

## **STIRLING COUNCIL**

**MINUTES of MEETING of the LOCAL REVIEW BODY held as a Virtual Meeting by MICROSOFT TEAMS on TUESDAY 11 AUGUST 2020 at 2.00 pm.**

### **Present**

Councillor Douglas DODDS (in the Chair from Item LR135)  
Councillor Neil BENNY  
Councillor Alastair MAJURY

### **In Attendance**

Ewan Grant, Legal Adviser  
Mark Laird, Planning Adviser  
Sheila McLean, Governance Officer (Clerk)

### **Also Present**

David Love, Development Management Team Leader

### **LR133 APOLOGIES**

There were no apologies or substitutions.

### **LR134 APPOINTMENT OF CHAIR**

It was unanimously agreed to appoint Councillor Douglas Dodds as Chair.

### **LR135 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **LR136 APPLICATION FOR REVIEW**

**ERECTION OF DWELLING HOUSE AND GARAGE  
LAND ADJACENT AND NORTH OF CARSEDYKE, SOMMERS LANE,  
OCHTERTYRE, BLAIRDRUMMOND – R DUFF  
APPLICATION NO: 19/00728/PPP**

Members considered a Notice of Review submitted by the Applicant's Agent, seeking a review of the decision by the Appointed Officer of the Council to refuse planning permission for the erection of a dwellinghouse and garage at land adjacent and north of Carsedyke, Sommers Lane, Ochertyre, Blairdrummond.

The Planning Adviser described the proposal, the reasons for the Appointed Officer's decision and the grounds for the Notice of Review, and answered a number of questions from Members. He provided a visual presentation which included location details and photographs of the site.

Members were advised that, since the officer decision had been taken, the Council had formally adopted Supplementary Guidance Housing in the Countryside (May 2020), against which the application should be assessed. The Planning Adviser highlighted matters of particular relevance in relation to building groups and clusters, and infill developments.

In terms of Standing Order 63, Councillor Majury, having moved to approve the application but failing to find a seconder, requested that his dissent be recorded.

### **Decision**

The Local Review Body agreed:-

1. that there was sufficient information before it to decide the matter without further procedure;
2. that, having considered the Notice of Review and other supporting documents submitted by the Applicant and the other papers submitted by the Planning Authority, and having regard to the whole circumstances, to refuse the review, for the following reason:-

The proposed single storey house and garage fails to satisfy the requirements of Policy 2.10 Housing in the Countryside and Supplementary Guidance Housing in the Countryside (May 2020);

3. to remit to the Planning Adviser and Legal Adviser to prepare and issue the Decision Notice.

### **LR137 APPLICATION FOR REVIEW**

#### **NON-DETERMINATION OF APPLICATION**

#### **PROPOSED RENOVATION OF EXISTING BARN TO FORM NEW DWELLING HOUSE AND BUILDING ADJACENT TO SOUTH EAST OF OLD MILL FARM, DRIP ROAD EAST, STIRLING – ROY SMITH**

#### **APPLICATION NO: 19/00880/FUL**

Members considered a Notice of Review submitted by the Applicant's agent on the basis of non-determination of an application for the proposed renovation of an existing barn to form a new dwelling house and building adjacent to the south east of Old Mill Farm, Drip Road East, Stirling.

The Planning Adviser described the proposal, the grounds for the Notice of Review, and answered a number of questions from Members. He advised that the application was a deemed refusal.

Members were advised that the Council had formally adopted Supplementary Guidance Housing in the Countryside (May 2020), against which the application should be assessed.

Members were further advised of additional consultation responses from the Council's Flooding Officer, who had objected to the application, and from the Council's Archaeologist, who had requested that survey works be carried out in the event of the application being approved.

It was noted that, as SEPA had submitted an objection, if the Local Review Body was minded to grant planning permission contrary to the advice of SEPA (a Government Agency), the application would require to be referred to the Scottish Ministers (under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009).

The Planning Adviser provided a visual presentation which included location details and photographs of the site.

### **Decision**

The Local Review Body agreed:-

1. that there was sufficient information before it to decide the matter without further procedure;
2. that, having considered the Notice of Review and other supporting documents submitted by the Applicant and the other papers submitted by the Planning Authority, and having regard to the whole circumstances, to refuse the review, for the following reasons:-
  - The existing barn building is located within the 0.5% AP (1:200) flood extent of the Scottish Environment Protection Agency (SEPA) Flood Map.
  - The proposed development is contrary to relevant provisions of Primary Policy 5: Flood Risk Management of the Stirling Local Development Plan, in particular sub-section b) Development should be avoided in locations at medium to high flood risk and sub-section c) (iv) Shall not increase the risk of flooding elsewhere. The proposed development is also contrary to relevant advice and guidance from SEPA. Stirling Council Flood Team has also objected to the proposal on flood risk management grounds.
  - Whilst the development has been subject to appropriate Flood Risk Assessments, SEPA object in principle to any planning application for development or redevelopment resulting in an increase in vulnerability at this location, whether or not it is linked to compensatory storage. Whilst compensatory storage is proposed it is unlikely to ever fully mimic the natural storage and conveyance capacity of the floodplain and as such should not be used as mitigation in circumstances other than that truly considered exceptional;
3. to remit to the Planning Adviser and Legal Adviser to prepare and issue the Decision Notice.

## **LR138 APPLICATION FOR REVIEW**

### **SINGLE STOREY EXTENSION TO FRONT TO PROVIDE ENLARGED LIVING AREA AND SPACE FOR HOME WORKING – 28 STEVENSON STREET, GARGUNNOCK - MR & MRS D & N PINE & VAN ROOIJEN APPLICATION NO: 20/00072/FUL**

Members considered a Notice of Review submitted by the Applicants' Agent, seeking a review of the decision by the Appointed Officer of the Council to refuse planning permission for a single storey extension to the front to provide an enlarged living area and space for home working at 28 Stevenson Street Gargunnoch.

The Planning Adviser described the proposal, the reasons for the Appointed Officer's decision and the grounds for the Notice of Review, and answered a number of questions from Members. He provided a visual presentation which included location details and photographs of the site.

In response to questions, the Planning Adviser provided clarity on the 45 degree daylight test derived from the Building Research Establishment guidelines and confirmed that the application did not breach this test.

Members agreed that the draft condition proposed by the Case Officer was not appropriate and should be disregarded.

#### **Decision**

The Local Review Body agreed:-

1. that there was sufficient information before it to decide the matter without further procedure;
2. that, having considered the Notice of Review and other supporting documents submitted by the Applicant and the other papers submitted by the Planning Authority and having regard to the whole circumstances, to allow the Review, without conditions, for the following reasons:-
  - 1 In the opinion of the Planning Authority, the proposal complies with Policy 1.1 of the Local Development Plan, since the proposed extension would not have a detrimental impact on the streetscape;
  - 2 In the opinion of the Planning Authority, the proposal complies with Policy 2.12 of the Local Development Plan, since the scale and size is subordinate and sympathetic to the existing dwellinghouse.
3. to remit to the Planning Adviser and Legal Adviser to prepare and issue the Decision Notice.

## **LR139 APPLICATION FOR REVIEW**

### **ERECTION OF 2 NEW DWELLING HOUSES WITH CREATION OF HABITAT CONSERVATION AND MANAGEMENT AREA – LAND ADJACENT AND SOUTH OF MARYHILL COTTAGE, REDGATE HILL, CAULDHAME, KIPPEN – REDGATE ASSOCIATES/BEATON – APPLICATION NO. 19/00843/FUL**

Members considered a Notice of Review submitted by the Applicant's Agent, seeking a review of the decision by the Appointed Officer of the Council to refuse planning permission for the erection of two new dwellinghouses with the creation of habitat conservation and management area at land adjacent and south of Maryhill Cottage, Redgate Hill, Cauldhame, Kippen.

The Planning Adviser described the proposal, the reasons for the Appointed Officer's decision and the grounds for the Notice of Review, and answered a number of questions from Members. He provided a visual presentation which included location details and photographs of the site.

Members were advised that, since the officer decision had been taken, the Council had formally adopted Supplementary Guidance Housing in the Countryside (May 2020), against which the application should be assessed.

#### **Decision**

The Local Review Body agreed:-

1. that there was sufficient information before it to decide the matter without further procedure;
2. that, having considered the Notice of Review and other supporting documents submitted by the Applicant and the other papers submitted by the Planning Authority, and having regard to the whole circumstances, to refuse the review, for the following reasons:-
  - 1 In the opinion of the Planning Authority, the application is considered to be contrary to Policy 2.10 of the Adopted Stirling Council Local Development Plan October 2018 and associated material planning consideration Draft Supplementary Guidance 10, as the application has not demonstrated that the proposed residential development accords with any of the circumstances described in this policy and the draft supplementary guidance for supporting housing in the countryside. There is no grouping or infill at this site and the site is not considered to be "Brownfield", as there are no former buildings on the site and it is not significantly degraded. Nor is there a operational justified need for the houses to be erected at this location.
  - 2 In the opinion of the Planning Authority, the proposal is contrary to Policy 2.10 of the Adopted Stirling Council Local Plan October 2018 and material consideration Draft Supplementary Guidance 10 (in particular the design guide part), as the proposed housing will look visually dominant sitting above the village of Kippen. The two houses have not been sympathetically designed to minimise visual impact. Instead the housing will be visually prominent and the engineering operations required to form the access roads, level areas for the construction and the parking will be harmful to the local landscape setting.

- 3 In the opinion of the Planning Authority the proposed development is contrary to Policy 9.1 of the Adopted Stirling Council Local Development Plan October 2018 part (b)(i), as the proposals will not result in the enhancement of the Local Landscape Area. Instead the proposed housing will be visually intrusive and the engineering operations required to form the access roads, level areas for the construction and the parking will be harmful to the local landscape setting.
  - 4 In the opinion of the Planning Authority the proposed development is contrary to Policy 8.1 of the Adopted Stirling Council Local Development Plan October 2018 part (a) as the proposals will not result in the preservation or enhancement of the biodiversity value of this site. The erection of two houses will have a direct impact upon biodiversity where the houses are to be built reducing the value of the area and reducing the necessary buffer area.
  - 5 In the opinion of the Planning Authority the erection of two houses on this site is contrary to Primary Policy Five part (e) of the Adopted Local Development Plan Oct 2018, as the proposals have failed to clearly demonstrate that the erection of two houses on this site will contribute to a reduction in flood risk to the neighbouring properties.
  - 6 In the opinion of the Planning Authority the proposals have not been designed in the best interests of pedestrian and road safety, as they have failed to consider how the vehicular access and pedestrian access conflict will be mitigated over the initial section of core path/access track which will remain unchanged as part of the proposals.
3. to remit to the Planning Adviser and Legal Adviser to prepare and issue the Decision Notice.

The Chair declared the Meeting closed at 3.20 pm