

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on TUESDAY 26 FEBRUARY 2019 at 10.00 am

Present

Councillor Alasdair MACPHERSON (in the Chair)

Councillor Neil BENNY (Chair - PL215 only)	Councillor Graham HOUSTON
Councillor Alistair BERRILL	Councillor Graham LAMBIE
Councillor Douglas DODDS	Councillor Jeremy MCDONALD
	Councillor Jim THOMSON

In Attendance

Stephen Boyle, Transport Development Control Officer (Infrastructure)
Jay Dawson, Planning Team Leader – Development Management (Infrastructure)
Mark Henderson, Senior Media Officer (Strategic, Commissioning & Customer Development)
Ian Jeffrey, Senior Planning Officer (Infrastructure)
Ken McAlpine, Planning Technician (Infrastructure)
Peter McKechnie, Planning Officer (Infrastructure)
Aileen More, Schools Team Leader (Schools & Learning)
Michael Mulgrew, Graduate Planning Officer (Infrastructure)
Niall Patterson, Development Officer (Infrastructure)
Karen Swan, Committee Officer (Governance) (Minute)
Tony Mason, Governance Officer (Governance) (Clerk)

Agenda

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

PL206 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor Maureen Bennison. Councillor Jim Thomson was in attendance for Councillor Maureen Bennison.

PL207 DECLARATIONS OF INTEREST

Councillor Alasdair MacPherson declared an interest in Agenda Item 7 (Construction New 1.5 Storey, 3 Bed Dwelling at Sunnyslaw Farm Water Tank, Pendrich Road, Bridge of Allan – Mr & Mrs M & K Tomkinson – 18/00768/FUL) due to a family connection, and intimated he would withdraw from the Meeting.

The above stated item would be moved to last on the agenda to allow for a new Chair to be appointed.

PL208 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL209 MINUTES – PLANNING & REGULATION PANEL – 29 JANUARY 2018

The Minutes of the Planning & Regulation Panel held on 29 January 2019 were submitted for approval.

Decision

The Minutes of Meeting of the Planning & Regulation Panel held on 29 January 2019 were approved as an accurate record of proceedings.

PL210 DIVISION AND ALTERATIONS TO PROVIDE 1 NO. 3 BEDROOM HOUSE AND 1 NO. 4 BEDROOM HOUSE AT 10 HILLFOOTS ROAD, CAUSEWAYHEAD, STIRLING, FK9 5LF – BLUE PEACH HOMES LTD – 18/00783/FUL

Full planning permission was sought from the Planning & Regulation Panel for subdivision and alterations to provide a 3 Bedroom House and a 4 Bedroom House at 10 Hillfoots Road, Causewayhead.

The application had been referred to Planning & Regulation Panel under the scheme of delegation having received 5 or more competent written objections.

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 Team Leader – Development Management introduced the report which provided details of (a) the site (b) the proposal (c) previous history (d) consultations (e) local development plan (f) other planning policy and (g) assessment.

Decision

The Planning & Regulation Panel agreed to approve the application without any conditions.

(Reference: Report by the Senior Manager - Infrastructure, dated 18 February 2019, submitted).

PL211 ERECTION OF 34NO. DWELLINGS AND CREATION OF A FURTHER 4NO. DWELLINGS WITHIN SHELL OF AN EXISTING MILL BUILDING (38NO. IN TOTAL) AT HAYFORD MILL DEVELOPMENT, KERSEBONNY ROAD, CAMBUSBARRON, FK7 9RA – ALLANWATER HOMES - 18/00736/FUL

The application had been referred to the Planning and Regulation Panel at the request of Councillor Neil Benny on the grounds of the setting of the listed building at Hayford Mills and potential overdevelopment of the site.

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 application was for a 'local development' as defined in the Town and Country Planning (Hierarchy of developments) (Scotland) Regulations 2009.

The Senior Planning Officer introduced the report which provided details of (a) the site (b) the proposal (c) previous history (d) consultations (e) local development plan (f) Material Considerations and (g) Assessment.

In response to concerns raised by the Members, the Senior Planning Officer confirmed that the Developer Contribution for Education Provision (Section 75 planning agreement) would not meet the Councils' calculated amount, with the deficit essentially being incurred by the Council.

At 10.35am the Chair agreed to adjourn for a break to allow Members time to consider the implications confirmed by Officers.

The Meeting reconvened at 10.40am with all Elected Members (previously noted) present.

Motion

"That the Planning & Regulation Panel agrees to approve the Application subject to:

- 1.1 the conditions and reason as set out in Appendix 1 to the submitted report; and
- 1.2 the satisfactory conclusion of a Section 75 Planning agreement for a developer contribution of £194,482 which would be divided - £43,000 to affordable housing, £126,482 to education and £25,000 to transportation. The commuted sum would be index linked."

Moved by Councillor Alasdair MacPherson, seconded by Councillor Jim Thomson

Councillor Graham Houston, seconded by Councillor Neil Benny moved the **Direct Negative**.

On the roll being called, the Members present votes as follows:

For the Motion (2)

Councillor Alasdair MacPherson
Councillor Jim Thomson

Against the Motion (6)

Councillor Neil Benny
Councillor Alastair Berrill
Councillor Douglas Dodds
Councillor Graham Houston
Councillor Graham Lambie
Councillor Jeremy McDonald

Decision

The Direct Negative was carried 6 votes to 2, and accordingly, the Planning & Regulation Panel refused the application on the grounds that the proposal had inadequate infrastructure costs and support for the size of the application.

(Reference: Report by the Senior Manager - Infrastructure, dated 18 February 2019, submitted).

PL212 EXTENSION TO EXISTING HAIRDRESSING SALON AT TWOS COMPANY HAIR STYLIST, 1A LIVILANDS GATE, STIRLING, FK8 2AT – MRS ELIZABETH MILLAR - 18/00823/FUL

The application sought full planning permission for an extension to the “Twos Company” hairdressing salon at 1A Livilands Gate, Stirling. The application had been brought to the Planning and Regulation Panel as it had received five or more objections and the recommendation was one of approval.

Due to the date on which the application was validated, it required to be considered by the Panel under the procedures relevant at that time: Planning procedures after 12 June 2018.

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 Officer introduced the report which provided details of (a) the site (b) the proposal (c) previous history (d) consultations (e) local development plan (f) material considerations and (g) assessment.

In response to a Members’ question, the Planning Officer confirmed that a ramp would be installed to the building to allow for independent/disabled access.

Decision

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

(Reference: Report by Senior Manager - Infrastructure, dated 18 February 2019, submitted).

PL213 ERECTION OF 185 DWELLING HOUSES, FORMATION OF NEW VEHICULAR ACCESS, ROADS, SUDS, OPEN SPACE AND OTHER ASSOCIATED ENGINEERING OPERATIONS AT LAND ADJACENT TO NORTH OF NEWPARK FARMHOUSE, COXITHILL ROAD, ST NINIANS, STIRLING - OGILVIE HOMES LTD - 15/00669/FUL

The proposal was for one hundred and eighty five dwelling houses and associated infrastructure on land allocated (within The Stirling Council Local Development Plan October 2018) for housing at Newpark Farm, St Ninians, Stirling.

A report was presented to the Planning & Regulation Panel at its meeting on 13 April 2017, when Members resolved to grant full planning permission subject to a Section 75 Legal Agreement. The Agreement was to include appropriate financial contributions for education purposes. The report, which was enclosed as Appendix A, remained the Report of Handling on the planning application.

A further report was presented to the Planning & Regulation Panel at its meeting on 29 January 2019. The report provided an update on one of the matters being subject of the Section 75 related to the financial contribution for education purposes, seeking agreement to amend the education contribution sought in light of recent work undertaken by Education/Infrastructure Services to estimate the impact of development and required levels of contribution to mitigate the impact of development.

The Panel of 29 January 2019 agreed to defer the report until consideration had been given to the emerging Draft Supplementary Guidance Developer Contributions which was scheduled for consideration at the Environment and Housing Committee of 7 February 2019.

The report was brought back before the Panel following the approval by Environment and Housing Committee of 7 February 2019 of Draft Supplementary Guidance on Developer Contributions: Environment and Housing Report on Developer Contributions.

The Planning Officer introduced the report, which provided details of (a) the site (b) consultations (c) local development plan and (d) assessment.

Following Members concerns on the lack of High School Educational contribution, the Planning Officer confirmed that the new methodology, in line with the Draft Supplementary Guidance on Developer Contributions, was used to calculate contribution that had included updated information on birth rates, which determined no contribution was required.

Decision

The Planning & Regulation Panel agreed to approve the revised education contribution in line with the approved draft Supplementary Guidance on developer contributions, allowing the Legal Agreement to be finalised. The previous agreed contribution is set out within the report attached as Appendix A to the submitted report.

(Reference: Report by Senior Manager - Infrastructure, dated 18 February 2019, submitted).

At 11.10am the Chair adjourn the meeting and left the Chambers as he had declared an interest in the next Agenda item.

The Meeting reconvened at 11.15am with all Elected Members (previously noted) with the exception of Councillor MacPherson, present.

PL214 APPOINTMENT OF CHAIR

In the absence of Chair and Vice Chair of the Planning & Regulation Panel, the Meeting agreed to appoint a Chair for the remainder of the Meeting.

The Clerk asked for nominations for the Planning & Regulation Panel.

Councillor Graham Houston, seconded by Councillor Graham Lambie nominated Councillor Neil Benny to the Chair of the Planning & Regulation Panel.

Councillor Neil Benny accepted and took the Chair for the remainder of the meeting.

PL215 CONSTRUCT NEW 1.5 STOREY, 3 BED DWELLING AT SUNNYLAW FARM WATER TANK, PENDREICH ROAD, BRIDGE OF ALLAN – MR & MRS M & K TOMKINSON - 18/00768/FUL

Full planning permission was sought for a single dwelling house.

The application had been brought to the Planning & Regulation Panel under the scheme of delegation having been referred by Councillor Douglas Dodds.

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.

Prior to any discussion, it was proposed by Councillor Graham Houston and seconded by Councillor Douglas Dodds that the application be deferred for a site visit. Due to the nature of the officer's recommendations, it was expressed that that a site viewing would allow Members clarification.

No further discussion took place regarding the application.

Decision

The Planning & Regulation Panel agreed to defer consideration of the application pending a site visit to take place at a future meeting.

(Reference: Report by the Senior Manager - Infrastructure, dated 18 February 2019, submitted).

The Chair declared the Meeting closed at 11.15am.