

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON TUESDAY 9 NOVEMBER 2021 at 10.00 am

Present

Councillor Alasdair MacPHERSON (in the Chair)

Councillor Neil BENNY
Councillor Alistair BERRILL
Councillor Douglas DODDS
Councillor Scott FARMER

Councillor Danny GIBSON
Councillor Graham HOUSTON
Councillor Jeremy MCDONALD
Councillor Jim THOMSON

In Attendance

Stephanie Cameron, Licensing Team Leader (Governance)
Christina Cox, Planning & Buildings Standards Service Manager (Infrastructure)
Mark Easton, Lead Solicitor – Commercial & Property Team (Governance)
Graeme Forrester, Lead Solicitor – Governance (Governance)
Graham Gibson, Senior Media Officer (Communities & Performance)
Iain Jeffrey, Senior Planning Officer (Infrastructure)
Drew Leslie, Senior Manager – Infrastructure
Peter McKechnie, Senior Planning Officer (Infrastructure)
Michael Mulgrew, Planning Development Management Team Leader (Infrastructure)
Karen Swan, Committee Officer (Governance)
Jane Weir, Senior Planning Officer (Infrastructure)
Joanne Wilson, Environmental Health Officer (Infrastructure)
David McDougall, Governance Officer (Governance) (Clerk)

Also in attendance

Sgt Liam Livingston, Police Scotland

Prior to the start of the meeting, Councillor MacPherson 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.

PL409 APOLOGIES AND SUBSTITUTIONS

There was no apologies or substitutions.

PL410 DECLARATIONS OF INTEREST

Councillor Houston declared an interest in PL416 - Change of Use from Class 1 (shop) to Class 9 (Dwelling) to Integrate with the Existing Dwelling Attached at 25 George Street, Dunblane, FK15 9HE - Mr Ahsan Khan - 21/00600/FUL due to the applicant being a political acquaintance and would withdraw from the meeting.

Councillor Houston and Councillor Farmer both declared an interest in PL417 - 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 as Members of the Clackmannanshire and Stirling Integrated Joint Board (IJB).

Following clarification from Lead Solicitor – Governance, who advised that a special dispensation had been granted to Members of the IJB, Councillor Houston felt he could be balanced and apply sound judgement and would partake within the item. Councillor Farmer confirmed he would withdraw when Item 9 was deliberated.

PL411 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL412 MINUTES

The Minutes of the Planning & Regulation Panel held on 5 October 2021 were submitted for approval.

Decision

The Planning & Regulation Panel approved the Minutes of the Meeting on 5 October 2021 as an accurate record of proceedings.

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 two items.

PL413 ERECTION OF 4NO. DWELLINGHOUSES WITH ASSOCIATED INFRASTRUCTURE AT LAND 60 METRES SOUTH EAST OF AROS HOUSE, MOOR ROAD, STRATHBLANE - MR EWAN BUCHANAN - 20/00590/FUL – HEARING

A report by the Senior Manager – Infrastructure was submitted that detailed that full Planning Permission was sought to build four two storey detached dwelling houses and associated infrastructure on land sixty metres south east of Aros House, Moor Road Strathblane. The land fell within Strathblane and formed part of the wider curtilage of Aros House and access was to be taken to the development via the existing Aros House private driveway, which leads to the private Moor Road, which leads out to the public Old Mugdock Road. Moor Road served a number of dwelling houses and the application site was bounded by a number of these properties.

The application was being reported at the Panel, as it had received more than five objections and a Hearing had been requested, therefore in line with the approved scheme of delegation was required to be considered by the Panel.

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 updated Members with the presentation of maps of the proposed site.

Applicant's Agent

Mr Andrew Bennie, Andrew Bennie Planning Limited presented his case on behalf of his client Mr Ewan Buchannan in support of the officer's recommendation.

The report had provided a detailed and balanced assessment of the proposed development and concluded by stating that "Overall, the proposal is considered to accord with the detailed provisions Policies of the Local Development Plan and Supplementary Guidance set out above for the reasons set out" and "The proposals respect the amenity of the site, the area as a whole and will not result in an over-development of the site, with sufficient space remaining for landscaping."

Mr Bennie advised that it was also noted in the report that:-

- 1) The site lay within the established urban area of the village of Strathblane and the development as proposed was found to be appropriate to the character of the area with the density of the development appropriate within the wider context of the site. As such, in accord with the salient policy of the LDP, the proposals represented an appropriate land use within the village.
- 2) It was considered that the density and layout of the proposed development reflected the character of the existing built form on Moor Road with it further considered that the proposed house designs would make a real and positive contribution to the established character of the area.
- 3) The proposed development both maintained and respected the established development pattern within this part of the wider village of Strathblane.
- 4) The tree related information submitted in support of the application demonstrated that in terms of finalising the details of the proposed development, care had been taken to retain existing trees, with the retention of these trees being sufficient to ensure that the proposed development would have had no adverse impact upon the local amenity of the surrounding area.
- 5) The Council's Transportation service had offered no objection to the application and accept that the proposed access arrangements to each of the plots were satisfactory.
- 6) The Ecological Impact Assessment submitted in support of the proposed development had addressed in full all the points raised by the Council's Biodiversity Officer and consequently, ecological considerations had not presented an impediment to the proposed development.

7) The report identified no relevant material considerations which would outweigh the terms of the development plan support that exists in respect of the proposed development.

On behalf of Mr Buchanan, Mr Bennie thanked the panel for the opportunity to present this client's case.

The Chair thanked Mr Bennie for his presentation.

Objector(s)

Mr Alastair MacIntyre on behalf of the residents of Moor Road and Old Mugdock Road, presented his case as the first of two individuals to speak in objection to the application, sharing the 5 minute period between them.

Residents of Moor Road collectively and at some cost legally challenged the previous approval by judicial review, resulting in these decisions being quashed. The single application considered today was an amalgamation of the previous four applications.

31 letters of objections had been submitted that covered similar valid planning concerns to the previous applications and a number of procedural concerns were also raised.

The Red Line boundary had not included land that was required to gain access to a public road and therefore breached National Validation Standards and should not have been validated. It also had not include all the land that was pertinent to the proper consideration of all aspects of the application.

There had been no notification to Strathblane Community Council of the application and an incomplete neighbour notification.

The Council had acted unlawfully by considering aspects of the application, which were out with the application site and was a presumption that access would be by means of Moor Road and the lane. Nowhere was it referred to in the application, drawings, design and access statement, or in the Planning consultant's report.

If Moor Road were an adopted road, the application should not be approved as there were no street lights, no pavement, no drainage, substandard junctions and poor visibility splays.

Under the National Road Development Guide, a private road could only serve five houses. The lane off Moor Road already served five houses.

Further, there was no acknowledgement of the previous policy, approved on 24 January 2008 that prohibited any further development of Old Mugdock Road until significant road improvements had been carried out. None of which had happened.

The objector thanked the Panel Members and were happy to answer any questions.

Mr John Gray on behalf of Strathblane Community Council, presented his case as the second of the two individuals to speak in objection to the application.

He noted that further to Mr MacIntyre's presentation that the development of houses would not be seen from Moor Road, but from the surrounding area.

The site was far from the “urban area” and was not within the village. The settlement boundary was drawn so as to include the Moor Road cluster but for practical purposes it was an isolated development, along a road that was twisting, hilly, narrow, dark, overgrown, potholed, crumbling, with no pavement and prone to flooding. Noting that Roads & Infrastructure officers had stated that the road was inadequate.

The community council supported the other objections by the residents, particularly concerning the lack of detail of access, on what was supposed to be a full planning application, and the density around punchbowl dam.

The objector thanked the Panel Members and was happy to answer any questions.

The Chair thanked Mr MacIntyre and Mr Gray for their presentation.

In response to Members questions, the Planning & Buildings Standards Service Manager confirmed that, should the civil matter of access to use the private road not be agreed, no building could be erected even if planning permission was granted.

Councillor Alistair Berrill moved for refusal of the application due to density and unresolved road safety issues. With no seconder, Councillor Berrill requested that his dissent be recorded.

Decision

The Planning & Regulation Panel agreed to approve the application subject to the conditions set out within Appendix 1 to the submitted report and subject to a S75 Legal Agreement to agree the necessary financial contribution towards affordable housing.

(Reference: Report by Senior Manager - Infrastructure, dated 28 October 2021, submitted)

The Chair adjourned the meeting at
10.50am to allow Applicant Agent and Objectors
to leave the meeting.

The Meeting reconvened at 11am, noting
All Elected Members, previously noted, present.

PL414 FULL PLANNING PERMISSION FOR ERECTION OF 3 DWELLINGHOUSES AT RED COTTAGE, BLANE SMITHY ROAD, KILLEARN - 21/00563/FUL - HEARING

The Senior Manager – Infrastructure submitted a report that detailed the proposal was being considered by Planning & Regulation Panel as the development had received more than five objections and required determination by Planning & Regulation Panel in accordance with the Council’s Scheme of Delegation for determining planning applications.

A request for a Hearing had been made within timescales.

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 updated Members with the presentation of maps of the proposed site.

Applicant and Agent

Mr Alistair Gilmour (Applicant) and Colin McGowan (Agent) presented their case in support of the officer's recommendation.

Mr McGowan advised that both Mr Gilmour and he were in attendance to answer any queries or questions should they arise in the process of the Hearing. The application had been through a robust planning process and they had worked with the planning authority from pre-application to the final submission. He also confirmed that they had been reactive to any objections that had arisen.

The Chair thanked Mr Gilmore and Mr McGowan for their presentation.

Objector(s)

Mr Jamie Low on behalf of the residents of Croy Cuninghame Gate, presented his case as the first of two individuals to speak in objection to the application, sharing the 5 minute period between them.

Mr Low noted that the application, in particular the housing density and land use, was in excess in respect to the surrounding area. It was more than two and half times the homes per hectare within the area.

Also, concerns on the ownership of the drainage and waste treatment due to previous agreement to only service 7 properties (5 at Croy Cuninghame, Red Cottage and only one more property) yet it was expected to increase further due to the additional properties within the application.

The Chair thanked Mr Low for his presentation.

Mr John Hughes, also on behalf of residents of Croy Cuninghame Gate, presented his case as the second of the two individuals to speak in objection to the application.

He raised concern on the overshadowing of the properties that had been detailed in the presentation and was not accurate as existing properties had driveways that spill the gardens.

Also noted was the overburden of the site/ properties along with privacy issues of overlooking into existing homes. He advised that the upper storey windows proposed would encroach on to existing properties with only the 7 meters between existing homes and the proposed ones.

The Chair thanked Mr Low for his presentation.

Councillor Thomson advised the Chair that throughout the presentation of this item he had lost Wi-Fi connection and had not heard all of the presentation/discussion. He confirmed that he would not take part in the deliberation and determination of this application.

In response to Members questions, the Senior Planning Officer confirmed that in respect to density of houses within the Local Development Plan (LDP), there were no standard number prescribed and would be reviewed on its own merits.

In summing up, Mr McGowan and Mr Gilmour confirmed the site ratio had completely changed since previous application and the drainage had been discussed with the developer of the Croy Cunningham Gate.

Councillor Alistair Berrill moved for refusal of the application due to density/over development of the site and detrimental impact and privacy issues. With no seconder, Councillor Berrill requested that his dissent be recorded.

Decision

The Planning & Regulation Panel agreed to approve the application subject to the conditions set out within Appendix 1 to the submitted report.

(Reference: Report by Senior Manager - Infrastructure, dated 28 October 2021, submitted)

The Chair adjourned the meeting at
11.25am to allow Applicant, Agent and Objectors
to leave the meeting.

The Meeting reconvened at 11.26am, noting
All Elected Members, previously noted, present.

PL415 MINOR RECONFIGURATION OF DRIVE THRU LANE AND CAR PARK TO ACCOMMODATE SIDE BY SIDE ORDERING, WITH THE INTRODUCTION OF A NEW ISLAND FOR SIGNAGE, AMENDED KERB LINES, AND ASSOCIATED WORKS TO SITE INCLUDING BOLLARDS, BUTON RAILINGS, EXTENDED FOOTPATH AND BLOCK PAVING. TWO EXISTING CUSTOMER ORDER DISPLAYS TO BE RELOCATED WITH THE INSTALLATION OF A NEW GOAL POST HEIGHT RESTRICTOR AT MCDONALDS RESTAURANT, DRIP ROAD, RAPLOCH, STIRLING, FK8 1RA - MCDONALD'S RESTAURANTS LIMITED - 21/00678/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 planning application was referred to the Panel at the request of Councillor Thomson on the grounds it would encourage more traffic at an already busy main junction which gets clogged up while traffic attempted to turn right into McDonald's.

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

Following Members concerns about the road junction and right turn into McDonalds on approach to Sainsburys, the Planning Officer confirmed that as the road was a private road, Stirling Council were unable to impose any direction of travel conditions.

The Planning Officer also advised that Roads Officers had been consulted and confirmed that the changes would not generate additional trips as two ordering points were already in situ. The Panel also noted that the proposal was the standard model now used within other McDonald's sites.

Decision

The Planning & Regulation Panel approved subject to conditions as set out within Appendix 1 to the submitted report.

(Reference: Report by Senior Manager – Infrastructure, dated 28 October 2021, submitted)

Councillor Houston left the meeting due to Declaration of Interest in the following item.

PL416 CHANGE OF USE FROM CLASS 1 (SHOP) TO CLASS 9 (DWELLING) TO INTEGRATE WITH THE EXISTING DWELLING ATTACHED AT 25 GEORGE STREET, DUNBLANE, FK15 9HE - MR AHSAN KHAN - 21/00600/FUL

A report by the Senior Manager – Infrastructure detailed that a proposal was being considered by Planning & Regulation Panel because as per the Scheme of Delegation, the applicant's spouse was a member of the Planning Authority and was listed as an owner on the application form.

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.

Decision

The Planning & Regulation Panel agreed to approve the application.

(Reference: Report by Senior Manager – Infrastructure, dated 27 October 2021, submitted)

Councillor Houston returned to the meeting.

Councillor Farmer left the meeting due to Declaration of Interest in the following item.

PL417 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 detailed it was being brought before Members to seek changes to the conditions that the Planning and Regulation Panel previously approved at its meeting on 6 October 2020. Members would recall that the application was approved subject to conditions and the satisfactory conclusion of a Section 75 Legal Agreement. The Agreement had not yet been concluded. As the formal Decision Notice had not been issued it was appropriate to consider the changes to conditions sought by the applicant before the decision was issued rather than by a Section 42 application at a later date. As the recommended conditions were different from those agreed by Panel on 6 October 2020 it was appropriate that Panel considered the altered conditions as recommended in the report.

The report was to be treated as an addendum and update to specific sections of the Report of Handling as set out within Appendix 3 to the submitted report. The report related solely to the proposed changes to conditions. There were no other changes in circumstance since Panel took its decision. The Report of Handling remained relevant on all matters other than related to considering changes to conditions and the decision of 6 October 2020 was a significant material consideration in the consideration of the proposal.

The Planning Development Management Team Leader introduced the report and updated Members with the presentation of maps of the proposed site.

Following Members concerns, the Planning Development Management Team Leader confirmed that if the application was agreed, Cala could decontaminate Site 1, build and then leave. It was also noted that should this happen there were safeguards and controls in place that if Cala sold Site 2 that land ownership succession clause follows the site. The new owners would have to decontaminate the land should they wish to build on it.

The Environmental Health Officer confirmed that following ground investigation there was limited contamination on Site 2, but noted that asbestos would be the main concern.

The Chair proposed the report be deferred to a future meeting so that a Hearing could be called and relevant parties attend.

The Planning & Buildings Standards Service Manager confirmed that should the item be deferred, the Panel would require the same members to be in attendance.

Motion

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

1. the conditions detailed in Appendix 1; and
2. the conclusion of the Section 75 Legal Agreement.

Moved by Councillor Neil Benny, seconded by Councillor Douglas Dodds.

Amendment

The Planning & Regulation Panel agrees to defer decision of the application to a future meeting of the Planning & Regulation Panel, which would also be presented as a Hearing.

Moved by Councillor Jim Thomson, seconded by Councillor Alasdair MacPherson.

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

<u>For the Amendment (6)</u>	Councillor Alistair Berrill Councillor Danny Gibson Councillor Graham Houston Councillor Alasdair MacPherson Councillor Jeremy McDonald Councillor Jim Thomson
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<u>Against the Amendment (2)</u>	Councillor Neil Benny Councillor Douglas Dodds
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The Amendment was carried by 6 votes to 2 votes and became the Substantive Motion.

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

<u>For the Substantive Motion (8)</u>	Councillor Neil Benny Councillor Alistair Berrill Councillor Douglas Dodds Councillor Danny Gibson Councillor Graham Houston Councillor Alasdair MacPherson Councillor Jeremy McDonald Councillor Jim Thomson
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<u>Against the Substantive Motion (0)</u>	None
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The Substantive Motion was carried by 8 votes to 0 votes.

Decision

The Planning & Regulation Panel agreed to defer decision of the application to a future meeting of the Planning & Regulation Panel, which would also be presented as a Hearing.

(Reference: Report by Senior Manager - Infrastructure, dated 27 October 2021, submitted)

The Chair adjourned the meeting at 12.35am to allow for a break and for the Licensing Team Leader and applicant to access the meeting.

The Meeting reconvened at 12.45pm, noting All Elected Members, along with Councillor Farmer who returned to the meeting, present.

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 14 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

The Clerk updated the meeting on the procedures related to MS Teams Civic Hearing process and the protocols that all should adhere to throughout the next three items.

PL418 DETERMINATION OF A CIVIC LICENCE APPLICATION: TAXI DRIVER'S LICENCE

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

The Licensing Team Leader advised the Panel that the applicant had been given the opportunity to attend and provide clarity on their application. The applicant accepted the opportunity to attend.

In line with the Civic Licensing Hearing procedures, the Chair invited Police Scotland the opportunity to provide clarity on the application.

In response to a number of Members questions, Police Scotland responded with clarification and detail.

In line with the Civic Licensing Hearing procedures, the Chair invited the applicant the opportunity to provide clarity on his application.

In response to a number of Members questions, the applicant responded with clarification and detail.

Decision

The Planning & Regulation Panel agreed to note the report and grant the licence.

(Reference: Report by Chief Officer - Governance, dated 27 October 2021, submitted)

The Chair declared the Meeting closed at 1pm.