

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING ON TUESDAY 28 MAY 2019 at 10.00am

Present

Councillor Alasdair MacPHERSON (in the Chair)

Councillor Maureen BENNISON

Councillor Neil BENNY

Councillor Alistair BERRILL

Councillor Margaret BRISLEY(Substitute)

Councillor Douglas DODDS

Councillor Graham HOUSTON

Councillor Graham LAMBIE

Councillor Jeremy MCDONALD

In Attendance

Jane Brooks-Burnett, Senior Planning Officer

Stephanie Cameron, Team Leader - Licensing

Christina Cox, Service Manager, Planning & Buildings Standards

Jay Dawson, Development Management Team Leader

Gordon Dewar, Licensing Standards Officer

Tony Mason, Lead Solicitor – Clerk

Neil Pirie, Senior Development Control Officer

Graham Gibson, Media

Mary Love, Committee Officer - Governance

PL230 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor Kane.

Councillor Brisley attended as substitute for Councillor Kane.

PL231 DECLARATIONS OF INTEREST

Councillor Dodds declared an interest in item PL236, as the licence holder was known to him.

PL232 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL233 MINUTES PLANNING & REGULATION PANEL – 30 APRIL 2019

The Minutes of the Planning & Regulation Panel held on 30 April 2019 were submitted for approval.

Decision

The Minutes of Planning & Regulation Panel Meetings held on 30 April 2019 were approved, subject to inclusion of the following comment “Councillor Benny objected to Google Earth being used for video footage of the proposed site, as the footage was not up-to-date and he was unclear whether Stirling Council were licensed to use Google Earth for this purpose. (Refers para PL228).

PL234 AGENDA

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

The Chair, on behalf of the Planning and Regulation Panel, conveyed his thanks to the Development Management Team Leader for over 40 years excellent service to this local authority and the previous local authority and wished him success in his new post.

Councillor Dodds also personally thanked the Development Management Team Leader for all his support and guidance since Councillor Dodds became an Elected Member with the Council.

The Committee resolved under Section 50A (4) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting for the following items of business on the grounds they involved the disclosure of exempt information as defined in Paragraphs 6 and 13, of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

PL235 TAXI DRIVER LICENCE

The purpose of the report was to provide detail in relation to the licence holder’s taxi driver’s licence and the options available to the Planning and Regulation Panel.

The Clerk advised the licence holder and representative that the meeting would be conducted within a closed session, due to the nature of the alleged offence. The Chair outlined the process on how the meeting would be conducted. The licence holder was in attendance, along with a representative who was in support of his role as a taxi driver. A representative from Police Scotland was also in attendance.

The Police Scotland representative provided an update to the Panel regarding the licence holder’s case. It was noted that legal proceedings were still ongoing and a report had been sent to the Procurator Fiscal, however, no trial date had been set. A request had been made by Police Scotland for CCTV footage of the alleged incident to be presented to the Panel. However, it was noted that the request had been refused by the Procurator Fiscal.

The Chair thanked the Police Scotland representative for the update.

The Police Scotland representative went on to respond to various questions from the Panel.

The Chair also thanked the licence holder’s representative for the update.

The licence holder's representative provided the Panel with a brief summary of the alleged events and noted that as the matter was ongoing, there were legal restrictions regarding information that could be divulged at this stage.

It was also noted that there were ongoing problems regarding the procedural rules in place for taxi drivers to adhere to, in relation to parking at the designated taxi rank. This matter had been raised at a Taxi Forum meeting and it was noted that an enforcement officer had visited the taxi rank on a few occasions to carry out spot checks and agreed that action should be taken against licence holders who were not adhering to procedural rules.

In response to a question from the Chair, the licence holder and his representative confirmed that he had received a fair hearing.

The Panel went on to consider the options available to them.

Decision

The Panel agreed to take no action in relation to the licence holder's taxi driver licence until the final determination in respect of the Procurator Fiscal's decision, after which, the licence holder would be invited to attend a future meeting of the Planning & Regulation Panel for further consideration with regard to the use of his taxi licence.

The Panel took this decision because Police Scotland had raised concerns, which related to the said incidents, which took place on 23 April 2019, which were a material consideration for the Panel. In particular, the Panel felt that the incidents demonstrated that the licence holder might be a serious threat to public safety and be unable to conduct himself in a suitable manner in situations a taxi driver might find themselves in, and as a consequence, was not a fit and proper person to hold a taxi driver's licence.

(Reference: Report by Chief Governance Officer, dated 15 May 2019, submitted).

The Chair adjourned the Meeting at 10.30am. Councillor Dodds, having declared an interest in item PL236, left the Chambers at this point in the proceedings.

The meeting reconvened at 10.35am with the same Members present, with the exception of Councillor Dodds.

PL236 IMMEDIATE SUSPENSION OF TAXI DRIVER

The purpose of this report was to seek a decision from Planning & Regulation Panel with regards to the immediate suspension of the licence holder's taxi driver's licence and how the Panel wished this to proceed.

The Clerk advised the licence holder and representative that the meeting would be conducted within a closed session, due to the nature of the alleged offence. The Chair outlined the process on how the meeting would be conducted. The licence holder was in attendance, along with a representative who was in support of his role as a taxi driver. A representative from Police Scotland was also in attendance.

The Police Scotland representative provided an update to the Panel regarding the licence holder's case. It was noted that the licence holder had attended court on 25 April 2019 and had been granted bail. No follow up court date had been set to date. A report had gone to the procurator fiscal and the case would proceed as it stood.

The Police Scotland representative responded to various questions from the Panel.

The Chair thanked the Police Scotland representative for the update.

The licence holder's representative provided the Panel with a brief summary of the alleged events and noted that as the matter was ongoing, there were legal restrictions regarding information that could be divulged at this stage.

In response to a question from the Chair, the licence holder and his representative confirmed that he had received a fair hearing. The Chair thanked the licence holder's representative for the update.

Decision

The Panel agreed to continue the suspension of the licence holder's taxi driver licence for the unexpired portion of its duration (30 June 2019). The Panel took this decision because Police Scotland had raised concerns, which related to the said incidents, which were a material consideration for the Panel. In particular, the Panel felt that the incidents demonstrated that the licence holder might be a serious threat to public safety and be unable to conduct himself in a suitable manner in situations a taxi driver might find themselves in, and as a consequence, was not a fit and proper person to hold a taxi driver's licence.

(Reference: Report by Chief Governance Officer, dated 15 May 2019, submitted).

The Chair adjourned the Meeting at 10.45am to allow Planning Officers to join the meeting, in order to continue determination on non-exempt agenda items.

The meeting reconvened at 10.50am with the same Members in attendance.

PL237 DURATION OF CIVIC LICENCES

The Civic Government (Scotland) Act 1982 provided that civic licences should have a duration of three years, unless the licensing authority otherwise specified a shorter duration. To date, Stirling Council had limited the duration of certain civic licences to one year. The report sought to extend the duration of certain civic licences granted by the Council to three years.

The Licensing Team Leader introduced the report and responded to various questions from the Panel.

It was noted that through the Taxi and Private Hire Forum, licence holders had requested the option of the relevant licenses to be increased to three years. An explanation was provided to Panel with regard to how the fees were calculated.

It was also noted that new licence holders would continue to be granted a licence for a one year period, however, upon renewal, licence holders would have to option to renew their licence for a three year period.

Decision

Panel agreed:

1. that the following civic licences granted by Stirling Council may, on renewal, be granted for a period of three years:
 - 1.1 taxi vehicle licences;
 - 1.2 private hire vehicle licences;
 - 1.3 taxi driver licences;
 - 1.4 private hire driver licences; and
 - 1.5 street trader licences;
2. that for those civic licences granted for a period of three years during financial year 2019/20, the corresponding fee would be as specified at paragraph **Error! Reference source not found.** of this report (based on the corresponding annual fee approved by Council through its Fees & Charges Schedule in February 2019).

(Reference: Report by Chief Governance Officer, dated 30 April 2019, submitted).

PL238 APPLICATION FOR APPROVAL OF MATTERS SPECIFIED IN CONDITIONS NUMBERS 1, 3, 4, 5, 6, 7, 8, 9, 11, 16, 18 AND 19 OF PLANNING PERMISSION IN PRINCIPLE 16/00774/PPP FOR ERECTION OF 79 NO. RESIDENTIAL DWELLINGS, SITE ACCESS, OPEN SPACE, LANDSCAPING AND ALL ASSOCIATED WORKS AT LAND SOME 100 METRES NORTH OF DUNBALNE CEMETERY, BARBUSH, DUNBLANE – MILLER HOMES/GLADMAN DEVELOPMENTS LET – 18/00764/MSC

The Matters Specified by Condition submission sought the Planning & Regulation Panel's approval of the information submitted to address the conditions that were applied to the Planning Permission in Principle application (16/00774/PPP). The relevant conditions had been listed in the description of the development. The site was land to the north of Dunblane to the west of the B8033 and south of the A9.

This submission was not a planning application but the second part of the two-stage planning permission in principle process. Whilst an application for approval of matters specified in conditions did not fall into national, major or local categories, under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, this Council had generally brought these matters to Panel for approval.

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 responded to various questions from the Panel.

It was noted that there was a typing error within paragraph 2.12, which should read 'sustainable' and not 'suitable'.

Discussion took place around the houses on the proposed site and it was noted that there would be 26 affordable housing units. A previous objection from the Scottish Environment Protection Agency (SEPA), which related to a suitable urban drainage system (SUDS), had since been removed.

Detailed discussion took place around the proposed site for the toddlers play area, which had been re-located from the original site in the application, which had been located in the middle of the development. The initial location of the play area was deemed to be inappropriate, as the size of the area did not meet the criteria within Supplementary Guidance (SG02), which required a distance of 25m between the play park area and windows of market properties.

Dunblane Community Council had considered the revised site inappropriate, as the area was remote from houses and near a road at the front entrance to the proposed development. It was noted that the re-location site details went to Play Services for review and were deemed to meet the requirements of Condition 19, as set out in the Section 75 agreed in the Planning Permission in Principle (PPP) application. It was also noted that the play area would be surrounded by fencing for child safety, due to the proximity of the roundabout and access road and therefore, did not result in any significant increase in road safety concerns.

Removal of a tree would be necessary, in order to meet site levels and road alignment at the roundabout to the entrance of the development.

In response to a question from the Panel, it was noted that the position of affordable housing would be together in a cluster at the back of the site, next to the A9 bypass. Discussion took place regarding issues of factoring and pepper potting the affordable housing and the Panel questioned why the affordable housing was not located at the front of the site, beside a bus stop. The Housing Development Officer explained that the applicant made the decision, as it was thought to have been done so for ease of management by the Council.

It was suggested by the Chair that pepper potting of affordable housing could be discussed further at Environmental Housing Committee, if required.

It was noted that Planning Services had consulted with the developer to change the larger detached market housing located beside the affordable housing to smaller semi detached houses, in order to make less of a distinction between the two.

In response to a comment from the Panel, in relation to the need for one and two bedroom houses in Stirling and lack of need for larger properties, the Housing Developing Officer replied that the local housing strategy regarding housing requirements were fed into Housing Services.

The Panel then went on to discuss the options available for determination.

Motion

“That the Panel agrees to approve the application except Condition 19. Condition 19 had not been discharged, pending a revised plan to position the toddler play area to the area of open space within the development to be agreed under officer delegation.”

Moved by Councillor Houston, seconded by Councillor Dodds.

Amendment

“That the Panel agrees to refuse the application on the grounds that it does not comply with the Affordable Housing Policy 2.2 in relation to the location.”

Moved by Councillor Brisley, seconded by Councillor McDonald.

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

For the Amendment (2)	Councillor Margaret Brisley Councillor Jeremy McDonald
Against the Amendment (7)	Councillor Maureen Bennison Councillor Neil Benny Councillor Alistair Berrill Councillor Douglas Dodds Councillor Graham Houston Councillor Graham Lambie

The Amendment fell by 7 votes to 2.

Decision

The Motion was subsequently agreed unanimously and accordingly the Panel agreed to approve the application except Condition 19. Condition 19 had not been discharged, pending a revised plan to position the toddler play area to the area of open space within the development to be agreed under officer delegation.

(Reference: Report by Senior Manager - Infrastructure, dated 9 April 2019, submitted).

PL239 ERECTION OF EXTERNAL BIN STORE EXTERNAL ALTERATIONS TO BLOCK B AND REVISED LANDSCAPING PROPOSAL, RIVERSIDE QUAY, 1 FORTHSIDE WAY, STIRLING – 19/00169

This Matters Specified by Condition submission sought the Planning Permission approval for the erection of an external bin store, external alterations to student accommodation Block B and a revised landscaping proposal.

The application had been referred to Planning & Regulation Panel at the request of Councillor Danny Gibson in the interest of ensuring no detriment to amenity.

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.

Discussion took place around whether or not the item should be deferred for a Hearing at a future date.

Motion

“That the Panel agree to defer consideration of the application pending a Hearing to take place at a future meeting of the Panel.”

Proposed by Councillor Margaret Brisley, seconded by Councillor Houston.

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

For the Motion (5)

Councillor Maureen Bennison
Councillor Margaret Brisley
Councillor Douglas Dodds
Councillor Graham Houston
Councillor Graham Lambie

Against the Motion (4)

Councillor Neil Benny
Councillor Alistair Berrill
Councillor Alasdair MacPherson
Councillor Jeremy McDonald

Decision

The motion was carried by 5 votes to 4 without the need for a roll call vote and accordingly the Panel agreed to defer consideration of the application pending a Hearing to take place at a future meeting of the Panel.

(Reference: Report by Senior Manager - Infrastructure, dated 21 May 2019, submitted).

PL240 APPLICATION UNDER SECTION 42 OF THE TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 TO MODIFY CONDITION 14 OF PLANNING PERMISSION 15/00790/FUL IN REGARDS LOCATION OF CYCLE PARKING PROVISION, 1 FORTHSIDE WAY, STIRLING – 19/00227/FUL

This Matters Specified by Condition submission sought the Planning Permission approval under Section 42 of the Town & Country Planning (Scotland) Act 1997 to modify Condition 14 of planning permission 15/00790/FUL in regards to the location of cycle parking provision.

The application had been referred to Planning & Regulation Panel at the request of Councillor Danny Gibson to ensure no detriment to amenity.

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 (Scotland) Regulations 2013.

The Development Management Team Leader introduced the report and provided visual maps of the site area. The application related to a previous approved purpose built student accommodation in Riverside. The wording in Condition 14 previously approved was so precise that it warranted a return to Panel for planning permission.

It was noted that the cycling areas would be double tiered, with standard storage between central locations and would be undercover.

No consideration was given to a charging area for electric bicycles; however, the Development Management Team Leader noted that this could be something that could be taken into consideration in future. The Panel suggested that it would be worthwhile to make the developer aware of this.

Decision

Panel agreed to:

1. approve the application subject to the conditions and reasons set out at Appendix 1 to the report.

(Reference: Report by Senior Manager - Infrastructure, dated 21 May 2019, submitted).

The Chair declared the Meeting closed at 12.00 noon