

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON TUESDAY 6 OCTOBER 2020 at 10.00 am

Present

Councillor Alasdair MACPHERSON (in the Chair)

Councillor Neil BENNY
Councillor Alistair BERRILL
Councillor Douglas DODDS
Councillor Danny GIBSON

Councillor Graham HOUSTON
Councillor Graham LAMBIE
Councillor Jeremy McDONALD
Councillor Jim THOMSON

In Attendance

Jane Brooks-Burnett, Senior Planning Officer (Infrastructure)
Lesleyann Burns, Support Officer (Governance)
Stephanie Cameron, Licensing Team Leader (Governance)
Christina Cox, Planning & Buildings Standards Service Manager (Infrastructure)
Graham Gibson, Senior Media Officer (Communities & Performance)
Drew Leslie, Senior Manager – Infrastructure
David Love, Planning Development Management Team Leader (Infrastructure)
Sean Moffat, Infrastructure Analyst (Communities & Performance)
Michael Mulgrew, Senior Planning Officer (Infrastructure)
Neil Pirie, Senior Development control officer (Environment & Place)
Carla Roth, Solicitor – Litigation (Governance)
Karen Swan, Committee Officer (Governance)
David McDougall, Governance Officer (Governance) (Clerk)

Also in Attendance

Councillor Robert Davies

Prior to the start of the meeting, Councillor MacPherson as Chair of the 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 and Officers participating in the meeting.

PL317 APOLOGIES AND SUBSTITUTIONS

There was no apologies and substitutions.

PL318 DECLARATIONS OF INTEREST

Councillor Danny Gibson declared a non-financial interest in PL321 (Forthside Way, Stirling – 20/00187/FUL) as he had previously been an objector to the original application and would leave the virtual meeting when the item was under consideration.

Councillor Jim Thomson declared a non-financial interest in PL321 (Forthside Way, Stirling – 20/00187/FUL) as he had requested the application be remitted to Planning & Regulation Panel on behalf of a constituent. He noted that as he had not given prior public knowledge of his view on the application, he felt he could take part in deliberations.

PL319 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL320 MINUTES

(a) Planning & Regulation Panel - 25 February 2020

The Minutes of the Planning and Regulation Panel on 25 February 2020 were submitted for approval.

(b) Planning & Regulation Panel - 24 March 2020

The Minutes of the Planning and Regulation Panel on 24 March 2020 were submitted for approval.

(c) Planning & Regulation Panel - 26 May 2020

The Minutes of the Planning and Regulation Panel on 26 May 2020 were submitted for approval.

(d) Planning & Regulation Panel – 23 June 2020

The Minutes of the Planning and Regulation Panel on 23 June 2020 were submitted for approval.

(e) Special Meeting of Planning & Regulation Panel - 23 July 2020

The Minutes of the Special Meeting of Planning and Regulation Panel on 23 July 2020 were submitted for approval.

(f) Planning & Regulation Panel - 4 August 2020

The Minutes of the Planning and Regulation Panel on 4 August 2020 were submitted for approval.

(g) Planning & Regulation Panel – 8 September 2020

The Minutes of the Planning and Regulation Panel on 8 September 2020 were submitted for approval.

Decision

The Planning & Regulation Panel approved the Minutes of the Meetings on 25 February 2020, 24 March 2020, 26 May 2020, 23 June 2020, 23 July 2020, 4 August 2020 and 8 September as an accurate record of proceedings.

Councillor Gibson left the MS Teams meeting due to Declaration of Interest in the following 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 item.

PL321 APPLICATION UNDER SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT TO VARY CONDITION 1 OF PLANNING PERMISSION 15/00790/FUL TO AUTHORISE USE OF EXISTING STUDENT ACCOMMODATION AS SHORT TERM HOLIDAY LETS BETWEEN 1 JUNE AND 31 AUGUST ANNUALLY AT RIVERSIDE QUAY, 1 FORTHSIDE WAY, STIRLING, FK8 1HZ - UK PBSA (FORTHSIDE WAY STIRLING) LIMITED - 20/00187/FUL – HEARING

A report by the Senior Manager - Infrastructure was submitted that detailed Planning Permission was sought by UK PBSA (Forthside Way Stirling) Limited to alter Condition 1 of planning permission 15/00790/FUL to allow the facility to be occupied as short term holiday lets for the summer period (1st June to 31st August).

Under the Council's Scheme of Delegation, as operated under Section 43A of the Town and Country Planning (Scotland) Act 1997 and Part 2 of the Town and Country Planning (Schemes of Delegation and Local review Procedure) (Scotland) Regulations 2013, the appointed officer was not authorised to determine applications where there were 5 or more competent written objections to a non-householder planning application and the appointed officer was minded to approve the application. Furthermore, Councillor Thomson provided a written request to remit the item to the Planning and Regulation Panel for determination in order to discuss more widely the issues around the lack of parking and change of use.

Riverside Community Council requested that the item be presented to the Planning and Regulation Panel by means of a Hearing to "object publicly regarding the impact it would have on parking in their community and with regard to the impact it would have on the surrounding area".

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 introduced the report and updated Members with the presentation of maps of the proposed site.

Applicant

The Planning Development Management Team Leader confirmed that the applicant was not in attendance at the meeting and did not wish to participate.

Objector

Mr Fraser on behalf of Riverside Community Council, presented their case in objection to the application.

Concerns were raised by the local community that neighbours' amenity were being impinged upon by the accumulation of parked cars for which insufficient provision had been made during recent developments. The safety, and that of other road users, were being impacted upon by the dangerous situations created by the current arrangements for bin collection from, and for access to, this particular development.

It was also noted the classification of the proposed development would require a greater number of parking spaces.

It was expressed by the community council representative that the officer's recommendation had not addressed the communities concerns and instead proposed a solution that an application to authorise the use of a number of those apartments advertised for short term letting on the developer's website, which would match the number of car parking spaces that the developer had chosen to provide, and with proper arrangements for ensuring compliance.

The Chair thanked Mr Fraser for his presentation.

In response to Members questions, the Planning Development Management Team Leader confirmed that general maintenance and student's payments over the summer break were all matters for the operator to decide.

The meeting also noted that as the development was out with the controlled parking zone that there was no data to confirm whether there would be an increase in parking over the summer period.

Motion

The Planning and Regulation Panel agrees to approve the application subject to the conditions proposed in Appendix 1.

Proposed by Councillor Neil Benny, seconded by Councillor Alasdair MacPherson.

Amendment

The Planning & Regulation Panel agrees to refuse the application due to impact on the amenity of locality due to parking and the bedspace turnover of accommodation and resultant intensification.

Proposed by Councillor Graham Houston, seconded by Councillor Jim Thomson.

On the roll being called, Members presented votes as follows:-

For the Amendment (6)

Councillor Alastair Berrill
Councillor Douglas Dodds
Councillor Graham Houston
Councillor Graham Lambie
Councillor Jeremy McDonald
Councillor Jim Thomson

Against the Amendment (2)

Councillor Neil Benny
Councillor Alasdair MacPherson

The Amendment was carried 6 votes to 2 and became the Substantive Motion.

On the roll being called for the Substantive Motion, the Members presented votes as follows:-

For the Substantive Motion (6)

Councillor Alastair Berrill
Councillor Douglas Dodds
Councillor Graham Houston
Councillor Graham Lambie
Councillor Jeremy McDonald
Councillor Jim Thomson

Against the Substantive Motion (2)

Councillor Neil Benny
Councillor Alasdair MacPherson

Decision

The Substantive Motion was carried by 6 votes to 2 and accordingly, the Planning & Regulation Panel agreed to refuse the application due to impact on the amenity of locality due to parking and the bedspace turnover of the accommodation and resultant intensification.

(Reference: Report by Senior Manager - Infrastructure, dated 23 September 2020, submitted).

The Chair adjourned the Meeting at 10.30am to allow for the objector to leave the meeting and for Officers to contact Councillor Gibson to allow him to return to the MS Teams meeting.

The meeting was reconvened at 10.35 am, noting All Elected Members, previously noted present.

PL322 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

The Senior Manager – Infrastructure submitted a report that 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 had been referred to the Planning & Regulation Panel 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 (Development Management Procedure) (Scotland) Regulations 2013.

Planning Permission was sought for the erection of 89 dwelling houses with associated infrastructure, open space, landscaping and drainage works and the erection of 5 class 4/class 1 buildings and a care home facility following the defoliation of the remaining buildings and remediation of the site formally occupied by the Killearn Hospital. It was noted with significance the proposed class 4, class 1 units and care home facility were proposed in principle only.

Following a question by an Elected Member, the Planning Development Management Team Leader advised that the application was part planning permission and part proposed in principle only and, although very rare, these type of joint applications do exist.

In response to Members concerns on the different values proposed by the District Valuer service assessment to the applicants' contribution amount, the Planning Development Management Team Leader noted that viability of the site was major contributor to the proposed approval on the application.

The meeting also noted that should the application be approved and the contamination on site require more preparation work prior to building, it would be on the applicant to fund for extra work without any changes to the Section 75 agreement.

Motion

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

1. the conditions detailed in Appendix 1; and
2. a section 75 Legal Agreement (or other suitable legal agreement)

Proposed by Councillor Graham Lambie, seconded by Councillor Alastair Berrill

Amendment

The Planning & Regulation Panel are minded to approve the application with the condition that Officers negotiate the amount of the developer's contributions to £1,205,906, as per the District Valuer Service estimate.

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

On the roll being called, Members presented votes as follows:-

For the Amendment (4)

Councillor Danny Gibson
Councillor Graham Houston
Councillor Alasdair MacPherson
Councillor Jim Thomson

Against the Amendment (5)

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

The Amendment fell by 5 votes to 4.

On the roll being called for the Motion, Members presented votes as follows:-

For the Motion (7)

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

Against the Motion (1)

Councillor Alasdair Macpherson

Not Voting (1)

Councillor Danny Gibson

Decision

The Motion was carried by 7 votes to 1, with 1 not voting and accordingly the Planning & Regulation Panel agreed to approve the application subject to the following:

1. the conditions detailed in Appendix 1; and
2. a Section 75 Legal Agreement (or other suitable legal agreement).

(Reference: Report by Senior Manager - Infrastructure, dated 23 September 2020, submitted).

The Chair expressed his thanks to David Love, who was leaving Stirling Council, for all his help and support over the years and wished him all the best in the future.

The Chair adjourned the Meeting at 11.05am to allow for Planning Officers to leave the meeting.

The meeting was reconvened at 11.10 am, noting All Elected Members, previously noted present.

PL323 DETERMINATION OF A CIVIC LICENCE APPLICATION: TAXI VEHICLE OPERATOR'S LICENCE

A report submitted by the Chief Officer – Governance provided detail in relation to an application for a taxi vehicle operator's licence to be determined by the Planning & Regulation Panel as licensing authority.

The licensing authority had exercised its power to cap the number of taxi vehicle operator's licences granted within its area. That cap only applied to taxi licences and had not applied to private hire car licences.

There was special provision within the cap for taxis that were licences to operate in rural areas. These had a condition that the taxi operator may not ply for hire within 5 miles of Stirling city centre.

Decision

The Planning & Regulation Panel agreed to grant the licence with additional conditions as detailed in paragraph 2.5 within the submitted report.

(Reference: Report by Chief Officer – Governance, dated 23 September 2020, submitted)

The Chair declared the Meeting closed at 11.20am