

## Minute of Meeting Planning & Property Policy Board

Date	Time	Venue
Tuesday, 25 August 2015	15:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

### PRESENT

Councillors B Brown, E Devine, Audrey Doig, Gilmour, Grady, Hood, Kelly, J MacLaren, McGee, McGurk, Murrin, Nicolson, Perrie and M Sharkey.

### CHAIR

Councillor Kelly, Convener, presided.

### IN ATTENDANCE

M Crearie, Director of Development & Housing Services; F Carlin, Head of Planning & Development, D Bryce, Development Standards Manager, V Howie, Finance & Resource Manager, and S Marklow, Assistant Manager - Policy (all Development & Housing Services); and J Lynch, Head of Property Services, D Forbes, Finance Manager, F Hughes, Asset Manager, M O'Neill, Senior Solicitor, E Currie, Senior Committee Services Officer and K Brown, Committee Services Officer (all Finance & Resources).

### DECLARATIONS OF INTEREST

Councillor B Brown declared a non-financial interest in Item 17 (A2, A3 and A4) of the agenda and indicated his intention to leave the meeting during consideration of the item and not to take part in any discussion or voting thereon.

Councillor Audrey Doig declared a non-financial interest in item 5 of the agenda and intimated that it was her intention to take no part in any discussion or determination of this item. However, as she considered the interest to be insignificant in terms of the Councillors' Code of Conduct, she did not consider it necessary to leave the meeting.

## 1 REVENUE BUDGET MONITORING REPORT

There was submitted a joint revenue budget monitoring report by the Directors of Finance & Resources, Community Resources and Development & Housing Services for the Planning and Property & Construction Services Divisions for the period 1 April, 2015 to 26 June, 2015.

### **DECIDED:**

(a) That the budget position be noted; and

(b) That it be noted that there had been net budget realignments of £11,618 processed since the last report which related to transfers to the corporate landlord.

## 2 CAPITAL BUDGET MONITORING REPORT

There was submitted a capital budget monitoring report by the Director of Finance & Resources for the Planning Service and Corporate Projects (Property) Divisions for the period 1 April, 2015 to 26 June, 2015.

**DECIDED:** That the report be noted.

## 3 CORPORATE ASSET STRATEGY 2015/18

There was submitted a report by the Director of Finance & Resources relative to the Corporate Asset Strategy 2015/18, a copy of which was appended to the report.

The report outlined the progress and key achievements that had been made during that time. A summary of the key priorities for 2015/18 was also provided within the report.

**DECIDED:** That the Corporate Asset Strategy 2015/18 be approved.

## 4 TELECOMMUNICATIONS INSTALLATIONS AT MAXWELLTON COURT, PAISLEY, PROVOST CLOSE, JOHNSTONE AND CRAIGENDHILL, ERSKINE

There was submitted a report by the Director of Finance & Resources seeking authority to conclude lease renewals of the telecommunications installations at Maxwellton Court, Paisley, Provost Close, Johnstone and Craigendhill, Erskine.

**DECIDED:** That the Heads of Property Services and Corporate Governance be authorised to conclude lease renewals of the telecommunications installations at Maxwellton Court, Paisley, Provost Close, Johnstone and Craigendhill, Erskine, subject to the terms and conditions detailed within the body of the report.

## **DECLARATION OF INTEREST**

Councillor Audrey Doig, having declared a non-financial interest in the following item of business, remained in the meeting.

### **5 REQUEST FOR A NEW 9 YEAR LEASE FROM THE EXISTING TENANTS OF 10 WALKINSHAW STREET, JOHNSTONE**

There was submitted a report by the Director of Finance & Resources seeking authority to grant a new nine-year lease to the existing tenants of 10 Walkinshaw Street, Johnstone.

#### **DECIDED:**

(a) That the request for a nine-year lease from the existing tenants of the subject property be approved, subject to the terms and conditions detailed within the body of the report; and

(b) That the Head of Corporate Governance be authorised on behalf of the Council to conclude the lease with the existing tenants, subject to the terms and conditions detailed within the body of the report.

### **6 DEVELOPMENT & HOUSING SERVICES ANNUAL HEALTH & SAFETY REPORT**

There was submitted a report by the Director of Development & Housing Services relative to the annual Health & Safety report for Development & Housing Services for the period 2014/15, a copy of which was attached as Appendix 1 to the report. The Health & Safety Action Plan for 2015/16 was not available due to changes to Services and the new action plan would be reported separately.

#### **DECIDED:**

(a) That the report be noted; and

(b) That it be noted that the report was also being submitted to the Housing & Community Safety Policy Board.

## **SEDERUNT**

Councillor McGee entered the meeting during the consideration of the following item.

### **7 RENFREWSHIRE LOCAL DEVELOPMENT PLAN - DEVELOPMENT PLAN SCHEME**

There was submitted a report by the Director of Development & Housing Services relative to the Renfrewshire Development Plan Scheme.

The report intimated that the Planning etc (Scotland) Act 2006 required Local Authorities to prepare an annual Development Plan Scheme setting out the programme for preparing and reviewing their Local Development Plan (LDP) and a participation statement indicating when, how and with whom consultation on the plan would take place. The Renfrewshire LDP was adopted on 28 August, 2014 and work on the review of the LDP was underway as LDP2 was required to be adopted by 2019. The Development Plan Scheme 2015, a copy of which was appended to the report, outlined the timetable for the adoption of the next LDP.

Councillor Kelly, seconded by Councillor B Brown, moved that the Renfrewshire Development Plan Scheme and Participation Statement be approved.

Councillor Nicolson, seconded by Councillor McGurk, moved as an amendment that

in addition to the recommendations, that the Local Development Plan Participation Scheme be amended to include the formation of a LDP Working Group consisting of elected members on a cross party basis. This will foster a sense of ownership with elected members and the plan proposals.

It was proposed that the Head of Planning & Development discuss the formation of a LDP Working Group with members and draft a proposal for submission to a future meeting of the Board. This was agreed.

Having noted that the Head of Planning & Development had agreed to discuss the formation of a LDP Working Group with members and draft a proposal for submission to a future meeting of the Board, Councillors Nicolson and McGurk withdrew their amendment in terms of Standing Order 27.

**DECIDED:**

(a) That the Renfrewshire Development Plan Scheme and Participation Statement be approved; and

(b) That the Head of Planning & Development discuss the formation of a LDP Working Group with members and draft a proposal for submission to a future meeting of the Board.

## **8 REVIEW OF PLANNING ENFORCEMENT CHARTER**

There was submitted a report by the Director of Development & Housing Services relative to a review of the Planning Enforcement Charter which was approved in 2007 and required to be reviewed every two years with the last review having being undertaken in 2013. The Enforcement Charter outlined the authority's policies and procedures regarding taking enforcement action under planning legislation; explained how the public could report a breach of planning control to the authority; and explained the procedures for dealing with complaints raised in relation to land use planning issues. A copy of the Planning Enforcement Charter was appended to the report.

It was proposed that the Head of Planning & Development discuss with members the criteria for the information retained on the planning portal. This was agreed.

**DECIDED:**

(a) That the Planning Enforcement Charter, as appended to the report, be approved as Renfrewshire Council's Enforcement Charter, in terms of Section 158A of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006; and

(b) That the Head of Planning & Development discuss with members the criteria for the information retained on the planning portal.

**9 RENFREWSHIRE PLANNING PERFORMANCE FRAMEWORK 2014/15**

There was submitted a report by the Director of Development & Housing Services relative to the preparation and submission of the fourth Renfrewshire Planning Performance Framework to the Scottish Government.

The report intimated that, as the planning authority, the Council was obliged to produce an annual Planning Performance Framework for submission to the Scottish Government. A copy of the Renfrewshire Planning Performance Framework 2014/15 was appended to the report.

It was proposed that in future the Renfrewshire Planning Performance Framework be submitted to the Board for approval, prior to submission to the Scottish Government. This was agreed.

**DECIDED:**

(a) That the Renfrewshire Planning Performance Framework 2014/15 as set out in Appendix 1 to the report and submitted to the Scottish Government on the 31 July 2015 be noted; and

(b) That in future the Renfrewshire Planning Performance Framework be submitted to the Board for approval, prior to submission to the Scottish Government.

**10 RENFREW TOWN CENTRE SIMPLIFIED PLANNING ZONE**

There was submitted a report by the Director of Development & Housing Services seeking approval of the Renfrew Town Centre Simplified Planning Zone (SPZ) Scheme, a copy of which was appended to the report.

The report intimated that consultation and engagement on the Draft Renfrew Town Centre SPZ Scheme had been undertaken over a six-week period with a wide variety of stakeholders, which included Renfrew Community Council, Renfrew Development Trust, local businesses, local residents and key agencies. No objections were received during this time and no modifications or alterations to the Scheme were requested.

**DECIDED:**

(a) That the Renfrew Town Centre SPZ Scheme be approved; and

(b) That the Director of Development & Housing Services be authorised to conclude the necessary procedures to enable the formal adoption of the SPZ Scheme.

## 11 **ERSKINE TOWN CENTRE STRATEGY - CHARRETTE**

There was submitted a report by the Director of Development & Housing Services relative to a proposed application to the Scottish Government's "Charrette Mainstreaming Programme Fund".

The report intimated that the Scottish Government had recently promoted the "Charrette Mainstreaming Programme Fund" which sought to support communities to actively participate in the design and development of plans for the future of their areas. A key area of focus for the fund was the development of town centre action plans. It was proposed to submit an application to the Fund to support the consultation exercise which would inform the final Erskine Town Centre strategy. The representations received during the consultation exercise would be reported to a future meeting of the Board with the finalised strategy and action plan in early 2016.

### **DECIDED:**

(a) That the Director of Development & Housing Services be authorised to submit an application to the Scottish Government's "Charrette Mainstreaming Programme Fund" to support a consultation exercise to inform the Erskine Town Centre Strategy; and

(b) That it be noted that further reports would be submitted to the Board upon completion of the consultation process and prior to the approval of the final town centre strategy and action plan.

## 12 **REVIEW OF FEES FOR APPLICATIONS SUBMITTED UNDER THE HIGH HEDGES (SCOTLAND) ACT 2013**

There was submitted a report by the Director of Development & Housing Services relative to the operation of the statutory provisions of the High Hedges (Scotland) Act 2013 and proposed increase to the charges for such applications to align cost recovery more closely with costs actually incurred in processing applications for High Hedge Notices.

The report intimated that the Scottish Government had reviewed and increased charges for planning applications as of 1 November, 2014, which increased the minimum fee for a 'routine' planning application from £382 to £401. The level of resource input required to administer the provisions of the high hedge legislation was assessed to be at least equivalent to that required to deal with certain types of planning application and the requisite fee should be linked accordingly. It was proposed to increase the fee for a High Hedge Notice application to £401 and that in future this be linked to any increase in the statutory scale of fees for planning applications to ensure that it remained reflective of the costs incurred by the Council in dealing with such matters. When increases were made to the statutory fees for planning applications, the corresponding increase for high hedge applications would be reported to the Board for approval.

Councillor Kelly, seconded by Councillor B Brown, moved:

(a) That it be agreed that the cost charged to applicants for making a High Hedge Application be raised from £382 to £401, in order to better reflect the true costs involved; and

(b) That it be agreed that thereafter the fee should be increased in line with similar charges brought about through amendments to the Town & Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulation 2004 and subject to the increase being reported to and agreed by the Board.

Councillor Nicolson, seconded by Councillor McGurk, moved as an amendment that:

Delete all and replace with

"Board agrees that an excessive fee acts as a disincentive and presents a financial barrier to having access to a potential remedy. High and excessive charges in particular deter many on a fixed and low income. Board agrees that the fee be set to £134.20 which is the charge the Renfrewshire Council levies for Nuisance Abatement Work."

On the roll being called, the following members voted for the amendment: Councillors Audrey Doig, J McLaren, McGee, McGurk, Nicolson and Perrie.

The following members voted for the motion: Councillors B Brown, E Devine, Gilmour, Grady, Hood, Kelly, Murrin and M Sharkey.

6 members having voted for the amendment and 8 members having voted for the motion, the motion was accordingly declared carried.

**DECIDED:**

(a) That it be agreed that the cost charged to applicants for making a High Hedge Application be raised from £382 to £401, in order to better reflect the true costs involved; and

(b) That it be agreed that thereafter the fee should be increased in line with similar charges brought about through amendments to the Town & Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulation 2004 and subject to the increase being reported to and agreed by the Board.

**13 UPDATE ON STATUTORY APPEALS & JUDICIAL REVIEW - RENFREWSHIRE LOCAL DEVELOPMENT PLAN AND BRAEHEAD PLANNING APPLICATION**

There was submitted an update report by the Director of Development & Housing Services relative to the statutory appeals lodged with the Court of Session challenging the validity of the Adopted Renfrewshire Local Development Plan (LDP) and the outcome of the Judicial Review of the planning consent granted for Braehead.

The report intimated that the appeal by Retail Property Holdings Limited (RPHL) relative to Braehead's Town Centre status in the LDP was heard in the Court of Session from 23 to 25 June, 2015. The appeal was allowed and the sections in the LDP that referred to Braehead as a Town Centre had been quashed by the Court and as a consequence certain parts of the LDP had been deleted from the Plan. Under current Planning legislation an Adopted LDP cannot be amended by a Council in light of the Court's ruling, therefore the LDP was partially quashed and would remain in that format until a fresh LDP could be brought forward in accordance with the legislation. The written reasons for the Court's decision were still awaited. A copy of the Court's order was attached as Appendix 1 to the report and details of the effect of the Court's ruling on the Adopted LDP were attached as Appendix 2 to the report. The appeal by Mr Stuart McGregor relative to the needs of Gypsies and Travellers in the LDP was currently temporarily sisted and dates for a full hearing of this appeal had not yet been fixed.

A petition by RPHL for a Judicial Review of the Council's decision to grant planning permission in principle for the development at Braehead (planning application 13/0049/PP) had also been lodged in the Court of Session. Following the judgement by the Court upon the Braehead Town Centre status and advice from Senior Counsel, it was considered unadvisable to proceed to defend the petition for Judicial Review of Braehead's planning consent. The petitions for Judicial Review were unopposed by both the Council and Intu Properties PLC and no expenses were due to or by the Council in relation to conceding the petition. The effect of conceding the petition for Judicial Review was that the approved planning consent no longer stood and the planning application required to be determined afresh.

**DECIDED:**

(a) That the update in relation to the Statutory Appeals and Judicial Review submitted to the Court of Session be noted; and

(b) That the effect of the ruling of the Court of Session on the Adopted Renfrewshire Local Development Plan and the consent issued in relation to application 13/0049/PP be noted.

**14 RECOVERY OF FEES FOR THE ADVERTISEMENT OF PLANNING APPLICATIONS**

There was submitted a report by the Director of Development & Housing Services seeking approval to increase the cost charged to applicants for advertising planning applications from £125 to £160, to align cost recovery more closely with the actual costs incurred.

**DECIDED:** That it be agreed that the cost charged to applicants for the purposes of advertising planning applications be raised from £125 to £160 in order to better reflect the true costs involved and reduce the shortfall currently being absorbed by the Council.

## 15 **PLANNING AND RELATED APPEAL DECISIONS**

There was submitted a report by the Director of Development & Housing Services relative to the outcome of planning and related appeals which had been submitted to the Scottish Government's Directorate of Planning & Environmental Appeals between 1 August, 2014 and 1 August, 2015.

**DECIDED:** That the outcome of the appeals, as detailed within the report, be noted.

## 16 **PROPOSAL OF APPLICATION NOTICES**

There was submitted a report by the Director of Development & Housing Services relative to proposal of application notices.

**DECIDED:** That the key issues identified to date be noted.

## 17 **PLANNING APPLICATIONS**

There was submitted a report by the Director of Development & Housing Services relative to applications for planning permission that required to be determined by the Board.

### **DECLARATION OF INTEREST**

Councillor B Brown, having previously declared a non-financial interest in the following items of business left the meeting and took no part in the discussion thereof.

**(a) 14/0831/PP – WARD 10: PLANNING PERMISSION – FULL: ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING 43 DWELLINGHOUSES WITH ASSOCIATED INFRASTRUCTURE, OPEN SPACE AND LANDSCAPING: SITE ON NORTHERN BOUNDARY OF SHILLINGWORTH STEADINGS, KILGRASTON ROAD, BRIDGE OF WEIR – PERSIMMON HOMES**

### **ADJOURNMENT**

The meeting adjourned at 3.50 pm and reconvened at 3.55 pm.

Councillor Kelly, seconded by Councillor Grady, moved that the application be granted, subject to the conditions and reasons detailed in the report.

Councillor J MacLaren, seconded by Councillor Audrey Doig moved as an amendment, that the application be refused.

On the roll being called, the following members voted for the amendment: Councillors Audrey Doig, J MacLaren, McGee, McGurk, Nicolson and Perrie.

The following members voted for the motion: Councillors E Devine, Gilmour, Grady, Hood, Kelly, Murrin and M Sharkey.

6 members having voted for the amendment and 7 members having voted for the motion, the motion was accordingly declared carried.

**DECIDED:** That the application be granted subject to the conditions and reasons contained in the report.

**(b) 15/0045/LB – WARD 3: LISTED BUILDING CONSENT: DEMOLITION OF BLACKHALL HOUSE INCLUDING TOWER, ANCHOR HOUSE AND HAMILTON HOUSE: LAND AT BLACKHALL LANE, BLACKHALL STREET, PAISLEY – VINEMEADOW LTD**

Councillor Kelly, seconded by Councillor Murrin, moved that the listed building consent be granted, subject to the conditions and reasons detailed in the report.

Councillor J MacLaren, seconded by Councillor Audrey Doig moved as an amendment, that the application be refused for the following reason:

"1. The demolition of the listed buildings would be contrary to Scottish Historic Environment Policy and Policy ENV3 and the Built Heritage Supplementary Guidance of the adopted Renfrewshire Local Development Plan. The buildings are of architectural and historic interest; the buildings are not incapable of repair; the demolition is not essential to delivering benefits to economic growth or the wider community; and it has not been demonstrated that the repair of the buildings is not economically viable. Their demolition would therefore be detrimental to the architectural and historic interest of the buildings and to Paisley's heritage."

On the roll being called, the following members voted for the amendment: Councillors Audrey Doig, Gilmour, Hood, J MacLaren, McGee, McGurk, Nicolson, Perrie and M Sharkey.

The following members voted for the motion: Councillors E Devine, Grady, Kelly and Murrin.

9 members having voted for the amendment and 4 members having voted for the motion, the amendment was accordingly declared carried.

**DECIDED:** That the application be refused subject to the following reason:

1. The demolition of the listed buildings would be contrary to Scottish Historic Environment Policy and Policy ENV3 and the Built Heritage Supplementary Guidance of the adopted Renfrewshire Local Development Plan. The buildings are of architectural and historic interest; the buildings are not incapable of repair; the demolition is not essential to delivering benefits to economic growth or the wider community; and it has not been demonstrated that the repair of the buildings is not economically viable. Their demolition would therefore be detrimental to the architectural and historic interest of the buildings and to Paisley's heritage.

**(c) 15/0047/PP – WARD 3: PLANNING PERMISSION IN PRINCIPLE: DEMOLITION OF INDUSTRIAL BUILDINGS AND ERECTION OF RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS ROADS, PARKING AND LANDSCAPING (IN PRINCIPLE): LAND AT BLACKHALL LANE, BLACKHALL STREET, PAISLEY – VINEMEADOW LTD**

The Convener proposed that in view of the refusal of listed building consent under application 15/0045/LB that this application be continued to allow the applicants the opportunity to withdraw the application or to otherwise proceed to determination following discussion with the Director of Development & Housing Services and that the Director of Development & Housing Services submit a supplementary report to the next meeting of this Policy Board. This was agreed.

**DECIDED:** That the application be continued to allow the applicants the opportunity to withdraw the application or to otherwise proceed to determination following discussion with the Director of Development & Housing Services and that the Director of Development & Housing Services submit a supplementary report to the next meeting of this Policy Board.

**(d) 15/0044/PP – WARD 3: PLANNING PERMISSION IN PRINCIPLE: DEMOLITION OF INDUSTRIAL BUILDINGS AND ERECTION OF RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS ROADS, PARKING AND LANDSCAPING (IN PRINCIPLE): LAND AT BLACKHALL LANE, BLACKHALL STREET, PAISLEY – VINEMEADOW LTD**

The Convener proposed that in view of the refusal of listed building consent under application 15/0045/LB that this application be continued to allow the applicants the opportunity to withdraw the application or to otherwise proceed to determination following discussion with the Director of Development & Housing Services and that the Director of Development & Housing Services submit a supplementary report to the next meeting of this Policy Board. This was agreed.

**DECIDED:** That the application be continued to allow the applicants the opportunity to withdraw the application or to otherwise proceed to determination following discussion with the Director of Development & Housing Services and that the Director of Development & Housing Services submit a supplementary report to the next meeting of this Policy Board.

**SEDERUNT**

Councillor B Brown returned to the meeting prior to consideration of the following item.

**(e) 15/0182/PP – WARD 11: PLANNING PERMISSION – FULL: ERECTION OF OFFICE ACCOMMODATION (CLASS 4): 6A NEWMAINS AVENUE, INCHINNAN, RENFREW, PA4 9RR – WRC RECYCLING**

**DECIDED:** That the application be granted subject to the conditions and reasons contained in the report.

**(f) 15/0294/PP – WARD 11: PLANNING PERMISSION – FULL: RE-CLADDING OF BUILDING: 6 NEWMAINS AVENUE, INCHINNAN, RENFREW, PA4 9RR – WRC RECYCLING**

**DECIDED:** That the application be granted subject to the conditions and reasons contained in the report.

**(g) 15/0339/PP – WARD 11: PLANNING PERMISSION – FULL: TEMPORARY SITING OF WEIGHBRIDGE AND PORTABLE OFFICE BUILDING: 6 NEWMAINS AVENUE, INCHINNAN, RENFREW, PA4 9RR – WRC RECYCLING**

**DECIDED:** That the application be granted subject to the conditions and reasons contained in the report.

**(h) 02/0660/PP – WARD 1: PLANNING PERMISSION IN OUTLINE: ERECTION OF RESIDENTIAL DEVELOPMENT WITH ANCILLARY RETAIL AND RESTAURANTS – SUPPLEMENTARY REPORT: KING’S INCH ROAD/FERRY ROAD/MEADOWSIDE STREET/NEIL STREET, RENFREW – PARK LANE DEVELOPMENTS/CLYDEPORT PLC**

**DECIDED:** That the amended terms of the Section 69 Agreement be approved and the agreement be discharged.

**EXCLUSION OF PRESS AND PUBLIC**

The Board resolved to exclude the press and public from the meeting during consideration of the following items of business as it was likely, in view of the nature of the business to be transacted, that if members of the press and public were present, there could be disclosure to them of exempt information as defined in paragraph 6 of Part I of Schedule 7A of the Local Government (Scotland) Act, 1973.

**DECLARATION OF INTEREST**

Councillor McGee declared a non-financial interest in the following item. However, as he considered the interest to be insignificant in terms of the Councillors’ Code of Conduct, he did not consider it necessary to leave the meeting.

**18 FORMER REGISTRY OFFICE 16-18 MACDOWALL STREET JOHNSTONE**

This item is exempt,

**19 FORMER ST CUTHBERT'S HIGH SCHOOL SITE, HALHILL ROAD, JOHNSTONE**

This item is exempt,

**20 ARNOTTS PAISLEY - SUBLEASE**

This item is exempt,

