

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON TUESDAY 2 MARCH 2021 at 10.00 am

Present

Councillor Alasdair MACPHERSON (in the Chair)

Councillor Neil BENNY
Councillor Alistair BERRILL
Councillor Douglas DODDS
Councillor Danny GIBSON

Councillor Graham HOUSTON
Councillor Jeremy MCDONALD
Councillor Jim THOMSON

In Attendance

Christina Cox, Planning & Buildings Standards Service Manager (Infrastructure)
Graham Gibson, Senior Media Officer (Communities & Performance)
Ritchie Gillies, Planning Officer (Infrastructure)
Drew Leslie, Senior Manager – Infrastructure
Peter McKechnie, Senior Planning Officer (Acting) (Infrastructure)
Michael Mulgrew, Planning Development Management Team Leader (Infrastructure)
Neil Pirie, Senior Development Control Officer (Environment & Place)
Carla Roth, Solicitor – Litigation (Governance)
Stephen Spiers, Development Control Officer (Infrastructure)
Karen Swan, Committee Officer (Governance)
Jean Houston, Governance Officer (Governance) (Clerk)

Prior to the start of the meeting, Councillor MacPherson as Chair of Planning & Regulation Panel 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.

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

Announcement

Councillor MacPherson addressed the Panel and noted with great sadness the passing of Councillor Graham Lambie and how much he would be missed by all who work with him and throughout the whole Council.

Recording of meeting started

PL340 APOLOGIES AND SUBSTITUTIONS

There were no apologies or substitutions.

PL341 DECLARATIONS OF INTEREST

There was no declaration of interest.

PL342 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

The Chair adjourned the meeting at 10.06 am
to allow officers to assist a Member with technical issues.

The Meeting reconvened at 10.15 am
with All Elected Members, previously noted, present.

PL343 REVOCATION: EXTENSION AND ALTERATIONS TO CREATE NEW DWELLING HOUSE AT UPPER AUCHINLAY, AUCHINLAY ROAD, DUNBLANE, FK15 9LZ - R & M PATERSON LTD - 19/00351/FUL

The Senior Manager – Infrastructure submitted a report that detailed Full planning permission was granted for the above on 17 June 2019, and now needed to be revoked in order to allow a different development proposal to be approved on the site. The newer application (ref. 19/00977/FUL) had been determined under delegated authority, with a ‘minded to grant’ decision subject to revocation of the extant permission.

Under the Council’s scheme of delegation, the decision to revoke planning permission must be made by the Planning & Regulation Panel, and the matter had therefore been referred to Panel by the Council’s Planning and Building Standards Manager.

Decision

The Planning & Regulation Panel agreed to exercise the power conferred by Section 65 of the Town and Country Planning (Scotland) Act 1997 to make an order that revoked the planning permission granted 17 June 2019 under reference 19/00351/FUL.

(Reference: Report by Senior Manager – Infrastructure, dated 17 February 2021, submitted).

PL344 ERECTION OF A PASSIVE HOUSE TO ASSIST THE DAY TO DAY MANAGEMENT, BREEDING AND EXPANSION OF A FLOCK OF RARE BREED SHEEP (RYELAND) AND ERECTION OF BUILDING TO HOUSE A DOG TRAINING SCHOOL AT LAND ADJACENT TO NORTH OF ASHLEY, AUCHINLAY ROAD, DUNBLANE - MS DAWN GREEN - 20/00368/FUL

A report submitted by the Senior Manager – Infrastructure detailed that planning permission was sought to erect a house and a building for a dog training school on land north east of Dunblane to the south of the A9.

The application was a local planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and had received in excess of five letters of objection.

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.

In response to a Members question, the Planning Development Management Team Leader advised that the house's site location from the previous application had been amended, noting that Planning expressed the new location acceptable.

Following further discussion, Members raised concern at the Restrictive Occupancy Condition and that future occupation of the site could be restrictive due to this condition. The naming of the companies included within the condition would be less attractive to future owners.

The Planning Development Management Team Leader explained that the Planning service would not solely grant a housing permission in the countryside but due to the business located at the site, it was deemed to be acceptable. He also advised that should the occupier wish to sell the house the restrictive occupancy condition could be amended under Section 42 of the Planning Act.

Motion

The Planning & Regulation Panel agrees to approve the application subject to the conditions set out in Appendix 1.

Proposed by Councillor Alasdair MacPherson, seconded by Councillor Alistair Berrill.

Amendment

The Planning & Regulation Panel agrees to approve the application subject to conditions, with the exception and deletion of Condition 2 - Restrictive Occupancy, as set out in Appendix 1.

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

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

For the Amendment (2)

Councillor Neil Benny
Councillor Graham Houston

Against the Amendment (6)

Councillor Alistair Berrill
Councillor Douglas Dodds
Councillor Danny Gibson
Councillor Alasdair MacPherson
Councillor Jeremy McDonald
Councillor Jim Thomson

The Amendment fell by 6 votes to 2 votes.

On the roll being called for the Motion, the Members present votes as follows:-

For the Motion (7)

Councillor Neil Benny
Councillor Alistair Berrill
Councillor Douglas Dodds
Councillor Graham Houston
Councillor Alasdair MacPherson
Councillor Jeremy McDonald
Councillor Jim Thomson

Not Voting (1)

Councillor Danny Gibson

The Motion was carried by 7 votes, with 1 not voting.

Decision

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

(Reference: Report by Senior Manager – Infrastructure, dated 17 February 2021, submitted).

PL345 ERECTION OF ONE AND A HALF STOREY DWELLING HOUSE WITH GARAGE AT LAND TO EAST OF 85 BALFOUR STREET, MILTON, WHINS OF MILTON, - MRS SHEONAGH HARRIS - 20/00727/FUL

The Senior Manager – Infrastructure submitted a report that detailed a proposal that the Planning and Regulation Panel would consider as the local ward Member, Councillor Kane, had referred the application to Panel to discuss the merits of Policy 1.5: Green Belts and whether the green belt designation was appropriate for the site.

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.

In response to member question, the Planning Officer confirmed that previous planning permission had been granted in 1991 for 3 years when the site had not been designated as greenbelt.

The Chair adjourned the meeting at 11.20am to seek clarity on an Amendment to the Officer's Recommendation.

The Meeting was reconvened at 11.30pm, with All Elected Members, previously noted, present.

Motion

The Planning & Regulation Panel is asked to refuse the application for the following reasons:-

1. in the opinion of the Planning Authority, this proposal fails to comply with Policy 1.5 of the Local Development Plan, since the proposal does not constitute an acceptable circumstances of housing in the Green Belt. The proposal would therefore undermine the core role and function of the Green Belt; and

2. in the opinion of the Planning Authority, this proposal fails to comply with Policy 2.10 of the Local Development Plan or Supplementary Guidance: Housing in the Countryside and its Design Guide, since the proposal does not constitute as an acceptable development of housing in the countryside, and it is suburban in nature as a result of its inappropriate hardstanding, boundaries and cumulative massing.

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

Amendment

The Planning & Regulation Panel is asked to approve the application: -

1. giving weight to the historical planning permission that had been deemed suitable;
2. that, once cleared, it would enhance the amenity of the site; and
3. that it would act as a more defensible greenbelt boundary.

Proposed by Councillor Alasdair MacPherson, seconded by Councillor Graham Houston.

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

For the Amendment (2)

Councillor Graham Houston
Councillor Alasdair MacPherson

Against the Amendment (6)

Councillor Neil Benny
Councillor Alistair Berrill
Councillor Douglas Dodds
Councillor Danny Gibson
Councillor Jeremy McDonald
Councillor Jim Thomson

The Amendment fell by 6 votes to 2 votes.

On the roll being called for the Motion, the Members present votes as follows:-

For the Motion (6)

Councillor Neil Benny
Councillor Alistair Berrill
Councillor Douglas Dodds
Councillor Danny Gibson
Councillor Jeremy McDonald
Councillor Jim Thomson

Against the Motion (2)

Councillor Graham Houston
Councillor Alasdair MacPherson

The Motion was carried by 6 votes to 2 votes.

Decision

The Planning & Regulation Panel agreed to refuse the application for the following reasons:

1. in the opinion of the Planning Authority, this proposal failed to comply with Policy 1.5 of the Local Development Plan, since the proposal did not constitute an acceptable circumstance of housing in the Green Belt. The proposal would therefore undermine the core role and function of the Green Belt; and

2. in the opinion of the Planning Authority, this proposal failed to comply with Policy 2.10 of the Local Development Plan or Supplementary Guidance: Housing in the Countryside and its Design Guide, since the proposal did not constitute as an acceptable development of housing in the countryside, and it was suburban in nature as a result of its inappropriate hardstanding, boundaries and cumulative massing

(Reference: Report by Senior Manager - Infrastructure, dated 17 February 2021, submitted)

The Chair declared the Meeting closed at 11.40 am.