

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON TUESDAY 30 MARCH 2021 at 10.00 am

Present

Councillor Danny GIBSON (in the Chair)

Councillor Neil BENNY
Councillor Alistair BERRILL
Councillor Douglas DODDS

Councillor Graham HOUSTON
Councillor Jeremy MCDONALD
Councillor Jim THOMSON

In Attendance

Kevin Argue, Transport Development Team Leader
Jane Brooks-Burnett, Senior Planning Officer
Christina Cox, Planning & Buildings Standards Service Manager (Infrastructure)
Carlyn Fraser, Team Leader Operations (Environment & Place)
Graham Gibson, Senior Media Officer (Communities & Performance)
Ritchie Gillies, Planning Officer (Infrastructure)
Linda Hill,
Drew Leslie, Senior Manager – Infrastructure
Peter McKechnie, Senior Planning Officer (Acting) (Infrastructure)
Michael Mulgrew, Planning Development Management Team Leader (Infrastructure)
Neil Pirie, Senior Development Control Officer (Environment & Place)
Carla Roth, Solicitor – Litigation (Governance)
Stephen Spiers, Development Control Officer (Infrastructure)
Jean Houston, Governance Officer (Governance) (Clerk)
Lesleyann Burns, Support Officer (Governance)

Also in Attendance

Ms Michelle Kibaris
Mr Paul Houghton

Prior to the start of the meeting, Councillor Gibson as Chair of this 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 participating in the meeting.

Recording of meeting started

PL346 APOLOGIES AND SUBSTITUTIONS

Apologies were received on behalf of Councillor Alasdair MacPherson. No substitute Member was present.

PL347 DECLARATIONS OF INTEREST

There was no declaration of interest.

PL348 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL349 MINUTES

The following minutes were submitted for approval:

a) Planning and Regulation Panel on 2 February 2021

Decision

The Planning & Regulation Panel approved the Minutes of the Meeting on 2 February 2021 as an accurate record of proceedings.

b) Planning and Regulation Panel on 2 March 2021

Decision

The Planning & Regulation Panel approved the Minutes of the Meeting on 2 March 2021 as an accurate record of proceedings

PL350 ERECTION OF DWELLING HOUSE AND GARAGE AT LAND 80M NORTH EAST OF BARLOCH, STIRLING - MR DAVID FOTHERINGHAM - 20/00836/PPP – HEARING

This proposal was being considered by Planning & Regulation Panel as the local ward Member, Councillor Earl, had referred the application to Panel to discuss the merits of the justification statement in compliance with Policy.

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.

A Hearing request had been made within timescales according to procedure in order to have the opportunity to address the Panel.

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

Applicant

It was confirmed that the applicant was not in attendance at the meeting.

Supporters of the Application

Ms Michelle Kibaris and Mr Paul Houghton were in attendance at the meeting. Ms Kibaris thanked the Panel for allowing them to speak and presented their case in support of the application.

The Fotheringham's had been farming these lands for more than 3 generations. They always understood that a farm of this size was not sustainable by traditional farming alone and throughout the years the farm had come to include a caravan site, holiday lets and small recycling business. They were aware that one day Mr David Fotheringham would no longer help work on the farm and the running will fall to them. They were committed to a 5 year business plan via expansion of the herd and extension of the current rural tourism business in order to create a successfully diversified farming venture that could be run by future generations.

In order to remain close by as they increased their working hours at the farm and Mr Fotheringham stepped back, they currently lived in a small rented cottage on an adjacent farm. This was not an ideal living solution for a growing family, which was why they sought this planning permission. Their business plan showed that with both farming and rural tourism businesses, a dwelling was justified.

As stated in the report, their current farming hours totalled 20 hours each week. SLU calculations were used to ascertain both current and future farm labour hours. In order to justify a dwelling, guidance advised they would need an SLU of more than 1, which was 1800 hours per year - 34.6 hours per week. By year 5, their business plan advised they would reach a 35 hour labour requirement and could theoretically justify a dwelling with farming hours alone.

The report to the Panel stated in paras 2.17 and 2.20 that the farm in its current state was successfully operating without a dwelling. This did not take into consideration succession, i.e. Mr Fotheringham stepping down and leaving his current labour hours to them. The report further stated in para 2.17 that farm labour hours were only rising by 10. This was an error and the correct figure was 15 hours (20 in year 1, 35 by year 5).

The report stated that the farm was predominantly arable, and as such did not need a dwelling. It was true that around 90% of acres were used for hay and 10% for cattle, but that did not mean that labour hours were proportionally split 90/10. Currently the herd, put into calf each year, took 12 of the total 20 hours (as calculated by SLU). As set out in the business plan, by year 5 the expanded herd put into calf each year would amount to more than 22 hours per week of the total 35 farm labour hours.

The report to Panel also suggested that living in a neighbouring village would not be unreasonable. However not being able to live on the farm with 25 cattle during calving season, never mind 50, would be a huge challenge. Furthermore, available homes for sale in the area were not affordable but there were sufficient funds to build a modest home on their own land.

Para 2.19 of the report advised that the 'tourist business is subject to future planning' and could not contribute to labour calculations needed to support the application. However there was already a caravan site on the farm (and had been for more than

40 years). In addition, the holiday lets detailed in the business plan were subject to planning permission and granted in 2011. The build was completed, but internal cosmetic works stalled around 8 years ago and there was a commitment to getting this project up and running.

There were plans to extend the caravan site which would be subject to planning consent. However, if this was not forthcoming, there would still be an operational caravan site that already took up labour hours each week and there were many improvements yet to be made to further increase occupancy, profitability and in turn would increase labour hours even more.

In short, they were looking to expand the current and established rural tourism business, the majority of which was not subject to planning consent as the report suggested. The caravan and holiday lets should have been allowed to contribute to the labour calculations.

This dwelling had the support of neighbours and the community. There were 12 letters of support. They were hugely proud of this and it showed the community's commitment to having them stay in this farming community.

The Panel report advised that there was one letter of objection. This 'neutral' comment was subject to a previous and now withdrawn application, and had no bearing or relevance to the current application. There had been discussions with the objector who no longer had these concerns.

In closing, this was a young and entrepreneurial family with extensive business and farming experience and they were committed to the farm and what their plans for it. They loved the community and the people within it; their son went to the local school and having to leave it would be a devastating blow.

Objectors

It was confirmed that no objector was in attendance at the meeting.

The Chair thanked Ms Kibaris for her presentation.

In response to Members' questions, the Planning Officer confirmed there was an error in para 2.17 of the report and that it should have stated an increase of 15 hours, not 10. He pointed out that additional information requested by way of a SAC report may have provided evidence that a dwellinghouse was justified in this context. This had not been provided. The applicants had not realised the importance of this report, which would however have been very costly.

Councillor Benny joined the meeting

The Planning Development Management Team Leader advised that there was a preference for a SAC report. However officers would be willing to accept a breakdown of information in another form from the applicant in the first instance in order to review the application.

In these circumstances the Panel agreed to defer consideration of the application to an appropriate future meeting of the Panel.

Decision

The Planning & Regulation Panel agreed to defer consideration of the application to an appropriate future meeting of the Panel.

(Reference: Report by Senior Manager – Infrastructure, dated 3 March 2021, submitted).

PL351 ERECTION OF 85 DWELLING HOUSES, FORMATION OF NEW ACCESS, ASSOCIATED INFRASTRUCTURE AND OPEN SPACE AT LAND TO SOUTH OF CROFTSIDE FARM AND NORTH OF HILLHEAD FARM STEADINGS, STIRLING - BELLWAY HOMES LIMITED (SCOTLAND DIVISION) - 17/00946/FUL

Detailed planning permission was sought by Bellway Homes Limited (Scotland Division) to develop land on the south eastern edge of Stirling for a residential development comprising 85 units with associated access, open space, landscaping and infrastructure.

This application was a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The development was not considered to be significantly contrary to the Development Plan and so under the Council's Scheme of Delegation for Determining Planning Applications should be determined by Planning and Regulatory Panel.

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.

Officers responded to Members' questions about access, drainage, pathway inter-connectivity and play provision. Members also raised concerns about design and density of the development, and whether approving this application could prejudice the wider Stirling South Gateway Masterplan.

A brief adjournment was requested to allow Members to consult the Planning & Buildings Standards Service Manager.

*The Chair adjourned the Meeting at 11.37am
in terms of Standing Order 75*

Recording of meeting was stopped

*The Meeting reconvened at 11.50am
with all Elected Members (previously noted) present*

Recording of Meeting resumed

Motion

"That the Panel approves the application subject to:

1. Draft conditions set out in Appendix 1; and
2. A Section 75 Legal Agreement."

Moved by Councillor Benny, seconded by Councillor Houston.

Amendment

“That the Panel agrees to refuse the application on the two grounds:

1. The site is in a sensitive gateway as an entrance to Stirling which makes design and place making considerations particularly important. It is concerning that there is a lack of innovative housing. There is concern over impact on the Cat Craig and general lack of green amenity within the site; and
2. The Masterplan identifies the site as being a low density part of the wider site and that by not providing the low density anticipated that this is detrimental to the wider area and wide Masterplan on place making terms.”

Moved by Councillor Berrill, seconded by Councillor Thomson.

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

For the Amendment (3)

Councillor Alistair Berrill
Councillor Jeremy McDonald
Councillor Jim Thomson

Against the Amendment (4)

Councillor Neil Benny
Councillor Douglas Dodds
Councillor Danny Gibson
Councillor Graham Houston

The Amendment fell by 4 votes to 3.

For the Motion (4)

Councillor Neil Benny
Councillor Douglas Dodds
Councillor Danny Gibson
Councillor Graham Houston

Against the Motion (3)

Councillor Alistair Berrill
Councillor Jeremy McDonald
Councillor Jim Thomson

Decision

The Motion was carried by 4 votes to 3. Accordingly, the Planning & Regulation Panel agreed to approve the application subject to:

1. draft conditions set out in Appendix 1, and
2. a Section 75 Legal Agreement.

(Reference: Report by Senior Manager – Infrastructure, dated 3 March 2021, submitted).

PL352 THE STIRLING COUNCIL (BALMAHA CAR PARK) (DECRIMINALISED PARKING ENFORCEMENT) ORDER 2020

The above Order formally proposed to introduce charges in Balmaha Car Park, which was currently a free car park.

Objections were received during the traffic order's statutory consultation period and as such, Officers were required under the Scheme of Delegation, to ask that the Planning & Regulation Panel decides whether the Order should be legally made.

In response to Members' questions concerning excess demand for parking and signage, officers confirmed that the number of vehicles in the area would be monitored with a system of traffic sensors. The service would work with partners on visitor management and parking enforcement by wardens. In the longer term it was intended to consider options such as ANPR systems or Smart signage.

Decision

The Planning & Regulation Panel agreed to approve the Decriminalised Parking Enforcement Order.

(Reference: Report by Senior Manager - Infrastructure, dated 17 March 2021, submitted)

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

Recording of meeting stopped

PL353 APPLICATION FOR A DISABLED PERSON'S PARKING SPACE TM/6 – SRO 2021(10)

The purpose of this report was to ask the Panel to determine an objection to an application to introduce a Disabled Person's Parking Space ("DPPS") outside No. 83 Causewayhead Road, Stirling. As an objection had been received to the siting of this DPPS a decision was required from the Panel on whether to proceed with the application.

Decision

The Planning & Regulation Panel agreed to:

1. note the objection received to this application; and
2. approve the DPPS application on the basis that it met the four criteria specified by Council Policy.

(Reference: Report by Senior Manager – Environment & Place, dated 17 March 2021, submitted)

The Chair declared the Meeting closed at 12.30pm