

STIRLING COUNCIL

MINUTES of MEETING of the LOCAL REVIEW BODY held as a VIRTUAL MEETING by MICROSOFT TEAMS on FRIDAY 10 DECEMBER 2021 at 10.00 am.

Present

Councillor Jim THOMSON (Chair)
Councillor Margaret BRISLEY
Councillor Graham HOUSTON

In Attendance

Richard Callender, Planning Adviser
Ewan Grant, Legal Adviser
Owen O'Donnell, Communications Officer
Neil Pirie, Senior Development Control Officer
Stephen Speirs, Development Control Officer
Sheila McLean, Governance Officer (Clerk)

Also Present

Item LR190

Stuart MacGarvie Agent for Applicant

Item LR191

Duncan Birrell, Modus Solutions
Susan Dickson, Applicant
Paul Houghton, Agent for Applicant

Recording of meeting started

Prior to commencement of business, the Chair welcomed and thanked everyone for attending the meeting via MS Teams. He updated the meeting on the procedures related to MS Teams and the protocols that both Members and Officers should adhere to throughout the meeting.

It was advised that the meeting was due to be broadcast live via the Stirling Council YouTube page, however as another meeting was taking place at the same time, the broadcast of this meeting would commence as soon as the other meeting had concluded. recording of the meeting will also be made publicly available on the Council's YouTube page following the meeting.

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

LR188 APOLOGIES

There were no apologies or substitutions.

LR189 DECLARATIONS OF INTEREST

There were no declarations of interest.

LR190 APPLICATION FOR REVIEW

ERECTION OF 4 DWELLINGHOUSES – LAND AT FORMER STOCKIEMUIR GUN SITE, BLANEFIELD – LEDCAMEROCH HOMES APPLICATION NO: 21/00191/FUL

At its meeting held on 8 October 2021, 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 four dwellinghouses on land at the former Stockiemuir Gun Site, Blanefield.

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 further written submission be submitted by Stirling Council's Transport Development Control Service setting out the rationale behind the recommendation that the existing access be closed and access to Queen's View and Wayside Cottage be provided via the vehicular access serving the proposed development;
3. that a Hearing take place to consider the information presented in the further written submission and any response made by the Applicant or their representative;
4. that the matter be duly referred to a future meeting of the Local Review Body at which a Hearing would take place.

The further written submission requested at (2) above had been received and was included with the Agenda papers, together with a response from the Applicant.

Hearing

The Chair outlined the procedure for a Hearing.

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 plans and photographs of the site.

Agent

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

Mr MacGarvie acknowledged that the issue under discussion related to the access. He advised that his client had spoken to the owners of neighbouring properties at Queens View and Wayside Cottage and that agreement had been reached with the owners of Queens View to close off their existing access and connect to the new internal access serving the proposed development.

He advised that his client was agreeable to a Section 75 Agreement being attached to planning permission if granted and suggested that a permanent vehicular barrier could be constructed between the other neighbouring property.

Mr MacGarvie responded to questions from Members.

Senior Development Control Officer

The officer presented his Hearing Statement which had been issued with the Agenda.

He advised that concerns remained over the close proximity of the new access to the existing one. If all vehicle movements were concentrated to a single junction, which provided sufficient visibility and met other requirements, this would be acceptable.

The views expressed aligned with both the findings of the independent Road Safety Audit and Design Manual for Roads & Bridges (DMRB) requirements applicable at the location.

Mr Pirie responded to questions from Members.

In terms of Standing Order 63, Councillor Jim Thomson, having moved to refuse 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 submitted by the Applicant and the other papers submitted by the Planning Authority, the further written submission, response and hearing statements, and having regard to the whole circumstances, to allow the Review and to grant planning permission, for the following reasons:-
 - (a) the proposal complies with Policy 1.1 (a) (i.e. that new development should be safely accessed) of the Stirling Local Development Plan in that following agreement of the owners of Queens View to utilise the proposed internal access road, only one property would now be served by the existing access, thereby reducing the road safety implications arising from the proximity of the existing and proposed vehicular accesses.

and subject to:

i) The prior conclusion of a section 75 agreement covering

a) an off-site financial contribution for affordable housing,

and

b) the closure of the vehicular access from Queens View cottage to the A809 Drymen Road, such that only Wayside Cottage will access Drymen Road from the existing vehicular access.

and subject to Conditions 1 to 11 as set out on pages 109-110 of the Agenda, and the following further conditions:-

Condition 12:

requiring construction traffic to enter and leave the site from the proposed new access.

Condition 13

In relation to the new access requiring the provision of advance warning signage and markings, to be designed in consultation with the Council's Roads Service;

3. to remit to officers to prepare and issue the Decision Notice.

The meeting adjourned at 10.42 am.

Recording stopped.

The Meeting reconvened at 10.55 with the same Members present.

Recording started.

LR191 APPLICATION FOR REVIEW

**ERECTION OF 5 NO. HOLIDAY ACCOMMODATION UNITS, OFFICE, CAFÉ AND TOILETS (RETROSPECTIVE) – DRUMBRAE FARM, PENDREICH ROAD, BRIDGE OF ALLAN – SUSAN DICKSON
APPLICATION NO: 20/00685/FUL**

At its meeting on 8 October 2021 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 holiday accommodation units, etc. (retrospective) at Drumbrae Farm Pendreich Road Bridge Of Allan.

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 further written submissions be submitted by Stirling Council's Transport Development Control Service and the Applicant's Traffic and Transportation Advisers setting out, with reference to relevant technical standards and road safety guidance, the respective rationales for :-
 - i) the measurement of existing visibility at the junction of the access to Drumbrae Farm with the adjoining public road,
 - ii) the dimensions of the visibility splay that should be provided at the Drumbrae Farm access to serve the additional vehicular movements generated by the holiday accommodation development;
3. that a Hearing take place to consider the respective positions presented by the Council's Transport Development Control Officer and the Applicant's Traffic and Transportation Advisers regarding existing junction visibility and visibility splay measurements;
4. that the matter be duly referred to a future meeting of the Local Review Body at which a Hearing would take place.

The further written submissions requested at (2) above had been received and were included with the Agenda papers, together with responses from each party.

Hearing

The Chair outlined the procedure for a Hearing.

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 plans and photographs of the site.

Applicant's representative

Duncan Birrell of Modus Solutions spoke to his hearing statement which had been issued with the Agenda and which highlighted the difference in views with Council officers on the interpretation of the Design Manual for Roads & Bridges (DMRB). It was suggested that a relaxation be sought in relation to the stopping sight distance on the road.

Mr Birrell responded to questions from Members.

Development Control Officer

The officer spoke to his hearing statement which had been issued with the Agenda. He confirmed that it remained the opinion of the Council's Transport Development Team that sufficient visibility splays could not be provided and therefore the proposed development represented an impact upon road safety.

Mr Speirs responded to questions from Members.

In terms of Standing Order 63, Councillor Margaret Brisley, having moved to refuse the application but failing to find a seconder, requested that her 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 submitted by the Applicant and the other papers submitted by the Planning Authority, the further written submissions, responses and hearing statements, and having regard to the whole circumstances, to allow the Review and to grant planning permission, for the following reasons:-

That having taken account of the submitted speed survey report (September 2021), general geometry and alignment of Pendreich Road and absence of known road safety issues a reduction in junction visibility to the right when leaving the site, whilst not commensurate with the requirements set out in the Design Manual for Roads and Bridges, was acceptable in relation to the scale and nature of the holiday unit development and consequently, on balance, the proposal complies with Policy 1.1 (a) (i.e. that new development should be safely accessed) of the Stirling Local Development Plan;

and subject to the following conditions:-

1. The access shall be suitably drained to ensure no surface water or loose material is discharged from it out onto the public road.
2. Within the curtilage of Drumbrae Farm a scheme of road markings and signage shall be provided on the approach to and threshold of the junction of the internal access road with the public road to provide advance warning to vehicle drivers leaving the site. Road markings shall accord with that specified in Regulation 25 (Give Way) of the Traffic Signs Regulations and General Directions 2002. Within two months of this decision notice a the scheme shall be submitted to and be approved by the planning authority, with the approved scheme carried out within two months of the date of approval.
3. to remit to officers to prepare and issue the Decision Notice.

The Chair declared the Meeting closed at 11.30 am