

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING ON TUESDAY 1 OCTOBER 2019 at 10.00am

Present

Councillor Alasdair MACPHERSON (in the Chair)

Councillor Alistair BERRILL

Councillor Bryan FLANNAGAN (Substitute)

Councillor Graham HOUSTON

Councillor Graham LAMBIE

Councillor Jim THOMSON (Substitute)

In Attendance

Kevin Argue, Transport Development Team Leader

Charlotte Brown, Graduate Planning Officer

Stephanie Cameron, Team Leader - Licensing

Christina Cox, Service Manager, Planning & Buildings Standards

David Crighton, Service Manager – Operations

Carlyn Fraser, Road and Land Services Team Leader

Iain Jeffrey, Senior Planning Officer

David Love, Planning Team Leader – Development Management

Neil Pirie, Senior Development Control Officer

Gillian Rutherford, Planning

Tony Mason, Lead Solicitor (Clerk)

Louise McDonald, Committee Officer – Governance (Minute)

David McDougall, Governance Officer

Also In Attendance

Claire McKenzie, Police Scotland

PL260 APOLOGIES AND SUBSTITUTIONS

Apologies were received on behalf of Councillor Douglas Dodds, Councillor Chris Kane, Councillor Neil Benny and Councillor Maureen Bennison.

Councillor Bryan Flannagan attended as substitute for Councillor Dodds and Councillor Jim Thomson attended as substitute for Councillor Kane.

PL261 DECLARATIONS OF INTEREST

Councillor Jim Thomson declared an interest in Item 9 (The Stirling Council (Wallace Gardens, Causewayhead) (Restriction on Waiting and Loading) Order 2019) as he had promoted this with residents. He advised that he would withdraw during consideration of this item.

PL262 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL263 MINUTES PLANNING & REGULATION PANEL – 3 SEPTEMBER 2019

The Minutes of the Planning & Regulation Panel held on 3 September 2019 were submitted for approval.

Decision

The Minutes of Planning & Regulation Panel Meeting held on 3 September 2019 were approved as an accurate record of proceedings.

PL264 ERECTION OF FARMHOUSE AND 2 NO. ECO PODS AT LAND 185M WEST OF CAIRNSTON STEADINGS, DUNBLANE – MS BITNEY MACNAB – 19/00482/FUL - HEARING

The application had been referred to panel at the request of Councillor Douglas Dodds to allow Members to review the application against Policy 2.10 and the revised Supplementary Guidance: Housing in the Countryside. Councillors Dodds and Tollemache had requested a Hearing.

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 Development Management Team Leader introduced the report and provided maps and photographic footage of the area.

Agent for Applicant

Paul Houghton, Planning Consultant addressed the Panel on behalf of the applicant, in support of the application and provided background to the proposed development. He informed the Panel that the applicant and her daughter wished to live sustainably on the land that they own at Cairnston Steadings. He highlighted that due to the intricacies of the planning policy and guidance the application was being considered in the committee report as part of a new farming enterprise and part of a new tourism business. The application began at a time when the Council actively supported sustainable living in the Housing in the Countryside Guidance before this was removed in the latest draft version.

Mr Houghton added that under that previous 2014 guidance, there was general support for Sustainable Living Schemes and the applicant had to show that the house was well-designed, sited, and low impact. The applicant also needed to show they would embrace a sustainable lifestyle, which the applicant and her daughter had done. The guidance asked that there be some activity that could support the individuals as a main source of income, it was this that had led to the discussion in the committee report of the income derived from farming and the tourism business. This was not at the levels one might expect were this a purely economic decision, but was more than enough to support Ms McNab and her daughter where the aim was to live off the land, maybe eventually off grid, with only limited bills and Council Tax to pay.

Mr Houghton concluded that the case officer, otherwise supported the proposals if it were not for the new draft guidance and the only other concern was the design of the pods. It was felt that their design was appropriate, innovative and in keeping with the character of the area and, even if a different view were taken, they were relatively small structures that were easily landscaped, and would be.

Objector

James Humphreys spoke against the application on behalf of the residents of Cairnston Steading.

Mr Humphreys noted that there were significant local objections to the proposal on the grounds that it was contrary to Stirling Council's local development plan. Residents were deeply concerned that if this development were allowed to proceed, it would set a dangerous precedent in view of its setting in the open countryside and on a site fully exposed to the surrounding area.

Mr Humphreys added that one of the concerns was the viability of the business plan that supported the development. The proposal being a small holding or a type of hobby farm, rather than an existing or viable farm business. A viable farming business would require around 200 acres to be sustainable as a commercial enterprise. The landholding in question was a fraction of the size and there was no existing or profitable farming business.

Local Member

Councillor Alasdair Tollemache addressed the Panel and outlined his concerns. He stated that the proportion of the income that would be raised from the agricultural component of the enterprise was insufficient and due to the redactions in the business plan, it was not possible to properly determine the business case. According to Stirling Council's local development plan the location was designated as 'countryside'. As such, the location would appear to be inappropriate for the tourist element of the development.

Councillor Tollemache highlighted that the issue of road access had to be considered and further traffic on the adjacent road would have an impact on the location. In addition, the location of the pods on the site would have a visible impact, which would need to be considered.

Councillor Tollemache concluded by stating that he would reflect local concern from residents and others that piecemeal developments in the countryside area such as this application would alter the landscape, erode the distinction between countryside and urban developments. It would also set a precedent, which might eventually mean that similar developments could increasingly encroach on rural communities with a detrimental effect to those living in the area and those visiting the area.

Councillor Tollemache left the meeting at this point in the proceedings.

Discussion took place around the projected losses and Ms McNab noted that her existing business would support the new business in the beginning.

Following a query around sightlines, it was confirmed that the sightlines have set national standards due to the speed limit of the road but the sightlines could be achieved.

Following a member query regarding the eco pods, officers confirmed that they would be heard as a separate application.

Decision

The Panel agreed to refuse the application for the following reasons:-

1. the proposed development was contrary to Policy 2.10 of the Stirling Local Development Plan 2018 as the principle of the house was not supported by any of the 6 criteria listed in under this policy.
2. the proposed development was contrary to Policy 15.1 of the Stirling Local Development Plan 2018 as the siting and design of the tourist accommodation (eco pods) would result in development that was visually prominent and not in keeping with existing and proposed development.

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

PL265 ERECTION OF DWELLING HOUSE. LAND TO REAR AND EAST OF NO 3 KELLIE WYND DUNBLANE – CRAMMOND SELECT HOMES – 19/00188/PPP – HEARING

The application had been referred to the Planning and Regulation Panel by Councillor Alastair Majury who had requested a hearing, in relation to Green Belt policy at Rylands Lodge and Kellie Wynd, closely associated with Kippendavie Mains, could be developed and considering precedent.

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 applicant had requested a Hearing.

The Senior Planning Officer introduced the report and provided maps and photographic footage of the area.

Agent for Applicant

Paul Houghton, Planning Consultant addressed the Panel on behalf of the applicant, Crammond Select Homes, in support of the application and provided background to the proposed development. The application site was of lawn with mature trees, principally around its fringes. The applicant had maintained it for the last 10 years. The site was considered as countryside and Green Belt with the boundary following the rear of property on Kellie Mains.

Mr Houghton noted that there appeared to be no material considerations that were against planning permission being granted. The Committee report mentioned none and confirmed that this was a site that could be accessed, developed without harm to trees, biodiversity and archaeology. .

Mr Houghton highlighted that there were material considerations, which supported the development with the main material consideration being the previous development of the wider area and the precedent of the past. The site and proposed building would be far enough away from Ryland Lodge to protect its setting and the Council would

have complete control over the design of anything built there. The applicant also had a highly regarded reputation as a local builder and would ensure that what was built was to the same high quality as to what had gone before.

Mr Houghton added that the development of the site could include proposals which would reduce the likelihood of the burn flooding downstream, which the applicant's hydrologist had considered and had produced a plan for works that would be of net benefit to downstream residents.

Mr Houghton concluded by stating that the development would add a new property to the existing housing choice in Dunblane and would support a local builder. The applicant was considerate and would work with the neighbours to keep accesses open, repair any damage to verges and possibly end up improving access to the site by dealing with a large oak tree, which seems to be a concern and possibly strengthening a small bridge over the burn.

Objector

Kevin Short spoke against the application and highlighted his disappointment that the archaeological detail within the report was based on presumption rather than factual evidence, which could carry more weight in decision-making. It was also noted that the developer accepted that this development could have an impact on any archaeological remains.

Mr Short added that Rylands Lodge was a listed building and therefore had a level of protection from Stirling Council's Local Development Plan, Policy 7.4, which sets out presumptions around new developments in and around listed buildings. The proposed development would visually detract from the setting of Rylands Lodge and Kippendavie Mains.

Mr Short noted the Green Belt policy, which provided clarity and certainty on where developments should and should not take place, particularly for those settlements with a distinct character and identity would be harmed by unplanned growth. Stirling Council's own policy clearly explained why the planning application should be refused. The Green Belts in the Stirling area required strong protection through the Planning Policy in order to protect and enhance the countryside close to the main settlements. There had been no argument from the developer that the development was on green belt countryside.

Mr Short concluded that the developer had maintained the land for the proposed development to a basic standard, which was why they had indicated that it was garden. There were concerns that if the application were accepted then other developers would assume that if they maintained an area of green belt then in future they could claim it was outside the strict controls. If this application were permitted then this would set a precedent to build and this would devastate this small picturesque area of Dunblane.

Following a Member query around previous development within the Green Belt area, officers confirmed that there were historical properties and conversions but no new developments.

Discussion took place around the scale of the development and the applicant advised that the house size would be similar to the adjacent properties within the area.

Motion

“Panel is asked to refuse the application for the following reasons:

1. In the opinion of the Planning Authority, the application is contrary to the Adopted Local Development Plan Policy 1.5: - Green Belts in that the change from an area of a garden with an attractive open setting to a residential build development would have a detrimental impact on the openness and character of the Green Belt. Furthermore, any new dwelling house on the periphery of the Dunblane boundary would not maintain the nucleated and secluded character of the settlement, and as such the proposal does not fulfil paragraph 3.7 and 3.8 of the Supplementary Guidance on Green Belts - SG03 - Green Belts:
2. In the opinion of the Planning Authority, the location of the site, outwith the village envelope in Dunblane, and does not comply with any of the criteria for acceptable housing locations, as listed in Local Development Plan policy for Housing in the Countryside (Policy 2.10) and related Draft Supplementary Guidance 10 July 2019; and
3. the location of the site forms part of an attractive open garden ground setting relating to the listed building (category C grade) and the adjacent Kippendavie Mains. It was considered that the proposed single house development would appear visually incongruous and would detract from the setting of Rylands Lodge and Kippendavie Mains, contrary to Local Development Plan Policy 7.4, which sets out a general presumption against new development in gardens/curtilages around listed buildings and only supports small scale ancillary buildings e.g. domestic garages.”

Moved by Councillor Graham Lambie, seconded by Councillor Alistair Berill

Amendment

“The Panel agrees to approve planning application 19/00188/PPP subject to conditions.”

Moved by Councillor Graham Houston, seconded by Councillor Alasdair MacPherson

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

For the Amendment (3)	Councillor Bryan Flannagan Councillor Graham Houston Councillor Alasdair MacPherson
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Against the Amendment (3)	Councillor Alistair Berrill Councillor Graham Lambie Councillor Jim Thomson
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There being an equality of votes, the Chair cast his casting vote in favour of the Amendment.

The Amendment was carried by 4 votes to 3 and became the Substantive Motion.

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

For the Substantive Motion (3)	Councillor Bryan Flannagan Councillor Graham Houston Councillor Alasdair MacPherson
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Against the Substantive Motion (3) Councillor Alistair Berrill
Councillor Graham Lambie
Councillor Jim Thomson

There being an equality of votes, the Chair cast his casting vote in favour of the Substantive Motion.

The Substantive Motion was carried by 4 votes to 3.

Decision

The Panel agreed to approve planning application 19/00188/PPP subject to conditions.

(Reference: Report by Senior Manager - Infrastructure, dated 5 September 2019, submitted).

PL266 ERECTION OF 18 DWELLING HOUSES, LAND ADJACENT AND SOUTH EAST OF 7 AND 10 DOUGLAS PLACE DUNBLANE – 19/00332/FUL

The application had been referred to the Planning and Regulation Panel on the basis of the criterion in the Council's Planning Scheme of Delegation which required a Panel referral when 5 objections or more were received and the recommendation was for approval.

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 Graduate Planning Officer advised that the site was allocated within the adopted Stirling Local Development Plan 2018 for a 15 unit residential development referred to as Hillside. The site was a natural extension onto an existing residential area to the South West of Dunblane and sat in an elevated position. The application sought planning permission for the erection of 18 dwelling houses, which included 2 semi-detached bungalows, 3 detached bungalows, 5 terraced houses, 2 semi-detached houses, 2 link-detached houses and 4 detached houses. Given the type of properties within the development, it was felt that 18 was an acceptable fit.

Members queried whether specific conditions around social housing and future developments could be added to the application, with officers confirming social housing was not part of the panels remit and only this application could be assessed with no consideration given to future developments.

Decision

The Panel agreed to approve planning application 19/00332/FUL subject to Section 75 Legal Agreement and the conditions in Appendix 1 to the report.

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

PL267 THE STIRLING COUNCIL (20MPH SPEED LIMIT) (CONSOLIDATION AND AMENDMENT NO 43) ORDER 2019

The Order formally proposed to introduce 20mph limits on a number of residential streets throughout the Stirling Council area, namely Fintry, Kippen, Doune and parts of Stirling and Dunblane.

Objections were received during the traffic order's statutory consultation period and as such, Officers were required under the Council's Scheme of Delegation, to ask that the Planning & Regulation Panel decide whether the order should be legally made.

The Roads & Land Services Team Leader presented the report to the panel and highlighted that 20mph speed limits were set in accordance with Transport Scotland guidance and the Council's own Speed Limit Policy. As part of the Council's 2018/19 Budget Growth Items, £40k was allocated to the roll out of 20mph limit areas. Five areas, which met the criteria for implementation of 20mph limits were identified by the Network Management Team and these were; Fintry, Kippen, Doune, Dunblane & Stirling. Communities where 20mph were proposed were those where requests for the reduced speed limit had previously been received and where the local Community Council and other groups such as Parent Councils, were supportive.

There were six objections to the 20mph limit proposal from residents in Dunblane. There were 11 letters of support for the 20mph limit proposal from residents in Dunblane. These included support from the Community Council and local representatives from Parent Council's, the Scout Association and Cycling UK.

Following a member query on whether fuel usage had been considered, officers confirmed that this had been considered and that studies had shown that a 20mph limit resulted in a reduction in gear changes, breaking and therefore fuel use was less.

Discussion took place around the criteria to identify areas and officers advised that the service had reviewed data that the Council already held, historical requests from communities and national speed limits. There had been a previous roll out on areas that required the change due to concerns but community support to roll out speed limit changes was required.

Following a member query on whether there were rules about speed limits prior to and after the 20mph limit and officers confirmed that the Council work through guidance to ensure the environment was suitable and buffer zones could be implemented.

After member queries, officers advised that St Margaret's had been excluded in error and would be amended to ensure included. Glen Road would be reviewed and Upper Bridge Street would be included on the list for 2019.

Decision

The Panel agreed to:

1. note the objections received to this proposal;
2. note the correspondence in support of this proposal; and
3. approve the proposal to introduce 20mph limits on the streets identified in Fintry, Kippen, Doune, Stirling and Dunblane.

(Reference: Report by Senior Manager – Environment and Place, dated 20 September 2019, submitted).

PL268 THE STIRLING COUNCIL (WALLACE GARDENS, CAUSEWAYHEAD) (RESTRICTION ON WAITING AND LOADING) ORDER 2019

The Order formally proposed to introduce 'No Waiting and Loading at Any Time' parking restrictions to the turning area located to the side of No.29 and the rear of No.50 Wallace Gardens, Causewayhead.

Objections were received during the traffic order's statutory consultation period and as such, Officers were required under the Council's Scheme of Delegation, to ask that the Planning & Regulation Panel decide whether the order should be legally made.

The Roads & Land Services Team Leader presented the report and advised that the issue of parking within the turning head was brought to the Council's attention by a resident who had suffered minor damage to his vehicle by a driver attempting to manoeuvre their vehicle to turn and exit the cul de sac. The turning area was obstructed by parked vehicles and this had added to the problem for the driver.

Officers noted that on-street parking was available adjacent to the area covered by the proposal and in the parking bay on Cambuskenneth Road, located to the east side of 50 Wallace Gardens.

Discussion took place around existing designated parking and officers confirmed that it was a residential street with no parking restrictions and residents could therefore use the other street as long as not causing an obstruction. The order would require the Council to process three disabled parking bays.

Decision

The Panel agreed to approve the restriction on waiting and loading to protect access for servicing and emergency vehicles;

(Reference: Report by Senior Manager – Environment and Place, dated 20 September 2019, submitted).

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.

PL269 DETERMINATION OF A CIVIC LICENCE APPLICATION: WINDOW CLEANER'S LICENCE

The purpose of the report was to provide detail in relation to an application for a civic licence (window cleaner) to be determined by the Planning and Regulation Panel as licensing authority.

The Licensing Team Leader presented the report and advised that a letter of representation had been received from Police Scotland.

Discussion took place around conditions, which could be included on the licence, and officers confirmed that the required additional conditions would be included.

Decision

The Panel agreed to grant the licence with additional conditions.

(Reference: Report by Chief Officer Governance, dated 9 September 2019, submitted).

The Chair declared the Meeting closed at 11.35am