

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON TUESDAY 27 APRIL 2021 at 10.00 am

Present

Councillor Alasdair MacPHERSON (in the Chair)

Councillor Neil BENNY
Councillor Alistair BERRILL
Councillor Danny GIBSON

Councillor Graham HOUSTON
Councillor Jeremy MCDONALD
Councillor Jim THOMSON

In Attendance

Jane Brooks-Burnett, Senior Planning Officer
Christina Cox, Planning & Buildings Standards Service Manager
Ritchie Gillies, Planning Officer
Mark Henderson, Senior Media Officer
Iain Jeffrey, Senior Planning Office
Richard Lewington, Planning Officer
Kieran McFarlane, Graduate Planning Officer
Peter McKechnie, Senior Planning Officer (Acting)
Michael Mulgrew, Planning Development Management Team Leader
Neil Pirie, Senior Development Control Officer
Carla Roth, Solicitor – Litigation (Governance)
Angela Simpson, Access & Sustainable Travel Officer
Stephen Spiers, Development Control Officer
Amy Thorogood, Graduate Planning Officer
Jean Houston, Governance Officer (Governance) (Clerk)

Also in Attendance

Mr Tom McDonald
Mr Gerry Woods

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.

Recording of meeting started

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

PL354 APOLOGIES AND SUBSTITUTIONS

Apologies were received on behalf of Councillor Douglas Dodds. No substitute Member was present.

PL355 DECLARATIONS OF INTEREST

There were no declarations of interest.

PL356 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL357 MINUTES

The following minutes were submitted for approval:

Planning and Regulation Panel on 30 March 2021

Decision

The Planning & Regulation Panel approved the Minutes of the Meeting on 30 March 2021 as an accurate record of proceedings.

ORDER OF BUSINESS

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

*At 10.04am the Panel agreed to adjourn
in terms of Standing Order 75*

Recording of meeting was stopped

*The Meeting reconvened at 10.10am
with all Elected Members (previously noted) and Councillor Berrill present*

Recording of Meeting resumed

PL358 INSTALLATION OF 6NO. GLAMPING PODS, WITH ACCESS TRACK, PARKING AREA AND ASSOCIATED GROUND WORKS AND DRAINAGE FOR THE PURPOSE OF SHORT TERM HOLIDAY LETS AT LAND 450M SOUTH EAST OF MEIKLE DRUMQUHARN, BALFRON STATION - MR MARK HAMILL - 20/00878/FUL

This application sought to install six "Glamping Pods" including new access track, parking area, groundworks to install the pods and form paths and including foul drainage proposals for the purposes of short term holiday lets on land four hundred and fifty metres south east of Meikle Drumquharn, Balfron Station.

The application was being reported at this Panel, as it had received more than five objections. 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.

A Member questioned the lack of a Hearing and was assured that correct procedures had been followed and no Hearing had been requested.

Members raised concerns about the proposed sewage treatment plant, parking provision for maintenance vehicles, potential noise from the generator and visual and landscape impact.

*At 10.40am the Panel agreed to adjourn
in terms of Standing Order 75*

Recording of meeting was stopped

*The Meeting reconvened at 10.50am
with all Elected Members (previously noted) present*

Recording of Meeting resumed

Motion

“That the Planning & Regulation Panel agrees to approve the application subject to the conditions set out at Appendix 1 to this report; and additional conditions to

- a) mitigate the impact of generator noise; and
- b) ensure a suitable maintenance regime for the biodisc treatment plant.”

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

Amendment

“That the Planning & Regulation Panel refuses the application on the basis that:

- a) the proposals were contrary to Policy 1.1, as it was considered they would result in an adverse landscape and visual impact; and
- b) the proposals were contrary to Primary Policy 9 as it was considered they would have a detrimental impact on the landscape character.

as set out in the Adopted Stirling Council Local Development Plan 2018.”

Proposed by Councillor Alistair Berrill and seconded by Councillor Jeremy McDonald.

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

For the amendment (3)

Councillor Alistair Berrill
Councillor Danny Gibson
Councillor Jeremy McDonald

Against the amendment (4)

Councillor Neil Benny
Councillor Graham Houston
Councillor Alasdair MacPherson
Councillor Jim Thomson

The amendment fell by 4 votes to 3

For the Motion (4)

Councillor Neil Benny
Councillor Graham Houston
Councillor Alasdair MacPherson
Councillor Jim Thomson

Against the Motion (3)

Councillor Alistair Berrill
Councillor Danny Gibson
Councillor Jeremy McDonald

The Motion was carried 4 votes to 3.

Decision

The Planning & Regulation Panel agreed to approve the application subject to the conditions set out at Appendix 1 to this report; and additional conditions to

- a) mitigate the impact of generator noise; and
- b) ensure a suitable maintenance regime for the biodisc treatment plant.”

(Reference: Report by Senior Manager – Infrastructure, dated 29 March 2021, submitted).

PL359 ERECTION OF DWELLING HOUSE AND DETACHED GARAGE AT LAND SOUTHEAST AND REAR OF 20 UPPER GLEN ROAD, PENDREICH ROAD, BRIDGE OF ALLAN - MR IAIN MCCUSKER - 20/00653/FUL

This application was being referred to Planning Panel as there had been more than five objections.

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.

Decision

The Planning & Regulation Panel agreed to approve the planning application subject to the conditions and reasons as set out in Appendix 1 to this report.

(Reference: Report by Senior Manager - Infrastructure, dated 29 March 2021, submitted)

PL360 CONVERSION OF FORMER STABLES/GRANARY AND FORMER COW SHED TO DWELLING HOUSE AT STABLES OUTBUILDING AT MEIKLE CANGLOUR FARM, CANGLOUR, CHARTERSHALL, STIRLING - MR & MRS S WARD - 21/00030/FUL

The proposal was being considered by Planning and Regulation Panel as five or more objections have been received, and the Officer's recommendation was 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.

Decision

The Planning & Regulation Panel agreed to approve the application, subject to the conditions listed in Appendix 1 to the Report.

(Reference: Report by Senior Manager – Infrastructure, dated 29 March 2021, submitted)

*At 11.20am the Panel agreed to adjourn
in terms of Standing Order 75*

Recording of meeting was stopped

*The Meeting reconvened at 11.30am
with all Elected Members (previously noted) present*

Recording of Meeting resumed

The Chair outlined the procedures to be followed for Planning & Regulation Panel Hearings,

PL361 RIVER SOURCE HEAT PUMP INSTALLATION INCLUDING PUMP HOUSE AND PIPE MAINS; ERECTION OF GLASSHOUSES AND ANCILLARY BUILDINGS; CONSTRUCTION OF RAINWATER RESERVOIR, ACCESSES, HARDSTANDINGS AND PARKING; UPGRADE EXISTING ACCESS ROAD AT LAND AT BANDEATH INDUSTRIAL ESTATE, THROSK - 19/01002/FUL – HEARING

Detailed planning permission was sought by Banddeath Holdings Ltd to develop land on the north western edge of Banddeath Industrial Estate, which lies to the north of small settlement of Throsk, to form a river source heat pump facility (recovering heat from the River Forth) to supply heat to glasshouses (for the growing of foodstuff) and a local district heating scheme alongside necessary infrastructure associated with the development.

This application was a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The development was not considered to be significantly contrary to the Development Plan and so under the Council's Scheme of Delegation for Determining Planning Applications should be determined by Planning and Regulatory Panel.

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.

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

Applicant

Tom McDonald (Project Architect for Banded Holdings Ltd) accompanied by Mr Gerry Woods (Technical Director Banded Holdings Ltd) gave an overview of the project in support of the application.

He stated that as the planning department's report covered the main planning issues clearly and fairly, he would limit himself to more general comments, and along with Mr Woods would be happy to respond to questions.

They were very enthusiastic about their overall concept which aimed to harness Green Energy and future-resilient technologies, stimulating growth and regeneration in the Eastern Villages area. Judging by the enthusiastic approaches they were receiving, they were confident that if this first project was approved, it would stimulate follow-on developments in various ways.

Apart from the energy generation and food production at the core of this application, they were currently in advanced discussions with a range of organisations including "national and international players" about projects focussing on next generation housing issues, transport and clean fuel issues, IT possibilities and others.

Throsk Industrial Estate was proving to be a near ideal location for all these prospects – not least because of its potential for infrastructural "connectivity" to most of Central Scotland.

In the current application, there were two main threads: Glasshouses and Heat Pumps. Their special vision here was to realise that heat pumps in an area not obviously close to many potential "customers", could provide green energy to a much wider area once the initial system was in place, addressing government aspirations as well as individual user requirements. Fortunately, this tidal reach of the River Forth is very well suited in both technical and environmental terms.

Glasshouses utilising state of the art hydroponics and growth lighting would provide that initial demand and reinvigorate a traditional Scottish activity while reducing food imports and carbon footprint and increasing food security for a staple crop. Uniquely in this country, they were already in advanced discussions with a specialist Dutch glasshouse builder and a highly regarded Belgian grower - foremost international experts - who are very keen to get this part of the project moving. Brexit and its effect on trading, together with their own "home-grown" issues, make investment in Banded very attractive to them.

While talking about future development, Mr McDonald wished to make it entirely clear that in response to feedback from the pre-application presentation to the local community, they had decided to withdraw the Waste to Energy proposals from this application. Subsequent developments elsewhere – especially Viridor at Polmont – closed the window of opportunity so that it was no longer a realistic proposition.

They saw this application as a first step in a unique concept addressing key future objectives for reducing carbon and food miles, creating new circular economies and new employment, and offering a model for similar approaches elsewhere– but they think there would be few sites in Scotland as ideal as Bandeath.

Mr Woods further stressed that there would be no application for Waste to Energy proposals on this site in the future and further emphasised the suitability of the location.

Objectors

It was confirmed that no objector was in attendance at the meeting.

The Chair raised a point of order with the Solicitor and Planning & Buildings Standards Service Manager. On the National Planning Framework Call for Ideas website, there was a document by Bandeath Holdings Ltd (BHL) that contained the statement “a Letter of Intent had been agreed in principle between BHL and Stirling Council for the proposed heat generated at Bandeath to service the district heat requirements of the Council’s tenants on Bandeath Industrial Estate as well as the neighbouring village of Throsk”. Given that the Council had not expressed an interest in this application he welcomed comments and also asked whether this needed to be referred to the Scottish Government.

The Planning & Buildings Standards Service Manager responded that to the best of her knowledge the Council had not entered into any undertaking with BHL of the sort mentioned. She went on to say that even if the Council had done so, as long as that did not influence this planning decision, there was no planning or procedural implication from the Panel proceeding to take its decision at this meeting. Whilst she would need to check any need to refer to Scottish Ministers, the Panel could still take a “minded to grant” or other decision today.

The Applicant responded to concerns raised regarding previous Waste to Energy proposals, now withdrawn, and confirmed that any proposals to provide heat to tenants were proposed from the river source heat pump. The Applicant also provided information on likely employment prospects that could potentially benefit the local community.

The Applicant provided some clarification on the river source heat pump system in response to questions concerning any impact on the river temperature and salinity, and gave an assurance that the river would continue to be navigable, with a licence being required.

There remained some concerns by Members regarding matters of land ownership. It was confirmed that the Report of Handling should have given details that the Council was part land owner and this was now established for the sake of transparency. Regardless, ownership did not have relevance to determination of the planning application.

The Chair brought to attention Planning Advice Note 82 Local Authority Interest Developments, which offered advice on proposals where the local authority had an interest. The Planning Development Management Team Leader confirmed there was no requirement to refer the application to Scottish Ministers as the proposals were in line with the Local Development Plan.

Legal advice given was that interest had not been made sufficiently clear to the Panel prior to this meeting and that perhaps the decision should be deferred to the next meeting; it should have been made clear whether there was any material benefit to Stirling Council should this development be approved so that there was transparency.

*At 12.35pm the Panel agreed to adjourn
in terms of Standing Order 75*

Recording of meeting was stopped

*The Meeting reconvened at 12.45pm
with all Elected Members (previously noted) present*

Recording of Meeting resumed

On the basis of the legal advice given, Members agreed that the Hearing should be adjourned to the next meeting of the Panel so that they could be satisfied that there was no conflict.

Decision

The Planning & Regulation Panel agreed to The Planning & Regulation Panel agreed to adjourn proceedings and to reconvene this Hearing, with the same Members present, at the next meeting of the Planning & Regulation Panel.

(Reference: Report by Senior Manager – Infrastructure, dated 14 April 2021, submitted).

The Chair declared the Meeting closed at 13.10pm