

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on TUESDAY 29 JANUARY 2019 at 10.00 am

Present

Councillor Alasdair MACPHERSON (in the Chair)

Councillor Maureen BENNISON
Councillor Neil BENNY
Councillor Alistair BERRILL
Councillor Douglas DODDS

Councillor Graham HOUSTON
Councillor Graham LAMBIE
Councillor Jeremy MCDONALD

In Attendance

Christina Cox, Service Manager, Planning & Building Standards
Jay Dawson, Planning Team Leader – Development Management
Peter McKechnie, Planning Officer
Robert Plewes, Public Transport Team Leader
Michelle MacDonald, Governance Officer (Clerk)
Mary Love, Committee Officer (Minute)

PL196 APOLOGIES AND SUBSTITUTIONS

Apologies were received on behalf of Councillor Chris Kane. Councillor Danny Gibson attended as substitute for Councillor Kane.

PL197 DECLARATIONS OF INTEREST

There were no declarations of interest.

PL198 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL199 MINUTES – PLANNING & REGULATION PANEL – 4 DECEMBER 2018

The Minutes of the Planning & Regulation Panel held on 4 December 2018 were submitted for approval.

Decision

The Minutes of Meeting of the Planning & Regulation Panel held on 4 December 2018 were approved as a correct record of proceedings.

PL200 AGENDA

The Chair intimated his intention to alter the order of the Agenda. The items were taken in the order minuted below.

PL201 CHANGE OF USE OF AGRICULTURAL LAND TO USE FOR DOG WALKING WITHIN A 1.5 METRE HIGH FENCED COMPOUND AND ERECTION OF BUILDING TO BE USED AS AN INDOOR SHELTER FOR DOGS AT LAND 115M EAST OF KILLEAN, DUNBLANE – THE HAPPY HOUND PLAYGROUND LTD – 18/00699/FUL - HEARING

Full planning permission was sought for the change of use of Agricultural Land to dog walking/activity area, together with formation of a 1.5 metre high fenced enclosure and erection of timber dog shelter.

The application had been referred to Planning & Regulation Panel under the Scheme of Delegation, having received 17 objections, including an objection from Dunblane Community Council. In addition, a Hearing took place, as this was requested by one of the objectors, in accordance with the current Scheme of Delegation.

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 Chair outlined the Hearing process to the representatives speaking at the meeting.

The Development Management Team Leader introduced the report, which provided details of (a) the site; (b) the proposal; and (c) representations and responded to questions from the Panel.

The Chair thanked the Development Management Team Leader for introducing the report.

Applicant

Paul Houghton, agent for the applicant, presented the case in support of the application. The applicant, Iona Coey, was also in attendance.

Mr Houghton outlined the location of the proposed site where the business would be operating from and provided an example of a typical day at the service. It was noted that the applicant's parents owned the land detailed in the application and that the operation of the business would be for weekday only use. Mr Houghton highlighted that the service was not to be confused with dog day care, and would be ran as a luxury dog walking service, where a maximum group of 8 dogs would be at the site for a maximum of 4 hours each day and taken for a walk for around 2 hours, thus being in the applicant's care for 6 hours. The level of activity would fall within the time limitations recommended by Environmental Health. The applicant would be operating using a No Bark Policy which was described as a modern industry standard and was used by other dog day care facilities throughout Scotland.

Objector

Mr Hugh Durnan spoke against the application on behalf of residents from Kinbuck. He noted that there were concerns regarding the proximity of the business to the residents' houses in Kinbuck village and concerns around noise levels due to barking.

Concern was also raised regarding the maximum amount of dogs permitted on the site, due to no restrictions being in place. Mr Durnan stated that he and residents of the village were not anti-dog but that the reasons stated above were of concern.

The Chair thanked Mr Durnan for his representation.

Local Member

Councillor Alasdair Tollemache spoke against the application and highlighted that he was not anti-dog and wished the applicant every success. He opposed the application for the following reasons:-

- It was the wrong location as it was too close to a residential area
- The applicant said there would be a restriction to 8 dogs, however, the number of dogs could not be controlled
- The only control was on opening hours
- There had not been a proper environmental health report undertaken
- The residents had the right to live in peace
- This set a precedent for other areas
- There was confusion on what activities were taking place on the site
- This development could trigger off much wider development

Councillor Tollemache also requested that a site visit take place.

The Chair thanked Councillor Tollemache for his representation and in accordance with Standing Order 110(j) Councillor Tollemache retired from the meeting.

Mr Houghton, Ms Coey, Mr Durnan and the Development Management Team Leader went on to respond to further questions from Members. It was noted that an acoustic report had not been undertaken and Environmental Health advised that any commercial activities which were audible outside the site boundary would be undertaken during normal working hours (08.00 to 18.00 hours Monday to Friday and 09:00 to 13.00 on Saturdays) with no noisy activities being permitted on Sundays or bank holidays.

Discussion took place around the maximum amount of dogs permitted on the premises at any one time and the applicant acknowledged that she was happy for an additional condition to be added to the application to restrict the maximum number of dogs that could be accommodated on site at any one time to 8. The applicant's van, which would be used for transporting the dogs, held a maximum of 6 dogs and if an additional two dogs were present, she would require assistance. It was also noted that the indoor area for the dogs did not have any toilet facilities and the applicant would be running the business on her own.

Motion

Councillor Dodds, having moved that a site visit be undertaken, but having failed to find a seconder, requested that his dissent be recorded.

“That the Panel agrees to approve the Application for the reasons set out in paragraphs 1 (1.1), (1.2), (1.3) and 2 of the submitted report and the additional condition to restrict the number of dogs which can be accommodated on the site.”

Moved by Councillor Benny, seconded by Councillor Bennison.

Amendment

“That the Panel agrees to refuse the application due to concerns over potential for interference upon the amenity of neighbouring properties within the village and that no acoustic report was carried out by Environmental Health.”

Moved by Councillor Houston, seconded by Councillor Dodds.

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

For the Amendment (3)	Councillor Douglas Dodds Councillor Danny GIBSON Councillor Graham HOUSTON
Against the Amendment (6)	Councillor Maureen BENNISON Councillor Neil BENNY Councillor Alistair BERRILL Councillor Graham LAMBIE Councillor Alasdair MACPHERSON Councillor Jeremy MCDONALD

The Amendment fell by 6 votes to 3.

For the Motion (6)	Councillor Maureen BENNISON Councillor Neil BENNY Councillor Alistair BERRILL Councillor Graham LAMBIE Councillor Alasdair MACPHERSON Councillor Jeremy MCDONALD
Against the Motion (3)	Councillor Douglas Dodds Councillor Danny GIBSON Councillor Graham HOUSTON

Decision

The Motion was carried by 6 votes to 3 and accordingly the Panel agreed to:

1. approve the application for the following reasons:
 - 1.1 The proposed change of use from Agricultural Land to dog walking (Sui Generis) was considered to be an appropriate use within this countryside setting.
 - 1.2 With regards to Policy 1.1, the design of the proposed building and fencing is appropriate to the wider surroundings in terms of appearance, position, height, scale, massing and uses materials, finishes and colours sympathetic to the Countryside setting.
 - 1.3 The proposal was considered to not impact upon the amenity of the neighbouring properties and local village in terms of noise, as confirmed through consultation with Environmental Health; and
2. grant approval subject to the condition outlined in Appendix 1 to the report and an additional condition to restrict the number of dogs which can be accommodated on the site.

(Reference: Report by the Senior Manager - Infrastructure, dated 18 January 2019, submitted).

PL202 ERECTION OF 185 DWELLING HOUSES, FORMATION OF NEW VEHICULAR ACCESS, ROADS, SUDS, OPEN SPACE AND OTHER ASSOCIATED ENGINEERING OPERATIONS AT LAND ADJACENT TO NORTH OF NEWPARK FARMHOUSE, COXITHILL ROAD, ST NINIANS, STIRLING - OGILVIE HOMES LTD - 15/00669/FUL

The application was for one hundred and eighty five dwelling houses and associated infrastructure on land allocated (within The Stirling Council Local Development Plan October 2018) for housing at Newpark Farm, St Ninians, Stirling.

A report was presented to the Planning & Regulation Panel at its meeting on 13 April 2017, when Members resolved to grant full planning permission subject to a Section 75 Legal Agreement. This Agreement was to include appropriate financial contributions for education purposes.

The report was brought before the Panel to seek the Panel's agreement to a reduction in the financial contribution required for education purposes, following the receipt of a revised education consultation response. This highlighted that the proposed housing development no longer needed to contribute towards the upgrade of the local secondary school.

The Planning Officer introduced the report which provided details of (a) considerations (b) developer contributions and (c) draft Supplementary Guidance and responded to questions from the Panel.

Discussion took place around NHS contribution and it was noted that in this case, the Local Development Plan did not require NHS provision in this locality, as the existing facility care village provided for needs within this locality.

Concerns were raised from the Panel around calculations provided by the Education Service which were not approved by Stirling Council. There was no representation from the Education Service at today's meeting in order to provide clarity. The Supplementary Guidance was in draft format at this time, however, it was noted that it was scheduled to be presented to the Environment & Housing Committee on 7 February 2019 for consideration. The Panel noted concern around the legal risk implications regarding the Section 75 Legal Agreement, should the application be approved today.

The Panel then went on to consider the options available to them.

Decision

The Panel agreed to defer consideration of the application to allow for the draft Supplementary Guidance on Developer Contributions from New Development to be considered at the Environment & Housing Committee on 7 February 2019 and, in the event this paper is not approved, a report to be presented for consideration at a future Planning & Regulation Panel Meeting, to include details of all legal implications to Stirling Council around the Section 75 Legal Agreement and contain relevant content to support how the reduced costings for the financial contribution from the Education Service were achieved.

(Reference: Report by the Senior Manager - Infrastructure, dated 16 January 2019, submitted).

PL203 ERECTION OF 11NO. CLASS 4 INDUSTRIAL UNITS ON EXISTING INDUSTRIAL USE SITE AT LAND AT FORMER CEMEX SITE, STATION WYND, DOUNE – RTA PLANT HIRE – 18/00687/FUL

Full planning permission was sought for the erection of eleven Class 4 industrial units and associated infrastructure on an existing industrial use site at the former Cemex Site, Station Wynd, Doune. This planning application was brought to the Planning and Regulation Panel, as it received more than five objections and the recommendation was one of approval.

The planning application was being determined under the planning procedures approved by Council and which became effective as at 12 June 2018.

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 Officer introduced the report and highlighted to the Panel that a condition around the hours of operation of the business had not been included within the Conditions and Reasons attached as an appendix to the report, however, a restriction could be applied if required.

Discussion took place around the types of business likely to occupy the units and the Planning Officer confirmed that there were no designated uses for the units as yet.

Decision

The Panel agreed to approve the application subject to conditions set out at Appendix 1 of the report.

(Reference: Report by the Senior Manager - Infrastructure, dated 18 January 2019, submitted).

In accordance with Standing Order 42, the Panel adjourned at 11.30 am for a comfort break.

The meeting reconvened at 11.35 am, with the same Members present.

The Committee resolved under Section 50A (4) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting for the following items of business on the grounds they involved the disclosure of exempt information as defined in Paragraphs 6 and 13, of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

PL204 DISABLED PERSON'S PARKING BADGE (BLUE BADGE) APPEAL

On 15 August 2018 a Blue Badge application was received from the applicant. After attending an Independent Mobility Assessment the application was unsuccessful and a letter was sent to the applicant on 2 October 2018 advising him of this decision.

On 8 December 2018 a letter was received from the applicant asking for this decision to be reconsidered and the Planning & Regulation Panel was requested to consider this appeal.

The Public Transport Team Leader introduced the report and responded to questions from the Panel around the assessment used within the decision making process. It was noted that a letter of support had been received from the applicant's GP along with the appeal letter. The applicant was not in attendance at today's meeting.

The Panel then went on to discuss the appeal.

Motion

Councillor Bennison, having moved to grant the award of a Blue Badge to the applicant, but having failed to find a seconder, requested that her dissent be recorded.

Decision

The Panel agreed to uphold the decision not to award a Blue Badge to the applicant at this time, based on the information submitted by the applicant and the subsequent Independent Mobility Assessment of the application carried out by a Senior Occupational Therapist in accordance with the national scheme.

(Reference: Report by Senior Manager - Infrastructure, dated 13 December 2018, submitted).

PL205 DISABLED PERSON'S PARKING BADGE (BLUE BADGE) APPEAL

On 29 October 2018 a Blue Badge application was received from the applicant. After attending an Independent Mobility Assessment the application was unsuccessful and a letter was sent to the applicant on 4 December 2018 advising him of this decision.

On 15 December 2018 a letter was received from the applicant asking for this decision to be reconsidered and the Planning & Regulation Panel was requested to consider this appeal.

The Public Transport Team Leader introduced the report and responded to questions from the Panel. The applicant was not in attendance at today's meeting.

Decision

The Panel agreed to uphold the decision not to award a Blue Badge to the applicant at this time, based on the information submitted by the applicant and the subsequent Independent Mobility Assessment of the application carried out by a Senior Occupational Therapist in accordance with the national scheme.

(Reference: Report by Senior Manager - Infrastructure, dated 21 December 2018, submitted).

The Chair declared the Meeting closed at 1.45 am.

