

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING ON TUESDAY 3 SEPTEMBER 2019 at 10.00am

Present

Councillor Danny Gibson (in the Chair - Substitute)

Councillor Neil BENNY
Councillor Alistair BERRILL
Councillor Douglas DODDS
Councillor Graham HOUSTON

Councillor Graham LAMBIE
Councillor Jeremy MCDONALD
Councillor Susan MCGILL (Substitute)
Councillor Jim THOMSON (Substitute)

In Attendance

Stephen Boyle, Transport Development Control Officer
Stephanie Cameron, Team Leader - Licensing
Christina Cox, Service Manager, Planning & Buildings Standards
David Crighton, Service Manager – Operations
Carlyn Fraser, Road and Land Services Team Leader
Graham Gibson, Media
David Love, Planning Team Leader – Development Management
Mary Love, Committee Officer – Governance (Minute)
Tony Mason, Lead Solicitor (Clerk)

PL251 APPOINTMENT OF CHAIR

As the Chair and Vice Chair of the Planning & Regulation Panel had submitted their apologies, the Clerk announced to the Panel that nominations were required in order to appoint a Chair to conduct the meeting.

Councillor Danny Gibson nominated himself for the role of Chair, which the Panel Members were in agreement to .

PL252 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor Alasdair MacPherson, Councillor Chris Kane and Councillor Maureen Bennison.

Councillor Susan McGill attended as substitute for Councillor MacPherson,
Councillor Danny Gibson attended as substitute for Councillor Kane and Councillor Jim Thomson attended as substitute for Councillor Bennison.

PL253 DECLARATIONS OF INTEREST

There were no declarations of interest.

PL254 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL255 MINUTES PLANNING & REGULATION PANEL – 25 JUNE 2019

The Minutes of the Planning & Regulation Panel held on 25 June 2019 were submitted for approval.

Decision

The Minutes of Planning & Regulation Panel Meeting held on 25 June 2019 were approved as an accurate record of proceedings subject to:-

1. the removal of duplicate apologies from Councillor Bennison (Para PL241 refers).
2. inclusion of comments made by Councillor Gibson noting concerns around the bin store being a potential fire risk, due to no sprinklers within the building beside the area of the bin store (Para PL246 refers).

PL256 INSTALLATION OF BARRIER AT ENTRANCE AND EXIT OF CAR PARK (RETROSPECTIVE) AT CARPARK AT HEADRIGG SQUARE, KILLEARN - KILLEARN GARAGE - 19/00244/FUL

The application had been referred to the Planning and Regulation Panel on the basis of the criterion in the Council's Planning Scheme of Delegation which required a Panel referral when 5 objections or more were received and the recommendation was for approval.

This 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 Development Management Team Leader introduced the report and responded to questions from the Panel.

The Chair welcomed the Development Management Team Leader to the Planning & Regulation Panel Meeting

Discussion took place regarding the stand for the barrier, which was not visible on site. It was noted that the stand formed part of the application but had not been fully implemented yet.

It was also noted that the layout of the barrier suggested that motorists would need to park temporarily to operate the barrier manually. Consultation had taken place with Roads Services, who had no objection to the development. Double yellow lines were present on the main street, therefore it was highlighted that motorists should not be parking in that area, as this would result in becoming an enforcement issue. There would be spaces available for safe parking whilst operating the barrier.

Removing the location of the barrier was not an option as it would not be visible, and would therefore risk collision with other vehicles who approached.

In response to a question as to why the report had been presented retrospectively, it was noted that the applicant had gone ahead and erected the barrier without applying to do so and Planning Services had then requested that it was brought to Planning & Regulation Panel with regard to seeking consent for the barrier.

Members noted concerns around the design, scale and colour of the barrier and the location of the barrier, as it was viewed as not being in keeping with the conservation area. It was noted that the colour of the barrier did not warrant refusal of the application. It was also noted that there was no signage in relation to the one-way system at the barrier.

Members questioned whether they had the power to reject the application, based on the fact that it was presented retrospectively. The Planning Service Manager advised that the Panel were required to determine the application on its own merits and that design could not be a reason for refusal.

It was agreed that, going forward, planning procedures would be amended to include reason for delay with regard to the submission of retrospective reports. The Planning Service Manager went on to outline the process, should motorists breach enforcement regulations.

In terms of Standing Order No 69, Councillor Neil Benny, having moved that the Panel approve the application, but having failed to find a seconder, requested that his dissent be recorded.

Decision

The Panel agreed to refuse the application for the following reasons:-

1. The design, scale and colour of the barrier was not in keeping with the conservation area.
2. Concerns around road safety due to the requirement of temporary parking to operate the barrier in order to gain access.

(Reference: Report by Senior Manager - Infrastructure, dated 23 August 2019, submitted).

PL257 APPLICATION UNDER SECTION 42 OF THE TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 TO VARY CONDITION 1 OF PLANNING PERMISSION 14/00793/FUL IN REGARDS EXTENDING OPERATING HOURS TO 07:00 - 21:00 AT EDENMILL FARM, BLANEFIELD, G63 9AX - MR MARK GIBSON - 19/00318/FUL - HEARING

The application had been referred to the Planning and Regulation Panel on the basis of the criterion in the Council's Planning Scheme of Delegation, which required a Panel referral when 5 objections or more were received and the recommendation was for approval. Strathblane Community Council had also requested a Hearing.

This 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 introduced the report and provided maps and photographic footage of the area.

Applicant

The applicant, Mark Gibson, presented the case in support of the application. He informed the Panel that tourists, walkers and customers using the bunk house were looking for breakfast served before 8am in the morning and looking for something to eat and drink later than 6pm.

The bunk houses had been very successful with walkers and tourists using it from both John Muir Way and West Highland Way, as well as business people and were seen to be an important part of the community, especially with the closure of Carbeth Inn.

In order to continue a successful business, Mr Gibson highlighted the need to meet customer's requests and asked the Panel to consider this request favourably. He added that he was willing to work with Stirling Council to find a suitable solution and understand neighbours' concerns.

Some considerations Mr Gibson would be happy to look at were to allow the existing 6ft hedge to double in size to 12ft, which would work as an acoustic and visual barrier and to set a timer regarding the lights outside for staff and customers, which could be set to turn off at a safe time by mutual agreement with the Council.

Mr Gibson added that the road junction met all legal and safety requirements. Changes were made to ensure this was a safe junction prior to opening, in accordance with Stirling Council conditions. The original markings had been amended by the Council since December 2018.

Mr Gibson finished his presentation by adding that the additional hours would allow additional staff employment, which would meet customer needs and hopefully secure the business for the future.

Objector

John Gray spoke against the application on behalf of Strathblane Community Council and other objectors who were neighbours of the site.

The community council was generally supportive of enterprise in the local area, provided it complied with the policies and provided local businesses compete on a level playing field. The main concerns were:-

1. increase of turning traffic at the A809 junction; and
2. loss of amenity for the immediate neighbours, as well as the wider rural landscape.

Mr Gray noted that the site access road joined the A809 on a 60 mph stretch, where traffic approached from the north over a blind summit and considered this unacceptable.

He noted that the Panel report provided no information about speed surveys mentioned in previous planning applications in 2014. There was no condition included to restrict outdoor activities by guests at the hotel/bunk house. Concerns were raised that such activities would continue into the night, even if the café closed at 9 pm.

He also noted that the report also proposed a condition to restrict lighting to 6 pm, while allowing the café to operate, for residents, until 9 pm. The 6 pm curfew was said only to apply to car park lighting, and thus there would be no restriction on other lighting within the café itself. Mr Gray added that if the Council was minded to grant permission, the hours of all exterior lighting should be restricted, which would mean that café customers and staff would emerge into darkness at closing time in winter months. It was noted that the 6pm curfew for car park lights sat alongside the 7.15pm curfew for the same car park as detailed in the previous application.

The Chair thanked both Mr Gibson and Mr Gray for their presentations and opened up the meeting to questions from the Panel.

In response to a question from the Panel about the junction, it was noted that no initial speed survey had been previously carried out, therefore Roads Development could not measure whether the speed had been reduced. Signage and bollards were seen as a much better improvement to the junction, therefore Roads Development were content with the application and had no objections. The Planning Team Leader agreed to investigate why a speed survey was not carried out in 2014.

The Chair highlighted to the applicant that if the extended hours were to be approved, they would only be applicable to residents, to which the applicant agreed was acceptable and confirmed that he would adhere to the conditions within the application.

Discussion took place around safety concerns with regard to the lighting outside the premises and the Planning Service Manager advised that a condition could be applied to set a specific level of illumination.

The Chair adjourned the meeting at 11.10 am in order to allow Members to discuss proposals relating to the application.

The meeting reconvened at 11.12 am with the same Members present.

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

Motion

“That the Panel agrees to defer the application and bring it back to a future meeting of the Planning & Regulation Panel, once the relevant information regarding bollards, survey and road accidents has been confirmed.”

Moved by Councillor Douglas Dodds, seconded by Councillor Jeremy McDonald.

Amendment

“That the Panel agrees to approve the proposed development subject to condition 3, as set out in Appendix 1 to the report.”

Moved by Councillor Neil Benny, seconded by Councillor Jim Thomson.

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

For the Amendment (5)	Councillor Neil Benny Councillor Graham Houston Councillor Jeremy McDonald Councillor Susan McGill Councillor Jim Thomson
-----------------------	---

Against the Amendment (4)	Councillor Alistair Berrill Councillor Douglas Dodds Councillor Danny Gibson Councillor Graham Lambie
---------------------------	--

The Amendment was carried by 5 votes to 4 and became the Substantive Motion.

For the Substantive Motion (6)	Councillor Neil Benny Councillor Graham Houston Councillor Graham Lambie Councillor Jeremy McDonald Councillor Susan McGill Councillor Jim Thomson
--------------------------------	---

Against the Substantive Motion (3)	Councillor Alistair Berrill Councillor Douglas Dodds Councillor Danny Gibson
------------------------------------	--

Decision

The Substantive Motion was carried and subsequently the Panel agreed to approve the proposed development subject to condition 3 only, as set out in Appendix 1 to the report.

(Reference: Report by Senior Manager - Infrastructure, dated 23 August 2019, submitted).

PL258 TAXI FARES

It was the duty of the licensing authority, under Section 17(2) of the Civic Government (Scotland) Act 1982, to review the scales and charges for taxi fares at intervals not exceeding 18 months from the date when the scales came into effect.

The Licensing Team Leader introduced the report and responded to questions from the Panel, and clarified relevant points.

Discussion took place around drivers working on bank holidays and Sundays it was noted that the reason for applying tariff 2 to bank holidays and Sundays was to encourage taxi drivers to work on those dates, due to previous difficulties in sourcing willing drivers. It was also noted that the relevant bank holiday dates would be listed in consultation with the Panel at a later date.

Discussion then took place around credit/debit charges detailed within the proposed fare table, which had previously been set at 10% but thought to be excessive by the Panel. The Licensing Team Leader advised the Panel that they could remove the charges for debit/credit cards or set the rate at zero. It was agreed that Officers would

include information within the proposed fare table, detailing that the relevant charges were the maximum tariff charges set by Stirling Council, in order to provide clarity to members of the public.

Detailed discussion then took place around the charges set by the Council and it was agreed that the meeting would temporarily be adjourned to allow further investigation around the legal implications on debit/credit charges.

The Chair subsequently adjourned the meeting at 11.36 am, and reconvened at 11.43 am, with the same Members in attendance.

Further discussion took place around the items detailed within the proposed fare table and the Chair adjourned the meeting at 11.55 am, in order for clarity to be sought from the Chief Governance Officer.

The meeting reconvened at 12.23 pm with the same Members present.

Motion

“That the Panel:-

1. agrees that tariff 2 should not operate on Sundays and on bank holidays;
2. agrees to remove additional charge for luggage;
3. agrees no additional charge for 5 or more people;
4. agrees an increase of soiling charge to £50”; and
5. agrees to set credit/debit charges to 0%.”

Moved by Councillor Danny Gibson, seconded by Councillor Neil Benny.

Amendment

“That the Panel agrees:-

1. that tariff 2 applies on Sunday and Bank Holidays;
2. the table of proposed fares set out in Appendix 2 to the report subject to the removal of extra charges for credit/debit card use; and
3. that in accordance with the legislative requirements, the proposed changes to fares and charges for taxi fares be publicly advertised prior to implementation, and to delegate authority to the Chief Governance Officer to take all steps required to effect the decision of the Planning & Regulation Panel.”

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

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

For the Amendment (7)

Councillor Alistair Berrill
Councillor Douglas Dodds
Councillor Graham Houston
Councillor Graham Lambie
Councillor Jeremy McDonald
Councillor Susan McGill
Councillor Jim Thomson

Motion

“That the Panel agrees to discuss the application today and agree the recommendations noted within the report.”

Moved by Councillor Graham Houston, seconded by Councillor Susan McGill.

Amendment

“That the Panel agrees to defer the application to a future meeting of the Planning & Regulation Panel to enable inclusion of additional information.”

Moved by Councillor Danny Gibson, seconded by Councillor Jim McDonald.

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

For the Amendment (3)	Councillor Alistair Berrill Councillor Danny Gibson Councillor Jeremy McDonald
-----------------------	--

Against the Amendment (5)	Councillor Douglas Dodds Councillor Graham Houston Councillor Graham Lambie Councillor Susan McGill Councillor Jim Thomson
---------------------------	--

The Amendment fell by 5 votes to 3.

Motion

For the Motion (7)	Councillor Alistair Berrill Councillor Jeremy McDonald Councillor Douglas Dodds Councillor Graham Houston Councillor Graham Lambie Councillor Susan McGill Councillor Jim Thomson
--------------------	---

Against the Motion (1)	Councillor Danny Gibson
------------------------	-------------------------

Decision

The Motion was carried by 7 votes to 1 and subsequently the Panel agreed to:-

1. note the objections received to this application; and
2. approve the Disabled Person's Parking Space as it meets the four criteria specified by Council Policy.

(Reference: Report by Senior Manager – Environment and Place, dated 13 June 2019, submitted).

The Chair declared the Meeting closed at 12.40 pm

