

STIRLING COUNCIL

MINUTES of SPECIAL MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON THURSDAY 23 JULY 2020 at 10.00am

Present

Councillor Alasdair MACPHERSON (in the Chair)

Councillor Maureen BENNISON
Councillor Neil BENNY
Councillor Douglas DODDS
Councillor Graham HOUSTON

Councillor Graham LAMBIE
Councillor Alastair MAJURY
Councillor Jeremy McDONALD

In Attendance

Kevin Argue, Transport Development Team Leader (Environment & Place)
Jane Brooks-Burnett, Senior Planning Officer (Infrastructure)
Lesleyann Burns, Support Officer (Governance)
Christina Cox, Planning & Buildings Standards Service Manager (Infrastructure)
David Hardie, Infrastructure Analyst (Communities & Performance)
Mark Henderson, Senior Media Officer (Communities & Performance)
Drew Leslie, Senior Manager – Infrastructure
David Love, Planning Development Management Team Leader (Infrastructure)
Neil Pirie, Senior Development Control Officer (Environment & Place)
Carla Roth, Solicitor - Litigation (Governance)
Karen Swan, Committee Officer (Governance)
David McDougall, Governance Officer (Governance) (Clerk)

Also in Attendance

Councillor Robert Davies
Councillor Christine Simpson

Prior to the start of the meeting, Councillor MacPherson as Chair of the Planning & Regulation Panel welcomed and thanked everyone for attending the meeting. He updated the meeting on the procedures related to MS Teams Hearing process and the protocols that all should adhere to throughout the meeting.

The Chair asked the Clerk to carry out a roll call of all Members and Officers participating in the meeting.

PL302 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor Alastair Berrill. Councillor Alastair Majury was in attendance as substitute for Councillor Berrill.

PL303 DECLARATIONS OF INTEREST

Councillor Maureen Bennison declared a non-financial interest in PL304 (Murrayshall Quarry, Patersons Quarries Limited 18/00735/FUL) as her partner's mother was a Member of Cambusbarron Community Council and the Vice Chair of Save Gillieshill.

Following advice taken from the Chief Officer – Governance, Councillor Bennison felt her position would not be compromised and she would be able to take part in deliberation.

PL304 CREATION OF A NEW ACCESS TRACK FROM POLMAISE ROAD TO THE SOUTH EASTERN CORNER OF MURRAYSHALL QUARRY, SETTLEMENT PONDS ALONG THE LINE OF THE NEW ACCESS TRACK, SOIL BUNDS, A PUBLIC CAR PARK AND A SEGREGATED WOODLAND FOOTPATH RUNNING PARALLEL TO POLMAISE ROAD, AT MURRAYSHALL QUARRY, POLMAISE ROAD TO CARRON RESERVOIR, STIRLING - PATERSONS QUARRIES LIMITED - 18/00735/FUL – HEARING

A report by the Chief Operating Officer – Infrastructure & Environment was submitted that detailed the application was not a major development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 however it was being presented to Panel at the request of Councillor Simpson and Councillor Farmer. The Councillors wished the item to be determined at panel to assess the potential effect on an area of outstanding landscape value whilst also reviewing traffic volumes and road safety issues.

A Hearing had also been requested by Cambusbarron Community Council. The request for a hearing was received on 25 February 2020.

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 Planning Officer introduced the report and updated Members with the presentation of maps of the proposed site.

Applicant

Kemp Lindsay, Paterson Quarries, presented his case in support of the application and was accompanied by Philip Leaser and Tom Lewis, Johnson Poole & Blower who would assist with any questions that should arise.

He noted that the officer's report was a very comprehensive report that detailed all the aspect of the planning application and the measures that they would adopt to ensure there was not a significant impact on the environment.

The measures that had been put forward and adopted into the scheme were designed to address the Reporters findings and proposals put forward by Cambusbarron Community Council.

The scheme had been vetted by Stirling Council's Road Department, their consultants WSP, vetted through an independent road safety audit and had been found

acceptable. It had also been addressed to all statutory consultees involved and no objections were received.

The Chair thanked Kemp Lindsay, Philip Leaser and Tom Lewis for their presentation.

Objector

Douglas Campbell and Marion McAllister, Cambusbarron Community Council presented their case in objection to the application.

Mr Campbell noted from the report that road development controls identified problems with vehicles turning in to the access from the South and that these had been dismissed.

Other areas of concern raised were the additional hazards identified from using the unlit remote footpath potentially in the hours of darkness together with the hazard associated with possible illegal use by motorised vehicles, which had not been considered in the safety audit; comments on the World War 2 Polish camp near to the proposed access had been ignored in the RAPOL report as an historical monument and the communication in the current ROMP process of the second access road had not been completed before the panel met.

It was expressed that mitigation, noted in the reporters 2014 planning application appeal and part of the ROMP process, was still required despite extant permission and the approach being proposed excluded consideration of traffic issues which was fundamentally flawed and undemocratic.

The Chair thanked Douglas Campbell and Marion McAllister for their presentation.

Objector

Willie Booth, Dalgleish Associates presented his case in objection to the application.

Concerns raised noted the similarity of the application to that which had been previously refused by the Scottish Ministers at appeal in February 2017. The reporter for the Scottish Ministers stated that Polmaise Road was not suited for heavy goods vehicles and concluded that despite the extant planning permission a new planning permission should not be granted which would generate heavy goods vehicles in excess of the level of the road.

Traffic noise would have a major impact on properties in Barnside and Polmaise Road. The road from Torbrex overbridge to the proposed site access was not of a standard suited to the type and level of traffic generated by the development.

The impacts on Polmaise Road were noted not relevant to the determination of the application and importantly it does not seek to secure the road improvements proposed in the application which would at least have went some way to addressing the impacts.

Panel were requested to consider the further findings and recommendations of the Scottish Ministers before determining the application.

The Chair thanked Mr Booth for his presentation.

Local Member

Councillor Christine Simpson, Local Member for Stirling West presented her case in objection of the application.

The application was referred to the panel at the request of Councillor Simpson and Councillor Farmer, both Stirling West councillors, to assess the potential effect on an area of outstanding natural beauty and historic importance and also to look at the process in relation to road safety issues.

The site and its iconic woodland, home to all varieties of flora and fauna and the direct historical links to the battle of Bannockburn was enjoyed daily by the local community and visitors.

Concern at the significant loss of trees that took decades to grow along with traffic mitigation and road safety for road users, pedestrians cyclists & drivers and pollution from an increase in co2 emissions had been raised. Local residents noted the number of heavy goods vehicles using Polmaise Road which could increase once a second access road was in place.

The Chair thanked Councillor Simpson for her presentation and opened the meeting up to questions from the Panel.

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

Following Members concerns raised in connection to the number of trees that would be felled, clarification from the Planning Officer confirmed that the Tree Officer had followed British Standards procedure in respect to species of trees and noted that the proposed felled trees were not classified as high category. Scottish Forestry had also been consulted and were acceptant of the proposal and that the application had taken the worst case scenario in respect to tree felling.

In response to a Members question, the Transport Development Team Leader confirmed that the visibility on the road (14 meters below standard requirement) was deemed to be acceptable and in accordance with the Design Manual for Roads and Bridges (DRMB).

The meeting noted that the Transport Development Team Leader would circulate the DRMB document to all Members of the Planning and Regulation Panel for information.

The Chair of the Panel thanked Officers and enquired whether the report recommendation was being moved and seconded.

With no Members moving the officers recommendation, Councillor Benny proposed an amendment, seconded by Councillor McDonald, for refusal due to noise, road traffic concerns, residential amenity and tree loss.

Further clarity from the Planning & Buildings Standards Service Manager confirmed the reasons for refusal were acceptable and requested a break to clarify exact wording.

The Chair adjourned the meeting at 11.42am to allow Members and officers to clarify the wording for the amendment.

The Meeting was reconvened at 12.06pm, noting All Elected Members previously noted, present.

Amendment

The Planning & Regulation Panel agreed to refuse the application due to:-

1. noise from the development would increase and air quality would deteriorate from existing. Together these would have a significant adverse impact on residential amenity in neighbouring properties and on the amenity of the rural area which was frequently visited by residents and users of the existing paths;
2. the volume of general traffic would increase as a result of this development and for the roads to the south of Polmaise Road this would present road safety concerns by virtue of the characteristic of the road. In particular there were road safety concerns at the access road junction with Polmaise road that could not be suitably mitigated; and
3. the extent of tree loss would be significant in the context of the need to preserve the ancient woodland and this was contrary to Policy 10.1 of the Local Development Plan.

Proposed by Councillor Neil Benny, seconded by Councillor Jeremy McDonald.

The amendment was unanimously agreed without a need for roll call vote.

Decision

The Planning & Regulation Panel agreed to refuse the application due to:-

1. noise from the development would increase and air quality would deteriorate from existing. Together these would have a significant adverse impact on residential amenity in neighbouring properties and on the amenity of the rural area which was frequently visited by residents and users of the existing paths;
2. the volume of general traffic would increase as a result of this development and for the roads to the south of Polmaise Road this would present road safety concerns by virtue of the characteristic of the road. In particular there were road safety concerns at the access road junction with Polmaise road that could not be suitably mitigated; and
3. the extent of tree loss would be significant in the context of the need to preserve the ancient woodland and this was contrary to Policy 10.1 of the Local Development Plan.

(Reference: Report by Chief Operating Officer – Infrastructure & Environment, dated 9 July 2020, submitted).

In terms of Standing Orders 74, the Chair adjourned the meeting at 12.20pm for a comfort break.

The Meeting was reconvened at 12.25pm, noting All Elected Members, with the exception of Councillor Houston and Dodds who left at the comfort break, previously noted present.

PL305 DEMOLITION OF EXISTING HOUSE AND ERECTION OF 2NO. BUILDINGS EACH CONTAINING TWO SELF-CONTAINED FLATS AT BLUERISK, 2 MILNDAVIE ROAD, STRATHBLANE, G63 9EL - MRS ANGELA MAIN - 19/00444/FUL – HEARING

The Chief Operating Officer – Infrastructure & Environment submitted a report that sought the full planning permission from the Planning & Regulation Panel for demolition of existing dwelling and erection of 2 No. buildings each containing two self-contained flats at land known as 'Bluerisk', 2 Milndavie Road, Strathblane.

The application had been referred to the Planning & Regulation Panel under the scheme of delegation having received 5 or more objections.

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.

A hearing had been requested by Strathblane Community Council.

The Planning Development Management Team Leader Planning Officer introduced the report and updated Members with the presentation of maps of the proposed site.

Applicant

Murray Russell, representative for the applicants, presented his case in support of the application.

The proposal to demolish a house and rebuild 2 one and a half storey villas on the large site, each containing a ground and first floor apartment with their own front doors, private gardens and car parking spaces.

The design of the one and half story houses would have different external shapes that would be finished in high quality natural materials including natural stone base courses and window feature details, traditional render and natural slate roofs.

The houses had also been designed to blend into the existing streetscape while respecting the setting of the Campsie Fells beyond. The privacy of neighbouring houses would be respected.

Part of the natural stone wall on Milndavie Road would be repositioned and rebuilt further into the site to ensure foot site lines for cars and pedestrians entering and leaving their homes.

The houses would be built to extremely high environmental standards to ensure they had exceptionally low running maintenance costs and had minimum impact on the environment.

The Chair thanked Mr Murray for his presentation.

Supporter

Mr Brady presented his case in support of the application.

He noted that the proposed buildings were a good solution for the site bringing in 4 desperately needed homes. Supply of family homes within the area were few and far between and these new builds would benefit the town.

The Chair thanked Mr Brady for his presentation.

Objector

Maria Franke, representative for objectors Mr & Mrs Howie, Mr & Mrs Armstrong and Mr Stewart, presented her case in objection to the application.

It was noted that the application had been submitted previously and had been recommended for refusal due to contrary Development Plan and would have significant impacts on the surrounding landscape.

A concern raised about the application was that it would squeeze 2 large houses (for 4 apartments) onto a single house site which had clear indicators of the site's overdevelopment and the opportunity to establish a building line had been contravened to achieve a higher site density, all contrary to Policy 1.1: Site Planning.

It was noted that the Council's need for affordable housing, but these flats were not affordable and it was not an inclusive, affordable development. The opportunity to provide a footpath link to the village had not been taken and the proposals fall short in terms of trying to integrate with their surroundings.

The existing houses along Milndavie Road were located within the Southern Hills Local Landscape Area in a visually sensitive location, the new development would have an adverse impact and would dominate the skyline in views from both the south and looking north from the village centre.

The Chair thanked Ms Franke for her presentation.

Objector

Mr John Gray, representative for Strathblane Community Council and Mr Oswald, presented his case in objection to the application.

It was noted that the community do have housing needs yet the application had no affordable housing or developer contribution and were objectionable.

The Chair thanked Mr Gray for his presentation and opened the meeting up to questions from the Panel.

In response to Members questions, the Planning Development Management Team Leader confirmed that the house footprint was below the required 30 percent and that the wall structure on Milndavie Road would be rebuilt and set back 2 meters for a better line of sight.

Motion

"The Planning & Regulation Panel agreed to approve the planning application subject to conditions and reasons as set out in Appendix 1 to the submitted report."

Proposed by Councillor Majury, seconded by Councillor Benny.

In terms of Standing Order No 63, Councillor Lambie, having moved to refuse the application on the grounds of over-development, road safety and pedestrian access, but having failed to find a seconder, requested that his dissent be recorded.

The Motion was agreed without a need for roll call vote.

Decision

The Planning & Regulation Panel agreed to approve the planning application subject to conditions and reasons as set out in Appendix 1 to the submitted report.

(Reference: Report by Chief Operating Officer – Infrastructure & Environment, dated 9 July 2020, submitted).

The Chair declared the Meeting closed at 1pm.