

STIRLING COUNCIL

MINUTES of SPECIAL MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON WEDNESDAY 19 JANUARY 2022 at 10.00 am

Present

Councillor Alasdair MacPHERSON (in the Chair)

Councillor Robert DAVIES
Councillor Scott FARMER
Councillor Graham HOUSTON

Councillor Susan MCGILL
Councillor Jim THOMSON

In Attendance

Jane Brooks-Burnett, Senior Planning Officer (Infrastructure)
Christina Cox, Planning & Buildings Standards Service Manager (Infrastructure)
Mark Easton, Lead Solicitor – Commercial & Property Team (Governance)
Graham Gibson, Senior Media Officer (Communities & Performance)
Iain Jeffrey, Senior Planning Officer (Infrastructure)
Drew Leslie, Senior Manager – Infrastructure
Sarah McGuire, Planning Officer (Infrastructure)
Peter McKechnie, Senior Planning Officer (Infrastructure)
Lisa Miller, Graduate Planning Officer (Infrastructure)
Michael Mulgrew, Planning Development Management Team Leader (Infrastructure)
Neil Pirie, Senior Development Control Officer (Environment & Place)
Carla Roth, Solicitor – Litigation (Governance)
Stephen Spiers, Development Control Officer (Environment & Place)
Karen Swan, Committee Officer (Governance)
Astrid Walker, Planning Officer (Infrastructure)
David McDougall, Governance Officer (Governance) (Clerk)

Also in attendance

Chris Pickup, Stirling Council's Retail Consultant (PL423)

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.

PL419 APOLOGIES AND SUBSTITUTIONS

There was no apologies or substitutions.

PL420 DECLARATIONS OF INTEREST

Councillor Farmer, Councillor Houston and Councillor McGill all declared an interest in PL422 - Erection of 89No. Dwelling Houses with (in principle) Erection of 5No. class 4/Class 1 Buildings and Care Home Facility, Demolition of Remaining Buildings and Remediation of the Site, with Associated Infrastructure, Open Space, Landscaping Drainage and Tree Works at Land and Buildings at Former Killearn Hospital, Killearn - Cala Management Ltd - 20/00098/FUL – Hearing as Members of the Clackmannanshire and Stirling Integrated Joint Board (IJB).

Following clarification from Governance, it was noted that a special dispensation had been granted to Members of the IJB. Councillors Farmer, Houston and McGill felt they could be balanced and apply sound judgement and would partake within the item.

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 three items.

PL421 CONSTRUCTION AND OPERATION OF SHELOCH WIND FARM INCLUDING FIVE WIND TURBINES WITH ASSOCIATED ACCESS AND INFRASTRUCTURE INCLUDING TRACKS, HARD STANDING, CONTROL BUILDING, BORROW PIT AND ANEMOMETER MAST AT LAND 2KM NORTH WEST OF WESTER CRINGATE AND SOUTH OF LING HILL, FINTRY - FORCE 9 ENERGY LLP AND EDFR - 20/00840/FUL – HEARING

A report was submitted by the Senior Manager – Infrastructure that detailed planning permission was sought by Force 9 Energy LLP and EDF Renewables to construct and operate a windfarm with associated access and infrastructure. The windfarm was to comprise of five turbines, two of which would have a maximum tip height of 180m and three of which would have a maximum tip height of 149.5m.

The application was a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application for planning permission was accompanied by an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended).

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

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 Development Management Team Leader and Lead Solicitor – Commercial & Property Team notified that conditions 2 & 42 had been reviewed and requested delegated authority to officers to amend wording due to accumulative impact assessment.

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

Applicant

Mr Andrew Smith, Head of Planning & Development for Force 9 Energy presented his company's case.

The Shelloch planning application would be located on the site of the consented Craigton and Spittalhill windfarm. The site had already been considered acceptable for wind farm development under Council Policy.

The Scottish Government had a target to achieve 'Net Zero' carbon emissions by 2045, one of the most ambitious Climate Change programmes in the world.

The Scottish Government's draft onshore wind policy sought additional onshore wind capacity of up to 12GW within 8 years by 2030. Since the first onshore windfarm was installed in 1995 there had been 8.4GW capacity installed in Scotland in 26 years.

NPF4 would support this ambition and would recognise the Climate Emergency was a key material planning consideration.

The Shelloch project design would get the best out of the wind resource on the site generating over 80% more electricity from 2 less turbines compared with the consented project by using modern efficient turbine designs. The Carbon payback time for the project was 1.5 years, meaning it would be 'carbon positive' for 28.5 years.

Shelloch represented almost a £30m investment into the Stirling economy and Force 9 Energy expected Stirling businesses to benefit from about £2.5million spend in the local area. Force 9 Energy expected to support a workforce of 30 through the construction period and the project would generate 4 jobs during its 30 year operational period.

Force 9 Energy had consulted extensively with local communities using an innovative online platform during the pandemic which included interactive materials. The project would offer both shared ownership which some community groups were actively looking at and separately a community benefit of £5,000 per MW per annum. That equated to an index linked community benefit pot of £3.6million over the project lifetime.

Force 9 Energy had already agreed with communities that benefit would be split equally 6 ways within communities of interest, representing the closest community council areas to the site. That would give each of the 6 community councils £600,000 over the project lifetime to spend on community focussed projects.

The benefits of the development significantly outweighed any adverse effects and the project was supported and in fact encouraged by current and emerging policy.

The applicant thanked the Panel Members for their time and advised he would be happy to answer any questions.

The Chair thanked Mr Smith for his presentation.

Supporter

Mr David King, on behalf of Gargunnoch Community Council, presented his case.

As a general principle the Community Council was supportive of the development of renewable energy as it reduced the carbon footprint of electricity generation. The proposed development would generate electricity from a renewable resource, and based on the applicants assessment would produce 84% more energy than the previously Consented Development with 2 fewer turbines, and consequently would contribute to Scottish Government greenhouse gas reduction targets.

The proposed development was in an area identified in the Local Development Plan as potentially suitable for additional turbines. The Community Council's view was the location was preferable to locate additional turbines adjacent to existing wind farms so as to limit their proliferation into other areas, which may be more environmentally sensitive.

It was recognised that there would be some environmental impact due to the higher blade height and minor westward extension on the Fintry Hills. In general, the impact would not be visible from Gargunnoch village. In relation to the earlier Kingsburn Wind Farm, the Community Council at that time had taken the view that the generally undulating moorland of the Gargunnoch and Fintry Hills was not an area of high scenic value that needed stringent protection. It was considered that the cumulative impact of the proposed Development and the adjacent existing windfarms would not be sufficient to override that previous view.

There had been no significant negative impacts on the village from the existing Earlsburn and Kingsburn wind farm developments, so the addition of 5 more turbines would not be expected to create any future concern.

Gargunnoch Community Council had actively communicated details of the proposed Development to Gargunnoch residents, and had previously pointed residents towards the Developer's public consultation, as well as to other sources of further information.

Gargunnoch Community Council had received a submission from Gargunnoch Community Trust, a charity with the stated purpose of supporting Gargunnoch residents. The submission included a detailed assessment of the proposed wind farm development, and concluded that subject to all necessary mitigating measures, Gargunnoch Community Trust supported the proposed Shelloch Wind Farm planning application."

The Developer had stated that operation of the proposed Development would not prevent people from visiting the area or undertaking recreational activities in the area, and there may be enhanced opportunities for recreation through the use of upgraded tracks on the site that could be used for walking and mountain biking.

In conclusion, subject to all appropriate mitigating measures being put in place, Gargunnoch Community Council supported the Shelloch Wind Farm planning application.

Mr King thanked the Panel Members for their time and advised he would be happy to answer any questions.

The Chair thanked Mr King for his presentation.

Objector(s)

Mr John-Paul Wilkinson on behalf of local residents, presented his case as the first of two individuals to speak in objection to the application, sharing the 5 minute period between them.

As a Stirling Council resident who lived just outside the village of Thornhill, Mr Wilkinson objected to the development.

The Council's guidance stated that there was very little capacity for turbines under 110m tall and no capacity for turbines over 110m. The Shelloch turbines proposed were 149.5m and 180m tall. 180m was over 60% higher than what was deemed unacceptable by the Council. To put it into perspective, 180m was equivalent to 3 times the height of the Wallace monument.

Stirling Council's Guidance referred to the 'particular sensitivity' of the Stirling area and stated that Forth Valley and surrounding hills tend to be experienced as a single landscape composition rather than individual features. And that 'there remains very limited capacity for further windfarm development of varying scales within the study area if the intrinsic qualities of the landscape are to be maintained'.

The proposed development site sat at the centre of a rolling hill scape, which ran from Gargunnoch to Dumgoyne. Together, with views to Ben Ledi on the other side of the valley it was part of the stunning 360 panorama from the carse of Stirling, which was enjoyed by thousands of visitors and those living in the surrounding villages. It was by no means a wind turbine dominated landscape. Currently only part of one smaller turbine in Fintry was visible on that side of Kippen hills and it would mean the destruction of an unspoilt landscape.

A windfarm development of Shelloch's size would sit above the hill edge, breaking the horizon and destroying the stunning landscape with an industrial scale development. It would be an unacceptable landscape change and would be completely out of proportion with the rolling hill setting.

The turbines would sit prominently above the horizon and would be clearly visible day and night; with red lights illuminating the moving blades.

The size, scale and layout of the proposed development would not only have a hugely negative impact on the landscape for decades to come; it would damage tourism and the local economy which were desperately relied on as a source of income. Small rural villages needed all the help they could get to preserve and protect the beauty of local landscapes and attract visitors.

Mr Wilkinson urged the Panel to reject this application on behalf of its communities and not ignore its own guidance.

Ms Kate Sankey on behalf of local businesses and residents, presented her case as the second of the two individuals to speak in objection to the application.

Ms Sankey was a local farmer running a small agritourism business on the Carse of Stirling adjacent to Flanders Moss National Nature Reserve.

The recommendation for approval was mostly based on the previous 2015 application which was refused by the Planning Authority rightly on landscape terms. The application was fundamentally different in size, scale and therefore impact to the old one. Stirling Council's own Guidelines stated that there was no capacity for more than 110m.

The impact on tourism was dismissed on the basis of a consultant report stating that the landscape impact of windfarms was subjective. This part of Stirlingshire was highly dependent on tourism and visitor experience. Driving or cycling the A873 to Aberfoyle was extremely popular all year with a main attraction being the expansive views south over Flanders Moss towards the ridge.

These turbines on the north facing slope of the escarpment at the notch known as the Spout of Ballocheam would create a "landscape of wind turbines" where there was bite at present and was exactly what the guidelines had identified as being unacceptable.

The damage to the peat soils of such a massive construction site was very significant. Knowing just how important peatland restoration would be. And how easy it was to destroy.

Curlew and Black Grouse were the only species considered in the ornithological study – as both are in 'unfavourable conservation status. The study suggested that 8 – 15 pairs of curlew would be at risk. These numbers would be incredibly significant locally and nationally given the plight of these ground nesting birds whose breeding population in the UK had halved in the past 25 years.

Ms Sankey urged the panel to request a site visit and refuse the application. .

The Chair thanked Mr Wilkinson and Ms Sankey for their presentations.

Local Ward Member

Councillor Martin Earl, on behalf of local residents, presented his case.

As the Local Ward Member, Councillor Earl represented the serious concerns held by himself and many others across the two Community Council areas. As recognised in the report these two locations would see the greatest negative impact of the huge turbines the applicant was seeking to locate in an area that already had 33 in place.

These five huge wind turbines would have significant visual and landscape impact and required aircraft warning lights. All existing turbines were no taller than 125metres. The previous application that was refused by the planning authority in 2015 only sought that as a maximum turbine height.

Given the significant increases in turbine size proposed the reporters comments supporting the approval on appeal of the previous application should not be a material consideration used to support recommending approval for this application.

The supplementary Guidance for wind energy developments stated that there was no capacity for very large turbines of 110m+ in the proposed area. The proposal was contrary to that Supplementary Guidance.

Both the National Park and NatureScot referred to the impact, with NatureScot advising that there may be significant adverse effects and eye-catching lights especially from the North.

Both existing and draft National Planning Frameworks advised that if the impacts identified were unacceptable then proposals for windfarms should not be supported. The justification to support approval was based almost entirely on the approximated increase in generating capacity. The amount of energy generated should not be used as a mitigating factor.

The report clearly stated that Thornhill and Port of Menteith would be the two areas most impacted. It further stated that the overall height and rotor diameters had now significantly increased from the previous application and there would be noticeable increases in the magnitude of landscape and visual impacts compared with the reporter consented scheme.

Given the accepted negative visual impacts for these localities, then that surely would justify refusal under the raft of policies and guidance that would support such a decision.

Should the panel not feel able to refuse the application today, Councillor Earl urged the Panel to postpone any decision and take a site visit to assess the impact on the areas identified in the report from a number of agreed viewpoints.

Councillor Earl thanked the Panel Members for their time. The Chair thanked Councillor Earl for his presentation.

Councillor Earl left the meeting at this point in the proceedings.

In response to Members questions, the Senior Development Control Officer explained that the alternative roads proposed to the original was due the size of the abnormal loads that the vehicles would transport. There would be a new junction at Arnprior created which would solely be used for this purpose.

The Applicant responded to Members questions and confirmed that the larger turbines would generate more power from wind resource and that the turbines would be built abroad due to no manufacturers within the UK.

Decision

The Planning & Regulation Panel agreed to approve the application subject to the conditions set out within Appendix 1 of the submitted report, noting delegated authority to officers to amend wording of conditions 2 and 42 due to accumulative impact assessment.

(Reference: Report by Senior Manager - Infrastructure, dated 24 November 2021, submitted)

The Chair adjourned the meeting at
11.40am to allow Applicant, Supporter and Objectors
to leave the meeting.

The Meeting reconvened at 11.50am, noting
All Elected Members, previously noted, present.

PL422 ERECTION OF 89NO. DWELLING HOUSES WITH (IN PRINCIPLE) ERECTION OF 5NO. CLASS 4/CLASS 1 BUILDINGS AND CARE HOME FACILITY, DEMOLITION OF REMAINING BUILDINGS AND REMEDIATION OF THE SITE, WITH ASSOCIATED INFRASTRUCTRE, OPEN SPACE, LANDSCAPING DRAINAGE AND TREE WORKS AT LAND AND BUILDINGS AT FORMER KILLEARN HOSPITAL, KILLEARN - 20/00098/FUL – HEARING

The Senior Manager – Infrastructure submitted a report that was being brought before Members for a Hearing following the decision of Planning and Regulation Panel on the 9 November 2021. There had been no changes to the report presented to Panel on 9 November 2021, which was attached as Appendix B to the submitted report.

The Planning Development Management Team Leader introduced the report and updated Members with the presentation of maps of the proposed site.

Applicant Agent

Mr Andrew Woodrow from Barton Willmore, on behalf of his applicant CALA, presented their case. It was also noted that Graham McNeil (CALA) and Mike Bradley (JPB), were in attendance should any technical questions arise.

CALA acquired the majority of the site but not the whole site and could only assume rights over the land they had acquired.

The reason in requesting the change in conditions was that the original conditions with the planning application detailed that the housing site and the existing buildings would be demolished and land remediated prior to any commencement of buildings. CALA would not be able to accomplish and evidence the demolition and remediation as part of the land was not CALA's and therefore would be unable to satisfy the conditions that stood.

The change in conditions proposed would allow CALA be able to demonstrate that the demolition and remediation on the largest of the two sites, which also had the most contamination and acquired by CALA, would then be able to satisfy the conditions to allow building to commence.

CALA would not save on any costs by not remediating the future commercial site. Costs of the commercial site would be met by the landowner as CALA does not own the land.

Mr Woodrow thanked the Panel Members for their time and advised he would be happy to answer any questions.

The Chair thanked Mr Woodrow for his presentation.

Supporter

Jim Ptolomey on behalf of Killearn Community Council, presented his case.

Killearn Community Council understood the reason for the amendment to the original conditions and acknowledged that the developer could not unilaterally decontaminate the whole site.

The Community Council's position had always been and still was that, as included in the LDP, they would wish the entire site to be decontaminated which after all was the sole reason for the development. It had been hoped that it could be undertaken in one contract rather than in any phased manner.

Following developments it appeared that this scenario was now unlikely to transpire and they were now faced with the prospect of accepting part remediation or the project failing altogether leaving the site in a contaminated state.

Killlearn Community Council noted that the part which could be decontaminated represented by far the majority of the site and realised it was preferable to the worst case scenario of the proposal falling through completely.

On the basis that at least a majority of the site would be cleared and the remainder provided a lower risk to persons on the site or the local community, Killlearn Community Council supported the change of conditions to allow the development of the site in a phased manner.

It also requested the support of Stirling Council in applying such levers and conditions as it could to have the remainder of the site decontaminated.

Mr Ptolomey thanked the Panel Members for their time.

The Chair thanked Mr Ptolomey for his presentation.

Objector

Mr David Young, as local resident, presented his case.

Mr Young noted that the reasons for the application to be heard was in reflection a substantial change to the variations of conditions. CALA's proposed change in conditions to only remediate one site went against the LDP and legislation.

Substantial changes to conditions meant attaining less of the original application proposed. CALA's previous proposal for the PPP application for the site, was that full remediation of both sites would be taken, for which the application was granted.

Mr Young also noted that no prior notice that the site would be split into two phases had been given to the local community and that details of the requested change to conditions were not known until the agenda had been released for the Panel meeting where this matter had originally been considered.

Due to the substantial change in conditions Mr Young urged the Panel to refuse the application and to hold CALA to the original conditions agreed.

Mr Young thanked the Panel Members for their time.

The Chair thanked Mr Young for his presentation.

In response to Members questions, the Planning Development Management Team Leader confirmed that the application was a significant change in conditions to the previous application. The new conditions requested still met the planning requirement that the applicant should adhere to if the application was granted.

Councillor Davies proposed that the application be refused due to lack of valid planning reasons due to a civil dispute.

Having failed to find a seconder, Councillor Davies asked for his dissent to be recorded.

Decision

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

1. the conditions detailed within Appendix A of the submitted report; and
2. the conclusion of the Section 75 Legal Agreement.

(Reference: Report by Senior Manager - Infrastructure, dated 24 December 2021, submitted)

The Chair adjourned the meeting at
12.25pm to allow Applicant's Agent, Supporter and Objector
to leave the meeting.

The Meeting reconvened at 12.35pm, noting
All Elected Members, previously noted, present.

PL423 MIXED USE DEVELOPMENT COMPRISING OF OFFICES (CLASSES 2 & 4), RETAIL, GYM, DRIVE-THRU RESTAURANTS, CAR SHOWROOM AND ASSOCIATED CAR PARKING, INFRASTRUCTURE AND LANDSCAPING AT LAND AT CROOKBRIDGE TO SOUTH OF WICKES AND NORTH OF KERSE ROAD, MUIRTON ROAD, STIRLING – 21/00260/PPP – HEARING

A report submitted by the Senior Manager – Infrastructure detailed Planning permission in principle was sought for a mixed use development comprising of offices (Classes 2 & 4), retail (Class 1 supermarket), drive-thru restaurant (sui generis), car showroom (sui generis), associated car parking, infrastructure and landscaping at land at Crookbridge, which is to the south of Wickes and North of the Kerse Road, Muirton Road, Stirling. The site was currently owned by the Stirling Development Agency (SDA), a joint venture company which included Stirling Council.

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. It was not considered that the development was significantly contrary to the Development Plan and therefore did not require determination by Full Council.

The application would be determined following a Hearing. 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 updated Members with the presentation of maps of the proposed site.

Applicant (Agent)

Mr Robin Holder from Holder Planning on behalf of his client Ramoyle Developments, presented their case. It was also noted that Keith Hargest (Hargest Planning), Stuart Harrow (DBA), Russ Stewart (Ramoyle Developments) and Jim Turnbull (Ramoyle Developments), were in attendance should any questions arise.

The application was for a mix of uses, along with a foodstore, which had raised a number of concerns.

Stirling Council's Local Development Plan allocated the site for retail and office use, although the Panel Report acknowledged that there was no likely prospect of a bulky goods retailer locating here due to large oversupply of such premises.

The Panel Report was not correct on some key points relating to retail planning policies, and best practice relating to retail assessments.

The Retail Impact Assessment conducted by Hargest Planning was highly robust, undertaken fully in line with Scottish Government guidance and utilising the most up-to-date information. The Council consultant's main criticism was that the assessment did not include a recent household survey of shopping patterns.

It had to be noted that it would have been impossible to undertake a reliable household survey since Covid Pandemic restrictions began in March 2020. It was not credible to suggest that a survey of shopping habits during the pandemic, when so many people had been working from home, could in any way be relied upon to predict shopping patterns when normal times return.

The Retail Assessment demonstrated that the proposed foodstore ASDA, would not have any significant impact on trading in Stirling City Centre. Instead it showed that the ASDA would compete with Tesco, Sainsbury's and Morrisons, but not to the extent that it threatened their viability.

The Panel Report criticised the development for being car dominated. The car parking numbers were required by the Council's own planning policies and standards for the allocated retail and office site. By definition, food shopping was less reliant on car-borne customers than bulky goods, which needed to be transported. Also the Roads department had no objection.

In terms of enhanced active travel opportunities, land had now been secured from the SDA to achieve a pedestrian and wheeling bridge across the Town Burn to Springkerse, including the nearby park & ride.

Mr Holder thanked the Panel Members for their time, and welcomed any questions.

The Chair thanked Mr Holder for his presentation.

Supporter

Alan McIntosh from John Clark Motor Group, on behalf of his company, presented his case.

John Clark Motor Group had agreed terms to purchase a section of the Crookbridge site from Ramoyle Developments Limited, which would become the new location of their state of the art Jaguar and Land Rover car showroom in Stirling.

Morrisons was a longstanding business and employer in the Stirling area, with some 75 locally based colleagues already employed, plus this number was expected to grow once the company relocated the Jaguar Land Rover business.

The growing importance of electric vehicles needed to be supported from a modern facility with the required infrastructure which could not be provided at the current location. The Jaguar and Land Rover products would become amongst the most eco-friendly in the car industry.

It was the intention to relocate and deliver an all new, purpose built facility that could support the growth in electric vehicle volumes and provide an exceptional experience to all of their valued local customers. The most appropriate location for car showrooms in Stirling was Kerse Road, as demonstrated by the number of other car retailers that already operated dealerships there.

John Clark Motor Group fully supported the current application and urged that consent be granted.

Mr McIntosh thanked the Panel Members for their time and advise he would be happy to answers any questions.

The Chair thanked Mr McIntosh for his presentation.

In response to Members questions, Keith Hargest confirmed that the shopping survey from 2008, noted within the officer report, had been used as a base line. Along with sensitivity testing, national retail information and more up to date surveys, had all been used to compile the Risk Assessment completed by Hargest Planning.

Mr Holder clarified that other sites within Stirling had been considered but were not suitable for the development.

Motion

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

1. in the opinion of the Planning Authority, the applicant has not provided a Retail Impact Assessment that demonstrates that there will not be a harmful impact on the City Centre, as required by Scottish Planning Policy and Policy 2.7 of the Stirling Local Development Plan. This is because the Retail Impact Assessment is based on out of date information and is not robust or reliable as a result;
2. in the opinion of the Planning Authority, the applicant has not provided a robust, up to date Retail Capacity Assessment that demonstrates the scale and nature of any retail capacity and as such it cannot be demonstrated that there are no alternative City Centre sites, or town centre sites to accommodate the proposals, albeit of a reduced scale. As a result it is not possible to conclude that the proposals can satisfy Scottish Planning Policy on the retail sequential test and Development Plan requirements under policy 2.7 criteria;
3. in the opinion of the Planning Authority, the proposed foodstore development is contrary to Policy 2.6 of the Adopted Local Development Plan Oct 2018 as the proposals are for a different form of retailing than that stipulated in criteria (f) which directs that the Springkerse and Millhall Retail Commercial centre has a specific role and function for household (bulky goods) retail only. No up to date household survey information has justified whether the historical planning position related to

there being only one superstore provided at the Springkerse and Millhall Commercial Centre continues to have any relevance. The demonstration of this irrelevance is required to support a position that the foodstore proposal would not undermine the role and function for the site and the Centre in the retail network as specified by the Development Plan; and

4. in the opinion of the Planning Authority, the proposed mixed use development is contrary to Primary Policy 1, Policies 1.1 and 3.1 of the Adopted Local Development Plan Oct 2018 and Supplementary Guidance 01: Placemaking as the approach to active travel displayed within the application is not considered to meet with the connectivity criteria set out within these policies insofar as it fails to provide for active travel connectivity. In particular it fails to provide a continuous accessible link from the proposed site through to the multi-modal accessible neighbouring Springkerse Retail Park. For the same reasons the proposals are contrary to Draft National Policy Framework 4, Policy 2: Climate emergency, as the development proposal fails to reduce the demand for (fossil fuel-based) energy by not promoting a modal shift away from the use of private motorised transport and towards walking and cycling in accordance with Scottish Planning Policy (Promoting Sustainable Transport and Active Travel).

Moved by Councillor Jim Thomson, seconded by Councillor Susan McGill.

Amendment

The Planning & Regulation Panel agrees to approve the application subject to standard conditions and conditions to limit the scale and scope of retail provision.

The reasoning rested on Local Development Plan Policies 2.6 and 2.7.

On 2.6 the proposals would not have an adverse impact on the role and function of the Springkerse and Millhall Retail Park as there was an existing food superstore and the proposals would simply add choice and bring economic benefit provided conditions are applied to restrict permitted development rights and ensure that the proposal is developed as a class 1 foodstore.

On 2.7 it was considered that there would be no detrimental impact as the sensitivity analysis even at 10% difference would only have a 1% impact. It was considered that the sequential test had been met as the proposals were for a superstore and there were not alternative sites that could accommodate a superstore.

Moved by Councillor Scot Farmer, seconded by Councillor Robert Davies.

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

For the Amendment (4)

Councillor Robert Davies
Councillor Scott Farmer
Councillor Graham Houston
Councillor Alasdair MacPherson

Against the Amendment (2)

Councillor Susan McGill
Councillor Jim Thomson

The Amendment was carried by 4 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 (4) Councillor Robert Davies
Councillor Scott Farmer
Councillor Graham Houston
Councillor Alasdair MacPherson

Against the Substantive Motion (2) Councillor Susan McGill
Councillor Jim Thomson

The Substantive Motion was carried by 4 votes to 2 votes.

Decision

The Planning & Regulation Panel agreed to approve the application subject to standard conditions and conditions to limit the scale and scope of retail provision.

(Reference: Report by Senior Manager - Infrastructure, dated 24 December 2021, submitted)

The Chair adjourned the meeting at 1.25pm to allow Applicant's Agent, Supporter and Objector to leave the meeting and to allow for a 15 minute comfort break.

The Meeting reconvened at 1.45pm, noting All Elected Members, previously noted, present.

PL424 EXTENSION OF MINERAL EXTRACTION OPERATIONS AND CONSTRUCTION OF CONVEYOR BRIDGE, INCLUDING SITE RESTORATION AT LAND SOUTH OF CAMBUSMORE HOUSE, DOUNE – 21/00146/FUL

The Senior Manager – Infrastructure submitted a report that detailed an application that was a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application for planning permission was accompanied by an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended).

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 updated Members with the presentation of maps of the proposed site.

In response to Members questions, the Senior Planning Officer confirmed that Environmental Health had been consulted, noting no issues raised although conditions applied. The Bond that had been agreed, which would restore the land to its existing landscape and monitored quarterly, was a robust condition and had been agreed with the developer.

The Senior Planning Officer also noted that the site would be monitored by an Ecological Clerk of Works that would submit a report on the impact on the habitat of protected fish and animal species.

Decision

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

(Reference: Report by Senior Manager - Infrastructure, dated 24 December 2021, submitted)

PL425 DESIGNATED PARKING FACILITY WITHIN THE WOODLAND TO PROVIDE VISITORS A SAFE PARKING OPTION AND INVOLVING A ROAD UPGRADE INCLUDING PASSING PLACES, A NEW LINK PATH FROM THE CAR PARK TO THE EXISTING ROAD NETWORK, AND THE RESTRICTION OF THE CURRENT BELLMOUTH PARKING AREA AT LAND EAST AND SOUTH OF GARTCARRON FILTERS COTTAGE, FINTRY - FORESTRY AND LAND SCOTLAND - 21/00816/FUL

A report submitted by the Senior Manager – Infrastructure detailed that Full Planning permission was sought to create a designated parking facility which would also involve upgrading the road, bellmouth and passing place, a new link path and the restriction of the current bellmouth parking area. The site was located on land east and south of Gartcarron Filters Cottage in Fintry and the access to the car parking will be off the B818.

The application was being reported to Panel, as it had received five objections, therefore in line with the approved scheme of delegation was required to be considered by the Panel.

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 Development Management Team Leader and Planning Officer introduced the report and updated Members with the presentation of maps of the proposed site.

The Planning Development Management Team Leader noted an error and advised that at paragraph 2.4 within the submitted report, it should read 42 car parking bays.

In response to Members questions, the Planning Officer confirmed that the application had arisen due to unsafe car parking along a main road. It was also noted that due to lack of infrastructure, no electrical vehicle charging points had been included within the application.

Following advice from the Planning and Building Standards Manager, the Panel agreed that an additional condition would be added, requesting that the applicant submit an EV strategy to the Planning department.

Decision

The Planning & Regulation Panel agreed to approve the application subject to the conditions set out within Appendix 1 to the submitted report.

(Reference: Report by Senior Manager – Infrastructure, dated 24 November 2021, submitted)

The Chair declared the Meeting closed at 2.25pm.