

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING ON TUESDAY 30 APRIL 2019 at 10.00am

Present

Councillor Alasdair MacPHERSON (in the Chair)

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

Councillor Graham HOUSTON
Councillor Chris KANE
Councillor Graham LAMBIE
Councillor Jeremy MCDONALD

In Attendance

Christina Cox, Service Manager, Planning & Buildings Standards
Helena Dewar, Environmental Health Officer, Economy, Planning & Regulation
Jay Dawson, Planning Team Leader – Development Management
Mary Love, Committee Officer - Governance
Tony Mason, Lead Solicitor – Clerk
Lorraine MacGillivray, Service Manager, Economy, Planning & Regulation
Peter McKechnie, Planning Officer
Michael Mulgrew, Graduate Planning Officer
Neil Pirie, Senior Development Control Officer
Laura Deigman, Media

PL223 APOLOGIES AND SUBSTITUTIONS

There were no apologies or substitutions given.

PL224 DECLARATIONS OF INTEREST

There were no declarations of interest

PL225 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL226 MINUTES PLANNING & REGULATION PANEL – 26 MARCH 2019

The Minutes of the Planning & Regulation Panel held on 26 March 2019 were submitted for approval.

Decision

The Minutes of the Planning & Regulation Panel held on 26 March 2019 were approved as an accurate record of proceedings.

PL227 ERECTION OF DETACHED 2-STOREY DWELLING HOUSE AND SINGLE GARAGE, INCLUDING LANDSCAPING, DRIVEWAY AND DRAINAGE ON LAND 55 METRES SOUTH EAST OF BLAWLOWAN, LOGIE LANE, BRIDGE OF ALLAN – MR ANDREW DIMMER – 18/00801/FUL

Full planning permission was sought for the erection of a two-storey dwelling house and single storey garage, including associated landscaping, driveway and drainage at land fifty-five metres south east of a category B listed dwelling, named Blawlowan, Logie Lane, Bridge of Allan. This planning application had been brought to the Planning and Regulation Panel under the Scheme of Delegation, having received more than five objections and the recommendation being one of approval.

The planning application was being determined under the planning procedures approved by Council and which became effective as at 12 of 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 responded to questions from the Panel. It was noted that contrary to the details in the report, only 5 objections had been received.

Discussion took place around concerns in relation to the impact of additional traffic, such as construction vehicles, using this road, in the event that the application was approved. It was noted that when the application was being considered, it was the actual development that was under consideration and not construction methods of traffic, therefore, it would not be possible to apply conditions on traffic.

It was noted that the principle of a house at this site had previously been established and was valid until May 2019 and any road/traffic issues would have been assessed and discussed at the time of application.

In response to a question from the Panel as to whether the community council had been consulted, as no response had been received from them, it was confirmed that all Community Councils were consulted regarding planning applications, however, this was now carried out under a new method of consultation.

It was noted that if road safety concerns were to develop, an advisory note could be available for the Roads Authority to implement temporary speed limits, however, this was not something to be taken into consideration when determining the application.

Motion

“ That Panel agreed to:

1. approve the application subject to the conditions set out at Appendix 1 to the report.”

Proposed by Councillor Neil Benny, seconded by Councillor Alistair Berrill.

In terms of Standing Order No 69, Councillor Douglas Dodds, having moved to refuse the application on the grounds of road safety, but having failed to find a seconder, requested that his dissent be recorded.

Decision

Panel agreed to:

1. approve the application subject to the conditions set out at Appendix 1 to the report.

(Reference: Report by Senior Manager - Infrastructure, dated 9 April 2019, submitted).

PL228 PARTIAL CHANGE OF USE FROM AGRICULTURAL LAND TO CARAVAN SITE FOR THE SITING OF 5 NO. YURTS AND ANCILLARY BUILDING, AND FORMATION OF A NEW ACCESS AND ASSOCIATED PARKING PROVISION AT LAND 200 METRES NORTH EAST OF NORTH BALLOCHRUIN FARM, KILLEARN – MR TIM BROWN – 19/00006/FUL - HEARING

Planning permission was sought for the erection of 5 yurts, ancillary building, the formation of a new access and associated parking provision.

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.

This application was being referred to the Planning and Regulation Panel as it has received more than 5 objections. The application was subject to a Hearing, as one of the parties involved had made this request.

The Chair outlined the Hearing procedures in place.

The Graduate Planning Officer introduced the report and responded to a number of questions and requests for points of clarification from Panel Members.

The Meeting adjourned at 10.00 am in order for video footage of the site to be prepared.

The Meeting reconvened at 10.32 am with the same Members in attendance.

It was noted that the video image showing the site via Google Earth actually dated back to between 2010 and 2017 and the street view around 2010, however, it was confirmed that the video footage mirrored the site, with the exception of a gate and hardstanding area, which were not part of the application.

A consultation response from the Transport Development regarding the application, which was received after circulation of the agenda, was tabled. It noted that it was recommended the access should incorporate a lay by arrangement, which would allow double up as a passing place and allow the passage of 2 vehicles at this location. Transport Development offered no objection to the proposed development subject to additional conditions relating to access, visibility sightlines and waste pick up.

Agent for Applicant

Martin Brown, Planning Consultant, addressed the Panel on behalf of the developer, in support of the application and provided a background to the proposed development.

It was noted that all trees currently on the proposed site would be retained and the developer had agreed to carry out a tree survey, as proposed. The ancillary building within the site was described as being appropriate within the landscape and would be clad, corrugated and have a pitched roof. The building would also offer storage for maintenance and a shower area. It was noted that when looking at a prospective site, the key matter the developer took into consideration was the sustainability of the proposed location. A core path, 240m north would take residents directly to Balfron.

Mr Brown confirmed that the developer was satisfied with the conditions proposed within the report and noted that the proposals complied with relevant policies in terms of the development.

Mr Brown concluded by saying that he felt strongly that the Panel should support the application, subject to the appropriate conditions.

The Chair thanked Mr Brown for his presentation.

Objector

William Anderson, addressed the Panel and spoke against the application. He detailed the various planning policies used when determining the application and was of the view that not all policies had been adhered to, in relation to travel issues, building design, suitable drainage and species surveys.

He noted that photographs of the site presented in the supporting statement were not current and part of the site had been changed from agricultural to industrial storage without permission.

The Chair thanked Mr Anderson for his presentation.

Discussion took place regarding an enforcement issue about access and an area of hardstanding, which was currently open. The Graduate Planning Officer noted that this was a separate issue from the application and was being dealt with by the enforcement team.

The Graduate Planning Officer confirmed that all issues raised by Mr Anderson had had been considered.

The meeting was adjourned at 11.20 am to allow Panel to have an in depth discussion regarding conditions contained within the report and whether additional conditions were required.

The meeting reconvened at 11.30 am with the same Members present.

The Panel noted concerns that the written statement from Roads had not been submitted by the due date.

The meeting adjourned at 11.40 am to further discuss the conditions.

The meeting reconvened at 11.45 am with the same Members in attendance.

Discussion took place around whether the condition for visibility sightlines was required and whether a condition in relation to onsite parking should be considered.

Motion

“That the Panel agrees:

1. to approve the application subject to the 7 conditions set out in Appendix 1 and the additional conditions/reasons as follows:-

- 1.1. Conditions:

8. Access: Access to the development shall be formed as an access layby 10m in length with the carriageway measuring a minimum of 5.5m in road width along the whole length of the layby in which the applicant shall submit a detail design for Transport Development approval prior to the commencement of building works on Site.

9. Waste Pick-up: Collection vehicles will not enter private driveways to collect domestic waste. Provision should be made for a properly designed collection point at the roadside for bins awaiting collection. This collection point should be outwith visibility splay sightlines.

10. Parking: Provision for 8 off street car parking spaces shall be made on Site.

- 1.2. Reasons:

8. To ensure traffic safety

9. To ensure traffic safety

10. To ensure traffic safety”

Proposed by Councillor Graham Lambie, seconded by Councillor Neil Benny.

The Clerk advised that the Panel should vote on this motion to ensure clarity.

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

For the Motion (6)

Councillor Maureen Bennison
Councillor Neil Benny
Councillor Chris Kane
Councillor Graham Lambie
Councillor Alasdair MacPherson
Councillor Jeremy McDonald

Against the Motion (1)

Councillor Graham Houston

Note Voting (2)

Councillor Alistair Berrill
Councillor Douglas Dodds

Decision

The Motion was carried by 5 votes to 4 and accordingly the Panel agreed:

1. to approve the application subject to the 7 conditions set out in Appendix 1 and the additional conditions/reasons as follows:-

1.1. Conditions:

8. Access: Access to the development shall be formed as an access layby 10m in length with the carriageway measuring a minimum of 5.5m in road width along the whole length of the layby in which the applicant shall submit a detail design for Transport Development approval prior to the commencement of building works on Site.

9. Waste Pick-up: Collection vehicles will not enter private driveways to collect domestic waste. Provision should be made for a properly designed collection point at the roadside for bins awaiting collection. This collection point should be outwith visibility splay sightlines.

10. Parking: Provision for 8 off street car parking spaces shall be made on Site.

1.2. Reasons:

8. To ensure traffic safety

9. To ensure traffic safety

10. To ensure traffic safety”

(Reference: Report by Senior Manager - Infrastructure, dated 17 April 2019, submitted).

The meeting adjourned at 11.40 am for a comfort break.

The meeting reconvened at 11.45 am with the same Members in attendance.

PL229 CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 – UPDATED LICENSING REGIME FOR MOBILE HOME SITES WITH PERMANENT RESIDENTS

The purpose of the report was to make the Planning & Regulation Panel aware of the updated regulatory regime for residential caravan sites under the Caravan Sites and Control of Development Act 1960, as amended by Part 5 of the Housing Scotland Act 2014.

This legislation would have implications for caravan sites in the Stirling area that had a residential element.

The Service Manager, Economy, Planning & Regulation introduced the report and responded to questions from the Panel and was accompanied by one of the Council's Environmental Health Officers.

It was noted that a range of new powers were available for officers to use in relation to the granting, management and revocation of licences. Licences would now be reviewed every 5 years and there would be a requirement that the site licence holder was a fit and proper person.

The conditions proposed were based on directions from Scottish Government and had been applied consistently across local authorities over Scotland.

It was noted that a small error had occurred on page 45 in the agenda (Appendix C) which should read “Application for license will only be considered on receipt of a

completed application form, enclosing all supporting evidence which could include a criminal conviction certificate.”

Concerns were raised from Members regarding what would happen to residents who may become homeless due to enforcement action being taken against them or being unable to pay the proposed increased rent fees. It was noted that should such a situation arise, Housing had assured officers that the individual(s) would be placed in temporary accommodation and, depending on the circumstances, they would either return to their caravan or be placed in temporary accommodation.

It was noted that further discussion around homeless issues could be discussed at a future meeting of the Environment and Housing Committee.

It was also noted that it was important to stress that from the 45 caravan sites in this area, only 5 had permanent residents, therefore the new licence regime applied to those 5.

The Panel questioned whether they had the power to set fees as a delegation.

The meeting adjourned at 12.05 pm to enable the Clerk to seek advice from the Chief Governance Officer.

The meeting reconvened at 12.10 pm with the same Members in attendance.

The Clerk advised that, following consultation with the Chief Governance Officer, on this occasion the Panel would approve the fee structure (based on Stirling Council principles of full cost recovery and Scottish Government Model Standards) detailed in Appendix B to the report, subject to a report, detailing the fee structure, being presented for determination at the next scheduled Council Budget Meeting in February 2020.

Panel was asked to:

1. note the updated regulatory and enforcement regime proposed for the licensing of mobile home sites with permanent residents detailed in Appendices C and D to this report;
2. delegate authority to the Manager of Regulatory Services to determine applications, including the authority to grant, transfer and/or renew licences for mobile home sites with permanent residents and/or attach conditions to such licences under the Caravan Sites and Control of Development Act 1960, (as amended) provided:
 - 2.1 prescribed checks have been carried out in considering the application and there being no information or representation to indicate to the authority that the licence holder, or anyone proposed to be appointed by them to manage the site, may not be a fit and proper person to do so (or relevant individual(s) if the applicant or site manager is not a natural person); and
 - 2.2 no objection from members to the proposed decision (the proposed determination having been notified to members in advance of determination via the Weekly Council Information Bulletin). Should there be any objection to an application or unresolved representation then the application would be referred to Panel for determination;

3. endorse the proposed conditions (based on the Scottish Government Model Standards) contained in Appendix A to this report, noting that licences granted by Stirling Council for mobile home sites with permanent resident will include conditions, subject to any additional conditions the Manager of Regulatory Services considers it appropriate to impose on any such licence; and
4. approve the fee structure (based on Stirling Council principles of full cost recovery and Scottish Government Model Standards) detailed in Appendix B to the report, subject to a report, detailing the fee structure, being presented for determination at the next scheduled Council Budget Meeting in February 2020

(Reference: Report by Service Manager - Regulatory, dated 12 April 2019 submitted)

The Chair declared the Meeting closed at 12.15 pm