

STIRLING COUNCIL

MINUTES of MEETING of the LOCAL REVIEW BODY held as a VIRTUAL MEETING by MICROSOFT TEAMS on THURSDAY 10 SEPTEMBER 2020 at 2.00 pm.

Present

Councillor Douglas DODDS (in the Chair)
Councillor Neil BENNY
Councillor Jim THOMSON

In Attendance

Richard Callender, Planning Adviser
Ewan Grant, Legal Adviser
Sheila McLean, Governance Officer (Clerk)

Also Present

David Love, Development Management Team Leader
Paul Houghton, DM Hall, Agent (Items LR142 & LR143)
Fraser Hillhouse, Applicant (Items LR142 & LR143)

AGENDA

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

LR140 APOLOGIES

There were no apologies or substitutions.

LR141 DECLARATIONS OF INTEREST

There were no declarations of interest.

**LR142 APPLICATION FOR REVIEW
ERECTION OF DWELLING HOUSE AND GARAGE (PLOT 1)
LAND BETWEEN CRAIGIEBARNES AND LARNE COTTAGE, FORE ROAD, KIPPEN
– FRASER HILLHOUSE
APPLICATION NO: 19/00751/PPP
HEARING**

Members welcomed Fraser Hillhouse, Applicant and Paul Houghton, Agent to the Meeting.

At its meeting held on 27 July 2020, 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 dwelling house and garage (Plot 1) at Fore Road, Kippen.

At that meeting, the Local Review Body agreed:-

1. that there was insufficient information before it to decide the matter without further procedure;
2. that a Hearing take place to consider the following matters:-
 - to consider definitions and interpretations of policy wording and guidance relevant to this review, as set out in the Stirling Local Development Plan Policy 2.10 Housing in the Countryside and SG Housing in the Countryside (adopted May 2020), with particular reference to:-
 - i) Para 1.5 of the SG which refers to proposals leading to coalescence with existing settlements, and
 - ii) Para 2.12 of the SG which refers to infill development;
 - to invite the Applicant to explain and justify the claim of exceptional circumstances referred to in para. 1.5 of the SG relating to the application;
3. that the matter be duly referred to a future meeting of the Local Review Body.

The Chair outlined the procedure for a Hearing. It was noted that presentations from the Planning Adviser and the Applicant and his Agent would cover both this and the following item, as the proposals and issues were the same for each. The Chair advised that an objector to the application had been invited to the Hearing but had confirmed he was content that his views were set out in the submissions already made.

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, site and elevation plans 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 to this Application.

Agent

Paul Houghton, Agent for the Applicant, spoke in support of the application for review and the Hearing Statement which had been issued with the Agenda.

Mr Houghton addressed in turn the questions set by Members in their request for a Hearing.

He referred Members to the diagrams set out on pages 67 and 105 of the Agenda, and suggested that the proposals represented a unique opportunity for a small development on the edge of Kippen. The site had not been considered important enough to be included in the Conservation Area.

Further, the Applicant was a local builder and planned to use local sub-contractors. The development would allow two new families to move into the area, helping to support local services and facilities.

It was considered that the proposals complied with Paragraph 2.12 of the Supplementary Guidance as regards infill development and that the Council would be able to control the scale of the proposed dwellings by means of planning conditions.

Applicant

Fraser Hillhouse echoed the views put forward by his Agent and highlighted that the proposed site was only a small area of the farm. The development would support both the farm and the village.

The Chair thanked Mr Houghton and Mr Hillhouse for their statements and opened the meeting for questions and debate.

Councillor Neil Benny, having moved to grant 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 and Hearing Statement 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, this proposal fails to comply with Policy 2.10 of the Local Development Plan, Supplementary Guidance 10 - Housing in the Countryside or Supplementary Guidance: Housing in the Countryside, since the proposal does not constitute a site located within a Building Cluster or form an infill circumstance, and would lead to coalescence. Further, there has been no justification provided indicating a specific locational need for a dwellinghouse at this location. The site is not considered to be 'Brownfield Land' as there are no former buildings on the site and it is not significantly degraded.

- 2 In the opinion of the Planning Authority, this proposal fails to comply with Policy 7.2 of the Local Development Plan, since the rural fields are key to framing an important part of the Conservation Area setting. The development of a dwellinghouse at this location would remove the rural sense of place at this location.
3. to remit to the Planning Adviser and Legal Adviser to prepare and issue the Decision Notice.

**LR143 APPLICATION FOR REVIEW
ERECTION OF DWELLING HOUSE AND GARAGE (PLOT 2)
LAND BETWEEN CRAIGIEBARNES AND LARNE COTTAGE, FORE ROAD, KIPPEN
– FRASER HILLHOUSE
APPLICATION NO: 19/00752/PPP
HEARING**

At its meeting held on 27 July 2020, 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 dwelling house and garage (Plot 2) at Fore Road, Kippen.

At that meeting, the Local Review Body agreed:-

1. that there was insufficient information before it to decide the matter without further procedure;
2. that a Hearing take place to consider the following matters:-
 - to consider definitions and interpretations of policy wording and guidance relevant to this review, as set out in the Stirling Local Development Plan Policy 2.10 Housing in the Countryside and SG Housing in the Countryside (adopted May 2020), with particular reference to:-
 - i) Para 1.5 of the SG which refers to proposals leading to coalescence with existing settlements, and
 - ii) Para 2.12 of the SG which refers to infill development;
 - to invite the Applicant to explain and justify the claim of exceptional circumstances referred to in para. 1.5 of the SG relating to the application;
3. that the matter be duly referred to a future meeting of the Local Review Body.

Members noted the discussion as noted under the previous item, which also covered this item.

Councillor Neil Benny, having moved to grant the application but failed 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 and Hearing Statement 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, this proposal fails to comply with Policy 2.10 of the Local Development Plan, Supplementary Guidance 10 - Housing in the Countryside or Supplementary Guidance: Housing in the Countryside, since the proposal does not constitute a site located within a Building Cluster or form an infill circumstance, and would lead to coalescence. Further, there has been no justification provided indicating a specific locational need for a dwellinghouse at this location. The site is not considered to be 'Brownfield Land' as there are no former buildings on the site and it is not significantly degraded.
 2. In the opinion of the Planning Authority, this proposal fails to comply with Policy 7.2 of the Local Development Plan, since the rural fields are key to framing an important part of the Conservation Area setting. The development of a dwellinghouse at this location would remove the rural sense of place at this location.
3. to remit to the Planning Adviser and Legal Adviser to prepare and issue the Decision Notice.

Mr Hillhouse and Mr Houghton left the Meeting at this point.

The Meeting adjourned at 2.25 pm and reconvened at 2.27 pm with the same Members and Officers present.

LR144 APPLICATION FOR REVIEW

**ERECTION OF DWELLING HOUSE AND GARAGE - LAND ADJACENT AND SOUTH OF 5 MANOR STEPS, MANOR POWIS ROAD, STIRLING - PAUL HOUGHTON
APPLICATION NO: 19/00563/PPP**

At its meeting on 27 July 2020, 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 a dwelling house and garage at land adjacent to 5 Manor Steps, Manor Powis Road, Stirling.

At that meeting, the Local Review Body agreed:-

1. that there was insufficient information before it to decide the matter without further procedure;
2. that a site visit take place, such visit to be carried out by the Planning Adviser in accordance with the advice given by the Scottish Government's Chief Planner and subject to compliance with Stirling Council's Covid-19 site visit hazard control measures, for the purposes of presenting a video of the site to a subsequent meeting;
3. that the matter be duly referred to a future meeting of the Local Review Body.

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, site and elevation plans and photographs of the site. He also presented a video as a substitute for the previously agreed site visit.

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 to this Application.

In response to questions around setting a precedent, the Planning Adviser confirmed to Members that any future applications would be considered on their own merit.

Councillor Neil Benny, having moved to grant 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 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:-

Due to the scale and alignment of the proposed residential plot, the proposal in its current form does not form an integral addition to the existing building group and does not respect the established development pattern of the building group. The proposal therefore fails to demonstrate compliance with Policies 2.10 of the Stirling Local Development Plan 2018 and/or general planning criteria relative contained in paragraphs 2.1-2.11 of the Draft SG Housing in the Countryside.

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

The Chair declared the Meeting closed at 2.50 pm