the applicant a socio-economic regeneration benefit in line with LDP policy (that would be negotiated at the PPP stage, secured in the section 75 and outlined when reporting on the MSC application); and
4. an advisory note requesting that the developer submits a regeneration statement and a statement around community engagement looking at the potential to provide a regeneration project at Polmaise Pit.

(Reference: Report by Senior Manager - Infrastructure, dated 20 January 2021, submitted)

The Chair declared the Meeting closed at 12.30pm.