

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON TUESDAY 22 JUNE 2021 at 10.00 am

Present

Councillor Alasdair MacPHERSON (in the Chair)

Councillor Neil BENNY
Councillor Douglas DODDS
Councillor Danny GIBSON

Councillor Graham HOUSTON
Councillor Jeremy MCDONALD
Councillor Jim THOMSON

In Attendance

Kevin Argue, Transport Development Team Leader (Environment & Place)
Jane Brooks-Burnett, Senior Planning Officer (Infrastructure)
Stephanie Cameron, Licensing Team Leader (Governance)
Christina Cox, Planning & Buildings Standards Service Manager (Infrastructure)
Graeme Forrester, Lead Solicitor – Governance (Governance)
Ritchie Gillies, Planning Officer (Infrastructure)
Mark Henderson, Senior Media Officer (Communities & Performance)
Drew Leslie, Senior Manager - Infrastructure
Michael Mulgrew, Planning Development Management Team Leader (Infrastructure)
Carla Roth, Solicitor – Litigation (Governance)
Stephen Spiers, Development Control Officer (Environment & Place)
Karen Swan, Committee Officer (Governance)
Jane Weir, Senior Planning Officer (Infrastructure)
David McDougall, Governance Officer (Governance) (Clerk)

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

PL369 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor Alistair Berrill.

PL370 DECLARATIONS OF INTEREST

Councillor Danny Gibson declared a non-financial registerable interest in PL373 (The Co-op, Bridge of Allan – 21/00056/FUL) as Co-operative Party Member of Central Scotland and endorsed candidate for 2012 local government elections and confirmed he was content to remain and participate in the meeting.

PL371 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL372 MINUTES

The Minutes of the Planning & Regulation Panel held on 1 June 2021 were submitted for approval:

Decision

The Planning & Regulation Panel approved the Minutes of the Meeting on 1 June 2021 as an accurate record of proceedings.

Councillor MacPherson as Chair of the Planning & Regulation Panel updated the meeting on the procedures related to MS Teams Hearing process and the protocols that all should adhere to throughout the next two items.

PL373 ERECTION OF CLASS 1 (SHOP), FORMATION OF NEW ACCESS, PARKING AND ALL ASSOCIATED WORKS AT CO-OPERATIVE FOOD, FOUNTAIN ROAD, BRIDGE OF ALLAN, FK9 4ET - THE CO-OP - 21/00056/FUL – HEARING

A report by the Senior Manager – Infrastructure detailed a proposal that was being considered by Planning & Regulation Panel as the development had received more than five objections and required determination by Planning & Regulation Panel in accordance with the Council's Scheme of Delegation for determining planning applications.

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.

A Hearing request had been made within timescales according to procedure in order to have the opportunity to address the Panel.

The Planning Officer introduced the report and updated Members with the presentation of maps of the proposed site.

Applicant's Agent

David Campbell, North Planning & Development, presented his case on behalf of his client in support of the application.

Co-op stores were at the heart of local life in towns and villages across Scotland and the rest of the UK, and the new Co-op store proposed at Fountain Road showed that the Co-op could provide an improved, modern and high quality shop. The proposal would have energy efficient measures in the building construction and store fit out, by being located centrally by allowing for easy access for staff and customers to walk or cycle. Along with a new cycle parking facilities and electric vehicle charging points, all in-store waste would be separated and recycled either by return to the Co-op depot and onward recycling or by food being redistributed to local charities. The application was for the demolition of the existing Co-op and the construction of a new building on the same site that would provide a new, more modern and improved Co-op for Bridge of Allan.

With the existing store was no longer fit for purpose, the new store had been designed to be light, bright and accessible for everyone. It would have wide aisles for buggies and wheelchairs, and the improved storage area would allow better replenishment of stock. More shelf space would allow a wider product range to be provided and deliveries to the store would be at sensible times and never in the middle of the night, and the new Co-op incorporates a free-to-use ATM.

An earlier application, which had proposed the new building to be at the corner of Fountain Road and Keir Street was withdrawn as the Planning & Roads Department and Community Council were not supportive. Following consultation with the Community Council on the revised proposal, they indicated that they were supportive of the changes that had been submitted.

He thanked the Panel for the opportunity to present the case on behalf of his client.

The Chair thanked Mr Campbell for his presentation.

Objector

Mr Colin Morrow presented his case in objection to the application.

Mr Morrow and his wife had lived in Bridge of Allan for over 30 years and share a boundary wall of over 30 metres with the carpark of the Co-op that was jointly owned between the Co-op and Stirling Council.

A major concern was that only once the application had been approved by Panel that the Co-op would go into discussion with the objector as the homeowner about the adjacent boundary wall, appropriate drainage and any future damage that would happen.

Mr Morrow did not object to the principle of the application but would propose that the adjacent boundary wall and drainage concerns be included within Conditions to ensure that any future damages would be addressed for consideration.

He thanked the Panel for the opportunity to address the Panel.

The Chair thanked Mr Morrow for his presentation.

Following a Members question, the Development Control Officer confirmed that a Construction Management Plan would be in operation throughout the construction of the new building whilst the existing shop was still in operation.

There were concerns raised by a Member about the boundary wall and drainage within the site carpark. The Planning & Building Standards Service Manager confirmed although the boundary wall was not a planning matter, an Advisory note could be added requiring that the applicant consider undertaking a structural survey and identify remedial action to be undertaken by the developer to ensure that boundary walls were structurally unaltered by development. Mr Campbell also confirmed that they would work with the neighbours in respect to the above.

The Planning & Building Standards Manager also confirmed that a supplemented Condition 2 could be included that required the applicant to provide plans of current and proposed ground levels to be approved by the Planning Authority. The reason for this condition should also include to fully understand proposed land raising throughout the site and any implications for surface water discharge.

The Panel also noted concerns raised about the location of the disabled parking bays and the number of parking spaces in the car park. The Development Control Officer confirmed that all disabled parking spaces complied with legislation and were located appropriately. He also confirmed that the number of spaces, which was an increase, would be able to service the Co-op, Church and adjoining shops.

Decision

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

1. conditions listed and in Appendix 1 to the submitted report
2. a supplemented Condition 2 to include a requirement to provide plans of current and proposed ground levels to be approved by the Planning Authority. The reason for this condition should also include 'to fully understand proposed land raising throughout the site and any implications for surface water discharge'; and
3. an Advisory note that the applicant considers undertaking a structural survey and identifies remedial action to be undertaken by the developer to ensure that boundary walls were structurally unaltered by development.

(Reference: Report by Senior Manager – Infrastructure, dated 11 June 2021, submitted)

The Chair adjourned the meeting at
10.50am to allow Applicant Agent and Objector
to leave the meeting.

The Meeting reconvened at 11am, noting
All Elected Members, previously noted, present.

PL374 APPLICATION UNDER SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT TO VARY THE TERMS OF CONDITION NO. 2 ON PLANNING PERMISSION 03/00487/DET AS AMENDED BY CONDITION 1 ON PLANNING PERMISSION 14/00707/FUL, TO ALLOW THE SALE OF A RANGE OF ANCILLARY GOODS AT HOMEBASE, 23 SPRINGERSE RETAIL PARK, STIRLING, FK7 7LL - B&M RETAIL LTD - 21/00053/FUL– HEARING

The Senior Manager – Infrastructure submitted a report that sought permission by B&M Retail Ltd under Section 42 of the Town and Country Planning (Scotland) Act to vary the terms of Condition No. 2 on planning permission 03/00487/DET to allow the sale of a range of ancillary goods.

A written request was received from Councillor Flannagan to remit this application to the Planning and Regulation Panel for determination.

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.

A Hearing request was made within timescales according to procedure in order to have the opportunity to address the Panel.

The Planning Officer introduced the report and updated Members with the presentation of maps of the proposed site.

Applicant

Mr Simon Arora, Chief Executive of B&M retail Ltd presented his case on in support of the application.

By March 2021, B&M had 681 stores operating across the UK and aimed ultimately to open a minimum of 950 stores by 2030. The company already operated a store at Kerse Road and prior to seeking permission to occupy the former Homebase, had examined whether there was scope to increase the size of the unit and provide an external garden centre. Unfortunately, the existing store occupied a constrained location with no scope to expand or redevelop within the confines of the site.

B&M had signed a lease on the existing store until mid-2024 and would ensure that all existing employees would be retained along with an additional 70 full and part-time positions, which would be created within the new store. The existing store would therefore continue to contribute to the local economy.

The former Homebase/Argos store had been vacant for well over 2 years and there was no realistic prospect of enabling the unit to be re-occupied without varying the terms of the existing permission.

B&M were conscious of the concerns raised by Officers in relation to varying the terms of the existing condition. With this in mind, they deliberately sought to amend the scope of the proposal limiting the total additional goods which could be sold to 550 sq.m. This amounted to less than 10% of the current floor-space within the unit and may be compared with the 8.3% already permitted when occupied by Homebase/Argos. It represented a bespoke condition specifically tailored to requirements and recognised that the majority of goods which B&M would sell within the store, could be sold within the terms of the existing permission.

In response to the planning officer's report , Mr Arora confirmed B&M were happy to delete the 5% allowance for additional non-bulky goods to be sold under the terms of condition 2b, thus limiting the variation to 550 sq.m. in total.

If planning permission were granted it would commit B&M to investing a further £500,000 in refurbishing the store with a further £200,000 invested by the landlord. New staff recruited from the local community, which B&M would also be prepared to commit to through an operational and employment training plan, would be recruited and who would benefit from the company's class-leading training programme.

If there was any remaining doubt as to the substantial social and economic benefits of the proposal, the company would accept a personal permission which would enable the sale of goods to revert back to those already permitted, re-affirming their commitment to working with the Council in respect of its desire to promote inward investment and jobs.

Mr Arora thanked the panel for the opportunity to address the Panel.

The Chair thanked Mr Arora for his presentation

In response to Members questions, Mr Arora clarified details of the employment-training programme and the commitment to recruit locally. He also explained the breakdown of goods that would be sold over the existing and proposed store.

Councillor Thomson proposed the Officers recommendation but received no seconder.

Councillor MacPherson moved to approve the application, seconded by Councillor Benny.

The Planning & Building Standards Service Manager requested a recess to speak over the proposed approval of the application.

The Chair adjourned the meeting at 11.30am to allow clarification in respect to the proposed approval of the application.

The Meeting reconvened at 12 noon, noting All Elected Members, previously noted, present.

Motion

The Planning & Regulation Panel agrees to defer the application and ask officers to provide more detailed information on Policy 2.7 of the LDP specifically criteria I, II, III in respect of the applicant's submission on these matters and officers considerations of them.

Moved by Councillor Alasdair MacPherson, seconded by Councillor Neil Benny.

The Motion was unanimously agreed.

Decision

The Planning & Regulation Panel agreed to defer the application and ask officers to provide more detailed information on Policy 2.7 of the LDP specifically criteria I, II, III in respect of the applicant's submission on these matters and officers considerations of them.

(Reference: Report by Senior Manager - Infrastructure, dated 10 June 2021, submitted)

The Chair adjourned the meeting at 12.01pm to allow Applicant to leave the meeting.

The Meeting reconvened at 12.01pm, noting All Elected Members, previously noted, present.

PL375 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 was submitted by the Senior Manager – Infrastructure that detailed that an application was presented to the Planning & Regulation Panel on 2 February 2021. The decision of the February Panel was to continue the application to allow Officers to negotiate with the applicant a socio-economic regeneration benefit in line with Local Development Plan policy.

Detailed 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 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 of Handling for the planning application was set out in Appendix A.

The Planning & Building Standards Service Manager updated the Panel on the position of the application.

In response to Members questions on contributions versus scale of the development and Section 75 agreement (recommendation 2 of the submitted report), the Solicitor – Litigation requested the Panel go into private session to detail legal matters.

The Chair adjourned the meeting at 12.08pm to allow legal matters to be clarified.

The Meeting reconvened at 12.31pm, noting All Elected Members, previously noted, present.

Motion

The Planning & Regulation Panel is asked to be minded to approve the application subject to:

1. draft conditions set out within Appendix 1 to the report of Handling which is included as Appendix A to this report; and
2. a Section 75 Legal Agreement. In the event that a suitable project cannot be identified by Planning Authority during negotiation of the Section 75 Agreement, then the planning permission decision notice will be issued without a specified developer contribution toward socio-economic regeneration.

Moved by Councillor Neil Benny, seconded by Councillor Jeremy McDonald.

Amendment

The Planning & Regulation Panel agrees to refuse the application as:-

1. the proposal is contrary to the Local Development Plan (LDP) from 2018 because the development is not providing a community benefit as required by the Key Site Requirement of the Local Development Plan and the proposed socio-economic regeneration benefit stated in 2.1 of the submitted report is wholly inadequate and did not provide sufficient scale to social-economic regeneration for Plean which is contrary to the LDP Vision and Spatial Strategy; and
2. the proposed contributions are not proportionate to the scale of the development for the proposed development.

Moved by Councillor Alasdair MacPherson, seconded by Councillor Jim Thomson.

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

For the Amendment (5)

Councillor Douglas Dodds
Councillor Danny Gibson
Councillor Graham Houston
Councillor Alasdair MacPherson
Councillor Jim Thomson

Against the Amendment (2)

Councillor Neil Benny
Councillor Jeremy McDonald

The Amendment was carried by 5 votes to 2 votes and became the Substantive Motion.

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

For the Substantive Motion (5)

Councillor Douglas Dodds
Councillor Danny Gibson
Councillor Graham Houston
Councillor Alasdair MacPherson
Councillor Jim Thomson

Against the Substantive Motion (2)

Councillor Neil Benny
Councillor Jeremy McDonald

The Substantive Motion was carried by 5 votes to 2 votes.

Decision

The Planning & Regulation Panel agreed to refuse the application as:-

1. the proposal was contrary to the Local Development Plan (LDP) from 2018 because the development was not providing a community benefit as required by the Key Site Requirement of the Local Development Plan and the proposed socio-economic regeneration benefit stated in 2.1 of the submitted report was wholly inadequate and did not provide sufficient scale to social-economic regeneration for Pleau which was contrary to the LDP Vision and Spatial Strategy; and
2. that the proposed contributions were not proportionate to the scale of the development for the proposed development.

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

The Chair adjourned the meeting at
12.37pm to allow Planning Officers to leave the meeting.

The Meeting reconvened at 12.38pm, noting
All Elected Members, previously noted, present.

PL376 VARIATION TO TAXI VEHICLE CONDITIONS FOR RURAL PLATE

The Chief Officer – Governance submitted a report that detailed that an application had been received to remove the condition attached to taxi vehicle licence TV73® that restricted trading to a specified locality.

The holder of taxi vehicle licence had requested that the conditions restricting him to trading only in the Killin/Crianlarich area be removed. He was not seeking removal or variation of the condition preventing him from plying for hire within a 5 mile radius of Stirling City Centre. The plate would therefore still be restricted to the rural area, and the change would have no impact on the limit to the number of taxi vehicles in the city centre.

Decision

The Planning & Regulation Panel agreed to approve the variation requested in respect of taxi vehicle licence number TV73®.

(Reference: Report by Chief Officer - Governance, dated 9 June 2021, submitted)

The Chair declared the Meeting closed at 12.50pm.