



**MINUTES OF MEETING of the PLANNING COMMITTEE held Via MS Teams, on
THURSDAY 1 APRIL 2021 at 9.30 AM**

PRESENT

Councillor Donald Balsillie (Convenor)
Councillor Jane McTaggart
Councillor Martha Benny
Councillor Denis Coyne
Councillor Kenneth Earle
Councillor Ellen Forson (S)
Councillor Helen Lewis
Councillor George Matchett QPM
Councillor Derek Stewart

IN ATTENDANCE

Allan Finlayson, Team Leader, Planning and Building Standards
Grant Baxter, Principal Planner
Emma Fyvie, Service Manager (Development)
Lee Robertson, Solicitor, Legal and Governance (Clerk to the Committee)
Gillian White, Committee Services

PLA(21)06 APOLOGIES

Apologies for absence were received from Councillor Chris Dixon and Councillor Tina Murphy. Councillor Ellen Forson attended as substitute for Councillor Murphy.

PLA(21)07 DECLARATIONS OF INTEREST

Councillor Denis Coyne advised that he is the Council's representative on the Dollar Academy Trust and confirmed that at the three meetings he had attended, neither Planning Application had been discussed. Having considered the objective test set out within the Councillors' Code of Conduct, Councillor Coyne confirmed that he is not required to declare an interest.

**PLA(21)08 MINUTES OF PRE-DETERMINATION HEARING OF THE PLANNING
COMMITTEE HELD ON 1 OCTOBER 2020**

The minutes of the meeting of the Pre-determination Hearing of the Planning Committee held on Thursday 1 October 2020 were submitted for approval.

Decision

The minutes of the meeting of the Pre-determination Hearing of the Planning Committee held on Thursday 1 October 2020 were agreed as a correct record.

PLA(21)09 MINUTES OF PRE-DETERMINATION HEARING OF THE PLANNING COMMITTEE HELD ON 27 OCTOBER 2020

The minutes of the meeting of the Pre-determination Hearing of the Planning Committee held on Thursday 27 October 2020 were submitted for approval.

Decision

The minutes of the meeting of the Pre-determination Hearing of the Planning Committee held on Thursday 27 October 2020 were agreed as a correct record.

PLA(21)10 MINUTES OF THE PLANNING COMMITTEE HELD ON 21 JANUARY 2021

The minutes of the meeting of the Planning Committee held on Thursday 21 January 2021 were submitted for approval.

The Convenor advised that in minute reference PLA(21)05, it had been Councillor Craig Holden that had moved the motion.

Decision

Subject to the above amendment, the minutes of the meeting of the Planning Committee held on Thursday 21 January 2021 were agreed as a correct record.

PLA(21)11 COVERING REPORT – DOLLAR PLANNING APPLICATIONS

The meeting of the Planning Committee was convened in respect of two separate major planning applications in Dollar. The Planning Applications are:

Planning Application ref: 18/00283/PPP - Mixed Use Development Comprising Residential, Employment, Commercial and Community Uses, Sports Hall, Sports Pitches And Running Track, Including Associated Landscaping And Supporting Infrastructure On Agricultural Land And Playing Fields on Land South Of Dollar, Clackmannanshire. Applicant: Cowden Farming Company & Dollar Academy

Planning Application ref: 19/00018/PPP - Mixed Use Development With Supporting Infrastructure Comprising Residential, Retail (Convenience) With Associated Parking, Open Space, Landscaping, Drainage, and Accesses from the A91 (Muckhart Road) on Land To South And East Of Dollar, Clackmannanshire. Applicant: Harviestoun

The report, submitted by Grant Baxter, Principal Planner, sought to update Members on the assessment of the planning applications since the Pre-determination Hearings (PDH) on 1st and 27th October 2020. The report also provided a summary assessment of the applications and any outstanding matters; and provided a summary of Heads of Terms of a Section 75 Agreement (Planning Obligations) between the applicants and the Council in the event that Planning Permissions in Principle be granted.

The Convenor advised that he wished to propose an amendment to the report. The Clerk advised that as set out in Standing Order 13.9 an amendment may not be moved or discussed until the original report has been moved and seconded.

Motion

That the Committee agrees the recommendations set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Jane McTaggart.

Amendment

It is recommended that Committee agree to:

Delete the existing recommendation which is set out in three bullet points on pages 13 and 14 of the report and replace it with the following:-

“Recommendation

To invite Committee to note:

- That in the following reports on planning application in principle [18/00283/PPP and 19/00018/PPP] - the Planning Committee will be invited to consider a "minded to approve" recommendation subject to conclusion of a Section 75 Agreement (Planning Obligations) between the applicant and a set of Matters Specified in Planning Conditions;
- That if "minded to approve" recommendations are agreed by the Planning Committee in Items 5 and 6 on the agenda, that officers will engage in further consultation with community representatives and the applicant on outstanding matters; and that
- Following that engagement, officers will report to a future Planning Committee with finalised Heads of Terms of a Section 75 Agreement and full set of matters specified in Conditions for consideration and approval. “

Moved by Councillor Donald Balsillie. Seconded by Councillor McTaggart.

Councillor McTaggart seconded the amendment subject to the removal of the words “and approval” at the end of the paragraph at bullet 3. The Convenor agreed to amend his amendment.

The Planning Committee agreed to approve the amendment (as amended). It was noted that Councillor Lewis, due to technical difficulties, had not been present during the final decision, therefore asked for her abstention to be noted.

Decision

The Committee agreed to note:

- That in the following reports on planning application in principle [18/00283/PPP and 19/00018/PPP] - the Planning Committee will be invited to consider a "minded to approve" recommendation subject to conclusion of a Section 75 Agreement (Planning Obligations) between the applicant and a set of Matters Specified in Planning Conditions;
- That if "minded to approve" recommendations are agreed by the Planning Committee in Items 5 and 6 on the agenda, that officers will engage in further consultation with community representatives and the applicant on outstanding matters; and that
- Following that engagement, officers will report to a future Planning Committee with finalised Heads of Terms of a Section 75 Agreement and full set of matters specified in Conditions for consideration.

Action

Grant Baxter, Principal Planner

PLA(21)12 PLANNING APPLICATION

Planning Application Ref: 19/00018/PPP - Mixed Use Development With Supporting Infrastructure Comprising Residential, Retail (Convenience) With Associated Parking, Open Space, Landscaping, Drainage, and Accesses from the A91 (Muckhart Road) on Land To South And East Of Dollar, Clackmannanshire.

The report, submitted by Grant Baxter, Principal Planner, sought to update Members on the assessment of the planning application since the Pre-determination Hearing (PDH) on 27th October 2020. The report also provided a summary assessment of the application and any outstanding matters; and provided a summary of Heads of Terms of a Section 75 Agreement (Planning Obligations) between the applicants and the Council in the event that Planning Permissions in Principle be approved.

Attending

Anthony Aitken, Colliers (Agent), Speaker

Pol MacDonald, Architect, Speaker

Jessica Powell, Colliers, Observer

Nicholas Poett, Applicant, Observer

Stephen Roe, Dollar Community Development Trust, Speaker

Norman Dunning, Dollar Community Development Trust, Observer

Kenny Mitchell, Dollar Community Development Trust, Observer

Stephen Leitch, Dollar Community Development Trust, Observer

Derek McDonald, Dollar Community Council, Speaker

Calum Jackson, Dollar Community Council, Observer

Francis (surname not declared), Dollar Community Council, Observer

Anne Sutherland, Dollar Community Council, Observer

The report was introduced by Grant Baxter, Principal Planner and members of the Planning Committee had the opportunity to put questions to Mr Baxter. The Committee then heard representations from Anthony Aitken, Colliers (Agent) jointly with co-speaker Pol MacDonald (Architect); Derek McDonald, Dollar Community Council; and Stephen Roe, Dollar Community Development Trust. The members of the Planning Committee and parties making representations had the opportunity to put questions to all parties.

Statements from Councillor Graham Lindsay and Councillor Kathleen Martin were also read out to the Planning Committee by the Clerk.

Procedural Motion

That we move to the next item of business, deferring the debate and taking a decision on the current planning application until the second planning application has been heard.

Moved by Councillor Donald Balsillie. Seconded by Councillor Jane McTaggart.

Decision

The Planning Committee agreed to move to the next item of business; and deferred the debate and the decision on the current planning application until the second planning application had been heard.

At 12:10 hours, in line with Standing Order 10.25, the Convenor adjourned the meeting for a meal break. The Convenor advised the break would be for twenty minutes only and the Planning Committee would reconvene at 12:30 hours.

Councillor Stewart submitted his apologies for the afternoon session as he had a prior appointment.

When the meeting reconvened at 12:30 hours, the Clerk noted that Councillor Balsillie, Councillor McTaggart, Councillor Forson, Councillor Benny, Councillor Lewis, Councillor Earle, and Councillor Coyne were present at the meeting. Councillor Matchett QPM did not return to the meeting, therefore there were 7 members in attendance.

PLA(21)13 PLANNING APPLICATION

Planning Application ref: 18/00283/PPP - Mixed Use Development Comprising Residential, Employment, Commercial and Community Uses, Sports Hall, Sports Pitches And Running Track, Including Associated Landscaping And Supporting Infrastructure On Agricultural Land And Playing Fields on Land South Of Dollar, Clackmannanshire.

The report, submitted by Grant Baxter, Principal Planner, sought to update Members on the assessment of the planning application since the Pre-determination Hearing (PDH) on 1st October 2020. The report also provided a summary assessment of the application and any outstanding matters; and provided a summary of Heads of Terms of a Section 75 Agreement (Planning Obligations) between the applicants and the Council in the event that Planning Permissions in Principle be approved.

Attending

Robin Matthew, PCCA, Agent (Cowden Farming Company), Speaker

Andrew Wood, Bidwells, Agent (Dollar Academy), Speaker

Stephen Roe, Dollar Community Development Trust, Speaker

Norman Dunning, Dollar Community Development Trust, Observer

Kenny Mitchell, Dollar Community Development Trust, Observer

Stephen Leitch, Dollar Community Development Trust, Observer

Derek McDonald, Dollar Community Council, Speaker

Calum Jackson, Dollar Community Council, Observer

Francis (surname not declared), Dollar Community Council, Observer

Anne Sutherland, Dollar Community Council, Observer

The report was introduced by Grant Baxter, Principal Planner and members of the Planning Committee had the opportunity to put questions to Mr Baxter. The Committee then heard representations from Robin Matthew, PCCA, Agent (Cowden Farming Company), Speaker; jointly with co-speaker Andrew Wood, Bidwells, Agent (Dollar Academy); Stephen Roe, Dollar Community Development Trust, Speaker; and Derek McDonald, Dollar Community Council. The members of the Planning Committee and parties making representations had the opportunity to put questions to all parties.

Members entered into debate on the two items of business – Planning Applications [18/00283/PPP and 19/00018/PPP].

The Clerk advised that under Standing Order 13.6, that the original motion set out in the report must be moved and seconded before the Committee can enter into debate.

The Convenor advised that he would overrule Standing Orders and take the risk and allow the debate to continue.

Amendment 1

That consideration of Item 5 Planning Application ref: 19/00018/PPP and Item 6 Planning Application ref: 18/00283/PPP is deferred for at least a month to get parties around the table and come back to the Planning Committee with assurances that things have moved on. Further discussions should take place between the two developers and the community to agree the number of houses and resolve issues around education and health care. That it is also recognised that there will be further debate when the full applications come forward.

Moved by Councillor Ellen Forson.

The amendment was not seconded, therefore was not considered at that time.

Motion

To move the recommendations as set out in the report.

Moved by Councillor Kenneth Earle.

The motion was not seconded, therefore the motion fell.

The Clerk advised that as the motion was not seconded, the report cannot be discussed further. The Planning Committee must move on to consider the item of business (Item 5 (Planning Application ref: 19/00018/PPP)) which was deferred earlier in the meeting.

The Convenor confirmed that the decision had been taken earlier to defer the decision on Item 5 (Planning Application ref: 19/00018/PPP) and that the ambition was still to consider both of these items together. He reached out to the Planning Committee to consider what options were available.

The Convenor then stated the potential options as being:

- Move for deferral, maybe with guidelines that the Planning Committee sets a housing limit and encourages the developers to enter into proper discussions with the community in terms of the Section 75 arrangements;
- Alternatively, the Planning Committee may be minded to refuse if the housing numbers aren't reduced, consultation has not taken place or if the applicants are not willing to engage with the Council in terms of the Section 75 agreement.

Councillor Forson asked that consideration of Item 5 (Planning Application ref: 19/00018/PPP) and Item 6 (Planning Application ref: 18/00283/PPP) is deferred for at least a month to six weeks to allow discussions to be had, to amend things so that the Committee could be satisfied that the Local Development Plan aims are being met and that this can be clearly demonstrated.

The Convenor requested that Councillor Forson put forward her request for a deferral into a motion – to defer a decision on the two planning applications for 6 weeks to allow further discussion , to meet the Local Development Plan numbers, to ensure proper community consultation; and alignment with the Section S75 agreement.

The Convenor asked for a seconder to the amendment, however, the debate moved on and there was no seconder.

Grant Baxter, Principal Planner offered advice that while the “minded to approve” wording in the recommendation to the reports had given the members most difficulty, there is little difference in the recommendation set out in the reports to what is being discussed and suggested by members.

The Clerk reminded the Convenor of the Standing Orders for dealing with Amendments and again the Convenor confirmed he would overrule and take the risk in relation to Grant Baxter's proposed amendment to the recommendation.

Amendment 2

Item 5 (Planning Application ref: 19/00018/PPP) and Item 6 (Planning Application ref: 18/00283/PPP):

1. To remove the wording "minded to approve" from the recommendations within the report to both applications; and to insert the following:
2. To defer consideration of Item 5 (Planning Application ref: 19/00018/PPP) and Item 6 (Planning Application ref: 18/00283/PPP):
 - The deferral period is to continue the discussions in respect of the planning application in principle, subject to conclusion of a Section 75 Agreement (Planning Obligations) between the applicant and a set of Matters Specified in Planning Conditions.
 - For officers to engage in further consultation with community representatives and the applicant on outstanding matters.
 - For officers to report to a future Planning Committee with finalised Heads of Terms of a Section 75 Agreement and full set of matters Specified in Conditions for consideration and approval.
3. The timescale for the re-submission of the applications to the Planning Committee will be subject to discussions between the officers, landowners and the community.

Moved by Councillor Ellen Forson. Seconded by Councillor Martha Benny.

Voting on the Amendment 2

In terms of Standing Order 14.7, Councillor Donald Balsillie asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 7 members present who were eligible to vote. On the roll being called, the elected members present voted as follows:

For Amendment (7)

Councillor Ellen Forson
Councillor Martha Benny
Councillor Kenneth Earle
Councillor Helen Lewis
Councillor Jane McTaggart
Councillor Donald Balsillie
Councillor Denis Coyne

Against Amendment (0)

The amendment was carried by 7 votes to 0.

Decision

The Planning Committee agreed:

1. To remove the wording “minded to approve” from the recommendations within the report to both applications, and to insert the following:
2. To defer consideration of Item 5 (Planning Application ref: 19/00018/PPP) and Item 6 (Planning Application ref: 18/00283/PPP);
 - The deferral period is to continue the discussions in respect of the planning application in principle, subject to conclusion of a Section 75 Agreement (Planning Obligations) between the applicant and a set of Matters Specified in Planning Conditions.
 - For officers to engage in further consultation with community representatives and the applicant on outstanding matters.
 - For officers to report to a future Planning Committee with finalised Heads of Terms of a Section 75 Agreement and full set of Conditions for consideration and approval.
3. The timescale for the re-submission of the applications to the Planning Committee will be subject to discussions between the officers, landowners and the community.

Ends: 14:20 hours