

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING ON TUESDAY 25 JUNE 2019 at 10.00am

Present

Councillor Alasdair MacPHERSON (in the Chair)

Councillor Neil BENNY

Councillor Alistair BERRILL

Councillor Douglas DODDS

Councillor Graham HOUSTON

Councillor Chris KANE

Councillor Graham LAMBIE

Councillor Jeremy MCDONALD

Councillor Susan MCGILL (Substitute)

In Attendance

Declan Alder, WSP, Air Quality Specialist

Kevin Argue, Transport Development Team Leader

Stephen Boyle, Transport Development Control Officer

Christina Cox, Service Manager, Planning & Buildings Standards

Helena Dewar, Environmental Health Officer

Andrew Fyfe, WSP, Traffic Specialist and Design Comment

Graham Gibson, Media

David Hopper, Stirling Council, Sustainable Development Manager

Iain Jeffrey, Senior Planning Officer

Toby Lewis, WSP, Acoustics Specialist

Mary Love, Committee Officer – Governance (Minute)

Julia McAfee, Chief Officer – Governance (Clerk)

David McDougall, Governance Officer

Brian Roberts, Senior Manager - Infrastructure

Carolyn Rollo, AECOM

Ingrid Withington, Tree Officer

Also in Attendance

Carol Beattie, Chief Executive (Item PL245)

Councillor Danny Gibson (Item PL246)

Councillor Jim Thomson (Item PL246)

PL241 APOLOGIES AND SUBSTITUTIONS

Apologies were received on behalf of Councillor Maureen Bennison and Councillor Maureen Bennison.

Councillor Susan McGill was in attendance as substitute for Councillor Bennison.

PL242 DECLARATIONS OF INTEREST

Councillor Chris Kane declared a non-financial interest in respect of Agenda Item 5 (ref Minute paragraph PL245), as he had been involved in discussions regarding the proposed application, which was in his Council ward. Councillor Kane subsequently withdrew from the meeting during consideration of this item and took no part in the discussion.

PL243 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL244 MINUTES PLANNING & REGULATION PANEL – 28 MAY 2019

The Minutes of the Planning & Regulation Panel held on 28 May 2019 were submitted for approval.

Decision

The Minutes of Planning & Regulation Panel Meeting held on 28 May 2019 were approved as an accurate record of proceedings.

PL245 CONSTRUCTION OF A NEW ROAD INCLUDING A PEDESTRIAN AND CYCLE ROUTE INVOLVING ENGINEERING AND LANDSCAPING WORKS AT LAND EAST OF VIEWFORTH, BURGHMUIR ROAD, STIRLING - STIRLING COUNCIL - 19/00037/FUL - HEARING

Full planning permission was sought for the construction of a new link road between St Ninians Road and the A9 Burghmuir Road. The new link through the Viewforth site was to complete Stirling's strategic transport network for the city centre and included a new pedestrian and cycle route.

The planning application had been brought to the Planning and Regulation Panel under the Scheme of Delegation, having received more than five competent written objections. Furthermore, Kings Park, Braehead and Broomridge Community Councils had requested 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 link road was originally identified by Stirling Council's Local Transport Strategy in 2006, to provide increased route choice for traffic, in order to relieve traffic congestion in the local area. It was also identified in the City Transport Plan in 2013/14 and 2015/6, along with the Stirling Council Local Development Plan 2014 and the adopted Stirling Council Local Development Plan October 2018, with the Local Development Plan safeguarding the land for infrastructure purposes.

The Chair outlined the Hearing procedures to all relevant parties.

The Service Manager, Planning & Buildings Standards introduced the report and provided visual maps of the proposed site.

The Chair adjourned the meeting at 10.10 am in order deal with technical problems, which related to the sound system.

The meeting reconvened at 10.20 am with the same Members (as noted above) present and the Chair apologised for the technical problem.

The Service Manager, Planning & Building Standards continued with the presentation and it was noted that the drive-through visual presentation shown did not include the proposed cycle way.

The Sustainable Development Manager provided a quick overview of the strategic rationale for the proposal and noted that although this part was not a material consideration for the Panel, he wished to highlight the need for the link road.

Construction of the proposed link road would reduce traffic in key zones and provide further opportunities for developing the area into a vibrant city centre. It was noted that it was vital to address the redistribution of traffic in the city, as it would be likely that the Community Links Plus Project, which would link both Stirling University and Forth Valley College with the city centre, and interlink businesses, key residential areas and tourist attractions, would not proceed in its fuller manner, if the application were to be refused. If approved, plans to transform park and ride facilities would be developed. The introduction of the new road should minimise the impact of cars travelling in the city. It was also highlighted that the proposed development did not show any signs of any significant impact and breach of air quality. An operational noise assessment would be undertaken prior to commencement of any development work.

Stirling Council was working with Scottish Environment Protection Agency (SEPA) and Scottish National Heritage (SNH) to develop a nature plan for the whole of Stirling, which would see a considerable increase in green infrastructure.

Representations had been made, in terms of safety issues, which were of paramount importance to Stirling Council, who would endeavour to mitigate any unreasonable impacts.

The Chair thanked both managers for their presentations.

Objector

Stewart Small spoke against the application on behalf of Kings Park, Braehead and Broomridge Community Councils. The key concerns regarding the application for the link road were in relation to environmental and safety issues.

The prime concern would be for the implementation of the road to cause increased traffic flows down certain residential side streets, such as Linden Avenue. Mr Small also highlighted concerns around roadside emissions and noted that poor air quality was associated with diverse health impacts.

Mr Small also raised concerns around the Kings Park area and noted that the central impact would be visual along with noise pollution associated with significant increase in traffic volumes.

Mr Small outlined safety issues in relation to pedestrians and cyclists looking to cross the proposed route and/or travel along the route. It was also noted that there were no proposals or commitment for mitigating the safety issues raised by the road, although

some possibilities had been explored but no firm designs, costings or secured funding were in place.

Mr Small also questioned why an Environmental Impact Assessment was not required as part of the application. He concluded that the thought of Stirling Council being willing to fund a scheme that represented increases in road capacity, road use and pollution was remarkable.

The Chair thanked Mr Small for his presentation.

Objector

Mr Hector Currie spoke against the application on behalf of the Friends of Kings Park. Mr Currie highlighted that Kings Park Public Park was widely recognised as Stirling's premier park, which provided a major source of outdoor leisure, recreation, exercise, sports and relaxation for residents from across Stirling and beyond. It was noted that the park had an increased popularity due to the opening of a café, skateboard park and Peace of Mind Garden.

It was the view of the Friends of Kings Park that, should the proposed road development application be approved, the success and potential of the park would be diminished. Mr Currie noted that he was not aware of any study of pedestrian activity at the double mini roundabout nor the impact on park users' safety when entering or leaving the park.

He noted that contrary to the technical report, which stated that the relief road would enable traffic reduction on Dumbarton Road and Port Street, which would also reduce noise and air pollution in the city centre, the introduction of the road would indeed bring increased traffic and diminished pedestrian priority.

Mr Currie concluded by stating that regardless of the proposed road, Kings Park Public Park would remain a valuable public green space for Stirling citizens and that introduction of this road gave the impression that the park was under-valued, under-resourced and under-appreciated.

The Chair thanked Mr Currie for his presentation and opened the meeting up to questions from the Panel.

Responding to earlier questions, the Service Manager, Planning & Building Standards confirmed that following a request from Stirling Council for a screening opinion, a full Environmental Impact Assessment was not required, as the proposal met with the relevant criteria. The proposal would not be in a sensitive area and would not have an ecological impact on the city. Air quality and noise assessments would include suitable mitigation measures, which would be secured through planning conditions.

In response to why there was no traffic survey contained within the report presented to Panel, a traffic specialist from WSP, who was in attendance at the meeting, explained that as part of the submission, a transport assessment was undertaken, which showed network flow diagrams that demonstrated flow across all considered areas of network. WSP were acting on behalf of Stirling Council's Roads Team in the preparation of documentation to support the application.

A representative from AECOM was in attendance at the meeting and provided the Panel with an overview of his role and the involvement of AECOM, in relation to the application, which was to provide an independent audit of the application in respect of

transport, as the Council, being the applicant, was also the statutory approving roads authority. He noted that transport data was contained in the technical assessment of the report and AECOM were content that the road network would adequately cope to redistribute traffic.

Discussion took place regarding the trees that would be affected, in the event the application was approved. A representative tree officer was in attendance at the meeting and it was confirmed that 37 trees were proposed for removal, with 73% of them being in the conservation area. A couple of significant trees to be removed were on a steep embankment and were assessed as Category C, with two trees recently felled due to health and safety reasons. It was also proposed that the replanting of 48 trees would take place, which would grow into trees of similar character to those on site.

In response to a question regarding the Active Travel Panel, the Service Manager, Planning and Building Standards explained that the Panel had to consider the application on its own benefits and the fact of how it related to wider active travel improvements was a rationale for the applicant to bring forward.

It was noted that if the link road application was not approved, Stirling Council would still require to undertake an assessment of the traffic level within the city at some stage.

Motion

“That the Panel agrees to approve the application subject to the conditions set out at Appendix 1 to the report.”

Moved by Councillor Alasdair MacPherson, seconded by Councillor Graham Houston.

Amendment

Councillor Neil Benny, seconded by Councillor Jeremy McDonald moved the Direct Negative.

The Chair adjourned the meeting at 11.30 am to allow discussion to take place around the reasons for refusal.

The meeting reconvened at 11.35 am with the same Members (as noted above) present.

Councillor Neil Benny, seconded by Councillor Jeremy McDonald, moved the Direct Negative for the following reasons:-

1. Significant impact on high volume of traffic, which would affect residential amenities and the city of Stirling.
2. Significant impact on air quality.
3. The impact on the habitat, due to the significant loss of trees.
4. The impact in Kings Park area, due to safety issues regarding access traffic flows in the area.

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

For the Motion (4)

Councillor Graham Houston
Councillor Graham Lambie
Councillor Alasdair MacPherson
Councillor Susan McGill

Against the Motion (4)

Councillor Neil Benny
Councillor Alistair Berrill
Councillor Douglas Dodds
Councillor Jeremy McDonald

There being an equality of votes, the Chair cast his casting vote in favour of the Motion.

Decision

The Motion was carried by 5 votes to 4 and accordingly the Panel agreed to approve the application subject to the conditions set out at Appendix 1 to the report.

(Reference: Report by Senior Manager - Infrastructure, dated 12 June 2019, submitted).

In terms of Standing Order 42, the Chair adjourned the meeting at 11.40 am for a comfort break.

The meeting reconvened at 11.50 am with the same Members present.

PL246 ERECTION OF EXTERNAL BIN STORE, EXTERNAL ALTERATIONS TO BLOCK B, AND REVISED LANDSCAPING PROPOSAL AT RIVERSIDE QUAY, 1 FORTHSIDE WAY, STIRLING, FK8 1HZ - UK PBSA (FORTHSIDE WAY STIRLING) LTD - 19/00169/FUL - HEARING

At its meeting on 28 May 2019 the Planning & Regulation Panel agreed that consideration of this planning application be deferred to a future meeting of the Panel in order to allow a Hearing to take place.

Planning Permission was sought 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. Appendix A to the report set out the Report of Handling for the planning application.

The Chair outlined the Hearing procedures to all relevant parties.

The Service Manager, Planning and Building Standards introduced the report, provided visual images of the proposed site, and outlined the proposals.

Local Member 1

Councillor Danny Gibson addressed the Panel and outlined his reasons for requesting a Hearing, which were to ensure scrutiny, regarding the type of provision proposed for the community to use. He also noted concerns for the amenity, due to the volume of occupants in the building, which would generate a significant amount of waste, and

questioned whether the location of the bin store was the best place. Concerns were raised regarding the possibility of debris blowing around and potential fire risks relating to this. It was however, noted that risk of fire was not a planning matter for consideration.

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

Local Member 2

Councillor Jim Thomson also addressed the Panel regarding potential issues around traffic management due to kerbside collection. He also addressed the amount of bins in ratio to the number of occupants and noted that there would need to be more bins allocated or increased collections, in order to cope with the volume, otherwise the Council waste vehicle would be parked for around 30 minutes whilst the bins were being emptied. Councillor Thomson noted that there were also double yellow lines at this area and that the emptying of bins should not obstruct traffic. He had also corresponded with Planning Officers and the Service Manager, Planning and Building Standards and had submitted a plan, which detailed his concerns.

Councillor Thomson recommended that the Panel reject the application and that the waste vehicles travel within the bin store area.

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

The Service Manager, Planning and Building Standards confirmed that previously, the location of the bins was to be internal and there was no previous arrangement for collection coming into the site, as it was not physically possible. The rest of the development had already taken place and the location previously selected for the bin store had been used for other purposes.

It was noted that Road Services were not consulted on this matter and had not been involved. The Service Manager, Planning and Building Standards explained that at this stage of the planning process, the Panel could only consider the bin store and any other matters were not for material consideration, which included the bin collection process, which was the reason why there were no proposals within the report that related to this.

Discussion took place around Waste Services and it was agreed that a report should be brought to a future Environment & Housing Committee, which detailed how waste collection arrangements on new developments were carried out.

The Chair adjourned the meeting at 12.25pm in order for the Panel to discuss the various options available to them with regard to reasons for refusing the application.

Councillor Susan McGill left the meeting at this point in the proceedings.

The meeting reconvened at 12.35pm with the same Members (as noted above) present, with the exception of Councillor McGill.

Motion

“That the Panel agrees to approve the application subject to the conditions and reasons as set out in Appendix 1 to the report. It was further agreed to minute that Waste Services be asked to bring forward a report to a future meeting of Environment

and Housing Committee on how waste collection arrangements are managed for new developments.”

Moved by Councillor Neil Benny, seconded by Councillor Jeremy McDonald.

Amendment

“That the Panel agrees to refuse the application on the grounds that the scale of the building and proposed use of timber within the bin store were not in keeping with the site and townscape.”

Moved by Councillor Chris Kane, seconded by Councillor Graham Houston.

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

For the Amendment (4)	Councillor Alistair Berrill Councillor Douglas Dodds Councillor Graham Houston Councillor Chris Kane
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Against the Amendment (4)	Councillor Neil Benny Councillor Graham Lambie Councillor Alasdair MacPherson Councillor Jeremy McDonald
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There being an equality of votes, the Chair cast his casting vote against the Amendment and accordingly, the Amendment fell by 5 votes to 4.

Decision

The Panel agreed to approve the application subject to the conditions and reasons as set out in Appendix 1 to the report.

(Reference: Report by Senior Manager - Infrastructure, dated 13 June 2019, submitted).

PL247 ERECTION OF DWELLING HOUSE WITH ATTACHED GARAGE, SHED AND ASSOCIATED WORKS AT GARDEN GROUND OF DUMBROCK HOUSE, OLD MUGDOCK ROAD, STRATHBLANE - MR & MRS PAUL AND ELLEN DI MAMBRO - 19/00009/FUL

The application was referred to the Planning and Regulation Panel based on the criterion in the Council’s Scheme of Delegation that required a Panel referral when five objections or more were received and the recommendation was 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 at this stage.

The Senior Planning Officer introduced the report and provided images of site elevations and floorplans. It was noted that 11 representations were submitted in relation to the application, which included an objection from Strathblane Community Council.

In response to a question from the Panel in relation to widening the road at the entrance to the proposed site, in order to make a passing place, the Senior Planning Officer explained that this would not be practical, as it would create road safety issues. It was also noted that if there were road concerns related to land outwith the red line border shown on the map, there would be an issue as to whether the applicant owned this area.

Discussion took place regarding the volume of traffic, which used the road and it was noted that data collected showed that between the hours of 7am and 7pm, the ratio recorded was equivalent to one vehicle every three minutes.

The Panel went on to discuss various options available in relation to the entrance to the proposed site.

Decision

The Panel agreed to approve the proposed development subject to the Conditions and Reasons as set out in Appendix 1 attached to the report.

(Reference: Report by Senior Manager - Infrastructure, dated 13 June 2019, submitted).

PL248 CHANGE OF USE OF OPEN SPACE TO FORM LAYBY PARKING, UPGRADE EXISTING PATHS (RETROSPECTIVE), CONSTRUCTION OF A NEW PATH AND A RETAINING WALL AT LAND ADJACENT TO WEST OF RIVERBANK VIEW, SHORE ROAD, RIVERSIDE, STIRLING - STIRLING COUNCIL - 19/00247/FUL

The application was referred to the Planning and Regulation Panel based on the criterion in the Council's Scheme of Delegation that required a Panel referral when five or more objections were received and the recommendation was 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 provided visual images of the proposed site. Ten individual objections had been received, which included an objection from Riverside Community Council. In response to a question from the Chair as to why the application was retrospective, it was noted that a previous application for the installation of pontoon facilities at the old harbour area of Stirling had been approved in October 2016, which included the area being presented today. At that time, advice received stated that planning permission for a lay-by and paths would not be required, however it was later confirmed that planning permission should have been sought for these items.

Discussion then took place regarding options available, should the Panel refuse the application, and it was noted enforcement action would require to be taken if this was the case.

Members noted that it would have been beneficial for photographic images of the site in situ to have been included in the report, as it was unfortunate that this was a retrospective application.

Further discussion took place regarding removal of the metal railings, which was noted would not compromise road safety, however Members disagreed with the rail assessment, as it was thought that removal of the rail would increase road safety incidents. It was also suggested that a condition be included that the designated car parking spaces were managed to be used as they should be (there would be five parking spaces, of which, one was for disabled use) and it was noted that this area would be included within the Stirling Community Park Management Plan.

Motion

“That the Panel agrees to approve the proposed development subject to the condition and reason as set out in Appendix 1 to the report.”

Moved by Councillor Graham Houston, seconded by Councillor Graham Lambie.

Amendment

“That the Panel agrees to approve the proposed development subject to the condition and reason as set out in Appendix 1 attached to the report and the additional conditions that:

1. appropriate fencing is instated to mitigate potential public safety concerns; and
2. the proposed disabled parking bay is to be delineated prior to the parking bay being brought into use.”

Moved by Councillor Neil Benny, seconded by Councillor Jeremy McDonald.

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

For the Amendment (6)	Councillor Neil Benny Councillor Alastair Berrill Councillor Douglas Dodds Councillor Chris Kane Councillor Alasdair MacPherson Councillor Jeremy McDonald
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Against the Amendment (2)	Councillor Graham Houston Councillor Graham Lambie
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The Amendment was carried by 6 votes to 2 and became the Substantive Motion.

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

For the Substantive Motion (6)	Councillor Alastair Berrill Councillor Douglas Dodds Councillor Graham Houston Councillor Chris Kane Councillor Graham Lambie Councillor Alasdair MacPherson
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Against the Substantive Motion (2)	Councillor Neil Benny Councillor Jeremy McDonald
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Decision

The Substantive Motion was carried by 6 votes to 2 and accordingly, the Panel agreed to approve the proposed development subject to the condition and reason, as set out in Appendix 1 attached to the report and the additional conditions that:

1. appropriate fencing is instated to mitigate potential public safety concerns; and
2. the proposed disabled parking bay is to be delineated prior to the parking bay being brought into use.

(Reference: Report by Senior Manager - Infrastructure, dated 13 June 2019, submitted).

PL249 CHANGE OF USE FROM RETAIL UNIT (CLASS 1) TO RESTAURANT AND FAST FOOD TAKEAWAY (CLASS 3) AT LAND AND UNIT AT 33 - 35, BURGHMUIR ROAD, STIRLING - 19/00102/FUL

Full planning permission was sought to change the use of this property from retail (Class 1) to a restaurant and fast food takeaway (Class 3) at Land and Unit 33-35 Burghmuir Road, Stirling. The premises were to be occupied by a restaurant.

The application was before the Planning & Regulation Panel at the request of Councillor Chris Kane on the grounds of road safety.

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 Service Manager, Planning and Building Standards introduced the report and outlined the proposals associated.

In response to Councillor Kane's concerns around road safety and volume of traffic on the Linden Avenue area, the Transport Development Control Officer noted that the level of traffic associated with the development would not trigger additional traffic and as there were no issues regarding visibility, there were no reasons to object to the application. It was further noted that a transport assessment concluded that should the application be approved, this would result in a small increase of traffic but the exact figure was not available at the meeting.

The Panel went on to discuss the traffic issues associated with this application.

Decision

The Panel agreed to approve the application subject to the conditions set out at Appendix 1 to the report.

(Reference: Report by Senior Manager - Infrastructure, dated 14 June 2019, submitted).

**PL250 FASCIA SIGNAGE AT RIVERSIDE QUAY, 1 FORTHSIDE WAY, STIRLING, FK8
1HZ - UK PBSA (FORTHSIDE WAY STIRLING) LTD - 19/00280/ADV**

Advertising consent was sought for fascia signage at Riverside Quay. The application had been referred to the Planning & Regulation Panel by the appointed officer, due to the unique nature of the proposal to Stirling.

It was important to note that this was an advertisement application and not a planning application. The regulations related to the processing and consideration of advertisement consents were not the same as the regulations related to the processing and consideration of planning applications. Regulations related to advertisement consent required that consideration be given only to matters of amenity and road safety. Any representation made had no status in the consideration of the application. Consent was only given for 5 years, after which time a further application required to be made.

The Service Manager, Planning and Building Standards introduced the application and provided detailed maps for consideration.

In response to a question from the Panel regarding a review of the fascia signage policy, the Service Manager, Planning and Building Standards advised that the policy was midway through review and would be presented at a future meeting of the Environment and Housing Committee for consideration.

Motion

“That the Panel agrees to approve the application.”

Moved by Councillor Jeremy McDonald, seconded by Councillor Neil Benny.

In terms of Standing Order No 69, Councillor Chris Kane, having moved to refuse the application but having failed to find a seconder, requested that his dissent be recorded.

Decision

The Panel agreed to approve the application.

(Reference: Report by Senior Manager - Infrastructure, dated 14 June 2019, submitted).

The Chair declared the Meeting closed at 1.25pm